

Extract from the minutes of the 4th Council Meeting of Midvaal Local Municipality of 2025 held on Tuesday, 29 April 2025 at 14:00 in the Meyerton Town Hall.

C 3521/04/2025
MC A/6566/04/2025

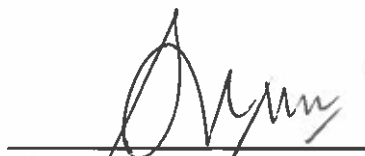
9.A.20 [COMM]: DRAFT PUBLIC AMENITIES BY-LAW

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COMPETENCY: COUNCIL

IT WAS UNANIMOUSLY RESOLVED:

1. That the report dealing with the Draft Public Amenities By-Law, be noted.
2. That the Draft Public Amenities By-Law, attached to the report as Annexure "A", be approved.
3. That the initiation of a public consultation process in accordance with section 7 of the Rationalisation of the Local Government Affairs Act, 1996 (Act No. 10 of 1998) (Rationalisation of the Local Government Affairs Act) read with sections 12 and 13 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000) Systems Act), read with section 160(2) of the Constitution, be approved.
4. That, upon conclusion of the public participation process, a further report be submitted by the Community Services Department to the Council for the adoption and promulgation of the new Public Amenities By-Law.



MR. S. CAVE
EXECUTIVE DIRECTOR: CORPORATE SERVICES

Date: 12/05/2025

MIDVAAL LOCAL MUNICIPALITY

PUBLIC AMENITIES BY-LAW

To provide for the regulation of parks and open spaces within the municipal area of the municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the Midvaal Local Municipality, as follows:

1. Definitions

In these By-laws, unless the context otherwise indicates-

“authorised official” means an official of the Municipality who is authorised to do, or to cause to be done, any act or function in terms of these By-laws;

“boat” means any vessel, punt, raft, canoe or windsurfer moved or propelled by oars, poles or sails or any combination thereof which is used to carry persons or goods;

“distribute” means to plant, sow seed or throw away;

“hunt” means to chase, track, shoot at, kill, to follow, to look for or to lie in waiting with the intention of killing with equipment, resources or dogs;

“lake” means any body of water impounded on a stream or river, situated within the area of jurisdiction of the Municipality which is owned, leased, administered, managed or controlled by the Municipality and includes the banks of such lake and the adjacent land to which the general public has access;

“Municipality” means the Midvaal Local Municipality established by General Notice 6770 in Provincial Gazette Extraordinary 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998), and includes the Council, the Executive Mayor and / or the Mayoral Committee or any other committee established by the Council and any employee or official of the Council duly authorised to perform any duty, power or function in terms of these By-laws;

“nature conservation area” means any area classified as such and it includes the following, as well as any new areas which may be classified as such at any future stage:

- (a) Klipriver
- (b) Suikerbosrand
- (c) Local conservancies

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

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

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

“public amenity” means —

- (a) any land, square, camping site, swimming bath, public resort, recreation site, zoological, botanical or other garden park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, inclusive of any public road, road reserve, street, lake, dam or river which is owned, teased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;
- (b) any building, structure, hall room or office, including any part thereof and any facility or apparatus therein, which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;
- (c) any public amenity contemplated in subsection (a) or (b), which is lawfully administered, managed or controlled by a person other than the Municipality in terms of an agreement between such person and the Municipality;
- (d) any nature conservation area, including:
 - (i) nature reserves
 - (ii) protected natural areas
 - (iii) nature conservation worthy areas
 - (iv) natural open spaces which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;

“public gathering or procession” means a gathering or procession of 12 (twelve) or more persons;

“rivers and dams” means natural or man-made water surfaces situated within the area of jurisdiction of the Municipality which is owned, teased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not and includes the banks of the rivers and dams and adjacent land to which the general public has access;

“wild animal” means any animal found within the borders of the Republic of South Africa, including mammals, invertebrates, reptiles, birds and insects.

2. Control of public amenities

- 2.1. All land laid out or which may hereafter be laid out or proclaimed as public amenities, within the Council shall, be maintained and used solely for the purpose for which it was laid out or otherwise reserved.

