

LANGEBERG MUNICIPALITY
BY-LAW RELATING TO ROADS AND STREETS, 2023

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, Langeberg Municipality, enacts as follows:-

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CHAPTER 1: DEFINITIONS, PURPOSE AND OBJECTIVES

1. Definitions

In this by-law, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context otherwise indicates:—

"animals" means horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches, indigenous mammals and other wild animals;

"drunk" means a person who, reason of the alcohol which he or she has consumed, has lost control of his or her mental or physical faculties, or both, to such an extent as to render him or her incapable of comporting him- or herself, or of performing any act in which he or she is engaged, with safety to him- or herself or with that regard to the rights of others which the law demands;

"municipality" means the Municipality of Langeberg established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"municipal area" means the area of jurisdiction of Langeberg Municipality as determined in terms of the Municipal Demarcation Act, 1998;

"municipal manager" means a person appointed in terms of section 54 of the Municipal Systems Act, 2000;

"motor vehicle" means any self-propelled vehicle and includes –

- (a) a trailer, and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include –
 - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

"public place" means any square, building, park, public parking area, recreation ground or open space which:–

- (a) is vested in the municipality;
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

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

"street" means any street, public parking area, road, cycle path, thoroughfare or any other place, including –

- (a) the verge of any such road, street or thoroughfare
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, which has at any time been –
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent authority, or
 - (iv) constructed by a local authority, and
 - (v) any land, with or without buildings or structures thereon, which is shown as a street on –
 - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (bb) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office;

"vehicle" means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails;

"work" means work of any nature whatsoever undertaken on any land under the jurisdiction of Langeberg Municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of new building or alterations or additions to any existing building, tents or structures for recreational-, church- or any other type of gathering, excavations, the building of bridges and crossings over sidewalks, the laying of cables and pipes, the dumping of building or other material anywhere in a street or delivery to or removal from any site of any soil or material of any nature whatsoever.

2. Purpose and objectives

Langeberg Municipality, acting under the Constitution and relevant legislation, and being aware of its duty to control the use of roads, streets and sidewalks and to manage any work undertaken in such roads, streets and sidewalks so as to provide a safe environment for all people within the municipal area, adopts this by-law to provide mechanisms and guidelines for such control and management.

CHAPTER 2: GENERAL PROVISIONS RELATING TO ROADS AND STREETS

3. Streets and sidewalks

Subject to the provisions of section 30(2), no person may –

- (a) make, construct, reconstruct, or alter a street or sidewalk –
 - (i) except with the written permission of the municipality, or
 - (ii) otherwise than in accordance with the requirements prescribed by the municipality,
- (b) construct a veranda, stoep, steps or other projection or erect a post in a street or public place except with the written permission of the municipality, or
- (c) without the permission of the municipality undertake any beautification or improvement on a sidewalk including the planting of lawn, ornamental plants or trees in a manner that interferes with the use thereof by pedestrians or create an obstruction of whatever kind which may have a negative impact on road safety or interfere in any way with existing municipal services;
- (d) the owner of premises who undertakes beautification or improvement in terms of subsection (c) shall be responsible for the cost of replacement of any paving or surface disturbed as a result of work done by the municipality or other service provider to install, repair or maintain municipal services laid in or over such premises ; or
- (e) without the permission of the municipality display, advertise or offer for sale any motor vehicle, motorbike, boat, vessel, caravan, trailer or any other vehicle in or on a street or public place.

4. Advertisements visible from streets

- (1) No person may display any advertisement, placard, poster or bill in a street or public place–
 - (a) except with the written permission of the municipality, and
 - (b) subject to such conditions as may be determined by the municipality.
- (2) This section shall not be applicable to signs which have been exempted under the provisions of the municipality's applicable by-law relating to Outdoor Advertising and Signage.

5. Animals or objects causing an obstruction

No person may –

- (a) deposit or leave any goods or articles in a street, or in an area designated therefore, 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 any animal, object or vehicle (other than a pram or wheelchair which is being used for the conveyance of children or the disabled), or
- (c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street –
 - (i) except with the written permission of the municipality, and
 - (ii) subject to such conditions as may be determined by the municipality.

6. Trees in streets

- (1) The municipality may determine policy for the management and protection of trees in roads, streets or public places and any person who wishes to plant, remove, prune or cut down any tree or shrub in a road, street or public place must obtain the permission of the municipality to do so.
- (2) (a) no person may climb, break or damage a tree growing in a street; or
 - (b) in any way mark or paint a tree growing in a street or attach any advertisement thereto.
- (2) Any tree or shrub planted in a street shall become the property of the municipality.

7. Trees or growth causing an interference or obstruction

- (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a street, the municipality 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) Any person failing to comply with a notice issued in terms of subsection (1) commits an offence.
- (3) If a person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

8. Refuse, motor vehicle wrecks, waste material, etc.

No person may –

- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any 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 him, except with the written permission of the municipality and subject to such conditions as may be determined by the municipality.

9. Parking of heavy vehicles and caravans

The municipality's Parking Management By-law applies to the parking of heavy vehicles and caravans in streets or public places.

10. Parking attendants

The rendering of services as parking attendants and the behaviour of parking attendants shall be dealt with in terms of the municipality's Parking Management By-law.

11. Encroachments

(1) Subject to section 3 and to such further conditions as it deems necessary, the municipality may by agreement permit encroachment on municipal property or the erection or maintenance of a veranda, balcony, sign, projecting sign or similar structure which projects in or over any street or public place;

(2) When any immovable property owned by a municipality or under the control or management of the municipality is encroached upon without permission, the municipality may take the steps necessary to remove or regularise such encroachment.

(3) The municipality may reduce the extent of a public place or street which is encroached upon by the extent of the encroachment or by such greater extent as may be desirable.

(4) A permit issued under subsection (1) is, for the purposes of subsection (2), deemed to be a regularisation of the encroachment referred to in such permit.

(5) A person who wishes to obtain the permission of the municipality as contemplated in subsection (1) must complete and submit to the municipality the prescribed form, and the municipality may issue a permit subject to the prescribed fee having been paid.

(6) A person who contravenes a provision of subsection (5) commits an offence, and a person who fails to comply with any condition imposed under subsection (1) commits an offence and the municipality may, in addition to any other penalty which may be imposed –

- (a) demolish, remove or fill in the projection or projecting structure concerned; or
- (b) cause such projection or projecting structure to be demolished, removed or filled in, at the cost of the owner thereof or the person responsible for such encroachment..

CHAPTER 3: PROHIBITION OF CERTAIN ACTIVITIES IN ROADS AND STREETS

12. Vehicle repairs in streets

No person may, in a street or public place–

- (a) effect any repairs or service 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 or wash a vehicle.

13. Games and other acts in streets

No person may do anything in a street or public place which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public.

14. Use of explosives

No person may in or upon a street or public place use explosives or undertake blasting operations -

- (a) except with the written permission of the municipality, and
- (b) subject to such conditions as may be determined by the municipality.

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

No person may carry or convey through a street or public place the carcase of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand –

- (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 spilt in the street.

16. Fences on street boundaries

Subject to the provisions of the municipality's by-law relating to Boundary Walls and Fences, no person may erect a barbed-wire-, razor wire-, electrified fence or other dangerous fence on the boundary of a street or public place except with the written permission of the municipality.

17. Building materials in streets

No person may bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials or any other materials in a street except with the written permission of the municipality, and subject to the requirements prescribed by the municipality.

18. Balconies and verandas

No person may, except with the written permission of the municipality –

- (a) use a balcony or veranda erected beyond the boundary line of a street or public place 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 veranda erected beyond the boundary line of a street or public place or portion thereof as a living or bedroom.

