

CITY OF CAPE TOWN

BY-LAW RELATING TO
STREETS, PUBLIC PLACES AND
THE PREVENTION OF
NUISANCES

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CITY OF CAPE TOWN

BY-LAW RELATING TO STREETS, PUBLIC PLACES AND THE PREVENTION OF NOISE NUISANCES

PREAMBLE:

WHEREAS the City of Cape Town ("the City") may make and administer by-laws for the effective administration of such matters as the control of public nuisances, municipal roads, public places, traffic and parking;

AND WHEREAS aggressive, threatening, abusive or obstructive behaviour of persons in public is unacceptable to the City;

AND NOW THEREFORE, BE IT ENACTED by the Council of the City Of Cape Town, as follows:—

DEFINITIONS

1. In this By-law, unless the context indicates otherwise—

"beg" means any request made by a person for an immediate donation of money or some other thing of value or otherwise. This definition does not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing any solicitation to any specific person other than in response to an enquiry;

"City" means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000 issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, or any structure or employee of the City of Cape Town acting in terms of a delegated or sub-delegated authority thereof or any duly authorised agent;

"collection" means the door-to-door collection of money or some other thing of value in terms of written permission obtained from the City;

"heavy motor vehicle" includes a truck, light truck, bus, horse-and-trailer, caravan, or any other like vehicle wherein it is possible to have persons residing, sleeping or committing any unlawful act or conduct;

"kerb line" means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge;

"informal settlement" means an area without formal services and with informal housing; Includes a settlement for residential purposes or a township for which no approval has been granted in terms of any law, or a township other than a formalised township as defined in section 1 of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991), and any land which has been designated as land for a less formal settlement in terms of section 3(1) of the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991);

"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;

"obstruction" in relation to a road, means any motor vehicle or any other thing which blocks or is likely to block traffic flow;

"overnight" means the period from 20h00 in the evening to 06h00 in the morning;

"parking and related services" means parking services, car cleaning services, car washing services, car security services, windscreen washing services and any other similar services;

"peace officer" means a law enforcement officer or traffic official of the City who has been declared a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), acting when on duty and properly identified as such;

"public parking space" means any space in a public place designated by the City for the parking of a motor vehicle;

"public place" means—

- (a) a public road;
- (b) any parking area, square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has—
 - (i) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
 - (ii) at any time been dedicated to the public;
 - (iii) been used without interruption by the public for a period of at least thirty years expiring after 31 December 1959; or
 - (iv) at any time been declared or rendered as such by the City or other competent authority; or

- (c) a public transportation motor vehicle,
- (d) but will not include public land that has been leased or otherwise alienated by the City;

“public road” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“public transportation motor vehicle” includes any train, bus, minibus or motor vehicle travelling on land, water or in the air, conveying members of the public at a fee;

“roadway” means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway;

“shelter” means any structure that provides privacy or cover, that has one or more sides enclosed;

“shoulder” means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;

“sidewalk” means that portion of a verge intended for the exclusive use of pedestrians;

“street entertainer” means a person who mimes, plays a musical instruments for entertainment or engages in other performing or visual arts;

“vehicle” means a device designed or adapted mainly to travel on wheels 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; and

“verge” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder.

PROHIBITED BEHAVIOUR

2. (1) No person, excluding a peace officer or any other official or person acting in terms of the law, shall—
 - (a) when in a public place—
 - (i) intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle; or
 - (ii) intentionally touch or cause physical contact with another person, or his or her property, without that person's consent;
 - (b) approach or follow a person individually or as part of a group of two or more persons, in a manner or with conduct, words or gestures intended to or likely to influence or to cause a person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other things of value; or
 - (c) continue to beg from a person or closely follow a person after the person has given a negative response to such begging.
- (2) Any person who blocks, occupies or reserves a public parking space, or begs, stands, sits or lies in a public place shall immediately cease to do so when directed by a peace officer or member of the Cape Town Metropolitan Police Department.
- (3) No person shall in a public place—
 - (a) use abusive or threatening language;
 - (b) fight or act in a riotous or physically threatening manner;
 - (c) urinate or defecate, except in a toilet;
 - (d) bath or wash himself or herself, except—
 - (i) in a bath or shower; or
 - (ii) as part of a cultural initiation ceremony in an area where such a ceremony is taking place;
 - (e) spit;
 - (f) perform any sexual act;
 - (g) appear in the nude or expose his or her genitalia, except where designated by the City as areas where nudity is permitted, provided that this shall not apply to children below the age of seven;
 - (h) consume any liquor or drugs;
 - (i) be drunk or be under the influence of drugs;
 - (j) solicit or importune any person for the purpose of prostitution or immorality;
 - (k) engage in gambling;

- (l) start or keep a fire, except an official or person duly authorised to do so or acting in terms of the law or in an area designated by the City to do so; or
- (m) sleep overnight or camp overnight or erect any shelter, unless in an area designated for this purpose by, or with the written consent of the City, provided that this shall not apply to cultural initiation ceremonies or informal settlements.

NOISE NUISANCE

3. No person shall in a public place—

- (a) cause or permit to be caused a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound; or
- (b) permit noise from a private residence or business to be audible in a public place, except for the purposes of loudspeaker announcements for public meetings or due to the actions of street entertainers.

STREET AND DOOR-TO-DOOR COLLECTIONS

4. No person shall collect or attempt to collect money in a public place, or organise or in any way assist in the organization of such collection, except with the written permission of the City and otherwise than in accordance with such conditions as may be determined by the City, which shall not disbar any person or organisation from collecting money from door-to-door.

PARKING AND RELATED SERVICES

5. (1) The City may, after consideration and consultation, and implementing the necessary enabling licensing system, designate areas where no person shall, in exchange for money or some other thing of value or in anticipation thereof—
- (a) direct the operator or occupant of a motor vehicle to a public parking space; or
 - (b) provide any other parking or related services in a public place.
- (2) Notwithstanding subsection (1), the City may, subject to such requirements and conditions as determined by it, on application by a person or organisation representing such a person, permit such person, upon payment of a nominal fee, to direct the operator or occupant of a motor vehicle to a public parking space or to provide any other parking and other related service.

PROHIBITIONS RELATING TO MOTOR VEHICLES

6. (1) No driver or person in control of a heavy motor vehicle shall park or leave such motor vehicle parked overnight in a public place in a residential area.
- (2) No driver, person in control of a motor vehicle or passenger in the motor vehicle shall permit any amplified noise to emanate from the motor vehicle such that it is audible at a distance of more than 50 meters.

OBJECTS CAUSING AN OBSTRUCTION

7. No person, other than a peace officer or other official or person acting in terms of the law shall—

- (a) deposit, pack, unpack or leave any goods or articles in a public place, or cause any goods or articles to be deposited, packed, unpacked or left in a public place, other than for a reasonable period during the course of the loading, off-loading or removal of such goods or articles; or
- (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any object or motor vehicle.

TREES CAUSING AN INTERFERENCE OR OBSTRUCTION

8. (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a public road, the City 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) shall be guilty of an offence.
- (3) If any person fails to comply with a notice in terms of this section, the City may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

TREES IN STREETS

9. (1) No person other than a duly authorised City official shall—

- (a) plant a tree or shrub in a public road, or in any way cut down a tree or a shrub in a public road or remove it therefrom, except with the written permission of the City;
- (b) climb, break or damage a tree growing in a public road; or
- (c) in any way mark or paint any tree growing in a public road or attach any advertisement thereto.

