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KANNALAND
MUNISIPALITEIT | MUNICIPALITY

KANNALAND MUNICIPALITY BY-LAW RELATING TO KEEPING/CONTROLLING OF ANIMALS REGULATIONS

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Kannaland Municipality enacts as follows:-

1. Definitions

In this By-law, unless the context otherwise indicates –

“**authorised person**” an employee of the Municipality or any other person who is appointed or authorised thereto to perform any act, function or duty related to the provisions of this By-law, or exercise any power in terms of this By-law; and “**officer**” has a corresponding meaning;

“**animal**” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person, or insects such as, but not limited to, bees which is kept or under control of a person, but excluding any pet;

“**responsible authority**” means the Kannaland Municipality or any national or provincial department that may in terms of its powers and functions impose conditions or restrictions in respect of the keeping of animals;

GENERAL PROVISIONS RELATING TO KEEPING OF ANIMALS

2. Permission to keep animals

(1) No person may keep or permit to be kept on any premises any animals, excluding pets, without the written permission of the municipality.

(2) Any person who applies for a permit to keep a wild animal must, when submitting an application contemplated in subsection (1), furnish the municipality with a captivity permit issued by the Department of Economic Affairs, Environment and Tourism.

(3) The municipality may determine the number of bee hives, as well as the kind, number and gender of animals that may be kept and the areas within which the keeping of such animals will be prohibited.

(4) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.

(5) A person who contravenes subsection (1) or who fails to comply with a determination in subsection (3) commits an offence.

3. Visibility of structures on premises

(1) All structures in which animals are kept must be suitably screened from any street.

(2) A person who fails to comply with subsection (1) commits an offence.

4. Duties of owner or keeper of animal

(1) The owner or keeper of an animal—

(a) may not cause or allow an animal to interfere with the comfort, convenience, peace or quiet of other people;

(b) must provide such animal with shelter, water and proper food;

(c) must maintain the premises on which an animal is kept in good repair and in a neat condition in order to prevent the occurrence of a public nuisance; and

(d) must exercise control over his or her animals in order to prevent damage to property or gardens;

(e) may not leave or allow any animal to be on any section of a public road or leave such animal in a place from where it may stray onto such section of a public road.

(2) A person who contravenes a provision of subsection (1) commits an offence.

5. Animals kept in unsatisfactory manner

(1) Whenever animals kept on any premises are a public nuisance, the municipality may by written notice require the owner or occupier of such premises to remove the cause of and to abate such nuisance.

(2) The municipality may prescribe the steps that need to be taken or the work that must be done to remove the cause of and to abate any nuisance.

(3) Any activities undertaken by the owner in terms of a notice contemplated in subsection (1) will be for such owner's own account.

(4) If an owner fails to comply with a notice issued in terms of subsection (1) the municipality may take the steps required and recover the cost thereof from such owner.

(5) A person who fails to comply with a notice contemplated in subsection (1) commits an offence.

6. Destruction of animals

- (1) The municipality may order the authorised or destruction of an animal which is—
- (a) dangerous or ferocious; or
 - (b) injured or diseased to such an extent that it would be humane to do so.
- (2) An animal to be destroyed in terms of subsection (1) must be authorised by a registered veterinary surgeon or destroyed with such instruments or appliances and in such a manner as to inflict as little suffering as possible.
- (3) A person who fails to comply with an order contemplated in subsection (1) or who contravenes subsection (2) commits an offence.

7. Hawking of animals

- (1) No person may hawk an animal in a street or public place or from a movable structure or vehicle.
- (2) A person who contravenes subsection (1) commits an offence.

Part 1—General Provisions relating to dogs, cats and pets**8. Number of dogs and cats**

- (1) Subject to the provisions of section 13, no person may, without the permission of the municipality, keep on any premises—
- (a) more than two dogs; and
 - (b) more than two cats.
- (2) An application for permission in terms of subsection (1) must be submitted on an application form obtainable from the municipality and must contain an exposition of the breed, gender and number of dogs or cats applied for.
- (3) A restriction imposed under section 15 on the number of animals that may be kept on premises does not apply for a period of 10 weeks after the birth of a litter from an animal kept in terms of a permit.
- (4) A person who contravenes subsection (1) commits an offence.

9. Breeders of dogs and cats

- (1) A breeder of dogs or cats who wishes to keep more than two dogs or cats must obtain permission from the municipality.
- (2) The municipality may require the submission of plans and specifications of structures in which it is proposed to keep the dogs or cats as well as a site plan indicating all existing or proposed structures and fences on the premises.
- (3) A person who fails to obtain the permission of the municipality as required in subsection (1) commits an offence.

10. Breeders of pets

- (1) A person who breeds pets must obtain the approval of the municipality.
- (2) The provisions of section 13(2) are with the necessary adjustment applicable to an application in terms subsection (1).
- (3) A person who contravenes subsection (1) commits an offence.

11. Dogs or cats in streets or public places

- (1) Subject to the provisions of the Public Amenities By-law, the owner or keeper of a dog or cat may not bring or allow it in a street or public place unless the dog is on a leash or the cat is under physical control.
- (2) Except in the event of a blind person being led by a guide dog, a person in charge of a dog in a street or public place, must remove any faeces left by the dog by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.
- (3) A person who contravenes any of the provisions of subsection (1) or (2) commits an offence.

Part 2—Specific provisions relating to dogs**12. Control of dogs**

- (1) No person who owns or keeps a dog may—
- (a) permit a bitch on heat to be in a street or public place without supervision;
 - (b) urge a dog to attack, worry or frighten any person or animal unless in self-defense;
 - (c) keep a dog if the premises is not adequately fenced to keep such dog inside when it is not on a leash; or
 - (d) permit a dog—
 - (i) to constitute source of danger or injury to a person outside the premises on which such dog is kept; or
 - (ii) to be a source of danger to employees of the municipality entering such premises for the purpose of carrying out their duties. A notice to the effect that a dog is kept must be displayed in a conspicuous place.

- (e) keep any dog which interferes materially with the comfort, convenience, peace or quiet of neighbours by—
 - (i) barking, yelping, howling or whining;
 - (ii) charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - (iii) by behaving in any other manner.

(2) A person who contravenes a provision of subsection (1) commits an offence.

13. Right of entry and inspection

(1) Any duly authorised employee of the municipality is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this by-law; provided that a private dwelling may not be entered for routine inspection purposes.

(2) When entering premises in terms of subsection (1), the employee must on request by any person, identify him- or herself by producing written proof of authorisation.

(3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.

(4) Any person who fails to give or refuses access to any authorised official, or obstructs or hinders him or her in the execution of his or her duties under this by-law, or who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives false or misleading information knowing it to be false or misleading, commits an offence.

14. Service of documents and process

(1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this by-law, it shall be deemed to have been effectively and sufficiently served on such person—

(a) when it has been delivered to him personally;

(b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;

(c) when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgment of the posting thereof is produced;

(2) When any notice, order, demand or other document is authorised or required to be served on a person, it is not necessary to name him or her but it will be sufficient if he or she is described as the owner, occupier or holder of a right.

15. Short title and commencement

This by-law is called the Keeping/Controlling of Animals By-law and will come into operation on the date of publication thereof in the Provincial Gazette.