3. Admission to and stay in a public amenity

- 3.1. A public amenity is, subject to the provisions of these By-laws, open to the public during the times determined by the Municipality by means of a notice: different times may be determined in respect of different public amenities.
- 3.2. No person shall, where a public amenity is enclosed by a wall, fence, barrier or trellis, enter or leave such public amenity other than by way of a gate or entrance which serves as an entrance or exit.

- 3.3. No person shall climb, sit, stand or lie on, or climb or crawl through any wall, fence, barrier or trellis which serves as a fence for any public amenity.
- 3.4. No person shall enter or remain in a public amenity or portion thereof in conflict with a notice which restricts access to such amenity during specific times.
- 3.5. The Municipality may temporarily close any public amenity to visitors in case of an emergency or for the purposes of repair to or maintenance of such public amenity.
- 3.6. All persons shall promptly vacate the public amenity at the time of closing of the gates thereof and no person shall enter or remain therein after such gates have been closed or climb on or over the gates or fences enclosing the public amenity or enter or leave otherwise than through an authorised entrance or exit.
- 3.7. Any person entering a gate which was closed must close it again, provided that where a gate which is supposed to be closed is found to be open, it shall be closed forthwith.

4. Entrance fee

- 4.1. A visitor to a public amenity shall pay the entrance fees determined from time to time by the Municipality and such entrance fees shall be made known by means of a notice.
- 4.2. Different entrance fees may so be determined in respect of visitors of different ages.
- 4.3. No private organisation may charge any entrance fees at any public amenity without the permission of the Municipality.
- 4.4. No person may obtain entrance to a public amenity unless he/she has paid the approved tariff of the Municipality or has an approved permit.

5. Maximum number of visitors

- 5.1. The Municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity: different maximum number of visitors may so be determined for different public amenities.
- 5.2. The numbers of visitors contemplated in subsection (4.1.) are made known by the Municipality by means of a notice.

6. Gatherings and processions

- 6.1. No person shall without the prior written consent of the Municipality, or contrary to any conditions which the Municipality may have imposed when granting such consent, on, in or at any public amenity:

- 6.1.1. arrange, present or attend any public entertainment;
 - 6.1.2. collect money or any other goods for charity or any other purposes from the general public;
 - 6.1.3. display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
 - 6.1.4. arrange, hold address or attend any meeting;
 - 6.1.5. arrange, hold, address or attend a public gathering or procession, exhibition or performance;
 - 6.1.6. conduct any trade, occupation or business;
 - 6.1.7. display, sell or rent out or present for sale or rent any wares or articles;
 - 6.1.8. hold or attend an auction;
 - 6.1.9. tell fortunes for compensation, in or at a public amenity or lake.
- 6.2. Any person who requires the Municipality's written consent for any action contemplated in subsection (5.1), shall apply in writing to the Municipality at least 21 (twenty-one) days before such action.
- 6.3. No person shall use an amenity which is hired out to a person, school, sport club or association or persons, except in a case where there is a written agreement with the Municipality to use such amenity and the hiring fees (if any) are fully paid.

7. Animals

- 7.1. No person shall bring any living or non-living animal, whether wild or domestic, into a public amenity, except in accordance with the directives established by the Municipality. Specific directives may apply to different public amenities and various types of animals, birds, fish, reptiles, and poultry.
- 7.2. No person shall take any dog or other animal or permit any such dog or animal to be taken into a public amenity unless it is permissible in accordance with a directive of the Municipality and it is secured to a leash and under the control of its owner. The said owner shall be obliged to promptly remove all excreta of an animal under his / her control from the public amenity.
- 7.3. In the event of a visually impaired person being led by a guide dog, excreta shall be removed by the maintenance officials of the Municipality.
- 7.4. The directives contemplated in subsections (6.1) and (6.2) shall be made known by means of a notice.
- 7.5. An animal found in a public space that causes a nuisance, wandering at large uncontrolled or instills fear in visitors may be removed by an authorised official.

- 7.6. No one may hunt wild animals in a public amenity without a valid permit and the necessary permissions.
- 7.7. No individual may possess or use equipment in areas designated for nature conservation with the intent to hunt or capture wildlife.
- 7.8. No person may create an opening in a fence with the intent to entice an animal through it.
- 7.9. No person may possess, trade, or receive any wild animal product, whether alive or dead.
- 7.10. No person may disturb, entice, or feed any animal without permission.