(2) Any tree or shrub planted in a public road shall become the property of the City.

GOODS, BUILDING MATERIALS, MOTOR VEHICLE WRECKS, DANGEROUS OBJECTS

10. No person shall—

- (a) without the prior written permission of the City or otherwise than in accordance with any conditions determined by the City when granting such written permission—
 - (i) leave, store, pack or unpack goods or cause or permit goods to be left, stored, packed or unpacked, or accumulate or cause to be accumulated in any public place or balcony or verandah erected beyond the boundary of a public road any building materials, motor vehicle wrecks, spare parts of motor vehicles, building, waste materials or scaffolding; or
 - (ii) bore or cut stone, slake or sift lime, or mix building materials in any public place; or
- (b) leave or accumulate or cause to be left or accumulated in any public place, or permit to be placed in any public place from premises owned or occupied by him or her, any broken glass or other potentially dangerous object; or
- (c) transport or cause or permit to be transported building materials, mixed or unmixed, on a public road in such a way as to damage the road.

EXCAVATIONS IN STREETS

- 11.** (1) No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a public road—
- (a) except with the written permission of the City; and
 - (b) otherwise than in accordance with the requirements prescribed by the City.
- (2) The provisions of subsection (1) do not prevent a person from erecting an umbrella or any other similar object in a public place during daylight, provided that the manner in which it is erected does not result in damage to the vegetation or anything forming part of the public place concerned.

POISON IN STREETS AND CONVEYANCE OF ANIMAL CARCASSES AND OTHER WASTE

- 12.** (1) No person other than an official of the City or an authorised person who administers legally approved weed-killers, herbicides, poisons or pesticides shall set or cast poison in any public road.
- (2) No person shall carry or convey through a public road the carcass of an animal or any garbage, night-soil, refuse, 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 spilt in the road.

PROHIBITION OF CERTAIN ACTIVITIES IN CONNECTION WITH OBJECTS

- 13.** No person shall in a public place—
- (a) including on a balcony or verandah erected beyond the boundary line of a public road, wash, clean or dry any object, including any clothing, except in an area designated by the City for that purpose;
 - (b) effect any repairs to a motor vehicle or boat, except where necessary for the purpose of removing such motor vehicle from the place where it was involved in an accident or has a breakdown unless it is in a designated taxi rank or unless—
 - (i) the motor vehicle or boat is in a designated taxi rank;
 - (ii) the motor vehicle or boat is owned by a person resident on premises immediately adjacent to a public road and such work is carried out by a person so resident, but not where a motor workshop is run for commercial purposes; or
 - (iii) the City has granted its prior permission in writing thereto, except where—
 - (aa) it has been carried on for a longer period than is, in the opinion of the City reasonably necessary for the completion thereof; or
 - (bb) it is, or the manner in which it is being carried out is, offensive or objectionable; or
 - (c) wash or clean a motor vehicle, except—
 - (i) in an area designated by the City for that purpose; or
 - (ii) where the owner of the motor vehicle has no alternative or cannot do so on their private property:

Provided that this shall not be permissible in a public parking area.

DRYING OF WASHING ON FENCES ON BOUNDARIES

- 14.** No person shall dry or spread washing, bedding or other items in a public place or on a fence on the boundary of a public road except where conditions in an informal settlement are such that it is not possible to do otherwise.

PROHIBITION UPON SKATING, ROLLERSKATING AND DANGEROUS ACTS

- 15.** No person shall—
- (a) on a public road skate on roller-skates or a skate-board or similar device except where permitted by the City;
 - (b) in a public place do anything which may endanger the life or safety of any person or animal, including—
 - (i) to shoot with a bow and arrow or catapult, or throw a stone, stick or other projectile in, onto or across a public road;

- (ii) without the prior written permission of the City or otherwise than in accordance with any conditions determined by the City when granting such written permission or in contravention of any other applicable by-law, to use explosives or discharge fireworks;
- (iii) except for a lawful purpose to discharge any firearm or air, gas or alarm gun or pistol unless—
 - (aa) the firearm or air, gas or alarm gun or pistol in question is discharged in any shooting range which complies with the provisions of any law applicable thereto; or
 - (bb) the firearm or air, gas or alarm gun or pistol in question is discharged for signaling the start of a race at an organised and controlled sports meeting, provided that blank cartridges only are fired thereby; or
 - (cc) the firearm or air, gas or alarm gun or pistol, or fireworks in question is discharged for a purpose and at a time and place approved in writing by the City.

CONTROL OF GOODS OFFERED FOR SALE

16. (a) The City may, after consideration and consultation and implementing the necessary enabling licensing system, designate public places, public roads or road intersections where no person shall, display or offer for sale any goods or produce except as may be prescribed by the City, provided this will not apply to the selling of newspapers at intersections or to the sale of goods by non-governmental organisations or developmental organisations which may apply for exemption for all their traders.
- (b) Notwithstanding paragraph (a), the City may issue licenses for the sale of goods and produce and in so doing, the City may limit the number of permits for an area and stipulate such conditions as it may from time to time prescribe.

BRIDGES AND CROSSINGS OVER GUTTERS AND SIDEWALKS

17. No private crossing, pathway, bridge or culvert shall be made or built to or in front of any dwelling or other premises in any public place—
- (a) except with the written permission of the City; and
 - (b) otherwise than in accordance with the requirements prescribed by the City.

CONTROL OF AMUSEMENT SHOWS AND DEVICES

18. (1) No person shall set up or use in any public place any circus, whirligig, roundabout or other side show or device for the amusement or recreation of the public—
- (a) except with the written permission of the City;
 - (b) otherwise than in accordance with such conditions as may be determined by the City;
 - (c) unless suitable sanitary conveniences for both sexes of the staff and the public have been provided there; and
 - (d) if it is in any way dangerous or unsafe for public use.
- (2) An authorised official of the City or a member of the Cape Town Metropolitan Police Department shall, for the purposes of inspection to ensure compliance with this section, at all reasonable times have free access to such circus, whirligig, roundabout or other sideshow or device.

SLEEPING OR RESIDING IN MOTOR VEHICLES PROHIBITED

19. No person shall, in a public place—
- (a) sleep in a stationary motor vehicle except in dire emergency (or where such a person is the driver of a public transportation motor vehicle or is guarding the motor vehicle) or in a designated rest area; or
 - (b) reside in a motor vehicle for longer than twenty-four hours.

DISPLAY OF STREET NUMBERS

20. (1) The City may, by written notice—
- (a) allot any number to any premises in any public road and direct the owner of such premises to display the number allotted to the premises and may also, in exceptional circumstances, 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 affix the allotted number on the premises in accordance with such notice: Provided that any such number displayed on the premises shall be clearly visible and legible from a height of 1.5m above the centre line of the adjacent road or carriageway; and
 - (b) direct any owner to replace or repaint any digit of such number which has become illegible, obliterated or defaced.
- (2) If the owner of any premises fails to comply with any directive in terms of a notice contemplated in subsection (1), the City may cause such directive to be executed and the owner shall be liable for the cost incurred by the City in having the directive executed.
- (3) A statement signed by a duly authorised official of the City stating that the owner failed to comply with a directive in terms of a notice contemplated in subsection (1) and specifying the cost incurred by the City in executing such directive, shall be sufficient proof of the facts stated therein for purposes of summary judgement.
- (4) The City may at its discretion allocate a number to a portion of premises, other than a building, or to vacant land which borders on a public road, and the provisions of subsections (1) and (2) shall apply *mutatis mutandis* in respect of such portion of premises or such vacant land.