KANNALAND
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KANNALAND MUNICIPALITY
BY-LAW RELATING DUMPING AND LITTERING BY-LAW
REGULATIONS

DEFINITIONS

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

“attendant”, means an employee of the municipality or agent of the municipality duly authorised to be in charge of the disposal site;

“municipality” means the Kannaland Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councilor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councilor, agent or employee;

“owner” also means lessee, occupier, resident or any person who obtains a benefit from the premises or is entitled thereto and also includes any insolvent estate, executor, administrator, trustee, liquidator judicial manager;

“premises” means residential-, business-, and industrial premises and includes any land, whether vacant, occupied or with buildings thereon, forming part of a piece of land laid out as a township, irrespective of being proclaimed as a township;

“removal “day” means the day fixed by the municipality for removal of waste from premises and depending on the case may be multiple removals per week;

“dump” means to dispose of waste in any manner other than a manner permitted by law and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever, whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments and sewage and storm water systems. The act of “littering”, which retains its ordinary meaning, is excluded from the definition of “dump”’;

“waste” includes -

- (a) "business waste" which means any matter or substance arising out of the use of business premises but does not include, hazardous waste, material, domestic waste or garden waste;
- (b) "domestic waste" which means any fruit or vegetable peels, fruit or vegetable waste, general domestic waste which is of such size that it may be deposited in a refuse bin but does not include garden waste;
- (c) "garden waste" which means waste originating from a gardening activity such as grass cutting, leaves, plants flowers or similar waste of such size that it can be placed in a refuse bin;
- (d) "hazardous waste" which means any waste, matter or substance which may be hazardous or harmful to the environment and residents or which may pollute the environment including asbestos, motor oils or lubricants, or any other waste, matter or substance which constitutes hazardous waste as envisaged in the Hazardous Substances Act, 1973, Act 15 of 1973;
- (e) "offensive waste" means any waste, matter or substance which may be harmful to the environment and residents and includes, but is not limited to-
 - (i) animal products, animal carcasses and meat as defined in the Meat Safety Act, (Act 40 of 2000) and in the Red Meat Regulations promulgated under GN 1072 of 17 September 2004;
 - (ii) health care waste as defined in the Western Cape Health Care Waste Management Act, 2007, (Act 7 of 2007).;
- (f) "materials" which means any stone, rock, sand, building materials or building rubble or any other type of composite or artificial materials such as plastic pipes and similar materials as well as materials which are utilized in the erection of buildings or structures or any other materials which constitute materials;

DUMPING AND LITTERING

2. (1) No person may—

- (a) litter or cause or permit littering of waste;
- (b) dump or cause or permit the dumping of waste.

(2) If the provisions of subsection (1) are contravened, Council may direct, by way of a written notice in terms of subsection (5), any or all of the following persons—

- (a) any person who committed, or who directly or indirectly caused or permitted, the contravention;
- (b) the generator of the waste, whether or not the generator is responsible for the contravention;
- (c) the owner of the land or premises where the contravention took place, if the owner failed to take the steps set out in subsection (3);
- (d) the person in control of, or any person who has or had, at the time of the contravention, a right to use, the land or premises where the contravention took place, if that person failed to take the steps set out in subsection (3);
- (e) any person who negligently failed to prevent the contravention from taking place, to cease the contravention in a specified time, or to prevent a further contravention or the continuation of the contravention, and to take whatever steps Council considers necessary to clean up or remove the waste, to rehabilitate the affected facets of the environment and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully.

(3) A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for this purpose.

(4) Council may issue notices—

- (a) for the purposes of giving directions in terms of subsection (2);
- (b) for compelling persons to comply with their obligations under subsections (3); and
- (c) for any other purpose under this by-law, and may, in the notice, specify a reasonable time within which the directions given in the notice must be complied with.

(5) In addition, or as an alternative to, the steps set out in subsection (2), or if a person fails to comply with directions given in a notice issued under subsection (4), Council may itself take whatever steps it considers necessary to clean up or remove the waste, to rehabilitate the premises or place and affected facets of the environment at which the waste has been dumped and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully. Council may then recover the costs of taking these steps from any of the persons listed in subsection (2), who shall be jointly and severally liable therefore.

(6) The costs claimed under subsection (5) must be reasonable and may include, but are not limited to, labour, administrative, overhead, investigation and prosecution costs.

OFFENCES

3. Any person who—

- (1) contravenes section 2(1)(a);
- (2) contravenes section 2(1)(b);
- (3) contravenes section 2(3);
- (4) fails to comply with the terms of any notice issued under section 2(4);
- (5) obstructs Council when Council is taking steps under section 2(5), is guilty of an offence.

PENALTIES AND CONVICTIONS

4. (1) Any person guilty of an offence under section 3(1) is liable to a fine or imprisonment for a period not exceeding 60 days, or to both a fine and such imprisonment.

(2) Any person guilty of an offence under sections 3(2), 3(3), 3(4) and 3(5) is liable to a fine or imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

(3) A court shall, on a second and on subsequent convictions of a person guilty of an offence under section 3 (2) of this by-law, impose a sentence of a fine or imprisonment for a period not less than one year, or of both a fine and such imprisonment; provided that if the court is satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence, the court shall enter those circumstances on the record of the proceedings and may impose such a lesser sentence.

- (4) A court convicting a person of a first offence under this by-law may impose a sentence of community service in place of a fine or imprisonment.
- (5) A court may, when considering sentence, take into account as aggravating circumstances that, *inter alia*—
- (a) a convicted person has delayed in complying with the terms of any notice or directions given to the person under this by-law;
 - (b) a financial advantage was or would have been gained by a convicted person in consequence of the commission of the offence.
 - (c) The dumped waste posed a potential or actual threat to public health, public safety or the environment.
- (6) If a person is convicted of an offence under this by-law which has caused damage to or loss of property or which has had an adverse impact on the environment then, in addition to any other sentence it imposes, the court may—
- (a) if the property belongs to another person, and on the application of the injured person or the prosecutor acting on the instructions of the injured person, order the convicted person to pay the injured person compensation for the damage or loss in accordance with section 300 of the Criminal Procedure Act, 51 of 1977;
 - (b) order the convicted person to, at his or her cost, and to the satisfaction of the Council, repair the damage and/or make good the loss and/or rehabilitate the environment.
- (7) If a person is convicted of an offence under this by-law, the court may, in addition to any other punishment which it imposes, issue an order compelling the person to comply, within a period determined by the court, with the relevant provisions of this by-law or, where applicable, with the relevant provisions of any notice issued under this by-law.
- (8) If—
- (a) a manager, agent or employee does or omits to do an act which it was his or her task to do or refrain from doing and which, under this by-law, is an offence for the employer to do or refrain from doing; and
 - (b) the act or the omission of the manager, agent or employee took place because the employer failed to take all reasonable steps to prevent the act or omission, then the employer is guilty of the offence and proof of the act or omission by the manager, agent or employer is *prima facie* evidence that the employer is guilty under this subsection; provided that no penalty other than a fine shall be imposed if a conviction is based on this subsection.

REPEAL OF BY-LAWS

5. Any by-laws relating to dumping and littering adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these bylaws.

Short title and Commencement

6. This By -law shall be called the Dumping and littering By -Laws, No: 3 of 2008 and takes effect on the date of publication hereof.



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KANNALAND MUNICIPALITY BY-LAW RELATING TO COMMUNITY FIRE SAFETY REGULATIONS

The Municipal Council of Kannaland Municipality recognizes that:

- x Everyone has the constitutional right to an environment that is not harmful to their safety or well-being;
- x Losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship;
- x The protection of all sectors of the community against fire is an important aspect in the development and sustainability of the economy;
- x Certain aspects of the daily existence need to be controlled in such a manner as to prevent and reduce the effects of fire on the community as a whole;
- x The community has a vital role to play in achieving the objectives of this by-law; and
- x The benefits of a fire-safe environment should be accessible to all.