19. Drying of washing on fences on boundaries of streets

No person may dry or spread washing on a fence on the boundary of a street or public place in a manner that interferes with traffic visibility.

20. Damaging of notice-boards

No person 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 by the municipality or with consent of the municipality in a street or public place.

21. Street collections and distribution of handbills

(1) No person may –

- (a) collect or attempt to collect money in a street or public place or organise or in any way assist in the organisation of such collection,

- except with the written permission of the municipality and subject to such conditions as may be determined by the municipality; or
- (b) distribute a handbill or similar advertising material or cause it to be distributed in any street or public place or cause it to be placed on or in any vehicle without prior permission of the municipality.
- (2) An application fee as determined by the municipality may be levied in respect of any application in terms of subsection (1).

22. Poison in streets

No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, may use, set or cast poison in any street or public place .

23. Roller-skating and skating on skateboards

No person may, except with the written permission of the municipality, skate on roller-skates or a skateboard or a similar device in or on a street or public place or in or upon an area where skating is prohibited by an applicable road traffic sign.

24. Persons to be decently clad

No person may appear in any street without wearing any clothes or not being clothed in such a manner as decency demands; provided that this provision does not apply to a child under the age of seven years.

25. Amusement shows and devices

- (1) No person may set up or use in any street or public place any circus, whirligig, roundabout or other side-show or device or tent for the amusement or recreation of the public –
- (a) except with the written permission of the municipality and subject to such conditions as may be determined by the municipality;
 - (b) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
 - (c) if it is in any way dangerous or unsafe for public use.
- (2) An authorised official of the municipality shall, for the purposes of inspection at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

26. Animals in a street or public place

No owner or person –

- (a) 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 any street or may keep any such animal in such a manner as to be a danger or annoyance to the public; or
- (b) may allow, permit or cause any animal to graze or stray in or about any street or public place.

27. Restriction of access to streets

No person may, without the approval of the municipality, close or barricade any street or restrict access thereto.

CHAPTER 4: WORK IN STREETS, PUBLIC ROADS AND SIDEWALKS AND WATER DISCHARGED ONTO ROADS AND STREETS

28. Use of vehicles that may damage street surface

- (1) No person may –
- (a) use a vehicle or allow it to be used in any street or public place if such vehicle is in such a defective condition that it will or may cause damage to any street or public place;
 - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street or public place 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 or public place in any way;
- (2) If the municipality 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 municipality, may be recovered from the offender.

29. Obstruction on public roads and restriction of access to streets

No person may deposit or cause to be deposited or leave or cause to be left sand, stone, earth, bricks, timber, lime, cement or other building or excavated material or burning material of whatever nature on a portion of a public road, sidewalk or footpath, unless it is deposited within an enclosure in respect of which the written consent of the municipality has first been obtained.

30. Work in public roads or streets

No person may undertake work in any public road or on property belonging to the municipality without prior permission being obtained.

31. Norms, standards and guidelines and responsibility for reparations

- (1) The municipality may determine policy and norms, standards and guidelines which describe appropriate measures for work in public roads, streets or other property belonging to the municipality, and such norms standards and guidelines must be kept in the form of an operational manual.
- (2) The norms, standards and guidelines contemplated in subsection (1) may differentiate between communities, geographical areas and different kinds of premises.
- (3) The municipality shall not be responsible to re-instate driveways, footways or pavements to its previous condition, which have been covered by property owners with paving blocks, slabs, cement, bitumen or grass where burst water and sanitation pipes, storm water pipes, electricity cables or other municipal services infrastructure have to be replaced or repaired.

32. Discharge of water on public road

- (1) No person may, without prior written permission of the municipality –
- (a) lead or discharge water, except storm water on, over or across a public road; or

- (b) by any means whatever, raise the level of water in a river, dam or watercourse so as to cause interference with or endanger a public road .
- (2) A person who wishes to perform an action as contemplated in subsection (1), must submit to the municipality an application which contains full technical details of the proposed action, and the municipality may refuse or grant permission and–
 - (a) should the municipality refuse permission, it must supply the person with the written reasons for the refusal.
 - (b) should the municipality grant the permission, it may do so subject to such conditions, requirements or specifications which it may determine in each individual case.
- (3) The municipality may, subject to any law which may be applicable and after obtaining permission of the owner and the occupier of the land concerned, if any –
 - (a) deviate a watercourse, stream or river if the deviation is necessary for –
 - (i) the protection of a public road or structure related to a public road; or
 - (ii) the construction of a structure connected with or belonging to a public road; and
 - (b) divert storm water from or under a public road onto private property other than land containing buildings, other structures or improvements.
- (4) The municipality must compensate the owner or occupier of the land for damage caused as a result of acting under subsection (3), with an amount agreed upon between the municipality and the owner or occupier.
- (5) Application for permission must be made on a form provided for this purpose by the municipality.

CHAPTER 5: BEHAVIOUR IN STREETS

33. Prohibited conduct

No person may in a street—

- (a) cause a nuisance to other persons by loitering, standing, sitting or lying or begging;
- (b) sleep, overnight or erect any shelter, except at a place designated by the municipality;
- (c) wash or dry clothes, blankets or any other domestic articles;
- (d) use abusive, insulting, obscene, threatening or blasphemous language;
- (e) fight or act in a riotous manner;
- (f) discharge a firearm, airgun or air-pistol;
- (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
- (h) spit, defecate, urinate or wash himself;
- (i) solicit or importune any person for the purpose of prostitution or immorality;
- (j) engage in gambling;
- (k) be drunk or under the influence of drugs or use intoxicating liquor or drugs; or

CHAPTER 6: DISPLAY OF STREET NUMBERS

34. Street numbers

The provisions of the Municipal Planning By-law applies to the allocation and erection of street names and numbers.

CHAPTER 7: GENERAL POWERS OF THE MUNICIPALITY

35. Municipality may act and recover costs

- (1) Notwithstanding any other provisions of this by-law, the municipality may –
 - (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any 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 municipality may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the municipality 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.

35A. Compliance notices

- (1) An authorised official may issue a written notice to any person contravening the provisions of this By-law.
 - (2) A notice in terms of subsection (1) must
 - (a) provide details of the provision of the By-law that has not been complied with;
 - (b) provide the owner, occupier, or other party a reasonable opportunity to respond to the allegations in the notice within a specified period;
 - (c) specify the steps that the owner, occupier or other person must take to rectify or remedy the failure;
 - (d) specify the period within which the owner, occupier or other person must take steps to rectify the failure; and
 - (e) indicate that the municipality may-
 - (i) if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, occupier or other person the actual cost of such work; and
 - (ii) take any other action it deems necessary to ensure compliance.
 - (3) If an owner or occupier or any other person fails to comply with a written notice in terms of this By-law, the municipality may take such action as is necessary to ensure compliance, including-
 - (a) undertaking the actions or work necessary by itself or by a contractor and recovering the cost of such actions or work from the owner, occupier or other person; or
 - (b) instituting legal proceedings against the owner, occupier, or other person

in terms of the Criminal Procedures Act, 1977 (Act 51 of 1977);

(4) In the event of an emergency the municipality may without prior notice undertake the work contemplated in subsection (3) and recover such costs from the owner, occupier or other person.

(5) The actual costs recoverable by the municipality in terms of subsections (3) and (4) shall be the full costs associated with such work.

(6) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date stated in such notice.

(7) A notice or document issued in terms of subsection (2) is valid until one of the following events occurs:

- (a) it is carried out;
- (b) it is cancelled by the authorised official or his or her delegatee; or
- (c) the purpose for which it was issued, has lapsed.