EXEMPTIONS

- 21. (1) The City may, from time to time, on such conditions as it may determine, grant exemptions from the provisions of this By-law.
- (2) The City may, on such conditions as it may determine, in writing, exempt from section 5(1) and 5(2) film crews or persons who, for purposes of photo shoots, media coverage or related activities, obstruct public places.

THE CITY MAY ACT AND RECOVER COSTS

- 22. (1) Notwithstanding any other provision of this By-law, the City may—
 - (a) where the permission of the City 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 City 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 City 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.

OFFENCES AND PENALTIES

- 23. (1) Any person who contravenes or fails to comply with any provision of this By-law or disobeys any instruction by a peace officer or a member of the Cape Town Metropolitan Police Department, enforcing this By-law, shall be guilty of an offence and with the exception of a contravention of sections 2(3)(g), (h), (i), (j) and (k), where there is a maximum penalty as provided for in analogous national legislation, be liable to a fine or imprisonment for a period not exceeding six months, or to both a fine and such imprisonment.
- (2) Any person who contravenes sections 2 (3) (g), (h), (i), (j) or (k) shall be liable to a fine as the court may deem fit to impose or to imprisonment as the court may deem fit to impose or to both a fine and imprisonment, not exceeding the maximum penalty as provided for in analogous national legislation. Where there is no maximum penalty as provided for in analogous national legislation the maximum penalty provided for in subsection (1) applies.
- (3) A court convicting a person of an offence under this By-law may impose alternative sentencing in place of a fine or imprisonment.

REPEAL OF EXISTING BY-LAWS

- 24. (1) The laws set out in Schedule 1 are repealed to the extent set out in that Schedule.
- (2) In the event of older legislation being inconsistent with this By-law, the provisions of this By-law shall prevail, to the extent of the inconsistency.

SHORT TITLE

- 25. (1) This By-Law is called the By-Law Relating to Streets, Public Places and the Prevention of Noise Nuisances, 2007.
- (2) In the event of any conflict between the English text of this By-Law and the text thereof in another language, the English text shall prevail.

SCHEDULE 1

Number and Year of By-law	Title	Extent of Repeal
P.N. 88/1999 Date 26/02/1999	City of Tygerberg: By-law relating to Streets	The whole
P.N. 101/1968 Date 02/02/1968	Pinelands Municipality: Regulations relating to Streets	The whole
P.N. 317/1999 Date 10/09/1999	Oostenberg Municipality: By-law relating to the Prevention of Nuisances	The whole
P.N. 1086/1975 Date 17/10/1975	Milnerton Municipality: By-law for the Convenience of Persons using Streets and Public Places	The whole
P.N. 137/1992 Date 20/03/1992	Milnerton Municipality: By-law relating to Nuisances	The whole
P.N. 474/1979 Date 15/06/1979	Durbanville Municipality: By-law for the Convenience of Persons using Streets and Public Places	The whole
P.N. 419/1993 Date 30/07/1993	Brackenfell Municipality: Standard By-law relating to Streets	The whole
P.N. 871/1975 Date 25/7/1975	Fish Hoek Municipality: By-law relating to Nuisances	The whole
P.N. 374/1989 Date 21/04/1989	Fish Hoek Municipality: Standard By-law relating to Streets	Only the portion applicable to the Standard By-law relating to Streets
P.N. 118/1988 Date 5/02/1988	Kraaifontein Municipality: Standard By-law relating to Streets	The whole
P.N. 29/1988 Date 8/01/1988	Bellville Municipality: Standard By-law relating to Streets	The whole
P.N. 55/1988 Date 22/01/1988	Kuils River Municipality: Standard By-law relating to Streets	The whole
P.N. 536/1990 Date 24/08/1990 P.N. 959/1989 Date 15/12/1989	Milnerton Municipality: Standard By-law relating to Streets and Amendment of the Standard By-law relating to Streets	The whole
P.N. 27/1985 Date 11/01/1985	Cape Town Municipality: By-law relating to Shop Trolleys	The whole
P.N. 1103/1977 Date 11/11/1977 Amended by P.N. 271/1995 Date 9/06/1995	Cape Town Municipality: By-law for the Convenience of Persons using Streets and Public Places	The whole
P.N. 134/1974 Date 1/2/1974 Amended by P.N. 218/1975 Date 31/01/1975 and P.N. 271/1978 Date 10/03/1978 and P.N. 396/1980 Date 11/04/1980	Cape Town Municipality: Regulations relating to Nuisances	The whole

Number and Year of By-law	Title	Extent of Repeal
P.N. 294/1917 Date 13/12/1917 Amended by P.N. 134/1944 Date 27/04/1944	Cape Town Municipality: Regulation to Prevent Spitting in Public Places	The whole
P.N. 135/1909 Date 3/02/1909	Cape Town Municipality: Additional Regulation	The whole
P.N. 776/1903 Date 26/08/1903	Cape Town Municipality: Regulating and Preserving Public Parks, Avenues, Botanical Gardens and for Planting and Preserving Trees and Shrubs	The whole
P.N. 539/1964 Date 31/07/1964	Cape Town Municipality: Regulation No. 1982. For Preventing Conditions likely to give Shelter for Vagrants or to threaten Health or Safety	The whole
P.N. 586/1961 Date 21/07/1961	Cape Town Municipality: Regulation No. 1974. For the Control of Fountains	The whole
P.N. 714/1955 Date 2/12/1955 Amended by P.N. 503/1962 and P.N. 547/1962 and P.N. 5/1969 and P.N. 745/1970	Cape Town Municipality: Regulation for the Control of Street Collections	The whole
P.N. 1117/1973	Cape Town Municipality: Traffic Regulations	Section 59
P.N. 343/1962	Fish Hoek Municipality: Regulations for the Control of Door-to-Door Collections	The whole
P.N. 760/1959	Simon's Town Municipality: Regulations for the Control of Door-to-Door Collections	The whole
P.N. 1019/1974 Date 25/10/1974	Bellville Municipality: Regulations relating to Nuisances	The whole
P.N. 376/1997 Date 30/10/1997	South Peninsula Municipality: By-law for the Control of Fireworks	The whole

28 September 2007.

44559

STAD KAAPSTAD

VERORDENING OP STRATE, OPENBARE PLEKKE EN VOORKOMING VAN STOORNISSE

INLEIDING:

AANGESIEN die Stad Kaapstad ("die Stad") verordeninge mag maak en administreer vir die effektiewe administrasie van aangeleenthede soos die beheer van openbare stoornisse, munisipale paaie, openbare plekke, verkeer en parkeerling;

EN AANGESIEN aggressiewe, bedreigende, beledigende of obstruktiwede gedrag van persone in die openbaar vir die Stad onaanvaarbaar is;