DEFINITIONS, PURPOSE SCOPE

1 Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of any inconsistency between the different texts and unless the context otherwise indicates:

“building” means –

- (1) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof erected or used for or in connection with:
 - the accommodation or convenience of human beings or animals;
 - the manufacture, processing, storage or sale of any goods;
 - the rendering of any service;
 - the destruction or treatment of combustible refuse or combustible waste; and
 - the cultivation or growing of any plant or crop;
- (2) any wall, swimming pool, reservoir, bridge or any other structure connected therewith;
- (3) any fuel pump or any tank used in connection therewith;
- (4) any part of a building, including a building as defined in paragraph (a), (b) or (c); and
- (5) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm-water disposal, electricity supply or other similar service in respect of the building;

“National Building Regulations” means the regulations promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and

- (a) National Building Regulations (A2) means the provisions regulating the submission of building plans and particulars to the Municipality;
- (b) National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies;
- (c) National Building Regulations (A21) means the provisions regulating the population of a building;
- (d) National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building; and
- (e) National Building Regulations (T2) means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

“Chief Fire Officer” means the person in charge of a service, or the Acting Chief Officer, as contemplated in the Fire Brigade Services Act, Act 99 of 1987;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"escape route plan" means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

"fire control zone" may include any premises or area that is in close proximity to an area or premises of high fire risk or sensitive land use;

"Hazardous Substances Act" means the Hazardous Substances Act, 1973 (Act 15 of 1973);

"Municipal Manager" means a person appointed in terms of section 82 of the Municipal Structures Act, 1998 (Act 117 of 1998);

2 Purpose, scope and application of this by-law

- (1) The purpose and scope of the by-law is—
 - (a) to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;
 - (b) to repeal all existing relevant by-laws of the Municipality; and
 - (c) to provide for procedures, methods and practices to regulate fire safety within the jurisdiction of the Municipality.
- (2) This by-law is applicable to all persons within the jurisdiction of the Municipality and includes both formal and informal sectors of the community and economy.
- (3) If any provision in this by-law vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81(2) of the Municipal Systems Act (Act 32 of 2000) or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

ADMINISTRATIVE PROVISIONS

3. Administration and enforcement

- (1) The Chief Fire Officer is responsible for the administration and enforcement of this by-law.
- (2) Where no Chief Fire Officer has been appointed in terms of the Fire Brigade Services Act, Act 99 of 1987, the Municipal Manager is responsible for the administration and enforcement of this by-law.
- (3) Where there is no service established in the area of jurisdiction of the Municipality, the Municipal Manager is responsible for the administration and enforcement of this by-law.

4. Delegation

- (1) A Chief Fire Officer may delegate any power granted to him in terms of this by-law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A Municipal Manager may delegate any power granted to him in terms of this by-law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.

5. Interference with the service

- (a) No person may interfere with, prevent, obstruct or hinder the Chief Fire Officer, the Municipal Manager or any member in the execution of his or her duties as contemplated in the Act and this by-law.
- (b) Any person who contravenes subsection (1) commits an offence.

6. Furnishing of false information

- (a) No person may willfully give any member of the service any notice, or furnish any information regarding an outbreak of fire, or any other emergency requiring the attendance of the service, and which, to his or her knowledge, is false or inaccurate.
- (b) Any person who contravenes subsection (1) commits an offence.

7. Charges

- (1) The Municipality may determine the fees payable by a person on whose behalf the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.
- (2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

8. Reporting a fire hazard and other threatening danger

An owner or the person in charge of premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this by-law, must immediately notify the controlling authority.

9. Escape routes

- (1) A component, which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors, must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from the building in the case of fire or any other emergency.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- (3) Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.

VELDFIRE PREVENTION THROUGH FIREBREAKS**10. Requirements for firebreaks**

An owner or occupier who is obliged to prepare and maintain a firebreak must ensure that, with due regard to the weather, climate, terrain and vegetation of the area-

- (1) it is wide enough and long enough to have a reasonable chance of preventing a field fire from spreading to or from neighbouring land;
- (2) it does not cause soil erosion; and
- (3) it is reasonably free of inflammable material capable of carrying a field fire across it.

11. Additional requirements

The National Veld and Forest Fire Act, Act 101 of 1998, Chapter 4, places a duty on owners or occupiers to prepare and maintain firebreaks. The requirement of Chapter 4 must be complied with as applicable, in addition to the requirements of this by-law.

PUBLIC SAFETY**12. Safety requirements for informal settlement areas**

In the event of the establishment of any informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:

- (a) a safety distance of 3 metres between structures shall be maintained; and
- (b) the settlement must be divided into blocks of not more than 20 structures per block, with a minimum distance of 6 metres between blocks; and
- (c) a safety height of 4 metres from normal ground level free from any overhead obstructions shall be maintained.

DECLARATION OF FIRE CONTROL ZONES**13. Declaration of fire control zones**

- a. Where the Chief Fire Officer is of the opinion that a fire control zone should be declared in the area or that a fire control zone should be disestablished, he or she must, after consultation with the Fire Protection Association for its jurisdiction, cause such intention to be published in terms of the Municipality's public participation policy.
- b. If the Municipality is of the opinion that any objection or comment should be investigated, it may decide to hold a public enquiry.
- c. If the Municipality decides to hold a public enquiry, it must –
 - i. appoint a suitably qualified person or panel of persons to hold such enquiry; and
 - ii. determine the procedure for the public enquiry, which may include a public hearing.
- d. The person or panel of persons appointed to hold such enquiry must conduct the enquiry in accordance with the procedure prescribed and compile a written report to the relevant portfolio committee on the enquiry and give reasons for any administrative action recommended.
- e. Where practical, the Municipality shall as soon as possible after the submission of the report to the relevant portfolio committee, publish a concise summary of such report and the particulars of the places and times at which the report may be inspected and copied.

- f. After the Municipality has taken into account any comment or objection in respect of such proposed declaration or disestablishment, it may declare a fire control zone or disestablish any such fire control zone concerned
- g. The Municipality must publish such zone or amended zone.

FIRE HAZARDS

14. Fireworks

- a. Any person who wishes to use or discharge any fireworks may only do so if he or she is in possession of a permit authorizing such use, issued by an inspector in the manner prescribed by the Explosives Act, Act 15 of 2003 and must make application for permission for a fireworks display as set out in Schedule 1 (I).
- b. The Municipality may designate:
 - i. any public open space; or
 - ii. on the application of the owner or lawful occupier, any private open space as defined in the Zoning Regulations of the Kannaland Municipality or its legal predecessors as the only place at which fireworks may be discharged, and further the Municipality may impose conditions as to the dates on which and/or periods of time and/or hours when such discharge may take place and further may impose conditions as to the manner of discharge.
- c. No person may discharge any firework outside an area designated by the Municipality.

15. Designated Areas

The Municipality may, by annually publishing notices in at least 3 newspapers circulating in its area of jurisdiction, designate places as places where legally permitted fireworks as defined in the Explosives Act, Act 15 of 2003, and the regulations framed thereunder, may be discharged.

16. Offences and penalties

- a. Any person who:
 - i. contravenes any of the provisions of this by-law or fails to comply therewith; or
 - ii. contravenes or fails to comply with any order made hereunder or any notice served in connection herewith, is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.
- b. The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.
- c. The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.
- d. Notwithstanding the penalties as prescribed in the Fire Brigade Services Act, a controlling authority may also impose an admission of guilt fine to anyone who contravenes this by-law.