36. Permanent closure of streets or roads

(1) The municipality may permanently close or divert any street or part thereof or restrict access to any street. .

(2) When the municipality decides to act in terms of subsection (1), it must give notice of such intention in a local newspaper in at least two official languages.

(3) Any objection against the intended action must be delivered in writing to the municipal manager within 14 days from the date of notification in terms of subsection (2).

37. Temporary closure of streets or roads

(1) The municipality may, without complying with the provisions of section 36 – temporarily close a street –

- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street. ;
- (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street- ;
 - (i) if such street is, in the opinion of the municipality, dangerous to traffic;
 - (ii) by reason of any emergency or public event which, in the opinion of the municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds, or
 - (iii) for any other reason which, in the opinion of the municipality, renders the temporary closing of such street necessary, and

(2) The municipality may temporarily divert a street which has been closed in terms of subsection (1)(a).

(3) The municipal manager may in his discretion, for general information, place a notice of temporary closure in a local newspaper.

38. Construction and maintenance of streets

The municipality may in its area make, construct, reconstruct, alter and maintain streets.

39. Declaration of streets

- (1) The municipality may –
 - (a) declare any land or portion of land under its control to be a street ;
 - (b) declare any private street or portion thereof to be a public street.
- (2) When the municipality decides to act in terms of subsection (1), it must give notice of such intention in a local newspaper in at least two official languages.
- (3) Any objection against the intended action must be delivered in writing to the municipal manager within 14 days from the date of notification in terms of subsection (2).

CHAPTER 8: PROCESSIONS

40. Processions

- (1) Subject to the provisions of subsection (6), no person may hold, organise, initiate, control or actively participate in a procession or gathering in a street or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street or use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections (2) and (3).
- (2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) must submit a written application for permission, which must reach the municipality at least seven days before the date upon which any such action is intended to be performed or carried out, provided that persons who intend to participate actively in a procession, or gathering need not apply to the municipality for permission and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller has obtained the permission of the municipality. An application made in terms hereof must contain the following:
 - (a) Full details of the name, address and occupation of the applicant;
 - (b) full details of the street or public place where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times and, in the case of processions and gatherings, the number of persons expected to attend; and
 - (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- (3) Any application submitted in accordance with subsection (2) shall be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not likely to be in conflict with the interests of public peace, good order or safety, the municipality may issue a certificate granting permission and imposing conditions.
- (4) The municipality may refuse to approve applications in terms of subsection (2) if an action will be in conflict with the interests of public peace, good order or safety.
- (5) The municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, the action will be in conflict with the interests of public peace, good order or safety.
- (6) The provisions of this section do not apply to –
 - (a) wedding or funeral processions; and

- (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993).

CHAPTER 9: GENERAL MATTERS

41. Appeal

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

42. Exemption

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may –
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (5) If any condition of an exemption is not complied with, the exemption lapses immediately.

43. Offences and penalties

A person who contravenes any of the provisions of sections 3, 4, ,5 ,6 ,7 ,8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 35A, or 40 or fails to comply therewith, or fails to comply with a notice in terms of this by-law, commits an offence and shall on conviction be liable to-

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

44. Conflict with other legislation

In the event of any conflict between any provision of this by-law and National and

Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail.

45. Repeal of by-laws

The Langeberg Municipality By-law Relating to Streets published in Provincial Gazette No. 6535 dated 24 June 2008 is hereby repealed as a whole.

46. Transitional arrangements

Anything done under or in terms of any provision repealed by this by-law shall be deemed to have been done under the corresponding provisions of this by-law and the repeal in section 45 shall not affect the validity of anything done under the by-law so repealed.

47. Short title and commencement

This by-law shall be known as the By-law relating to Roads and Streets, 2023 and shall come into operation on the date of publication thereof in the Provincial Gazette.

LANGEBERG MUNISIPALITEIT
VERORDENING INSAKE PAAIE EN STRATE, 2021

Kragtens die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal Langeberg Munisipaliteit soos volg:-

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HOOFSTUK 1: DEFINISIES, BEGINSELS EN DOELWITTE

1. Definisies

In hierdie verordening, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, het die volgende woorde die volgende betekenis:

"diere" enige perde, muile, donkies, beeste, varke, skape, bokke, volstruise, inheemse soogdiere en enige ander wilde diere;

"dronk" 'n persoon wat weens die alkohol wat hy of sy ingeneem het beheer oor sy of haar geestes- of fisiese vermoëns, of beide, tot so 'n mate verloor het dat hy of sy nie in staat is om hom- of haarself te gedra nie, of nie in staat is om enige handeling waarmee hy of sy besig is op so 'n wyse te verrig dat dit nie 'n gevvaar vir hom- of haarself inhoud nie of met daardie agting vir die regte van ander soos deur die reg vereis word nie;

"motorvoertuig" enige selfgedrewe voertuig en ook-

(a) 'n sleepwa; en
(b) 'n voertuig met pedale en met 'n enjin of 'n elektriese motor as 'n integrerende deel daarvan of daaraan geheg en wat ontwerp of aangepas is om deur middel van sodanige pedale, enjin of motor, of sodanige pedale sowel as sodanige enjin of motor aangedryf te word, maar nie ook-

(i) 'n voertuig wat aangedryf word deur elektriese krag verkry uit opgaarbatterye en wat deur 'n voetganger beheer word nie;

(ii) 'n voertuig met 'n massa van hoogstens 230 kilogram nie en wat spesiaal ontwerp en gebou, en nie net aangepas is nie, vir gebruik deur iemand wat aan die een of ander liggamlike gestremdheid of ongeskiktheid ly en wat uitsluitlik deur sodanige persoon gebruik word;

“munisipale gebied” die regsgebied van Langeberg Munisipaliteit soos bepaal ingevolge die Munisipale Afbakeningswet, 1998;

“munisipaliteit” die Langeberg Munisipaliteit gestig ingevolge Artikel 12 van die Munisipale Strukturewet, 117 van 1998, en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevoldmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

“munisipale bestuurder” ’n persoon aangestel ingevolge artikel 54A van die Munisipale Stelselwet, 2000;

“openbare plek” enige plein, gebou, park, publieke parkeerterrein, ontspanningsterrein, of oop ruimte wat-

- (a) in die munisipaliteit gesetel is;
- (b) die publiek die reg het om te gebruik; of
- (c) aangedui word op ‘n algemene plan van ‘n woonbuurt wat geliasseer is by ‘n akteskantoor of ‘n Landmeter-Generaal se kantoor en wat daargestel of gereserveer is vir gebruik deur die publiek of die eienaars van erwe in sodanige woonbuurt;

“straat” enige straat, pad, publieke parkeerterrein, fietspad, of deurgang of enige ander plek wat insluit:

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige voetpad, sypaadjie of soortgelyke voetgangergedeelte van ’n padreserwe;
- (c) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop;
- (d) enige ander voorwerp wat ’n deel uitmaak van sodanige pad, straat of deurgang,
wat te enige tyd-
 - (i) aan die publiek opgedra is;
 - (ii) sonder onderbreking deur die publiek gebruik is vir ’n tydperk van minstens dertig jaar;
 - (iii) deur die munisipaliteit of ander bevoegde owerheid tot sodanig verklaar of gemaak is, of
 - (iv) deur ’n plaaslike owerheid aangelê is, en
 - (v) enige grond, met of sonder geboue of strukture daarop, wat as ’n straat aangetoon word op
 - (aa) enige onderverdelingsplan of diagram deur die munisipaliteit of ander bevoegde owerheid goedgekeur en waarvolgens gehandel is, of
 - (bb) enige algemene plan soos omskryf in die Opmetingswet, 9 van 1927, wat in ’n registrasiekantoor of die Landmeter-Generaal se kantoor geregistreer is of gebêre word,