EN NOU, DAAROM IS DIT SOOS VOLG VASGESTEL deur die Raad van die Stad Kaapstad:—

DEFINISIES

1. In hierdie Verordening, tensy die konteks anders aandui, beteken—

"bedel" enige versoek wat 'n persoon rig om die onmiddellike donasie van geld of iets anders van waarde al dan nie. Hierdie definisie sluit die passiewe staan of sit met 'n teken of ander aanduiding dat die persoon donasies soek, sonder dat 'n versoek aan 'n spesifieke persoon gerig word anders as 'n reaksie op die navraag, uit;

"informele nedersetting" 'n gebied sonder formele dienste en met informele behuising; sluit 'n nedersetting met 'n residensiële doel of township in, waarvoor daar geen toestemming toegestaan is ingevolge enige wetgewing, of 'n township buite 'n formele township soos gedefinieer in artikel 1 van die Wet op die Opgradering van Grondbesitgrete, 1991 (Wet no. 112 van 1991), en enige grond wat aangewys is as grond vir minder formele nedersittings ingevolge artikel 3(1) van die Wet op Minder Formele Dorpsstigting, 1991 (Wet no. 113 van 1991);

"insameling" die deur-tot-deur-insameling van geld of iets anders van waarde ingevolge die geskrewe toestemming soos verkry vanaf die Stad;

"kant" daardie gedeelte van die pad, straat of deurgang, insluitend die sypaadjie, wat nie die ryvlak of die skouer is nie.

"motorvoertuig" enige selfaangedrewe voertuig en sluit in—

- (a) 'n sleepwaentjie; en
- (b) 'n voertuig met pedale en 'n enjin of 'n elektriese motor as 'n integrale deel daarvan of aangeheg daaraan en wat so ontwerp is of aangepas is om aangedryf te word deur sodanige pedale, enjin of motor, of beide pedale en 'n enjin of 'n motor, maar sluit uit—
 - (i) enige voertuig aangedryf deur elektriese krag verkry vanaf opbergingsbatterye en wat deur 'n voetganger beheer word; of
 - (ii) enige voertuig waarvan die massa nie meer as 230 kilogram is nie, spesifiek ontwerp en vervaardig, en nie bloot aangepas nie, vir gebruik deur enige persoon met 'n fisiese gebrek of gestremdeheid en uitsluitlik vir gebruik deur hierdie persoon;

"obstruksie" met betrekking tot 'n pad enige motorvoertuig of enige ander voorwerp wat die verkeer blokkeer of moontlik die verkeersvloei kan blokkeer;

"oornag" die tydperk vanaf 20:00 in die aand tot 06:00 in die oggend;

"openbare pad" enige pad, straat of deurgang of enige ander plek (hetsy 'n deurgang of nie) wat algemeen deur die publiek gebruik word of enige gedeelte daarvan of waartoe die publiek of enige gedeelte daarvan geregtelike toegang het, en sluit in—

- (a) die rand van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif wat oorgesteek kan word deur sodanige pad, straat of deurgang; en
- (c) enige ander werk of voorwerp wat deel vorm van of behoort aan so 'n pad, straat of deurgang deur daaraan verbind te wees;

“openbare parkeerterrein” enige ruimte in 'n openbare plek aangewys deur die Stad vir die parkering van 'n motorvoertuig;

“openbare plek”—

- (a) 'n openbare pad;
- (b) enige parkeerterrein, plein, park, ontspanningsterrein, sportgrond, sanitêre steeg, oop ruimte, strand, inkopiesentrum op munisipale grond, ongebruikte of onbeboude grond of begraafplaas wat—
 - (i) in verband met die verskaffing of reservering van enige onderverdeling of uitleg van grond in erwe, persele of kleinhoues, uitgesit vir gebruik deur die publiek of die eienaars of besetters van sodanige erwe, persele of kleinhoues, hetsy dit op 'n algemene plan, plan vir onderverdeling of diagram aangedui is;
 - (ii) op enige tydstip aan die publiek toegewys is;
 - (iii) sonder onderbreking deur die publiek gebruik is vir 'n tydperk van minstens dertig jaar wat na 31 Desember 1959 verval het; of
 - (iv) op enige tydstip deur die Stad of enige ander bevoegde gesag as sodanig verklaar en oorgegee is; of
- (c) 'n openbare vervoer-motorvoertuig,
- (d) maar sluit nie openbare grond wat deur die Stad verhuur word of andersins vervreemd is, in nie;

“openbarevervoer-motorvoertuig” enige trein, bus, minibus of motorvoertuig wat lede van die publiek teen 'n fooi op land, water of in die lug vervoer;

“parkering en verwante dienste” parkeerdienste, motorskoonmaakdienste, motorwasdienste, motorsekuriteitsdienste, voorruitwasdienste en enige soortgelyke dienste;

“ryvlak” daardie gedeelte van 'n pad, straat of deurgang wat verbeter, aangelê of bedoel is vir voertuigverkeer en wat tussen die kante van die ryvlak voorkom;

“skouer” daardie gedeelte van die pad, straat of deurgang tussen die kant van die ryvlak en die sypaadjielyne;

“skulping” enige struktuur wat privaatheid of beskerming bied, wat aan een of meer kante toe is;

“Stad” die Stad Kaapstad, 'n munisipaliteit gestig deur die Stad Kaapstad Stigtingskennisgewing No 479 van 22 September 2000, uitgereik ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig, of enige struktuur of werknemer van die Stad Kaapstad wat optree ingevolge gedelegeerde of subgedelegeerde bevoegdheid of enige behoorlik gemagtigde agent;

“straatkunstenaar” 'n persoon wat gebaarspel, toneelstukke en musikale instrumente gebruik om te vermaak of deelneem aan ander uitvoerings of visuele kuns;

“swaarvoertuie” 'n vragmotor, ligte vragmotor, bus, perdekar, woonwa of enige ander voertuig waarin mense moontlik kan woon, slaap of enige onwettige aksies kan uitvoer;

“sypaadjie” daardie gedeelte van die soom wat vir die uitsluitlike gebruik van voetgangers bedoel is;

“sypaadjielyne” die grens tussen die skouer en die soom of, in die afwesigheid van 'n skouer, die gedeelte tussen die rand van die ryvlak en die soom;

“voertuig” 'n toestel wat ontwerp of aangepas is hoofsaaklik om op wiele of kruispore te beweeg en sluit 'n toestel in wat deur middel van 'n trekstang aan 'n herstelvoertuig verbind is, en word gebruik as deel van die insleeptoerusting van 'n herstelvoertuig om enige as of alle asse van 'n motorvoertuig te ondersteun wat as wrakke ingesleep moet word, buiten sodanige toestelle wat uitsluitlik op spore beweeg; en

“vredesbeampte” die wetstoepassingsbeampte of verkeersbeampte van die Stad wat as 'n vredesbeampte verklaar is ingevolge artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977), wat optree wanneer aan diens en behoorlik as sodanig geïdentifiseer is.