8. Plants

- 8.1. No alien plants as contemplated by the Conservation of Agricultural Resources Act, 1983 (Act No 43 of 1983) may be planted in any classified nature conservation area.
- 8.2. No person may pick any indigenous plant without the necessary permit authorising it and the written permission of the Municipality.
- 8.3. No person may receive, be in possession of or trade with / in any indigenous plant or product, whether alive or not, without the necessary permit authorising it.
- 8.4. No person may distribute any plant, whether indigenous or exotic on nature conservation areas, without the necessary permission.

9. Use of the play apparatus

- 9.1. No person above the age of 14 (fourteen) years shall climb onto any play apparatus supplied by the Municipality or use it in any way whatsoever.
- 9.2. Not more than the maximum number of seats provided or not more than the maximum number of persons for which the play apparatus is designed, will be allowed on any play apparatus at any given point in time. All playground equipment will be used at own risk.

10. Use of boats

- 10.1. No person shall place or use or cause or permit to be placed or used on the water a boat unless a permit in respect thereof has been obtained from the Municipality and the fees determined by the Municipality have been paid in full.
- 10.2. Such permit shall clearly specify the number of persons who may at any one time be conveyed in the boat, and the person taking out such permit shall retain

the permit and present it to an authorised official of the Municipality when requested to do so.

- 10.3. The Municipality may at any time suspend a permit issued in accordance with these By-laws and the Municipality shall not be obliged to refund the fees paid.
- 10.4. The Municipality has the right to refuse to issue such permit in respect of any boat if the Municipality or its duly authorised official or representative is of the opinion that such boat is not sound in construction or is not in a proper and suitable condition.
- 10.5. The Municipality may, through its duly authorised official or representative, before or after the issue of any boat permit, enter into any boat and take any other steps which such officer or representative may consider necessary for the purpose of inspecting such boat.
- 10.6. No person shall place, use or cause to be placed or used on the water a boat propelled by an engine of any sort without permission. The Municipality reserves the right to prescribe and limit the number and type of boats which shall at any stage be allowed on the lake.
- 10.7. No person being the owner of a boat, or having the use or control of or being in possession or in charge of any boat, shall at any one time permit the use of a boat by a number of persons in excess of the number stipulated on the permit for such boat.
- 10.8. No person shall, without the written permission of the Municipality, ply boats for hire from the public piers or transport any persons at a fee on a boat. The Municipality may, at the granting of such permission
 - 10.8.1. impose any condition which it deems fit and such person shall be compelled to comply with such condition;
 - 10.8.2. determine the charges payable by such person.
- 10.9. No person under the influence of intoxicating liquor or a narcotic drug shall enter, remain in or occupy any boat and no person under the influence of intoxicating liquor or a narcotic drug shall, at any time, enter any landing stage at the waterfront.
- 10.10. No person shall, between the hours from half an hour after sunset until sunrise, use any boat on the water unless such boat is fitted with at least one lamp and be so lighted and placed as to show a bright light which can continuously be seen from the shore. Any owner or occupant of a boat which is not so provided with a light, shall be guilty of an offence under these By-laws.
- 10.11. No person in charge of any boat or having supervision thereof, or being an occupant thereof, shall use such boat in a negligent manner or due to negligence or misconduct, injure or damage any person, animal or object, or shall be guilty of any negligence or misconduct whatsoever which will damage or be likely to injure or damage or endanger any other boat or any person, animal or object on the water and the Municipality may cancel a permit or refuse the renewal thereof due to such behaviour.