“sypaadjie” dié gedeelte van ’n straat tussen die buitegrens van die ryvlak van ’n pad en die grenslyne van aanliggende eiendomme of geboue wat bedoel is vir die gebruik van voetgangers;

“voertuig” ’n toestel ontwerp of aangepas om hoofsaaklik op wiele, bande of rusperbande te loop en ook so ’n toestel wat met ’n trekstang aan ’n teëspoedwa verbind is en gebruik word as deel van die sleeptoerusting van ’n teëspoedwa om enige of al die asse van ’n motorvoertuig wat geberg word, te ondersteun, behalwe so ’n toestel wat uitsluitlik op spore beweeg;

“werk” werk van watter aard ook al wat onderneem word op enige grond of straat of openbare plek binne die regsgebied van Langeberg Munisipaliteit en, sonder om die gewone betekenis van die woord op enige wyse te beperk, omvat dit die oprigting van ’n nuwe gebou of veranderings of aanbouings aan enige bestaande gebou, die oprigting van tente vir ontspannings- of kerkdoeleindes of vir enige ander tipe byeenkoms, die lê van kabels of pype, die stort van bou- of ander materiaal op enige plek in ’n straat of openbare plek of die aflewering aan of verwydering vanaf enige perseel van enige grond of materiaal van watter aard ook al;

2. Doel en oogmerke

Handelende ingevolge die Grondwet en ander relevante wetgewing en bewus van sy verpligting om die gebruik van paaie, strate en sypadjies te beheer en om enige werk wat in strate, paaie en sypadjies verrig word te bestuur ten einde ‘n veilige omgewing vir alle mense binne die munisipale gebied te verseker, aanvaar Langeberg Munisipaliteit hierdie verordening ten einde meganismes en riglyne vir beheer en bestuur te voorsien.

HOOFSTUK 2: ALGEMENE BEPALINGS VAN TOEPASSING OP PAAIE EN STRATE

3. Strate, sypadjies en openbare plekke

Onderhewig aan die bepalings van artikel 30(2), mag niemand –

- (a) ’n straat of ’n sypadjie bou, aanlê, heraanlê of verander nie-
 - (i) behalwe met die skriftelike toestemming van die munisipaliteit, of
 - (ii) behalwe in ooreenstemming met die vereistes wat die munisipaliteit bepaal,
- (b) ’n veranda, muur of ’n stoep, trappies of ander uitsteeksel bou of ’n paal oprig in ’n straat of openbare plek nie;
- (c) sonder die toestemming van die munisipaliteit enige verfraaiing of verbetering op ’n sypadjie aanbring, insluitend die aanplant van grasperke, sierplante of bome op ’n wyse wat die gebruik daarvan deur voetgangers sal belemmer nie, of ’n obstruksie van watter aard ookal veroorsaak wat ‘n negatiewe impak het op padverkeersveiligheid of op enige wyse met bestaande munisipale dienste inmeng nie;
- (d) die eienaar van ’n perseel wie verfraaiing of verbetering ingevolge subartikel (c) aanbring, bly verantwoordelik vir die koste van herstel van enige plaveisel of oppervlak as gevolg van werk deur die munisipaliteit of ander diensverskaffer onderneem vir die installering, herstel of onderhoud van munisipale dienste gelê in of oor sodanige eiendom; of
- (e) sonder die toestemming van die munisipaliteit, in of op ’n straat, sypadjie of openbare plek enige motorvoertuig, motorfiets, boot, vaartuig, karavaan, sleepwa of enige ander voertuig uitstal, adverteer, of te koop aanbied nie.

4. Advertensies sigbaar vanaf strate

(1) Niemand mag ’n advertensie, aanplakbiljet, plakkaat of biljet in ’n straat of openbare plek vertoon nie-

- (a) behalwe met die skriftelike toestemming van die munisipaliteit, en
- (b) onderworpe aan die voorwaardes wat die munisipaliteit stel.

(2) Hierdie artikel is nie van toepassing op tekens wat kragtens die bepalings van die munisipaliteit se toepaslike verordening insake Buitereklaame en Advertensietekens toegelaat word nie.

5. Diere of voorwerpe wat 'n versperring veroorsaak

Niemand mag -

- (a) goedere of artikels in 'n straat, of op 'n area waar daarvoor voorsiening gemaak is, of op of in 'n openbare plek neersit of laat bly nie, behalwe vir 'n redelike tydperk terwyl dit op- of afgelaai of verwyder word, of
- (b) op enige wyse die voetgangverkeer op 'n sypaadjie belemmer deur enige dier, voorwerp of voertuig (uitgesonderd 'n kinderwaentjie of rolstoel wat vir die vervoer van kinders of gestremdes gebruik word) daarop te bring of toe te laat dat dit daarop gebring word nie, of
- (c) 'n blinding, skerm, tou of ander voorwerp oor of op 'n straat laat uitsteek of span of toelaat dat dit daaroor uitsteek of gespan word nie –
 - (i) behalwe met die skriftelike toestemming van die munisipaliteit, en
 - (ii) onderworpe aan die voorwaardes wat die munisipaliteit stel.

6. Bome in strate

- (1) Die munisipaliteit mag beleid bepaal vir die bestuur en beskerming van bome in paaie, strate en openbare plekke en niemand mag sonder die munisipaliteit se goedkeuring enige boom of struik in 'n pad, straat of openbare plek plant, verwyder, snoei of afkap nie.
- (2) (a) Niemand mag in 'n boom wat in 'n straat geplant is klim, dit breek of beskadig nie; of
 - (b) dit op enige manier merk, verf of enige advertensiteken daaraan heg nie.
- (3) 'n Boom of struik wat in 'n straat geplant word, word die eiendom van die munisipaliteit.

7. Bome of gewasse wat 'n hindernis of versperring veroorsaak

- (1) Wanneer daar ook al op 'n eiendom 'n boom of ander gewas is wat lugdrade belemmer of wat ergernis, skade, gevær of ongerief veroorsaak vir persone wat 'n straat of openbare plek gebruik, kan die munisipaliteit by skriftelike kennisgwing die eienaar of okkupeerder van sodanige eiendom gelas om sodanige boom of gewas te snoei of te verwyder in die mate en binne die tydperk wat in sodanige kennisgwing bepaal word.
- (2) 'n Persoon wat in gebreke bly om te voldoen aan 'n kennisgwing wat ingevolge subartikel (1) uitgereik word, is skuldig aan 'n misdryf.
- (3) Indien iemand versuim om te voldoen aan 'n kennisgwing ingevolge hierdie artikel, kan die munisipaliteit self die boom of gewas snoei of verwyder op koste van die persoon aan wie die kennisgwing beteken is.

8. Vullis, motorvoertuigwrakke, afvalmateriaal, ens.

Niemand mag –

- (a) enige tuinvullis, motorvoertuigwrakke, onderdele van voertuie, bou- of afvalmateriaal, rommel of enige ander afvalprodukte in 'n straat of openbare plek stort of laat lê of ophoop nie, of
- (b) toelaat dat sodanige voorwerpe of stowwe vanaf 'n perseel waarvan hy die eienaar of okkupeerder is, in 'n straat of op 'n openbare plek gestort of geplaas

word nie, behalwe met die skriftelike toestemming van die munisipaliteit en onderworpe aan die voorwaardes wat die munisipaliteit stel.