17. Repeal of laws and savings

- a. The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.
- b. In the event of any conflict between the provisions of this by-law and the provisions in any other by-law, the provisions of this by-law shall prevail.
- c. A certificate that was issued, a written notice that was served or any other enforcement act done in terms of a by-law repealed in subsection (1), within six months prior to the commencements of this by-law shall be deemed to be a certificate issued, a notice served or an enforcement act done by a controlling authority in terms of this by-law.

18. Short title and Commencement

This by-law is called the Kannaland Municipality: Community Fire Safety By-law and comes into operation on the date of publication in the *Provincial Gazette*.



KANNALAND MUNISIPALITEIT | MUNICIPALITY

KANNALAND MUNICIPALITY BY-LAW RELATING TO HOME STORES REGULATIONS

POLICY REGARDING THE MANAGEMENT OF HOME STORES

1. Introduction

In order to sensibly facilitate this aspect of the community's economic activities, it is necessary to reflect on the handling and organization of the activities of the owners of the home shops. The current economic climate means that there is an increase in the industry and that it is necessary to put certain rules and procedures in place.

The purpose of these rules and procedures is not to deprive residents of their only source of income, but only to help establish certain standards and orderliness in the industry.

2. Policy objectives

2.1 The policy aims to address the need that exists for the operation of home shops.

2.2 The policy further aims to regulate the quality of products and service delivery in order to ensure the community of the greatest benefit of this industry.

2.3 Through this policy, the Municipality seeks to create an environment favourable to informal trade, but also in accordance with the rules and procedures of healthy administration and orderly land use.

2.4 The community's right to quality products and healthy food is hereby recognized as one of the main objectives of this policy.

2.5 It further aims to accommodate the owners of these housing estates also in the mainstream of economic activities, but also offset existing interests of the formal sector in this regard.

2.6 The application of existing zoning requirements and the land use rules must be constantly taken into account as well as the impact of the Spatial Development Framework which will regulate these specific aspects in the future.

2.7 The Integrated Development Plan with the economic perspective linked to it and initiatives in this regard must also be taken into account.

3. The policy

3.1 The Council realizes that the existence of home shops cannot be ignored.

3.2 The Council does not wish to act restrictively with this policy but rather enabling and to the benefit of the larger community.

3.3 Owners of home shops must comply with certain rules and requirements:

(a) The premises must be accessible to the public without risks of injury through access roads, inadequate fencing and unmarked stairs as well as the risk of guard dogs found on premises.

(b) The product range offered in the home stores must be approved in advance per application and the continuous application of the permitted use must be monitored as well as the certificate of acceptability that must be issued before business can start.

(c) Health regulations applicable to the handling, storage and processing of food must be strictly observed.

(d) Application for the granting of permitted use in respect of the opening of home shops must be made on the prescribed form as applicable to all permitted use applications and will be handled on the basis of basic zoning criteria as appropriate by the Council. Land use restrictions that apply as a result of the Scheme Regulations to a particular zone will be offset against applications. Approval of applications will only take place on a temporary basis, in the case for a period of five years which means that it has only been used for permission.

(e) Applications must also be accompanied by a certificate of acceptability issued by the officer in charge of community and environmental health.

(f) Home stores must have suitable storage space as well as the appropriate cooling facilities, especially where perishable products are concerned.

**APPLICATION FOR A CERTIFICATE OF ACCEPTABLE WORK
(PURSUANT TO R918 OF 30 JULY 1999, ARTICLE 3 (3))**

A.	Person in charge
-----------	-------------------------

Surname and names of person in whose name the certificate of acceptability is to be issued.	
--	--

B.	Postal address
-----------	-----------------------

Phone number	Work:	Home:
---------------------	--------------	--------------

Details of food premises	
---------------------------------	--

Name of food premises (if any)	
---------------------------------------	--

Erf or number (if applicable)	
--------------------------------------	--

Type of food premises (eg building, vehicle, stall)	
--	--

Physical address or address for inspection	
---	--

If the following is not on the food premises, state the address or describe its location:		
	Erf Number	Address
Sanitary (toilet) facilities		
Cleaning facilities (laundry for facilities)		
Hand washing facilities		
Store location of food/facilities preparation site		

C.	Food category
-----------	----------------------

List and describe the food items or the nature or type of food involved	

--	--

D.	Nature of food handling
-----------	--------------------------------

List and describe what the activities will involve (e.g. preparation/ packaging/ processing)	<table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>							

E.	Staff
-----------	--------------

Number of persons employed	Men		Women	
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F.	Details of exemptions applied for (Regulation 15(1))
-----------	--

	<table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>						

G.	Details of applicant
-----------	-----------------------------

	Name	
	Capacity (eg. Owner, manager)	
	Postal address	
	Telephone number	
	Date of application	

KANNALAND MUNICIPALITY
BY-LAW RELATING TO LIQUOR REGULATIONS

KANNALAND MUNICIPALITY



KANNALAND
MUNISIPALITEIT | MUNICIPALITY

LIQUOR REGULATIONS BY-LAW

KANNALAND MUNICIPALITY
BY-LAW RELATING TO LIQUOR REGULATIONS

KANNALAND MUNICIPALITY
CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LAW,

2023

To provide for the control of undertakings selling liquor to the public including the control of trading times in order to ensure a safe and healthy environment in the Kannaland Municipal area; and to provide for matters related thereto.

PREAMBLE

WHEREAS a Municipality may, in terms of section 156(1)(a) and (2) read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, make and administer by-laws for the effective administration of matters which it has the right to administer; and

WHEREAS it is the intention of the Municipality to set trading times and enforcement mechanisms for the control of licensed undertakings that sell liquor to the public and which are situated within the jurisdiction of the Kannaland Municipality;

AND NOW THEREFORE, BE IT ENACTED by the Council of the Kannaland Municipality, as follows: –

DEFINITIONS

In this By-Law, unless the context indicates otherwise –

“**authorised official**” means a delegated employee of the Kannaland Municipality’s Directorate: Community Services and includes any other authorised official delegated to enforce the provisions of this by-law;

“**compliance notice**” means written instruction of an authorised official as contemplated in section 7;

“**Council**” means the Municipal Council of Kannaland Municipality as referred to in Section 157(1) of the Constitution of the Republic of South Africa, 1996 and “**Municipal Council**” shall have a corresponding meaning;

“**guest accommodation establishment**” means premises used as temporary residential accommodation, and includes the provision of meals for transient guests for compensation and includes a backpacker’s lodge, a bed-and-breakfast establishment, guest house and guest farm or lodge, as well as facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

“**hotel**” means premises used as temporary residential accommodation for transient guests where lodging or meals are provided for compensation, and includes –

- (a) a restaurant forming part of the hotel;
- (b) a conference and entertainment facility that is subservient and ancillary to the dominant use of the premises as a hotel; and
- (c) premises licensed to sell liquor for consumption on the property, but excludes an off-consumption facility, guest accommodation establishment, dwelling house or dwelling unit;

KANNALAND MUNICIPALITY
BY-LAW RELATING TO LIQUOR REGULATIONS

“licensee” means a person who is licensed to sell liquor in terms of the Act and includes the manager who is responsible for the management of the business and is subject to the same duties, obligations and liabilities as the licensee;

“liquor” means liquor as defined in the Liquor Products Act, No. 60 of 1989 as amended;

“Liquor By-Law Committee” means a committee which has been delegated by Council to make recommendations regarding liquor licence applications and to approve, amend or refuse applications for extension of liquor trading days and hours for both on-and off consumption premises; and to reduce the trading hours as set out in the Schedule to this By-Law in respect of certain on- and off-consumption premises.