VERBODE GEDRAG

2. (1) Geen persoon, uitsluitend 'n vredesbeampte of enige ander beampte of persoon wat ingevolge die wet optree, mag—
 - (a) wanneer in 'n openbare plek—
 - (i) opsetlik die veilige en vrye deurgang van voetgangers of motorvoertuie blokkeer of daarmee inmeng nie; of
 - (ii) opsetlik 'n ander persoon of sy of haar eiendom aanraak of fisiese kontak veroorsaak, sonder daardie persoon se toestemming nie;
 - (b) 'n persoon individueel, of as deel van 'n groep van twee of meer, nader of agtervolg, op 'n manier of met gedrag, woorde of gebare wat bedoel word dat, of wat moontlik daartoe mag aanleiding gee dat, 'n persoon ernstige liggaamlike besering vrees, of skade of verlies van eiendom of andersins geïntimideer voel om geld of ander voorwerpe van waarde te gee nie; of
 - (c) aanhou om by 'n persoon te bedel of te na aan 'n persoon loop nadat die persoon aangedui het dat hy nie enige bydraë gaan maak nie.
- (2) Enige persoon wat 'n openbare parkeerruimte blokkeer, beset of reserveer of bedel, staan, sit of lê in 'n openbare plek moet dit onmiddellik staak wanneer hy/sy so 'n opdrag van 'n vredesbeampte of 'n lid van die Kaapstadse metropolitaanse polisie departement ontvang.

- (3) Geen persoon in 'n openbare plek mag—
- (a) beledigende of dreigtaal gebruik nie;
 - (b) baklei of op 'n oproerige, fisies bedreigende manier optree nie;
 - (c) urineer of ontlas, behalwe in 'n toilet;
 - (d) homself of haarself bad of was, behalwe—
 - (i) in 'n bad of 'n stort; of
 - (ii) as deel van 'n kulturele inisiasieseremonie in 'n gebied waar so 'n seremonie besig is om plaas te vind;
 - (e) spoeg;
 - (f) enige seksuele dade pleeg;
 - (g) naak verskyn of sy of haar geslagsdele ontbloot, tensy dit in 'n gebied is wat deur die Stad aangewys is as 'n gebied waar naaktheid toelaatbaar is, op voorwaarde dat dit nie van toepassing is op kinders onder die ouderdom van sewe nie;
 - (h) enige drank of dwelmmiddels gebruik nie;
 - (i) dronk wees of onder die invloed van dwelmmiddels wees nie;
 - (j) onsedelike voorstelle maak aan enige persoon of hom of haar opdring met prostitusie of onsedelikheid as die doel nie;
 - (k) dobbel nie;
 - (l) 'n vuur begin of aan die brand hou, behalwe 'n beampte of behoorlik gemagtigde persoon wat dit doen ingevolge wetgewing of in 'n gebied wat deur die Stad aangewys is; of
 - (m) oornag slaap, uitkamp of enige skuiling oprig, tensy dit in 'n gebied is wat vir hierdie doel aangewys is deur, of met die geskrewe toestemming van die Stad, mits dit nie vir die doel van kulturele inisiasieseremonies of informele nedersettings is nie.

STOORNISSE

3. Geen persoon mag in 'n openbare plek—
- (a) 'n stoornis veroorsaak of toelaat dat 'n stoornis veroorsaak word deur uit te roep, te skreeu, of deur enige harde en aanhoudende geluid te maak nie, insluitend versterkte geraas en klank; of
 - (b) toelaat dat geraas vanuit 'n privaat woning of besigheid in 'n openbare plek hoorbaar is nie, tensy dit luidsprekeraankondigings van openbare vergaderings is of as gevolg van die aktiwiteite van straatkunstenaars.

STRAAT- EN DEUR-TOT-DEUR-INSAMELINGS

4. Geen persoon mag geld in 'n openbare plek insamel of probeer insamel nie, of organiseer of op enige manier bystand verleen tydens die organisering van sodanige insamelings nie, behalwe met die geskrewe toestemming van die Stad en andersins in ooreenstemming met voorwaardes soos deur die Stad bepaal, wat nie enige persoon of organisasie moet ontsê om geld van deur tot deur in te samel nie.

PARKERING EN VERWANTE DIENSTE

5. (1) Die Stad kan, na oorweging, raadpleging en implementering van die nodige magtigingslisensiestelsel, gebiede aanwys waar geen persoon in ruil vir geld of enige ander waardevolle voorwerp of in verwagting daarvan—
- (a) die operateur of insittende van 'n motorvoertuig mag wys na 'n openbare parkeerplek nie; of
 - (b) enige ander parkering of verwante dienste in die parkeerplek aanbied nie.
- (2) Nieteenstaande subartikel (1) kan die Stad, onderhewig aan bepaalde vereistes en voorwaardes, wanneer 'n persoon of 'n organisasie wat so 'n persoon verteenwoordig aansoek doen, toestemming aan so 'n persoon verleen om, teen die betaling van 'n nominale fooi, die bestuurder of insittende van die motorvoertuig te wys na 'n openbare parkeerplek of om ander parkering of ander verwante dienste te voorsien.

VERBODSBEPALINGS RAKENDE MOTORVOERTUIE

6. (1) Geen bestuurder of persoon in beheer van 'n swaarvoertuig mag parkeer en so 'n motorvoertuig oornag in 'n openbare plek in 'n residensiële gebiede los nie.
- (2) Geen bestuurder, persoon in beheer van 'n motorvoertuig of passasier in die motor moet toegelaat word om enige versterkte geraas vanaf die motorvoertuig te laat ontsnap wat vir 'n afstand verder as 50 meter hoorbaar is nie.

VOORWERPE WAT 'N OBSTRUKSIE VEROORSAAK

7. Geen persoon buiten die vredesbeampte of ander amptelike persone wat ingevolge die wet optree, mag—
- (a) enige goedere of artikels in openbare plekke neersit, pak, uitpak of los, of veroorsaak dat enige goedere of artikels in openbare plekke neergesit, gepak, uitgepak of gelos word nie, buiten vir 'n redelike tydperk tydens die oplaai, aflaai of verwydering van sodanige goedere of artikels; of

- (b) op enige wyse die voetgangerverkeer op 'n sygaardjie belemmer deur enige voorwerp of motorvoertuig daarop te laat of dit te veroorsaak nie.

BOME WAT 'N STEURING OF VERSPERRING VEROORSAAK

8. (1) Waar daar op enige eiendom enige boom of plantegroei is wat oorhoofse drade versteur of 'n bron van irritasie, gevaar of ongerief is vir persone wat 'n openbare pad gebruik, kan die Stad 'n skriftelike kennisgewing aan die eienaar of bewoner van sodanige eiendom stuur om die boom of plantegroei te snoei of te verwyder volgens en in die tydperk soos gestipuleer in die kennisgewing.
- (2) Enige persoon wat nalaat om die stipulasies soos vervat in die kennisgewing ingevolge subartikel (1) na te kom, is skuldig aan 'n oortreding.
- (3) Sou enige persoon versuim om aan 'n kennisgewing ingevolge hierdie artikel te voldoen, kan die Stad self die boom of plantegroei snoei of verwyder op die onkoste van die persoon aan wie die kennisgewing bedien is.

BOME IN STRATE

9. (1) Geen persoon buiten 'n behoorlik gemagtige Stadsamptenaar mag—
- (a) sonder die geskrewe toestemming van die Stad, 'n boom of struik op 'n openbare pad plant, of op enige wyse 'n boom of struik op 'n openbare pad afkap of dit daarvan verwyder nie;
- (b) in 'n boom wat op 'n openbare pad groei, klim of dit breek of beskadig nie; of
- (c) enige boom wat op 'n openbare pad groei op enige manier merk of verf of enige advertensie daarop aanbring nie.
- (2) Enige boom of struik wat op 'n openbare pad geplant word, word die eiendom van die Stad.