9. Parkering van swaar voertuie en karavane

Die bepalings van die munisipaliteit se Verordening insake Bestuur van Parkering is van toepassing op die parkering van swaar voertuie en karavane in strate en openbare plekke.

10. Parkeerplek aanwysers

Die lewering van dienste as parkeeraanwysers of die gedrag van parkeeraanwysers in strate sal ingevolge die munisipaliteit se Verordening insake Bestuur van Parkering hanteer word.

11. Oorskrydings

- (1) Onderworpe aan die bepalings van artikel 3 en aan enige verdere voorwaardes wat die munisipaliteit mag stel, mag die munisipaliteit oorskryding op munisipale eiendom of die oprigting van of onderhoud aan 'n veranda, balkon, teken of soortgelyke struktuur wat in of oor 'n straat of openbare plek hang of uitsteek, goedkeur.
- (2) Wanneer daar sonder toestemming van die munisipaliteit op enige onroerende eiendom van die munisipaliteit oorskry word, mag die munisipaliteit die stappe neem wat nodig is om sodanige oorskryding te verwijder of te reguleer.
- (3) Die munisipaliteit mag die omvang van 'n openbare plek of straat waarop daar oorskry word verminder tot die mate van die oorskryding of tot so 'n groter omvang as wat wenslik mag wees.
- (4) 'n Permit wat ingevolge subartikel (1) uitgereik is word vir die doeleindes van subartikel (2) geag regulering te wees ten opsigte van die oorskryding daarin vermeld.
- (5) Enige persoon wat die munisipaliteit se toestemming, soos beoog in subartikel (1), wil bekom moet die voorgeskrewe vorm voltooi en by die munisipaliteit indien en die munisipaliteit mag so 'n permit uitreik indien die voorgeskrewe fooi betaal is.
- (6) Enige persoon wat die bepalings van subartikel (5) oortree pleeg 'n misdryf en enige persoon wat enige voorwaarde wat ingevolge subartikel (1) opgelê, pleeg 'n misdryf en die munisipaliteit mag, bykomend tot enige ander straf wat opgelê mag word -
 - (a) die oorskrydende struktuur afbreek, verwijder of invul; of
 - (b) reël dat die oorskrydende struktuur afgebreek, verwijder of ingevul word en die eienaar of persoon wat vir die oorskryding verantwoordelik is aanspreeklik hou vir die kostes verbonde aan enige afbreek, verwijdering of invulling.

HOOFSTUK 3: VERBOD OP SEKERE AKTIWITEITE IN PAAIE EN STRATE

12. Herstelwerk aan voertuie in strate

Niemand mag in 'n straat of openbare plek-

- (a) 'n voertuig herstel of versien nie, behalwe waar dit nodig is om sodanige voertuig te kan verwijder van die plek waar dit in 'n ongeluk betrokke was, of

- (b) ‘n voertuig skoonmaak of was nie.

13. Speletjies en ander handeling in strate

Niemand mag enigets in ’n straat of openbare plek doen wat die lewe of veiligheid van ’n persoon, dier of ding in gevaar kan stel of ’n oorlas, belemmering of ergernis vir die publiek kan wees nie.

14. Gebruik van plofstowwe

Niemand mag in of op ’n straat of openbare plek plofstowwe gebruik of skietwerk uitvoer nie –

- (a) behalwe met die skriftelike toestemming van die munisipaliteit en
- (b) onderworpe aan die voorwaardes wat die munisipaliteit stel.

15. Vervoer van karkasse van diere of ander afvalstowwe deur strate en openbare plekke

Niemand mag die karkas van ’n dier of afval, nagvuil, vullis, rommel, vuilgoed, mis, gruis of sand deur ’n straat of openbare plek dra of vervoer nie –

- (a) tensy dit behoorlik bedek is, en
- (b) tensy dit in so ’n tipe houer vervoer word dat aanstootlike vloeistowwe of dele van die vrag nie in die straat of openbare plek gestort word nie.

16. Heinings op straatgrense

Onderworpe aan die bepalings van die munisipaliteit se verordening insake Grensmure en Heinings mag niemand sonder die munisipaliteit se skriftelike toestemming ’n doringdraadheining, lemmetjiesdraadheining, geëlektrifiseerde heining of ander gevaaarlike heining op die grens van ’n straat of openbare plek oprig nie.

17. Boumateriaal in strate en openbare plekke

Niemand mag in ’n straat of openbare plek klippe of stene boor of kap, kalk blus of sif, of enige boumateriaal meng nie, of boumateriaal of enige ander materiaal opberg of plaas nie behalwe met die skriftelike toestemming van die munisipaliteit en onderworpe aan die vereistes wat die munisipaliteit bepaal.

18. Balkonne en verandas

Behalwe met die skriftelike toestemming van die munisipaliteit, mag niemand –

- (a) ‘n balkon of veranda wat verby die grenslyn van ’n straat of openbare plek opgerig is, gebruik vir die doel van handeldryf of die opberg van goedere, of vir die was of droog van klere daarop nie, of
- (b) ‘n balkon of veranda wat verby die grenslyn van ’n straat of openbare plek opgerig is of gedeelte daarvan as ’n woon- of slaapvertrek omsluit of afskort nie.

19. Droogmaak van wasgoed op heinings op grense van strate en openbare plekke

Niemand mag wasgoed op ’n heining op die grens van ’n straat of openbare plek droogmaak of dit daaroor hang sodat dit die verkeersuitsig belemmer nie.

20. Beskadiging van kennisgewingborde

Niemand mag 'n kennisgewingbord, padverkeersteken, straatnaambord of ander soortgelyke teken of 'n skutting wat deur of met die toestemming van die munisipaliteit in 'n straat of openbare plek opgerig is, ontsier of beskadig of hom of haar op enige wyse daarmee bemoei nie.

21. Straatkollektes en verspreiding van strooibiljette

- (1) Niemand mag –
- (a) in 'n straat of openbare plek geld insamel of probeer insamel of sodanige insameling organiseer of op enige wyse behulpsaam wees met die organisering daarvan nie, behalwe met die skriftelike toestemming van die munisipaliteit en onderworpe aan die voorwaardes deur die munisipaliteit gestel; of
 - (b) 'n strooibiljet of soortgelyke advertensiemateriaal versprei of laat versprei in enige straat of openbare plek, of enige strooibiljet of soortgelyke advertensiemateriaal op of in enige voertuig plaas of laat plaas sonder voorafverkreeë toestemming van die munisipaliteit nie.
- (2) Aansoekgelde soos van tyd tot tyd deur die munisipaliteit bepaal kan deur die munisipaliteit gehef word ten opsigte van enige aansoek ingevolge subartikel (1).

22. Gif in strate

Niemand behalwe 'n amptenaar van die munisipaliteit of 'n gemagtigde persoon wat wettig goedgekeurde onkruiddoders of gifstof toedien, mag gif in 'n straat of openbare plek plaas, gebruik of gooi nie.

23. Rolskaats en skaats op skaatsplanke

Niemand mag, behalwe met die skriftelike toestemming van die munisipaliteit, met rolskaatse of 'n skaatsplank of soortgelyke toestel in of op 'n straat of openbare plek, of in of op 'n terrein waar dit deur 'n toepaslike padverkeersteken verbied word, skaats nie.

24. Persone moet behoorlik geklee wees

Niemand mag op straat of in 'n openbare plek verskyn sonder om geklee te wees of geklee wees op 'n wyse wat nie aan die eise van welvoeglikheid voldoen nie, met dien verstande dat hierdie bepaling nie op 'n kind onder die ouderdom van sewe jaar van toepassing is nie.