- 10.12. No person shall paint, repair, dry or beach any boat or cause or allow such painting, repairing, drying or beaching to be done, except in such places as are provided or indicated for that purpose by the Municipality. The appearance of any boat shall at all times be neat and to the satisfaction of the Municipality, failing which, it shall be removed from the shore.
- 10.13. No sports or games shall take place in or upon the water without the consent of the Municipality nor shall any person participate in or assist at any sports or games on the lake which has not been approved by the Municipality.
- 10.14. No person shall enter or land upon any of the islands in the water which are not connected by bridge with the main land without the consent of the Municipality.
- 10.15. No person shall dive from a boat or swim in the water from a boat.
- 10.16. No person shall board or moor a boat at any place other than the duly authorised mooring places, nor shall any person having the charge, care or control of a boat or an occupant thereof, permit or allow any of the other occupants to do so.
- 10.17. No person shall board a boat if he [she is not supplied and fitted with a safety belt by the owner thereof, and any person allowing another person not wearing a safety belt to board a boat under his / her control shall be guilty of an offence.
- 10.18. Children under the age of 17 (seventeen) years shall not embark upon a boat, except under the supervision of an adult.
- 10.19. Permits are issued in terms of subsection (9.1) and the Municipality shall not incur any liability whatsoever for any claim for damages which may result from the activities of the holder of the permit on the lake. Any person who sets foot on the lake or lakeshore, does so at his / her own risk.
- 10.20. Angling shall be permitted at times and places determined by these by-laws or by notices affixed or erected on the shores.
- 10.21. Angling shall not be permitted during the hours of darkness, unless an entrance permit has been obtained from the Municipality and the prescribed fees have been paid.
- 10.22. Persons who are not in possession of a Provincial Angling Licence shall not be permitted to angle.
- 10.23. An entrance permit shall only be issued after the prescribed fees have been paid.
- 10.24. Competitions shall be permitted only with the consent of the Municipality and after the prescribed fees have been paid.
- 10.25. No person shall be permitted to feed any fish without the prior approval of the Municipality.
- 10.26. No person shall be permitted to introduce or release any kind of fish into the lake without the prior approval of the Municipality.

- 10.27. No person may angle with more than two tines with more than two single hooks with natural bait or one artificial bait medium or one spoon on each line.
- 10.28. No person may catch fish with a net or any other apparatus.
- 10.29. No bait boats, feeding place or canoes for taking in of tines is allowed.
- 10.30. The amount and size of fish which may be angled is determined by Ordinance No. 12 of 1984.
- 10.31. No person above the age of 16 (sixteen) years may fish unless he/she is in possession of a valid angling licence.

11. Camping

- 11.1. No person shall in a camping site —
- 11.1.1. camp on a stand other than the stand allocated to him / her;
 - 11.1.2. do washing or hang out washing other than at or in a place specifically provided for such purpose.
 - 11.1.3. shall camp in a camping site unless he/she has paid the charges laid down by the Municipality.
- 11.2. If any person is instructed to leave a camping site and such person has paid camping charges in advance for a period, such person shall be refunded the portion of the camping charges for the unexpired period.
- 11.3. Any vehicle, caravan, tent or other article in a camping site for a period in excess of seven days and in respect of which the prescribed charges have not been paid, may be removed by or at the instruction of an authorised officer of the Municipality , and such vehicle, caravan, tent or other article may be dealt with in accordance with the provisions of section 20 of these By-laws.

12. Caves

- 12.1. No person may pollute the atmosphere inside a cave, for example, by the burning of combustible material.
- 12.2. No person may break or tamper with or remove any barrier or obstacle which has been erected in front of a cave.
- 12.3. No person may break, break off or damage any rock formation in a cave or anywhere else in a public amenity.

13. Vehicles

- 13.1. No person may bring into a public amenity any truck, bus, motorcar, motorcycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Municipality: different directions may be determined for different public amenities and for different such vehicles, craft or aeroplanes.
- 13.2. The Municipality may determine the speed limit applicable in a public amenity :different speed limits may be determined for different public amenities and for different such vehicles, craft or aeroplanes.
- 13.3. The directions contemplated in subsection (1) and the speed limits contemplated in subsection (2) shall be made known by the Municipality by way of notice.
- 13.4. Road signage erected in a public amenity shall have the same significance and authority as road signs erected in terms of the National Road Traffic Act 93 of 1996 and its regulations, and any person who fails to comply with such road sign is guilty of an offence.
- 13.5. No person shall be allowed to drive on the indicated roads in a public amenity unless he/she is in possession of a valid driver's licence.
- 13.6. No person shall drive a vehicle while under the influence of alcohol or any other drug.
- 13.7. No person will be allowed to drive a vehicle in such a manner that it will endanger the lives or safety of people or animals in the public amenity.