GOEDERE, BOUMATERIAAL, MOTORVOERTUIGWRAKSTUKKE, GEVAARLIKE VOORWERPE

10. Geen persoon mag—
- (a) sonder die vooraf geskrewe toestemming van die Stad of andersins in ooreenstemming met enige voorwaardes deur die Stad bepaal wanneer sodanige geskrewe toestemming verleen word—
- (i) goedere los, stoor, oppak of afpak of veroorsaak of toelaat dat goedere gelos, gestoor, opgepak of afgepak word, of opgaan of daartoe bydra dat enige boumateriaal, motorvoertuigwrakke, spaaronderdele van motorvoertuie, geboue, afvalmateriaal of steierwerk opgegaan word in enige openbare plek of balkon of stoep wat opgerig is oor die grense van 'n openbare pad nie; of
- (ii) stene, kalk of gruiskalk boor of sny, of boumateriaal in enige openbare plek meng nie; of
- (b) enige gebreekte glas of ander potensieel gevaarlike voorwerp los of opgaan of veroorsaak dat dit in openbare plekke gelos of opgegaan word nie, of toelaat dat dit geplaas word in enige openbare plekke vanaf persele wat deur hom of haar besit of beset word nie; of
- (c) boumateriaal, gemeng of ongemeng, vervoer of veroorsaak of toelaat dat dit op 'n openbare pad vervoer word op so 'n wyse dat die pad beskadig word nie.

OPGRAWINGS IN STRATE

11. (1) Geen persoon mag 'n opgrawing maak of aanleiding daartoe gee dat daar opgrawings gemaak word of dat daar 'n put, sloot of gat in 'n openbare pad gemaak word nie—
- (a) behalwe met die geskrewe toestemming van die Stad; en
- (b) andersins in ooreenstemming met die vereistes deur die Stad voorgeskryf.
- (2) Die bepalinge van subartikel (1) verhoed nie 'n persoon daarvan om tydens daglig 'n sambreel of enige ander soortgelyke voorwerp in 'n openbare plek op te rig nie, mits die manier waarop dit opgerig is nie enige skade berokken aan die plantegroei of enigiets wat deel vorm van die betrokke openbare plek nie.

GIFSTOWWE IN STRATE EN DIE VERVOER VAN DIERKARKASSE EN ANDER AFVALSTOWWE

12. (1) Geen persoon buiten 'n beampte van die Stad of 'n gemagtige persoon wat wettig goedgekeurde onkruidverwyderaars, onkruidodders, gifstowwe of plaagdoders toedien, mag gifstowwe uitsit of versprei op enige openbare pad nie.
- (2) Geen persoon mag die karkas van 'n dier of enige vullis, nagvuil, afval, rommel, gemors of bemesting op 'n openbare pad vervoer nie—
- (a) tensy dit behoorlik toegemaak is; en
- (b) tensy dit in 'n tipe houer vervoer word wat nie sal toelaat dat enige aanstootlike vloeistowwe of dele van die vrag op die pad sal mors nie.

VERBODSBEPALINGS OP SEKERE AKTIWITEITE IN VERBAND MET VOORWERPE

13. Geen persoon mag op 'n openbare plek—
- (a) insluitend 'n balkon of stoep wat strek oor die grenslyn van 'n openbare pad, enige voorwerp, insluitend klere, was, skoonmaak of droogmaak nie, behalwe in gebiede wat vir hierdie doel deur die Stad aangewys is;
- (b) enige herstelwerk aanbring aan 'n motorvoertuig of boot, behalwe waar nodig met die doel om die motorvoertuig te verwyder van die plek waar dit in 'n ongeluk betrokke was of waar dit gebreek het, tensy dit in 'n aangewese taxiststaanplek is of tensy—

- (i) die motorvoertuig of boot in 'n aangewese taxistaanplek is;
- (ii) die motorvoertuig of boot besit word deur 'n persoon wat eiendom direk langs 'n openbare pad bewoon en sodanige werk uitgevoer word deur die persoon wat daar woon, maar nie waar 'n motorwerktuigkundige werkwinkel vir kommersiële doeleindes bedryf word nie; of
- (iii) die Stad vooraf geskrewe toestemming hiertoe verleen het, behalwe waar—
 - (aa) dit vir 'n langer tydperk aanhou as wat die Stad redelik ag vir die voltooiing daarvan; of
 - (bb) dit, of die manier waarop dit gedoen word, aanstootlik of afkeurenswaardig is; of
- (c) 'n motorvoertuig was en skoonmaak, behalwe—
 - (i) in 'n gebied deur die Stad vir daardie doel aangewys; of
 - (ii) waar die eienaar van die motorvoertuig geen alternatief het of dit nie op hul privaat eiendom kan doen nie, met dien verstande dat dit nie in 'n openbare parkeerterrein toegelaat word nie.

DROOGMAAK VAN WASGOED OOR HEININGS OP GRENSE

14. Geen persoon mag wasgoed, beddegoed of enige ander items in 'n openbare plek droogmaak of oopgooi of oor 'n heining op die grens van 'n openbare pad hang nie, tensy die omstandighede in 'n informele nedersetting van so 'n aard is dat daar geen ander alternatief is nie.

VERBOD OP SKAATSPLANKRY, ROLSKAATSRY EN GEVAARLIKE OPTREDE

15. Geen persoon mag—
- (a) op 'n openbare pad met rolskaatse of skaatsplanke of soortgelyke toestelle skaats nie, behalwe waar dit deur die Stad toegelaat word;
 - (b) enigiets in 'n openbare plek doen wat die lewe of veiligheid van enige persoon of dier kan bedreig nie, insluitend—
 - (i) om met 'n pyl en boog of kettie te skiet, klippe of stokke of enige projektiel in, op of oor 'n openbare pad te gooi;
 - (ii) plofstowwe gebruik of vuurwerke afskiet sonder die Stad se vooraf geskrewe toestemming of andersins in ooreenstemming met enige voorwaardes deur die Stad bepaal in die verleen van sodanige geskrewe toestemming of wat teenstrydig is met enige ander toepaslike verordening nie;
 - (iii) behalwe as die afvuur van enige vuurwapen of lug-, gas- of alarmgeweer of pistool vir 'n wettige doel is, tensy—
 - (aa) die betrokke vuurwapen of lug-, gas- of alarmgeweer of pistool, afgevuur word op enige skietbaan wat voldoen aan die bepalings van enige toepaslike wet; of
 - (bb) die betrokke vuurwapen of lug-, gas- of alarmgeweer of pistool afgevuur word om die begin van 'n wedloop aan te kondig tydens 'n georganiseerde en beheerde sportbyeenkoms, met dien verstande dat slegs loskruitpatrone afgevuur word; of
 - (cc) die betrokke vuurwapen of lug-, gas- of alarmgeweer of pistool, of vuurwerke afgevuur word met 'n doel en op 'n tyd wat skriftelik deur die Stad goedgekeur is.