25. Vermaakklikheidsvertonings en -toestelle

- (1) Niemand mag 'n sirkus, draaimeule, mallemeule of ander byvertoning of toestel of tent vir die vermaak of ontspanning van die publiek in 'n straat of op 'n openbare plek oprig of gebruik nie –
- (a) behalwe met die skriftelike toestemming van die munisipaliteit en onderworpe aan die voorwaardes wat die munisipaliteit stel;
 - (b) tensy gesikte sanitêre geriewe vir albei geslagte van die personeel aldaar verskaf is, en
 - (c) as dit enigsins gevaaarlik of onveilig vir die gebruik van die publiek is.
- (2) 'n Gemagtigde amptenaar van die munisipaliteit het vir inspeksiedoeleindes te alle redelike tye vrye toegang tot sodanige sirkus, draaimeule, mallemeule of ander byvertoning of toestel.

26. Diere in 'n straat of openbare plek

Geen eienaar of persoon -

- (a) wat beheer het oor 'n wilde of kwaai dier, aap of horingvee, mag toelaat dat dit te eniger tyd in 'n straat of openbare plek sonder voldoende toesig is of los rondloop, of mag sodanige dier op so 'n wyse aanhou dat dit gevaaerlik of 'n ergernis vir die publiek kan wees nie.
- (b) mag duld, toelaat of veroorsaak dat enige dier in of op enige straat of openbare plek wei of rondloop nie.

27. Beperking van toegang tot paaie

Niemand mag sonder die munisipaliteit se goedkeuring enige straat sluit of toegang daartoe beperk nie.

HOOFSTUK 4: WERK IN PAAIE, OPENBARE PAAIE EN SYPAADJIES EN UITLAAT VAN WATER OP PAAIE EN STRATE

28. Gebruik van voertuie wat straatoppervlak kan beskadig

(1) Niemand mag –

- (a) 'n voertuig in 'n straat of openbare plek gebruik of toelaat dat dit daarin gebruik word indien sodanige voertuig in so 'n gebrekkige toestand is dat dit skade aan 'n straat of openbare plek sal veroorsaak of moontlik sal veroorsaak nie, en
 - (b) enige voorwerp, masjien of ander materiaal deur of langs 'n straat of openbare plek bestuur, stoot, rol, trek of laat voortbeweeg op so 'n wyse, of terwyl sodanige voorwerp, masjien of materiaal in so 'n toestand is, dat die oppervlak van die straat of openbare plek op enige wyse daardeur beskadig, gebreek of vernietig kan word nie.
- (2) Indien die munisipaliteit 'n persoon identifiseer wat, as gevolg van die aksies in subartikel (1) vermeld, die oppervlak van 'n straat beskadig, gebreek of vernietig het, mag die munisipaliteit die herstelkoste bereken en van die oortreder verhaal.

29. Obstruksie in openbare paaie en strate

Niemand mag enige sand, klip, grond, stene, hout, kalk, sement of enige ander bou- of uitgravingsmateriaal of brandende materiaal van watter aard ookal op 'n gedeelte van 'n openbare pad, sypaadjie of voetpad laat of toelaat dat dit daar gelaat word nie, tensy dit in 'n afsluiting, wat deur die munisipaliteit goedgekeur is, gelaat word.

30. Werk in openbare paaie of strate

Niemand mag enige werk in 'n openbare pad of op eiendom wat aan die munisipaliteit behoort, onderneem sonder die voorafverkreeë goedkeuring van die munisipaliteit nie.

31. Norme, standarde en riglyne en verantwoordelikheid vir herstelwerk

- (1) Die munisipaliteit mag beleid bepaal en norme, standarde en riglyne daarstel wat gepaste maatreëls vir werk in openbare paaie, strate of ander munisipale eiendom daarstel, en sodanige norme, standarde en riglyne moet in die vorm van 'n operasionele handleiding bygehou word.
- (2) Die norme, standarde en riglyne waarna in subartikel (1) verwys word, mag tussen gemeenskappe, geografiese gebiede en verskillende tipes persele differensieer.

(3) Die munisipaliteit is nie verantwoordelik om opritte, voetpaaie of sypaadjes tot die vorige stand te herstel waar eienaars van eiendom dit met plaveiblokke, blokkesement, teer of gras bedek het en waar gebarste water en sanitasiepype, stormwaterpype, elektriese kabels of ander munisipale dienste infrastruktuur vervang of herstel moet word nie.

32. Vrylaat van water op ‘n openbare pad

- (1) Niemand mag sonder die skriftelike goedkeuring van die munisipaliteit –
- (a) enige water, behalwe stormwater, op of oor ‘n openbare pad lei of vrystel nie; of
 - (b) op welke wyse ookal die vlak van water in ‘n rivier, dam of enige waterwerke verhoog op so ‘n wyse dat dit inmeng met ‘n openbare pad of dit in gevaar stel nie.
- (2) Enige persoon wat ‘n handeling soos beoog in subartikel (1) wil verrig moet ‘n aansoek met die volledige tegniese besonderhede van die voorgenome optrede by die munisipaliteit indien en die munisipaliteit mag die aansoek goed- of afkeur en -
- (a) indien die munisipaliteit toestemming sou weier, moet dit skriftelike redes vir sodanige weierung verstrek; of
 - (b) indien die munisipaliteit toestemming verleen, mag dit voorwaardes, vereistes of spesifikasies stel of voorskryf vir elke individuele geval.
- (3) Die munisipaliteit mag, onderworpe aan enige regsbepaling wat van toepassing mag wees en nadat die eienaar of okkuperdeer van grond, indien enige, se toestemming verkry is –
- (a) ‘n stroom of rivier of enige ander waterwerke se vloeい verander, indien so ‘n verandering nodig is vir
 - (i) die beskerming van ‘n openbare pad of enige struktuur wat daarmee verband hou; of
 - (ii) die oprigting van ‘n struktuur wat verband hou met of behoort aan ‘n openbare pad; en
 - (b) stormwater van of onder ‘n openbare pad op privaateiendom aflei, behalwe grond waarop geboue, ander strukture of verbeterings is.
- (4) Die munisipaliteit moet die eienaar of okkuperdeer van grond wat skade gelei het as gevolg van optrede ingevolge subartikel (3) vergoed vir dusdanige skade en die bedrag moet by wyse van ooreenkoms tussen die munisipaliteit en die eienaar of okkuperdeer bepaal word.
- (5) Aansoeke om goedkeuring moet op die voorgeskrewe vorm gedoen word.

