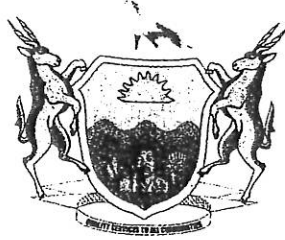


LOCAL AUTHORITY NOTICE 134

KING SABATA DALINDYEBO MUNICIPALITY**LOCAL GOVERNMENT NOTICE****KING SABATA DALINDYEBO MUNICIPALITY**

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act 1996 [Act No. 108 of 1996] the By-laws Relating to Street Trading which come into operation on the date of publication thereof.

BY-LAWS RELATING TO NUISANCES

In the construction of this by-law the following words and expressions shall have the meaning hereinafter respectively assigned to them, unless such meaning be repugnant or inconsistent with the context or subject matter in which such words or expressions occur.

1.

DEFINITIONS

- (i) "**Commit**" in relation to any nuisance means to cause or allow or instigate the nuisance;
- (ii) "**Goods vehicle**" and "**motor vehicle**" have the meaning assigned thereto in Section 1 of Road Traffic Act (Act 93 of 1996).
- (iii) "**Nuisance**" means -
 - (a) any noise including music and any like sound which materially interferes with the ordinary comfort, convenience, peace or quiet of occupiers of immovable property;
 - (b) the discharge of any firearm or any air, gas or alarm gun or pistol –
 - (aa) in, into or over any street or public place or on, into or over immovable whether owned or occupied by another; or not;

- (bb) at a place or in circumstances where injury to any person or living creature or damage to property likely to be caused thereby;
 - (cc) within the municipal jurisdiction of Council without prior permission excluding the police, law enforcement agencies, military personnel; and security personnel.
- (c) The building, dismantling and reassembling of and the carrying out of repairs on or adjustments to any motor vehicle or any boat – or any machinery or similar object.
- (i) Not being the property of the person performing the building, dismantling, reassembling, repairs or adjustments, on any residential erf without the written permission of the Council stipulating the conditions on which such permission is granted;
 - (ii) In contravention of any of the conditions stipulated by the Council as referred to in paragraph (iii);
 - (iii) On any residential erf earlier than 07h00 or later than 22:00; or
 - (iv) On any residential erf and visible from an adjoining erf or public place or street over such a protracted period of time that, in the opinion of the Council, or of any duly authorized official of the Council, the vehicle or boat, or machine is left in an unfinished, dismantled or an unsightly state for longer than is reasonably necessary to effect the completion, reassembling, repairs or adjustments; or
- (d) the parking by any person, or at the instance of any person, of more than one goods vehicle used in conjunction with the carrying on of any business or trade on a residential erf, for longer than is reasonably necessary for, loading or off-loading such vehicle;
- (iv) **“Public place”** and **“street”** have the meanings assigned thereto in section 1 of the Road Traffic Act (act 93/1996)
- (v) **“Residential erf”** means an erf zoned under the Town Planning scheme for the Council of King Sabata Dalindyebo Municipality for residential use; and
- (vi) **“Municipal Manager”** means the appointed person as such by the King Sabata Dalindyebo Municipality and includes any person acting in that

capacity and/or any employee of the Council duly in writing authorized thereto by Council.

2.

No person shall commit a nuisance.

3.

The owner or occupier of any immovable property on which any nuisance is committed shall, until the contrary is proved, be deemed to have committed the nuisance.

4.

Any person who contravenes any provisions of this by-law shall be guilty of an offence, and shall upon conviction be liable to a fine not exceeding R2000.00 (Two Thousand Rand) or imprisonment.

5.

If any person is charged with having committed a nuisance, as defined in paragraph 1 (iii) (b) of that definition in Section 1, such person shall not be guilty of an offence if he/she proves that he/she discharged the firearm or air, gas or alarm gun or pistol in question:-

- (a) In any shooting gallery or on any shooting range which complies with the provisions of any law applicable thereto;
- (b) For signaling the start of a race at any organized and controlled sports meeting proved that blank cartridges only are fired thereby;
- (c) For a purpose and at a time and place approved in writing by the Area Commissioner of the SAPS or in terms of statutory legislation authorizing such use;
- (d) In defending his/her life, his family or any other person's life.

This by-law comes into effect on the date of Publication of this by-law in the Eastern Cape Provincial Gazette.