14. Liquor, food and fires

- 14.1. No person shall, contrary to a provision in a notice, bring into a public amenity any alcoholic beverage or any other liquor or any food of whatever nature.
- 14.2. Subject to the provisions of subsection (1) no person shall on, in or at a public amenity and contrary to a provision in a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice. The preparation and cooking of food in or at a public amenity shall be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health, further that no live animals, poultry or fish may be killed, skinned on, in or at a public amenity.
- 14.3. No person shall on, in or at a public amenity make a fire or hold a braai except at places where braai facilities are provided or at places so indicated by notice.

15. Exploration

- 15.1. No person may pump water out of any stream, dam or river without the necessary permission.

- 15.2. No archaeological, geological or historical material may be disturbed or removed.

16. Development

- 16.1. No person / institution may plan or execute any activity, development or improvement in a public amenity without the necessary approval.

17. Erosion

- 17.1. No person / institution may undertake any activity in a public amenity where ground works are involved without the necessary permission.
- 17.2. No person may remove any soil, stones or sand without the necessary permission.

18. Health matters

- 18.1. No person in or at a public amenity shall :

- 18.1.1. drop or place any refuse, rubble, material or any other object or thing or permit it to be done, except in a container provided for that purpose by the Municipality;
- 18.1.2. pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
- 18.1.3. enter any bath or swimming-bath while suffering from an infectious or contagious disease or having an open wound on his / her body;
- 18.1.4. perform any act which may detrimentally affect the health of any visitor to a public amenity;
- 18.1.5. use any soap or substance which will make the water of a swimming pool muddy, murky or unacceptable for swimming purposes.

19. Improper or indecent behaviour

- 19.1. No person may in or at a public amenity :

- 19.1.1. perform an indecent act or conduct himself / herself improperly by exposure of his / her person or otherwise, or make improper gestures or incite or urge someone else to perform a disorderly or indecent act;
- 19.1.2. write, paint, draw or in any way make a filthy or immoral figure, writing, drawing or representation;

- 19.1.3. defecate, urinate or undress, except in such building or on a premises intended or indicated by notice for such purpose or enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex;
- 19.1.4. not be clothed as decency requires.

20. Loitering

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

21. Lost property

- 21.1. Any vehicle or other article found in any public amenity or other property belonging to the Municipality, and which is, on reasonable grounds, presumed to be abandoned or lost, or which, in conflict with these by-laws, is found in such place, except a vehicle found in any street, may be taken into safe keeping by an official of the Municipality provided that should the head of the section of such official be of the opinion that such vehicle or article is of no value, such vehicle may be regarded as refuse and discarded as such.
- 21.2. Any vehicle or article taken into safekeeping in accordance with subsection (1), which is not regarded as refuse and which is not claimed within one month from the date on which it was taken into safekeeping, shall be sold by public auction after at least 14 days prior notice of such auction has been given in at least two newspapers circulating within the area of jurisdiction of the Municipality.
- 21.3. Any person claiming as his / her lawful property any vehicle or article taken into safekeeping in accordance with subsection (1), may repossess such vehicle or article only after proving his / her ownership of such vehicle or article to the satisfaction of the head of the section and after he / she has paid to the Municipality the costs of the removal, safekeeping, tracing of the owner and if notice of an auction in accordance with subsection (2) has been given, also such costs : Provided that notwithstanding payment of such costs, such owner shall still be liable to prosecution for a contravention of the provisions of these by-laws.
- 21.4. The proceeds of a public auction held in terms of subsection (2) shall be appropriated in payment of —
 - 21.4.1. the costs incurred to find the owner of such a vehicle or article;
 - 21.4.2. the costs incurred to remove the vehicle or article to a place of safe custody;
 - 21.4.3. the costs of keeping such vehicle or article in a place of safe custody;

- 21.4.4. the costs incurred in connection with the arranging and advertising of the public auction.
- 21.5. Any balance of the proceeds received from the public auction contemplated by subsection (2), shall, after appropriation of the amounts in accordance with subsection (4) be paid to the owner of the vehicle or article if ownership has been proved to the satisfaction of the head of the section.
- 21.6. If a vehicle or article, as contemplated in subsection (2), is not sold, then the head of the section may deal with such vehicle or article in a manner which he / she deems appropriate under the circumstances.