BEHEER VAN GOEDERE WAT TE KOOP AANGEBIED WORD

16. (a) Die Stad kan, na oorweging en raadpleging en die implementering van die nodige magtigingslisensiestelsel, openbare plekke, openbare paaie of kruisings aanwys soos deur die Stad voorgeskryf, waar geen persoon enige goedere of produkte mag uitstal of te koop aanbied nie, met dien verstande dat dit nie van toepassing is nie op die verkoop van koerante by kruisings of die verkoop van goedere deur nie-regeringsorganisasies of ontwikkelingsorganisasies wat om kwytskelding vir al hulle handelaars kan aansoek doen.
- (b) Nieteenstaande paragraaf (a), kan die Stad 'n lisensie vir die verkope van goedere en produkte toestaan en deur dit te doen, kan die Stad die aantal permitte vir 'n gebied beperk en van tyd tot tyd voorwaardes stipuleer.

BRÛE EN KRUISINGS OOR SLOTE EN SYPAADJIES

17. Geen privaat kruising, voetpad, brug of duiker mag gemaak of gebou word in of voor enige woning of perseel in enige openbare plek nie—

- (a) buiten met die geskrewe toestemming van die Stad; en
- (b) buiten in ooreenstemming met die aanbevelings deur die Stad voorgeskryf.

BEHEER VAN VERMAAKLIKHEIDSVERTONINGS EN -TOESTELLE

18. (1) Geen persoon mag enige openbare plek gebruik om 'n sirkus, mallemeule, swaai of enige ander byvertoning of toestel op te stel of te gebruik vir die vermaak of ontspanning van die publiek nie—
- (a) tensy dit met die geskrewe toestemming van die Stad is;
 - (b) andersins in ooreenstemming met die voorwaardes soos deur die Stad bepaal;
 - (c) tensy daar geskikte sanitasiegeriewe vir beide geslagte van die personeel en die publiek verskaf word; en
 - (d) as dit op enige wyse gevaarlik of onveilig is vir die publiek om dit te gebruik.

- (2) 'n Gemagtigde amptenaar van die Stad of 'n lid van die Kaapstadse metropolitaanse polisie departement moet, met die doel van inspeksie om te verseker dat daar aan hierdie artikel voldoen word, te alle redelike tye, gratis toegang hê tot sodanige sirkus, mallemeule, swaai of enige ander byvertoning of toestelle.

SLAAP OF WOON IN MOTORVOERTUIG VERBODE

19. Geen persoon mag in 'n openbare plek—

- (a) in 'n stilstaande voertuig slaap nie, behalwe in uiterste noodgevalle (of waar sodanige persoon die bestuurder van 'n openbarevervoer-motorvoertuig is of die motorvoertuig oppas) of in 'n aangewese rusplek; of
- (b) vir langer as vier-en-twintig uur in 'n motorvoertuig woon nie.

VERTOON VAN STRAATNOMMERS

20. (1) Die Stad kan, deur middel van geskrewe kennisgewing—

- (a) in enige openbare pad enige nommer aan enige eiendom toeken en die eienaar van hierdie eiendom aansê om die nommer wat aan die eiendom toegewys is, te vertoon en ook in uitsonderlike gevalle die posisie waar die nommer vertoon moet word, voorskryf, en die eienaar of besetter van sodanige eiendom moet binne 30 dae vanaf ontvangs van sodanige kennisgewing die toegewese nommer op die eiendom aanbring in ooreenstemming met die kennisgewing, met dien verstande dat enige sodanige nommer wat op die eiendom vertoon word, duidelik sigbaar en leesbaar moet wees op 'n hoogte van 1,5 m bo die middellyn van die aangrensende pad of rybaan; en
- (b) enige eienaar aansê om enige syfer in sodanige nommer wat onleesbaar, uitgevee of beskadig is, te vervang of oor te verf.
- (2) Sou die eienaar van enige eiendom versuim om te voldoen aan enige instruksie ingevolge 'n kennisgewing soos voorgehou in subartikel (1), kan die Stad opdrag gee dat hierdie instruksies uitgevoer word waarop die eienaar aanspreeklik is vir die onkoste wat deur die Stad aangegaan is ten einde die instruksie uit te voer.
- (3) 'n Verklaring geteken deur 'n behoorlik gemagtigde amptenaar van die Stad, waarin verklaar word dat die eienaar versuim het om te voldoen aan 'n instruksie ingevolge die kennisgewing soos voorgehou in subartikel (1) en met inbegrip van die gespesifiseerde koste wat die Stad aangegaan het in die uitvoering van hierdie instruksie, is afdoende bewys van die feite daarin vervat met die oog op summiere vonnis.
- (4) Die Stad kan volgens sy oordeel 'n nommer toeken aan 'n gedeelte van 'n perseel, buiten 'n gebou, of aan onbeboude grond wat aan 'n openbare pad grens, en die bepalings van subartikels (1) en (2), *mutatis mutandis*, geld ten opsigte van sodanige gedeelte van 'n perseel of sodanige onbeboude grond.

KWYTSKELDINGS

21. (1) Die Stad kan, van tyd tot tyd, op sodanige voorwaardes as wat hy bepaal, kwyt skelding verleen van die bepalings van hierdie Verordening.
- (2) Die Stad kan skriftelike kwyt skelding verleen van artikels 5(1) en 5(2) op voorwaardes wat hy bepaal, aan filmspanne of persone wat openbare plekke versper vir die doel van fotosessies, mediadekking of verwante aktiwiteite.

DIE STAD MAG OPTREE EN KOSTES VERHAAL

22. (1) Nieteenstaande enige ander bepaling van hierdie Verordening kan die Stad—

- (a) waar die toestemming van die Stad vereis word voordat 'n persoon 'n bepaalde aksie uitvoer, of enigiets bou of oprig, en sodanige toestemming nie verkry is nie; en
- (b) waar enige bepaling van hierdie Verordening in stryd is met omstandighede waarin die teenstrydigheid beëindig kan word deur die verwydering van enige struktuur, voorwerp, materiaal of middel, 'n geskrewe kennisgewing aan die eienaar van die perseel of die oortreder rig, soos wat die geval ook mag wees, om sodanige teenstrydigheid te beëindig, of die struktuur, voorwerp, materiaal of middel te verwyder, of ander stappe soos deur die Stad vereis, te doen om sodanige teenstrydigheid reg te stel binne die tydperk soos in die kennisgewing gemeld.
- (2) Enige persoon wat in gebreke bly om te voldoen aan 'n kennisgewing ingevolge subartikel (1) is skuldig aan 'n oortreding, en die Stad kan, met voorbehoud van sy magte, die nodige stappe teen die oortreder doen ten einde sodanige kennisgewing te implementeer ten koste van die eienaar van die perseel of die oortreder, soos wat die geval ook al mag wees.