HOOFSTUK 5: GEDRAG IN STRATE

33. Verbode gedrag

Niemand mag in ’n straat –

- (a) tot oorlas van ander persone slenter, staan, sit, lê of bedel nie;
- (b) slaap of oornag of enige skuiling oprig nie behalwe op ‘n plek deur die munisipaliteit aangewys;
- (c) klere, komberse of ander huishoudelike artikels was, skoonmaak of droogmaak nie;
- (d) skel-, beleidende, onwelvoeglike, dreigende of godslasterlike taal besig nie;
- (e) baklei of oproerig optree nie;
- (f) ‘n vuurwapen, windbuks of windpistool afvuur nie;

- (g) tot ergernis of ongemak van enige ander persoon skreeu, gil of enige lawaai op watter wyse ook al maak nie;
- (h) spuug, homself was, ontlas of urineer nie;
- (i) met die oog op prostitutie of onsedelikheid iemand aanspreek of lastig val nie;
- (j) dobbelary beoefen nie;
- (k) dronk of onder die invloed van dwelms wees of alkoholiese drank of ander dwelmmiddels gebruik nie; of

HOOFSTUK 6: VERTONING VAN STRAATNOMMERS

34. Straatnommers

Die bepalings van die munisipaliteit se Verordening insake Munisipale Beplanning geld ten opsigte van die toekenning en aanbring van straatname en nommers

HOOFSTUK 7: ALGEMENE BEVOEGDHEDEN VAN DIE MUNISIPALITEIT

35. Munisipaliteit kan optree en koste verhaal

(1) Ondanks enige andersluidende bepalings van hierdie verordening kan die munisipaliteit –

- (a) waar die toestemming van die munisipaliteit benodig is alvorens 'n persoon 'n sekere daad mag verrig of iets mag bou of oprig, en sodanige toestemming nie verkry is nie, en
 - (b) waar enige bepaling van hierdie verordening oortree word in omstandighede waar die oortreding beëindig kan word deur die verwydering van enige struktuur, voorwerp, materiaal of stof, 'n skriftelike kennisgewing aan die eienaar van die perseel of die oortreder, na gelang van die geval, beteken om sodanige oortreding te beëindig, of die struktuur, voorwerp, materiaal of stof te verwijder, of die ander stappe te doen wat die munisipaliteit vereis om sodanige oortreding reg te stel binne die tydperk in sodanige kennisgewing vermeld.
- (2) Iedereen wat versuim om aan 'n kennisgewing ingevolge subartikel (1) te voldoen, is skuldig aan 'n misdryf, en die munisipaliteit kan, sonder inkorting van sy bevoegdhede om teen die oortreder op te tree, die nodige stappe doen om op koste van die eienaar van die perseel of die oortreder, na gelang van die geval, uitvoering aan sodanige kennisgewing te gee.

35A. Voldoeneskennisgewings

(1) 'n Gemagtigde beampte mag 'n skriftelike kennisgewing uitrek aan enige persoon wat die bepalings van hierdie Verordening oortree.

- (2) 'n Kennisgewing ingevolge subartikel (1) moet-
 - (a) besonderhede gee van die bepaling van die Verordening wat nie nagekom is nie;
 - (b) aan die eienaar, okkupererder of ander party binne 'n bepaalde tyd 'n redelike geleentheid bied om vertoe te rig met betrekking tot die bewerings in die kennisgewing;
 - (c) die stappe uiteensit wat die eienaar, okkupererder of ander persoon moet neem om die versuim reg te stel;
 - (d) die periode spesifiseer waarbinne die die eienaar, okkupererder of ander persoon stappe moet neem om die versuim reg te stel; en

- (e) aandui dat die munisipaliteit-
- (i) indien die kennisgewing nie nagekom word nie, die werk self mag onderneem en die werklike koste van sodanige werk van die eienaar, okkuperder of ander persoon verhaal; en
 - (ii) enige ander aksie mag neem om nakoming van die bepalinge van hierdie Verordening te verseker.
- (3) Indien 'n eienaar of okkuperder of enige ander persoon versuim om binne die neergelegde periode 'n geskrewe kennisgewing ingevolge hierdie Verordening na te kom, mag die munisipaliteit sodanige aksie neem as wat nodig is om nakoming te verseker, insluitende-
- (a) om self of deur 'n kontrakteur die aksies of die werk nodig te onderneem en verhaling van die koste van die eienaar, okkuperder of ander persoon; of
 - (b) die instelling van regsaksie teen die eienaar, okkuperder of ander persoon ingevolge die Strafproseswet, 1977 (Wet 51 van 1977);
- (4) In 'n noodgeval mag die munisipaliteit sonder vooraf kennisgewing, die werk soos beoog in subartikel (2) onderneem en die koste van die eienaar, okkuperder of ander persoon, verhaal.
- (5) Die werklike koste verhaalbaar deur die munisipaliteit ingevolge subartikels (3) en (4) sal insluit die volle koste geassosieer met sodanige werk.
- (6) In die geval waar nakoming van 'n kennisgewing binne 'n gespesifiseerde aantal werksdae vereis word, sal die aanvangsdatum van sodanige periode gereken word as die datum in die kennisgewing bepaal.
- (7) 'n Kennisgewing of dokument uitgereik ingevolge subartikel (2) is geldig totdat een van die volgende gebeur-
- (a) dit uitgevoer is;
 - (b) dit deur die gemagtigde beampte wat dit uitgereik of sy of haar gelegeerd gekanselleer word; of
 - (c) die doel waarvoor dit uitgereik is, verval het.

36. Permanente sluiting van paaie en strate

- (1) Die munisipaliteit kan enige straat permanent sluit of enige gedeelte van 'n straat sluit of verlê of toegang na 'n straat of openbare plek beperk.
- (2) Indien die munisipaliteit ingevolge subartikel (1) wil handel, moet hy kennis gee van sy voorneme om dit te doen deur middel van 'n toepaslike kennisgewing in minstens twee amptelike tale in 'n plaaslike nuusblad bekend maak.
- (3) Enige besware teen die voorgenome handeling moet binne 14 dae na datum van kennisgewing ingevolge subartikel (2) skriftelik by die municipale bestuurder ingedien word.

37. Tydelike sluiting van paaie of strate

- (1) Die munisipaliteit kan, sonder nakoming van die bepalings van artikel 36 'n straat tydelik sluit -
- (a) vir die doeleindeste of in afwagting van die aanleg, heraanleg, onderhoud of herstel van sodanige straat;
 - (b) vir die doeleindeste of in afwagting van die bou, oprigting, aanleg, uitbreiding, onderhoud, herstel of sloping van enige gebou, struktuur, werke of diens langsaaan, op, dwarsoor, deur, oor of onder sodanige straat;

- (i) indien sodanige straat na die mening van die munisipaliteit in 'n toestand is wat gevaarlik is vir verkeer;
 - (ii) as gevolg van enige noodtoestand of openbare geleentheid wat na die mening van die munisipaliteit spesiale maatreëls vir die beheer van verkeer of spesiale voorsiening vir die akkommodasie van skares vereis, of
 - (iii) om enige ander rede wat na die mening van die munisipaliteit die tydelike sluiting van sodanige straat of openbare plek wenslik maak.
- (2) Die munisipaliteit mag 'n straat wat ingevolge subartikel (1)(a) gesluit is, tydelik verlê.
- (3) Die municipale bestuurder kan, indien hy dit nodig ag, 'n kennisgewing van sodanige tydelike sluiting vir algemene inligting in 'n plaaslike nuusblad plaas.

38. Aanleg en onderhoud van strate

Die munisipaliteit kan binne sy regsgebied strate aanlê, heraanlê, verander en onderhou.

39. Verklaring van strate

- (1) Die munisipaliteit kan:
- (a) enige grond of gedeelte grond onder sy beheer tot straat, of enige straat of gedeelte daarvan tot 'n openbare plek verklaar; en
 - (b) enige privaat straat of gedeelte daarvan tot openbare straat of enige plek of gedeelte daarvan tot openbare pad verklaar.
- (2) Indien die munisipaliteit ingevolge subartikel (1) wil handel moet hy kennis gee van sy voorneme om dit te doen deur middel van 'n toepaslike kennisgewing in minstens twee amptelike tale in 'n plaaslike nuusblad bekendmaak.
- (3) Enige besware teen die voorgenome handeling moet binne 14 dae na datum van kennisgewing ingevolge subartikel (2) skriftelik by die municipale bestuurder ingedien word.