22. Prohibited actions

22.1. No person shall in any public amenity may :

- 22.1.1. remove, damage or injure any fountain, statue, monument, bust, post, chain, railing, fence, seat, barrier, gate, lamppost, electrical appliance, notice-board or -plate, house, building, shed, urinal, closet, flag, mark or other article or thing which is the property of the Municipality and no person shall disfigure or deface same by pasting thereon or affixing thereto in any way any bills, papers, placards or notices or by cutting, writing, stamping, painting, drawing or marking thereon or interfering therewith in any other manner whatsoever;
- 22.1.2. saw, cut, gather, remove, dig up, fit in, burn, pick or break any timber, tree, shrub, brushwood, fencingpole, lawn, plant, fruit, flower or equipment or climb thereon or any damage thereto;
- 22.1.3. enter or attempt to enter into any enclosure, plantation, garden or temporary enclosure, which is the property of the Municipality, or walk over, stand or recline in any flower bed;
- 22.1.4. erect any shelter / house / shack with the intention to live or reside therein in a public amenity; hawk or display for sale any goods whatsoever, without the prior written consent of the Municipality ;
- 22.1.5. erect or cause to be erected, any post, rail, fence, tent, screen, stand, swing, structure, building or construction of whatever nature, without the prior written consent of the Municipality.
- 22.1.6. drive, park or place a vehicle upon or over any part of a flower bed or lawn, except in such spaces as are specially reserved for such purpose;
- 22.1.7. in rivers, ponds or fountains in a public amenity, wash any clothes or other articles or otherwise pollute the water therein or contaminate or waste any water source;
- 22.1.8. wash, polish, service or repair his / her vehicle in a public amenity;

- 22.1.9. in a river, bath or wash himself / herself or any other person or any animal, or allow any animal belonging to him / her or under his / her control to be therein;
- 22.1.10. use or try to use or enter or try to enter into any water closet, urinal, bathing booth, change-room or other place of convenience provided for the opposite sex, indicated by means of a notice erected in a conspicuous place: Provided that this restriction shall not apply to children under the age of five years;
- 22.1.11. cause unpleasant or offensive smells;
- 22.1.12. be allowed to dump, burn or allow to burn any wood, grass, garden refuse, packaging material or any flammable material;
- 22.1.13. be allowed to present any public entertainment or make use of a loud speaker, amplifier or any other audio equipment without the prior written permission of the Municipality.;
- 22.1.14. deliver, utter or read aloud any public address, prayer or speech of whatever nature or sing any song or hold or participate in any public meeting or function except with the prior written consent of the Municipality;
- 22.1.15. engage in any activity related to the practising of occults, drug abuse or dealing of drugs;
- 22.1.16. assault or resist or aid or incite any person to assault or resist any servant of the Municipality or other person in the execution of his / her duty or the lawful exercise of any authority in terms of these by-laws;
- 22.1.17. refuse to leave any park, natural area, garden or any other enclosed space, at or after the time of closing the gates, when requested to do so by any servant of the Municipality or member of the police force or unlawfully remain therein after the gates are closed or climb on or over the gates, fences or railings, or enter or leave otherwise than through one of the authorized means of ingress or egress;
- 22.1.18. smoke in any place or building in which it is forbidden by notice affixed in a conspicuous place at or near the entrance to such place or building;
- 22.1.19. obstruct, disturb, interrupt or annoy any person in the proper use of any park, garden, open space or the lake;
- 22.1.20. brawl, fight, use profane, indecent or improper language, be intoxicated, bet, gamble, beg, lay down on any seat or behave in an indecent or offensive manner, or commit any nuisance;
- 22.1.21. contravene or act contrary to any notice by the Municipality;
- 22.1.22. play or make preparation to play any game, except at the places and at the times indicated and set apart for such games by the Municipality;

- 22.1.23. fire any firearm, discharge any firework, catapult or sling, throw any stone, stick or other object or missile, use any squirt, syringe or other instrument, or do anything which may endanger or be deemed a nuisance, obstruction or annoyance to the public;
- 22.1.24. be in the possession of a fire arm in a public amenity without the necessary permission;
- 22.1.25. swim in a stream, river or dam, unless the necessary permission is granted;
- 22.1.26. allow any child under the age of 12 years to enter a swimming pool area unless he / she is accompanied by an adult. Swimming pool facilities are entered at own risk;