“Municipality” means:

- (a) the Kannaland Municipality, a local municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
- (b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by this By-Law the Municipal Manager or his/her delegate in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of this by-law or any other law; or
- (c) an authorised agent of the Kannaland Municipality;

“municipal manager” means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) and includes any person to whom the municipal manager has delegated a power, function or duty but only in respect of that delegated power, function or duty

“off-consumption premises” means the place of business from which a licensee sells liquor to be consumed at a location removed from the place of business;

“on-consumption premises” means the place of business and location in which liquor is sold and consumed;

“person” means a natural person or a juristic person;

“population certificate” means an occupancy certificate aimed at the prevention and control of overcrowding;

“revocation notice” means a written notice to revoke extended liquor trading days and hours as contemplated in section 8;

“schedule” means the schedule for trading days and hours for licensed businesses which forms part of this By-Law;

“sell” includes –

- (a) to supply, exchange, offer for sale, display for the purpose of sale; or
- (b) to authorise, direct or allow a sale, supply, exchange, offer for sale or display for sale;

for the exchange of money or any other type of consideration and **“sale”** and **“sold”** have corresponding meanings;

“standard trading” means trading days and trading hours as contemplated in sections 4 and 5 of this By-Law, and excludes extended or reduced trading days and hours that may be approved by the Liquor By-Law Committee in terms of sections 6 and 7 of this By-Law;

“the Act” means the Western Cape Liquor Act, 2008 (Act No. 4 of 2008) as amended;

KANNALAND MUNICIPALITY
BY-LAW RELATING TO LIQUOR REGULATIONS

“zoned” means zoned as the case may be in terms of the Kannaland Municipality

Zoning Scheme By-Law; and “zoning” has a corresponding meaning.

2. APPLICATION

This By-Law is applicable to the sale of liquor by any person to the public within the jurisdiction of the Municipality.

3. GENERAL PROHIBITION

No person may sell liquor to the public for on consumption or off consumption –

- (a) outside of the days and hours that have been determined by the Municipality; and
- (b) without a valid liquor license that has been issued as contemplated in the Act.

4. STANDARD TRADING TIMES: ON-CONSUMPTION PREMISES

(1) A licensee may sell liquor for consumption on the licensed premises on the following days and hours:

- (a) on any day of the week from Monday to Sunday;
- (b) during the hours of trade as set out in the Schedule; and
- (c) any such days or hours as the Council may determine, as set out in the Schedule.

(2) A licensee may allow a patron to complete the consumption of liquor on the premises at a time when the sale of liquor is not permitted by this By-Law, but may not allow such consumption on the premises for more than 30 minutes after the time permitted by this By-Law.

(3) A hotel or guest accommodation establishment licensed to sell liquor for on consumption, may provide access to a bar facility inside each private suite or room for the enjoyment of a guest occupying such private suite or room, and may offer a room service facility.

5. STANDARD TRADING TIMES: OFF-CONSUMPTION PREMISES

A licensee may sell liquor for consumption off the licensed premises on the following days and hours –

- (a) on any day of the week from Monday to Sunday;
- (b) during the hours of trade as set out in the Schedule; and
- (c) on any such days or hours as the Council may determine, as set out in the Schedule.

6. EXTENDED TRADING TIMES: APPLICATION FOR EXTENDED TRADING DAYS AND HOURS

(1) Subject to subsection (5), (6) and (7) a licensee may upon payment of the required fee as determined during the annual budget, submit a written application to the Municipality to extend the liquor trading days and hours of licensed premises for a maximum period of one year.

KANNALAND MUNICIPALITY
BY-LAW RELATING TO LIQUOR REGULATIONS

- (2) The Liquor By-Law Committee may approve, amend or refuse an application for an extension of liquor trading days and hours for both on and off-consumption premises.
- (3) An application for extension of trading days and hours is not automatically renewable and –
 - (a) must be submitted to the Liquor By-Law Committee for consideration on an annual basis;
 - (b) may be approved by the Liquor By-Law Committee, subject to the imposition of conditions for extended liquor trading days and hours.
- (4) Applications and yearly renewals will only be considered or processed for approval by the Liquor By-Law Committee during the period starting 1 January and ending 31 October of the same year.
- (5) The Liquor By-Law Committee may approve, amend or refuse an application for the extension of liquor trading hours –
 - (a) up to 03:00 the next day for on-consumption premises from Monday to Sunday; and
 - (b) up to 23:00 for off-consumption premises from Monday to Saturday.
- (6) No rights accrue to any licensee who has submitted an application for extension of trading days and hours before the proof of written approval is received from the Liquor By-Law Committee by such licensee.
- (7) The Liquor By-Law Committee must, before approving an application for the extension of trading days and hours, reasonably and fairly consider further factors which may include, inter alia –
 - (a) the validity of the liquor licence;
 - (b) where applicable, the validity of a business licence issued in terms of the Businesses Act of 1991 (Act no. 71 of 1991);
 - (c) location of the establishment of the licensee;
 - (d) previous suspension, amendment or revocation of extended trading days and hours including previous records of complaints investigated and confirmed in respect of the last twelve months preceding a current application for extension;
 - (e) the proximity of the licensed premises to surrounding residential zoned area, cultural, religious and educational facilities;
 - (f) outcome of community consultation and the recommendation of the relevant ward;
 - (g) the potential impact on the surrounding environment;
 - (h) whether it is in the public interest to approve and grant an extension of trading days or hours;
 - (i) the period for which application is made; and
 - (j) a motivation from the applicant dealing with the impact of –
 - the risks to and nuisances on the surrounding community;
 - mitigation measures to assist the control of risks and nuisances; and
 - possible benefits of extended liquor trading days and hours on the surrounding community.

KANNALAND MUNICIPALITY
BY-LAW RELATING TO LIQUOR REGULATIONS

7. REDUCED TRADING HOURS

The Liquor By-Law Committee may on application/recommendation and in its discretion, reduce the trading hours as set out in the schedule for certain on- and off-consumption premises after taking into consideration the zoning and location of the premises, as well as any other factors it may deem relevant.

8. COMPLIANCE NOTICE

- (1) An authorised official may serve a compliance notice on a licensee thereby instructing such licensee to comply with the provisions of this By-Law.
- (2) The compliance notice must specify –
 - (a) the contravention and the expected remedy of the contravention;
 - (b) the time frame in which the licensee must remedy the contravention and comply with any lawful instruction contained in the compliance notice; and
 - (c) the consequences of failure to comply with paragraphs (a) and (b).
- (3) A licensee commits an offence if such licensee fails to adhere to the instructions contained in a compliance notice.

9. REVOCATION OF EXTENDED LIQUOR TRADING DAYS AND HOURS

- (1) An authorised official may –
 - (a) after the time frame specified in the compliance notice has lapsed; and
 - (b) upon delivery of a revocation notice to the licensee immediately revoke the licensee's extended trading days and hours.
- (2) No person may continue selling liquor to the public during the extended days and hours of liquor trading which have been revoked.
- (3) The Municipality may not be held responsible for any loss of income suffered by a licensee due to the revocation of extended trading days and hours.

10. PREVENTION OF SALE OF LIQUOR AND SEIZURE OF LIQUOR

- (1) The Municipality may, in the instance that the licensee has contravened this By-Law and failed to adhere to a compliance or revocation notice that was served –
 - (a) cause the prevention of sale of liquor; and
 - (b) seize any liquor on the premises in accordance with the procedures as contemplated in the Criminal Procedure Act, 1977 (Act no. 51 of 1977).