HOOFSTUK 8: OPTOGTE

40. Optogte

- (1) Behoudens die bepalings van sub-artikel (6) mag niemand in enige straat of openbare plek 'n optog of byeenkoms hou, reël, inisieer, beheer, daaraan deelneem, of dans of sing of 'n musiekinstrument bespeel, of enigiets doen wat waarskynlik 'n byeenkoms van persone of 'n verwarring of versperring van verkeer in sodanige straat of openbare plek sal veroorsaak, of enige luidspreker of ander toestel vir die reproduksie of versterking van klank gebruik nie sonder die skriftelike toestemming van die munisipaliteit ingevolge subartikels (2) en (3).
- (2) Iedereen wat voornemens is om een of meer van die handelinge soos bedoel in subartikel (1), in enige straat of openbare plek te verrig of uit te voer, moet 'n skriftelike aansoek om toestemming daartoe indien, wat die munisipaliteit moet bereik minstens sewe dae voor die datum waarop dit die voorneme is om een of meer van sodanige handelinge te verrig of uit te voer; met dien verstande dat persone wat voornemens is om daadwerklik aan 'n optog, byeenkoms in enige straat of openbare plek deel te neem, nie by die munisipaliteit om toestemming daartoe aansoek hoef te doen nie en dit nie vir sodanige persone onwettig is om daadwerklik aan sodanige optog of byeenkoms deel te neem nie indien die organiserder, ondernemer of

beheerde daarvan die toestemming van die munisipaliteit verkry het. ‘n Aansoek wat hierkragtens gedoen word, moet die volgende bevat:

- (a) volledige besonderhede van die naam, adres en beroep van die aansoeker;
 - (b) volledige besonderhede van die straat of openbare plek waar en roete waarlangs dit die voorneme is om een of meer van die handelinge beskryf in sub-artikel (1) te verrig of uit te voer, die voorgestelde aanvangs- en sluitingstyd van een of meer van voornoemde handelinge en, in die geval van optogte, en byeenkomste, die getal persone wat na verwagting teenwoordig sal wees, en
 - (c) algemene besonderhede en die doel van een of meer van voornoemde handelinge wat dit die voorneme is om te verrig of uit te voer.
- (3) Enige aansoek wat ooreenkomstig subartikel (2) ingedien word, moet deur die munisipaliteit oorweeg word, en indien een of meer handelinge wat verrig of uitgevoer gaan word soos in sodanige aansoek voorgestel, na die mening van die munisipaliteit waarskynlik nie in stryd met die belang van die openbare vrede, goeie orde of veiligheid sal wees nie, moet die munisipaliteit ‘n sertifikaat uitreik waarby toestemming en magtiging verleen word vir die verrigting of uitvoering van een of meer van sodanige handelinge, onderworpe aan die voorwaardes wat die munisipaliteit nodig ag vir die handhawing van die openbare vrede, goeie orde of veiligheid.
- (4) Die munisipaliteit kan weier om toestemming te verleen vir die verrigting of uitvoering van een of meer van die handelinge wat in sub-artikel (2) beskryf word, indien die verrigting of uitvoering van sodanige handeling of handelinge in stryd met die belang van die openbare vrede, goeie orde of veiligheid sal wees.
- (5) Die munisipaliteit kan enige toestemming wat kragtens subartikel (3) verleen is, terugtrek indien hy, as gevolg van nadere inligting van mening is dat die verrigting of uitvoering van die betrokke handeling of handelinge in stryd met die belang van die openbare vrede, goeie orde of veiligheid sal wees.
- (6) Die bepalings van hierdie artikel is nie van toepassing nie op
 - (a) optogte vir huwelike of begrafnisse; en
 - (b) ‘n byeenkoms of betoging soos beoog by die Wet op die Reëling van Byeenkomste, No 205 van 1993.

HOOFSTUK 9: ALGEMENE BEPALINGS

41. Appèl

‘n Persoon wie se regte geraak word deur ‘n besluit wat deur die munisipaliteit gedelegeer is, mag ingevolge Artikel 62 van die Wet op Plaaslike Regering : Munisipale Stelsels, Wet 32 van 2000 teen daardie besluit appèl aanteken deur binne 21 dae van die kennisgewing van die besluit skriftelike kennis van die appèl en die redes daarvoor aan die Munisipale Bestuurder te gee.

42. Vrystellings

- (1) Enigiemand mag by wyse van ‘n skriftelike aansoek, waarin die redes volledig verstrek word, by die munisipaliteit aansoek doen om vrystelling van enige bepaling van hierdie verordening.
- (2) Die munisipaliteit mag –

- (a) skriftelik vrystelling verleen en die voorwaardes waarvolgens en die tydperk waarvoor sodanige vrystelling verleen word, moet in die vrystelling uiteengesit word;
 - (b) enige vrystelling of voorwaarde van ‘n vrystelling verander of kanselleer; of
 - (c) weier om ‘n vrystelling te verleen.
- (3) Ten einde ‘n aansoek ingevolge subartikel (1) te oorweeg, mag die munisipaliteit die insette en kommentaar van die eienaars of okkupeerders van omliggende eiendomme bekom.
- (4) ‘n Vrystelling tree nie in werking voordat die aansoeker skriftelik onderneem het om aan alle voorwaardes wat die munisipaliteit ingevolge subartikel (2) opgelê het, te voldoen nie, en indien daar met ‘n aktiwiteit begin word voordat sodanige onderneming aan die munisipaliteit voorgelê is, verstryk die vrystelling.
- (5) Indien daar nie aan enige voorwaarde van ‘n vrystelling voldoen word nie, verval die vrystelling onmiddellik.

43. Strafbepalings

‘n Persoon wat enige bepaling van artikels 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 35A of 40 oortree of versuim om daaraan te voldoen, of versuim om aan ‘n kennisgewing ingevolge hierdie verordening te voldoen, pleeg ‘n misdryf en kan by skuldigbevinding –

- (a) ‘n boete of gevangenisstraf opgelê word, of sodanige boete of gevangenisstraf, of beide sodanige boete en sodanige gevangenisstraf; en
- (b) in die geval van ‘n voortgesette misdryf, ‘n bykomende boete of ‘n bykomende tydperk van gevangenisstraf of sodanige bykomende gevangenisstraf sonder die opsie van ‘n boete of beide sodanige bykomende boete en gevangenisstraf vir elke dag waarop sodanige misdryf voortduur; en
- (c) ‘n verdere bedrag gelyk aan enige koste en uitgawes wat die hof bevind deur die munisipaliteit aangegaan is weens sodanige oortreding of versuim.

44. Teenstrydigheid met ander wetgewing

In die geval van teenstrydigheid tussen enige bepaling van hierdie verordening en Nasionale en Provinsiale wetgewing, standarde, beleid of riglyne, sal sodanige Nasionale en Provinsiale wetgewing, standarde, beleid of riglyne voorrang geniet.

45. Herroeping van verordeninge

Die Verordening insake Strate gepubliseer in Provinsiale Koerant No. 6535 gedateer 24 Junie 2008 hiermee in geheel herroep.

46. Oorgangsmaatreëls

Enigiets wat gedoen is ingevolge enige bepaling van ‘n verordening wat deur hierdie verordening herroep word, sal geag word as gedoen te wees ingevolge die ooreenstemmende bepalings van hierdie verordening en die herroeping in artikel 13 sal nie die geldigheid affekteer van enigiets wat gedoen is ingevolge die verordening wat as sodanig herroep is nie.

47. Kort titel en inwerkintreding

Hierdie verordening staan bekend as die Langeberg Munisipaliteit Verordening insake Paaie en Strate, 2023 en tree in werking op die datum van publikasie daarvan in die Provinciale Koerant.

KONVENSIEP