23. Any person who in any public amenity:

- 23.1. contravenes the provisions of these By-laws, or does not comply with any condition imposed in connection with the use of such public amenity; or
- 23.2. acts in such a manner as to be a nuisance to other users of such public amenity and refuses to discontinue such action after being requested thereto by an authorized official
- 23.3. may be instructed by such authorised official to leave such public amenity.
- 23.4. Any person who has in terms of subsection 3 been instructed to leave a public amenity and ;
 - 23.4.1. refuses to do so; or
 - 23.4.2. returns within 24 (twenty-four) hours to such a public amenity;
- 23.5. should be guilty of an offence.

24. Powers of municipal personnel

- 24.1. A person appointed by the Municipality to control a public amenity may;
 - 24.1.1. at any time enter upon any place, land, premises or building in a public amenity to conduct an investigation in order to determine whether the provisions of these bylaws are complied with;
 - 24.1.2. for the better exercising of any power or the performance of any function or duty assigned or granted to him / her, take along an interpreter who, while acting under the lawful order of such a person, shall have the same powers, functions and duties as such person;
 - 24.1.3. banish any person committing any breach of any provision of these bylaws from the public amenity or order him / her to leave such public amenity;

24.2. Any person who has in terms of subsection (3) been instructed to leave a public amenity and

24.2.1. (i) refuses to do so; or

24.2.2. returns to such public amenity within 24 hours;

shall be guilty of an offence.

24.3. The Municipality may appoint Nature Conservationists, Honorary Conservationists and such other personnel as may be deemed necessary for a public amenity and the Municipality shall determine their powers, functions and duties.

24.4. Nature Conservation personnel appointed in terms of subsection (1) above shall be dressed in the uniform determined by the Municipality utilise a booked facility unless it has been booked in advance and the hiring fees have been paid in full;

25. Furnishing of name and address

25.1. No person shall in a public amenity, when requested to do so, refuse to furnish his / her correct name and address to an authorized officer of the Municipality.

26. Offences and penalties

26.1. Any person who —

26.1.1. contravenes or fails to comply with any provision of these by-laws, a condition imposed under these by-laws or a direction adopted by the Municipality under these by-laws and made known by notice, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these by-laws or not;

26.1.2. deliberately obstructs, hampers or handicaps any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or

26.1.3. furnishes false, incorrect or misleading information when applying for permission from the Municipality in terms of a provision of these by-laws, shall be guilty of an offence and shall, upon conviction, be liable to the payment of a fine not exceeding R2000,00, or in default of the payment of such fine, to imprisonment for a period not exceeding 12 months.

26.1.4. Should a person be found guilty of an offence which, in terms of these by-laws is a continuous offence, such person shall be liable to a proportionate part of the fine contemplated in subsection (1) for each day during which such offence continues after the date on which notice in writing has been given to perform specific act, and in default of any

payment of such proportionate fine, to imprisonment for a proportionate part of the period contemplated in subsection (1).

27. Waste

27.1. No person may within a public open space –

- 27.1.1. deposit, dump or discard any waste, other than in a receptacle provided by the Council for that purpose; or
- 27.1.2. pollute or deposit any waste or things in a manner which may detrimentally impact on a water body.

28. Restricting access

28.1. The Council may restrict access to any public open space or to any part of a public open space for a specified period of time –

- 28.1.1. to protect any aspect of the environment within a public open space;
- 28.1.2. to reduce vandalism and the destruction of property;
- 28.1.3. to improve the administration of a public open space;
- 28.1.4. to develop a public open space;
- 28.1.5. to enable a special event which has been permitted in terms of the event committee, to proceed; or
- 28.1.6. to undertake any activity which the Council reasonably considers necessary or appropriate to achieve the purpose of these By-laws.

29. Repeal of by-law:

The by-law promulgated on 28 February 2006 published under LAN 385 in the Gauteng Provincial Gazette 65 is hereby repealed in its entirety.

30. Short title and commencement:

This by-law is called the Midvaal Public Amenities By-Law and takes effect on the date of publication in the Provincial Gazette.



MRS. THANDAZILE MNGUNI

HEAD OF DEPARTMENT : COMMUNITY SERVICES