KANNALAND MUNICIPALITY
BY-LAW RELATING TO LIQUOR REGULATIONS

- (2) Where the sale of liquor is prevented and liquor is seized as contemplated in subsection (1), the Municipality may recover any costs incurred by the Municipality from the licensee.

11. DISPLAY OF SIGNAGE, POPULATION CERTIFICATE AND OTHER OBLIGATIONS OF LICENSEE

- (1) The licensee must ensure that the relevant approval relating to hours of trade together with the population certificate, for on consumption premises, are always present and displayed on the premises.
- (2) Licensees must ensure that the licensed premises meets and complies with all environmental-, health-, planning- and safety laws; business licenses and conditions imposed by the Liquor By-Law Committee.

12. SAFETY AND SECURITY

The licensee must ensure that reasonable safety and security measures are in place for the protection of patrons of the licensed premises by ensuring that, inter alia –

- (a) the storage of goods and equipment and the condition of the premises and any structure thereon do not cause a danger to the safety of patrons inside the premises;
- (b) the premises adheres to the requirements of the National Building Regulations and Building Standards Act, 1977, (Act 103 of 1977); the Kannaland Municipality By-Law Relating to Community Fire and Safety 2009 and any other permission granted by the Municipality; and
- (c) there is adequate lighting on the outside of the premises where patrons and staff access and exit the licensed premises.

13. NUISANCES

A licensee selling liquor to the public must take reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected and inconvenienced by noise or other nuisances emanating from the premises.

14. OFFENCES AND PENALTIES

Any person or licensee who –

- (a) contravenes or fails to comply with any provision of this By-Law;
- (b) fails to comply with the terms of a notice served upon him in terms of this by-law;
- (c) interferes, obstructs, hampers or handicaps or furnishes false or misleading information to any authorised official in the

KANNALAND MUNICIPALITY
BY-LAW RELATING TO LIQUOR REGULATIONS

execution of any power or the performance of any duty or
function in terms of any provision of this By-Law;

is guilty of an offence and liable on conviction:

to a fine or imprisonment, or to both such fine and such
imprisonment; and

in the case of a continuing offence, to an additional fine or
an additional period of imprisonment, or to both such
additional fine and imprisonment for each day on which such
offence is continued; and

a further amount equal to any costs and expenses found
by the court to have been incurred by the Municipality as a
result of such contravention or failure;

15. ADMINISTRATION AND ENFORCEMENT

- (a) The Council may, with exclusion of Sections 4 and 5, delegate the responsibility for the administration and enforcement of this By-Law to any Director.
- (b) The Director may delegate in writing any power or duty granted to him/her in terms of this By-Law to an official in his/her Directorate.

16. RIGHT OF APPEAL

Any licensee or objector whose rights have been affected by a final decision taken with regards to –

- (a) an application for extended trading days and hours;
 - (b) the amendment or revocation of extended trading days and hours, or
 - (c) the reduction of trading hours
- may appeal against that final decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)

18. TITLE AND COMMENCEMENT

- (1) This By-Law is called the Kannalnd Municipality: Control of Undertakings that Sell Liquor to the Public By-Law, 2023.
- (2) In the event of an inconsistency between the English, Afrikaans or Xhosa text, the English text shall prevail.
- (3) This By-Law shall come into operation on the date of publication thereof in the Provincial Gazette.

KANNALAND MUNICIPALITY
BY-LAW RELATING TO LIQUOR REGULATIONS

SCHEDULE
TRADING DAYS AND HOURS FOR LICENSED BUSINESSES

Trading days and hours of liquor for licensed businesses selling liquor for consumption on and off the licensed premises. Licenses granted in terms of section 33 of the Act.

- (a) Licensed for the micro-manufacture and sale of liquor for consumption both **on** and **off** the premises where sold: Section 33(a):
- | | | |
|------------------|---------------------|---------------------------|
| Consumption on: | Monday to Sunday: | 09:00 to 04:00 (next day) |
| Consumption off: | Monday to Saturday: | 09:00 to 20:00 |
| | Sunday: | 09:00 to 13:00 |
- (b) (i) Retail sale of liquor for consumption **on** the premises where the liquor is being sold: Section 33(b):
- | | |
|-------------------|---------------------------|
| Monday to Sunday: | 09:00 to 04:00 (next day) |
|-------------------|---------------------------|
- (ii) A licensed undertaking for consumption **on** the premises, operating as a Casino that has been granted a valid Casino Operator Licence: Section 33(b):
- | | |
|-------------------|------------------|
| Monday to Sunday: | 24 hours per day |
|-------------------|------------------|
- (c) Retail sale of liquor for consumption **off** the premises where the liquor is being sold: Section 33(c):
- | | |
|---------------------|----------------|
| Monday to Saturday: | 09:00 to 20:00 |
| Sunday: | 09:00 to 13:00 |
- (e) Retail sale of liquor:– Section 33(2):
- (i) Temporary liquor licence for the consumption of liquor **on** or **off** the premises where the liquor is sold; and
- (ii) An event liquor licence for the consumption **on** or **off** the premises where the liquor is sold at an event:
- for the duration of the event stipulated in the temporary or event licence, or as determined by the Liquor Licensing Tribunal subject to the prescribed hours determined in terms of this Schedule.



KANNALAND MUNISIPALITEIT | MUNICIPALITY

KANNALAND MUNICIPALITY BY-LAW RELATING TO STREET TRADING REGULATIONS

In terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Kannaland Municipality enacts as follows:-

1. Definitions

(1) In this by-law, unless the context otherwise indicates –

“**Act**” means the Businesses Act, 1991 (Act 71 of 1991), and includes the regulations promulgated under the Act;

“**advertisement**” means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol, or any light which is not intended solely for illumination or as a warning against any dangers;

“**advertising**” means the act or process of notifying, warning, informing, displaying, making known or any other act of transferring information with a commercial message;

“**approval**” means approval by the municipality and “**approve**” has a corresponding meaning;

“**garden**” means a garden to which the public has a right to access; “**goods**” means any movable property and includes a living thing;

“**intersection**” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act 93 of 1996);

“**litter**” means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste disposal or processing facility; “**motor vehicle**” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“**municipality**” means –

- (a) the Kannaland Municipality, and includes any political structure, political office bearer, councilor, duly authorised agent, representative or service provider thereof or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councilor, agent or employee; or
- (b) A service provider fulfilling a responsibility under this by-law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law as the case may be;

“**municipal manager**” is the person appointed by the municipality in terms of Section 82 of the Municipal Structures Act, 1998 and includes any person:

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated any power, function or responsibility in as far as it concerns the execution of those powers, functions or duties.