OORTREDINGS EN BOETES

23. (1) Enige persoon in stryd met of wat in gebreke bly om te voldoen aan enige bepaling van hierdie Verordening of enige instruksie deur 'n vredesbeampte of 'n lid van die Kaapstadse metropolitaanse polisie departement wat hierdie Verordening toepas, verontagsaam, is skuldig aan 'n oortreding en stel hom/haar met die uitsondering van 'n oortreding van artikels 2(3)(g), (h), (i), (j) en (k), waar daar vir 'n maksimum boete voorsiening gemaak word volgens ooreenstemmende nasionale wetgewing, bloot aan 'n boete of tronkstraf vir 'n tydperk van nie langer nie as ses maande, of vir beide 'n boete en sodanige tronkstraf.
- (2) Enige persoon wat in stryd is met artikels 2 (3) (g), (h), (i), (j) of (k), stel hom/haar bloot aan 'n boete soos deur die hof bepaal of vir tronkstraf soos deur die hof as gepas geag, of beide 'n boete en tronkstraf, en wat nie die maksimum boete soos deur ooreenstemmende nasionale wetgewing bepaal, oorskry nie. Waar daar geen maksimum boete is volgens ooreenstemmende nasionale wetgewing nie, geld die maksimum boete soos in subartikel (1) bepaal.
- (3) 'n Hof wat 'n persoon vir 'n oortreding volgens hierdie Verordening vonnis, kan 'n alternatiewe vonnis uitspreek in die plek van 'n boete of tronkstraf.

HERROEPING VAN BESTAANDE VERORDENINGE

24. (1) Die wette soos uiteengesit in Skedule 1 word herroep volgens die uiteensetting in die Skedule.
 (2) Sou daar enige inkonsekwentheid wees tussen ouer wetgewing en hierdie Verordening, geld die bepalings van hierdie Verordening ten opsigte van die inkonsekwentheid.

VERKORTE TITEL

25. (1) Hierdie Verordening word die Verordening op Strate, Openbare Plekke en die Voorkoming van Stoomnisse, 2007 genoem.
 (2) In die geval van enige konflik tussen die Engelse teks van hierdie Verordening en die teks daarvan in enige ander taal, geld die Engelse teks.

SKEDULE 1

Verordeningnommer en -jaar	Titel	Omvang van herroeping
P.K. 88/1999 Datum 26/02/1999	Stad Tygerberg: Verordening op Strate	In sy geheel
P.K. 101/1968 Datum 02/02/1968	Pinelands Munisipaliteit: Regulasies op Strate	In sy geheel
P.K. 317/1999 Datum 10/09/1999	Oostenberg Munisipaliteit: Verordening op Voorkoming van Stoomnisse	In sy geheel
P.K. 1086/1975 Datum 17/10/1975	Milnerton Munisipaliteit: Verordening op Gerief van Persone wat Strate en Openbare Plekke gebruik	In sy geheel
P.K. 137/1992 Datum 20/03/1992	Milnerton Munisipaliteit: Verordening op Stoomnisse	In sy geheel
P.K. 474/1979 Datum 15/06/1979	Durbanville Munisipaliteit: Verordening op Gerief van Persone wat Strate en Openbare Plekke gebruik	In sy geheel
P.K. 419/1993 Datum 30/07/1993	Brackenfell Munisipaliteit: Standaardverordening op Strate	In sy geheel
P.K. 871/1975 Datum 25/07/1975	Vishoek Munisipaliteit: Verordening op Stoomnisse	In sy geheel
P.K. 374/1989 Datum 21/04/1989	Vishoek Munisipaliteit: Standaardverordening op Strate	Slegs die gedeelte met betrekking tot die Standaardverordening op Strate
P.K. 118/1988 Datum 5/02/1988	Kraaifontein Munisipaliteit: Standaardverordening op Strate	In sy geheel
P.K. 29/1988 Datum 08/01/1988	Bellville Munisipaliteit: Standaardverordening op Strate	In sy geheel
P.K. 55/1988 Datum 22/01/1988	Kuilsrivier Munisipaliteit: Standaardverordening op Strate	In sy geheel
P.K. 536/1990 Datum 24/08/1990 P.K. 959/1989 Datum 15/12/1989	Milnerton Munisipaliteit: Standaardverordening op Strate en Wysiging van Standaardverordening op Strate	In sy geheel
P.K. 27/1985 Datum 11/01/1985	Kaapstad Munisipaliteit: Verordening op Winkelrolles	In sy geheel
P.K. 1103/1977 Datum 11/11/1977 Gewysig deur P.K. 271/1995 Datum 09/06/1995	Kaapstad Munisipaliteit: Verordening op Gerief van Persone wat Strate en Openbare Plekke gebruik	In sy geheel
P.K. 134/1974 Datum 01/02/1974 Gewysig deur P.K. 218/1975 Datum 31/01/1975 en P.K. 271/1978 Datum 10/03/1978 en P.K. 396/1980 Datum 11/04/1980	Kaapstad Munisipaliteit: Regulasies op Stoomnisse	In sy geheel
P.K. 294/1917 Datum 13/12/1917 Gewysig deur P.K. 134/1944 Datum 27/04/1944	Kaapstad Munisipaliteit: Regulasies op Voorkoming van Spoeg in Openbare Plekke	In sy geheel
P.K. 135/1909 Datum 03/02/1909	Kaapstad Munisipaliteit: Bykomende Regulasie	In sy geheel
P.K. 776/1903 Datum 26/08/1903	Kaapstad Munisipaliteit: Regulering en Bewaring van Openbare Parke, Lane, Botaniese Tuine en Aanplanting en Bewaring van Bome en Struik	In sy geheel
P.K. 539/1964 Datum 31/07/1964	Kaapstad Munisipaliteit: Regulasie Nr. 1982 op Voorkoming van Omstandighede wat waarskynlik Skuiling aan Rondlopers sal bied of Gesondheid en Veiligheid bedreig	In sy geheel
P.K. 586/1961 Datum 21/07/1961	Kaapstad Munisipaliteit: Regulasie Nr. 1974 op Beheer van Fonteine	In sy geheel
P.K. 714/1955 Datum 02/12/1955 Gewysig deur P.K. 503/1962 en P.K. 547/1962 en P.K. 5/1969 en P.K. 745/1970	Kaapstad Munisipaliteit: Regulasies op Beheer van Straatinsamelings	In sy geheel
P.K. 1117/1973	Kaapstad Munisipaliteit: Verkeersregulasies	Artikel 59
P.K. 343/1962	Vishoek Munisipaliteit: Regulasies op Beheer van Deur-tot-Deurinsamelings	In sy geheel
P.K. 760/1959	Simonstad Munisipaliteit: Regulasies op Beheer van Deur-tot-Deurinsamelings	In sy geheel
P.K. 1019/1974 Datum 25/10/1974	Bellville Munisipaliteit: Regulasies op Stoomnisse	In sy geheel
P.K. 376/1997 Datum 30/10/1997	Suidkiereiland Munisipaliteit: Verordening op Beheer van uurwerke	In sy geheel

28 September 2007.

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ISIXEKO SASEKAPA

UMTHETHO WEDOLOPHU ONXULUMENE NEZITALATO, IINDAWO ZIKAWONKE-WONKE NOTHINTELO LWEENKATHAZO ZENGXOLO

INTSHAYELELO:

EKUBENI iSixeko saseKapa (“iSixeko”) singenza kwaye silawule imithetho yedolophu ngolawulo olufanelekileyo lwemiba efana nokulawula inkathazo zoluntu, iindlela zika masipala, iindawo zikawonke-wonke, izithuthi nendawo yokumisa iimoto;

KWAYE EKUBENI indlela yokuziphatha kwabantu esidlangaleni ehlaselayo, esongelayo, exhaphazayo okanye ephazamisayo ingamkelekanga kwiSixeko,