“**nuisance**” means any act, omission or condition which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which affects, or may affect, the safety of the public;

“official” means a designated officer who is authorized by the municipality to perform and exercise any or all of the functions and powers contemplated in this by-law;

“park” means a park to which the public has a right to access;

“perishable foodstuffs” mean perishable foodstuffs declared as such in the Perishable Foodstuffs Regulations published under Government Notice R1183 in Government Gazette 12497 of 1 June 1990 (as amended) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972 and which includes meat, milk, fish, fish spawn, molluscs, crustaceans, fruit, vegetables and bread;

“premises” includes any land, building, structure, part of a building or of a structure, or any vehicle, conveyance, vessel or aircraft;

“prescribed” means prescribed by the municipality by resolution;

“property”, in relation to a street trader, means goods in which a street trader trades, and includes any article, container, vehicle or structure used or intended to be used in connection with street trading by the street trader;

2. Principles and objectives

- (1) The Municipality, acting in terms of section 6A(1)(a)(i) of the Businesses Act, 1991 (Act 71 of 1991), and –
 - (a) having regard to the principles set out in the Act and in the Constitution;
 - (b) taking into consideration the need of the residents to actively participate in economic activities; and
 - (c) taking into consideration the need to maintain a clean, healthy and safe environment, in this by-law provides mechanisms, procedures and rules to manage street trading.
- (2) In the development and management of its obligations and the implementation of this by-law, the municipality also recognises the infrastructural, social and economical disparities and inequalities resulting from previous local government dispensations and shall strive to overcome such disparities and inequalities by supporting the new goals for local government as determined in section 152 of the Constitution.
- (3) In the implementation and enforcement of this by-law, the municipality may take into consideration the realities of the Kannaland area, the need for local economic development, the duty to promote local tourism, the different customs, cultures, circumstances, geographical areas, kinds of premises, levels of development and conventions and the municipality may use the devices provided for in this by-law, including the application of different norms, standards and guidelines, the granting of exemptions and the utilisation of liaison forums.

3. Application

This by-law applies to all persons who carry on the business of street trading within the area of jurisdiction of the Kannaland Municipality.

GENERAL PROVISIONS APPLICABLE TO STREET TRADING

4. Restricted and prohibited areas

- (1) The municipality may, in terms of section 6A(2)(a) of the Act and subject to the provisions of paragraphs (b) up to and including (j) of section 6A(2), declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited.
- (2) The municipality may by public notice and by erected sign indicate such areas, and the notice and sign must indicate –
 - (a) the restriction or prohibition against street trading;
 - (b) if street trading is restricted –
 - (i) the boundaries of the area or stand set aside for restricted street trading;
 - (ii) the hours when street trading is restricted or prohibited; and

- (iii) the goods or services in respect of which street trading is restricted or prohibited; and
 - (c) that the area has been let or otherwise allocated.
- (3) The municipality may change the areas contemplated in subsection (1) if the needs and circumstances of residents and street traders demand such reconsideration.
- (4) A person who carries on the business of a street trader in contravention of a notice contemplated in subsection (2) commits an offence.

5. Places where street trading is prohibited

- (1) Unless the municipality has so permitted in terms of an agreement or by means of the display of a sign, no person may carry on the business of a street trader in any of the following places:
- (a) In a garden or a park to which the public has a right of access; or
 - (b) on a verge contiguous to –
 - (i) a building belonging to, or occupied solely by the State or the municipality;
 - (ii) a church or other place of worship; or
 - (iii) a building declared to be a public monument under the National Heritage Resources Act, 1999.
- (2) No person may carry on the business of a street trader in any of the following places:
- (a) in a place declared by the municipality under section 6A(2)(a) of the Act as a place in which street trading is prohibited;
 - (b) at a place where street trading obstructs the use of the sidewalk by pedestrians or interferes with the ability of persons using the sidewalk to view the goods displayed behind a shop display window or obscures such goods from view.
 - (c) within 5 metres of an intersection as defined in Regulation 322 of the National Road Traffic Regulations published under GN R225 in GG 20963 of 17 March 2000 in terms of the National Road Traffic Act, 1996 (Act 93 of 1996);
 - (d) at a place where street trading obstructs –
 - (i) a fire hydrant;
 - (ii) the entrance to, or exit from, a building;
 - (iii) vehicular traffic;
 - (iv) access to a pedestrian crossing, a parking or loading bay or any other facility for vehicular or pedestrian traffic;
 - (3) No person may purchase or offer to purchase from a street trader any goods or service, including casual labour services, in or at a place where street trading is prohibited.
 - (4) A person who contravenes a provision of this section commits an offence.

6. Duties of street trader

- (1) A street trader must –
- (a) when he or she concludes business for the day, remove his or her property, except if stored in any structure approved and permitted by the municipality, to a place which is not part of a public road or public amenity;
 - (b) when requested by an official of the municipality or a by a person who has been authorized to provide municipal services, move his or her property so as to permit the official or other person to carry out any work in relation to a public road, public amenity or service;
 - (c) keep the area or stand occupied by him or her in a clean and sanitary condition;
 - (d) ensure that the area is free of litter at all times, and must, when he or she concludes business for the day, dispose of litter generated by his or her business in receptacles provided by the municipality for the public;
- (2) A person who contravenes a provision of subsection (1) commits an offence.

7. Prohibited conduct

- (1) A street trader –
- (a) may not sleep or overnight at the area where he or she is trading, or at the area where another street trader is trading;
- (b) may not place or stack his or her property in such a manner that it –
- (i) constitutes a danger to any person or property; or
- (ii) is likely to injure any person or cause damage to any property;
- (c) may not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (d) may not release onto a public road or public amenity or into a storm water drain any fat, oil or grease in the course of conducting his or her business;
- (e) may not allow smoke, fumes, noise, smells, or other substance arising from his or her activities to cause a nuisance or pollution of any kind;
- (2) A person who contravenes a provision of subsection (1) commits an offence.

8. Removal and impoundment

- (1) An official who reasonably suspects that property is being used or intended to be used in, or in connection with, street trading, whether or not the property is in possession or under the control of any person may, subject to subsection (2), remove and impound the property which he or she finds at a place where street trading is restricted or prohibited and which constitutes an infringement of any such restriction or prohibition.
- (2) An official who acts under subsection (1) must, except in the case of goods that have been left or abandoned, issue to the street trader a receipt for the property so removed and impounded and the receipt must contain the following particulars:
- (a) the address where the impounded property will be kept and the period it will be kept;
- (b) the conditions for the release of the impounded property; and
- (c) that unclaimed property will be sold by public auction.
- (3) If any impounded property is attached to immovable property or a structure, and the impounded property is under the apparent control of a person present at that place, an official may order the person to remove the impounded property.
- (4) When a person fails to comply with an order to remove the impounded property, an official may take such steps as may be necessary to remove the impounded property.
- (6) A person who hinders or obstructs an official in the performance of his or her duties under this section, or who refuses or fails to remove the object when ordered to do so by an official, commits an offence.

9. Municipal employees and councilors may not purchase impounded goods

Employees and councilors of the municipality, or a family member, or a close associate of any municipal employee or councilor, may not purchase any goods offered for sale in terms of this by-law, either personally or through any other person, directly or indirectly.

MISCELLANEOUS PROVISIONS**10. Penalty**

A person who has committed an offence in terms of these by-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

11. Responsibility of persons employing street traders

When an employee of a person who performs an act which contravenes a provision of this by-law, the employer is deemed to have committed the contravention him- or herself, unless he or she proves that –

- (a) he or she did not permit such act;
- (b) he or she took all reasonable steps to prevent the performance of the act; and
- (c) it was not in the scope of the authority or the course of employment of the employee to perform an act which contravenes this by-law.

12. Indemnity

The municipality will not be liable for any loss or damage suffered arising from the impoundment of any goods in terms of this by-law.

13. Appeal

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

14. Revocation of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in these By-laws.

15. Short title and commencement

This by-law may be cited as the Kannaland Municipality Street Trading By-law and commences on the date of publication thereof in the Provincial Gazette.



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KANNALAND MUNICIPALITY BY-LAW RELATING TO TRAFFIC/ROADS REGULATIONS

1. DEFINITIONS

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

“Abnormal vehicle” means a vehicle or a combination of vehicles which do not comply with the relevant provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and which is otherwise not fit to be used on a public road;

“Act” means the National Road Traffic Act, 1996 (Act No.93 of 1996)

“Council” means the Council of Kannaland Municipality or any political structure, political office bearer, councilor or any staff member acting under Council’s delegated or sub-delegated power;

“Gathering” means an assembly, concourse or procession of one or more persons, in support of or against a person, cause, action of failure to take action,

“Municipal Manager/City Manager” means the person appointed by the Council of the Town as Municipal Manager and shall include any person acting in that position or to whom authority is delegated.

“Traffic Chief/Chief of Traffic” means the Traffic Chief appointed by the Municipality in terms of the provisions of the Act or his delegate;-

2. PURPOSE OF BY-LAW

2.1 To provide for the regulation of traffic control, and road safety within the area of jurisdiction of the Municipality, and to provide for matters incidental thereto.

3. SCOPE OF APPLICATION

This by-law applies to:

- 3.1 All public roads and streets within the area of jurisdiction of the Municipality
- 3.2 Everyone using or found in the public roads and streets of the Municipality; and
- 3.3 Every property within the area of jurisdiction of the Municipality

4. TEMPORARY TRAFFIC GUARDS AND SIGNALLERS

4.1 A person appointed as a temporary traffic guard or signaler is under the direct control and for the assistance of the Traffic Chief in order to properly control any abnormal existing or expected traffic congestion or pedestrian volume.

4.2 A traffic guard or signaler must be in possession of a letter of appointment and must wear a uniform or distinguishing badge as determined by the Municipality.

4.3 A traffic guard or signaler must carry out all duties and instructions which, in the opinion of the Traffic Chief, are necessary for proper and safe traffic control.

4.4 A traffic guard or signaler is appointed to perform his duties within the area of jurisdiction of the Municipality.

4.5 Except for the powers and duties as set out in this section, traffic guard or signaler may-

4.5.1 require from the driver of a vehicle to stop such vehicle;

4.5.2 control and regulate traffic on a public road; and

4.5.3 give those instructions which are necessary for the safe and efficient control of such traffic.

4.6 Any person who fails to comply with any instructions or order given to him by a traffic guard or signaler or who complies therewith in such a manner as to defraud, or who hinders or obstructs such an official in the performance of his duties is guilty of an offence.

4.7 If the Traffic Chief is of the opinion that traffic control measures in the form of traffic assistance by temporary traffic guards or signalers of the Municipality are under certain circumstances necessary, such

traffic assistance shall be rendered on payment of the fee as from time to time determined by the Council by means of resolution.

4.8 A fee accordingly (in policy) may be imposed as deemed necessary.

5. LETTING OF TEMPORARY TRAFFIC SIGNS

5.1 The Municipality may let temporary traffic signs to the public on such conditions as it may determine and for such purposes as it may approve of for the orderly control of traffic on or near a public road.

5.2 The rental and deposit for a temporary traffic sign is as from time to time determined by the Council by means of resolution. The deposit will be refunded on the return of the temporary traffic sign, in an undamaged condition, to the Municipality within 3 days of termination of the rental period.

5.3 A prescribed fee, may apply as defined (in policy).

6. BREAKING OF GLASS IN A PUBLIC ROAD

6.1 Any person who breaks a bottle or glassware in a public road, thoroughfare, parking area or public place shall immediately be required to remove such broken glass from such public road, thoroughfare, parking area or public place. In the event that a broken glassware or bottle has caused damage, the person who broke it initially is liable for the damage cause.

7. CONVEYANCE OR RUBBISH OR ANY OTHER MATERIAL

7.1 No person shall convey rubbish, manure, sand, earth, gravel, grit, ash or any other material by means of a vehicle upon a public road or a public place unless the load is loaded, covered or secured at all times in such a manner that it will not fall from or be blown of the vehicle.

7.2 Any person who dumps any rubbish, manure, sand, earth, gravel, grit or any other material in a public road, thoroughfare, parking area or public place shall immediately be required to remove such rubbish, manure, sand, earth, gravel, grit or any other material from such public road, thoroughfare, parking area or public place.

8. TREES, HEDGES AND STRUCTURES OPSTRUCTING THE VIEW

8.1 No one shall allow-

8.1.1 any boundary fence, hedge, structure, tree, plant or shrub or part thereof to be unsightly or to overhang or penetrate into a public road in such a manner that it creates a danger or inconvenience to any person who uses such a public road.

8.1.2 any tree, hedge, structure, plant or shrub to impede the free and unhampered movement of traffic or to obstruct the view which is necessary for traffic approaching an intersection;

8.2 The Municipality may, by written notice addressed to the owner or occupier of the premises whereupon any tree, hedge, structure, plant or shrub is in contravention with subsections 8.1.1 and 8.1.2, require such tree, hedge, structure, plant or shrub or part thereof to be cut back or removed within 7 days of receipt of such notice, and should the owner or occupier fail to do so, the Municipality may do the necessary work and recover the costs thereof from the owner or occupier.

8.3 No owner or occupier or fixed property abutting on any public road shall fence in such property or any portion thereof with barbed wire.

8.4 Trees, hedges and structures to disrupt electricity cables erected for the provision of power within the Municipal vicinity.

9. GOODS OBSTRUCTING PUBLIC ROADS

9.1 A period of one hour is allowed for the loading and off-loading of goods. All goods must be removed from the sidewalk or public road within the said period.

9.2 No one shall for trading or any other purpose place any goods, wares or articles on any stand or support in or projecting over a public road, nor place or hang such goods, wares or articles upon or from any verandah-post, stay or balcony in or over a public place.

9.3 No one shall open, pack or unpack cases, furniture, goods, materials or merchandise in a public road.

9.4 No one shall place upon, off-loaded on or convey across a public road or side-walk any material or goods unless he had taken precautions to protect the surface of such public road or side-walk from damage.

9.5 No one shall allow any goods, be it his property or under his control, to be or remain in a public road, on a sidewalk or in any other public place so as to obstruct traffic or inconvenience the public.

9.5.1 No one shall outspan, permit, or allow such vehicle, object or animal in a public road without proper supervision;

9.6 No one shall, without previously having obtained the written consent of the Municipality and subject to such conditions as the Municipality may impose, place any barricade, line, cord, wire, pole, object or anything whatsoever across any public road or place or hang or place anything whatsoever, on such barricade, line, cord, wire, pole or object.

10. MUSICIANS PERFORMING IN A PUBLIC ROAD

10.1 No one shall perform or sing in a public road or place without the written consent of the Municipality.

11. PEDESTRIANS ON SIDE-WALK TO OBEY THE RULE OF THE ROAD

11.1 Pedestrians making use of a side-walk shall obey the rule of the road by walking, as far as possible, on the left-hand side of the side-walk.

11.2 A pedestrians shall not cross a public road at an intersection except by using the pedestrian crossing whilst also obeying the traffic signs at the intersection.

12. GATHERINGS –

12.1 Except with the prior written consent of the Municipality, no one shall organize or hold a gathering in or at a public place.

12.2 The granting of consent is in the discretion of the Municipality.

12.3 Application for such consent shall be made and submitted to the Municipal Manager at least 5 working days prior to the planned gathering.

12.4 In granting consent in terms of sub-section 12.1, the Municipality may impose such conditions as he may deem expedient.

12.5 Consent granted in terms of sub-section 12.1 may be withdrawn at any time.

12.6 If the Traffic Chief is of the opinion that traffic control measures in the form of traffic assistance by officers of the Municipality are necessary at a gathering, such traffic assistance shall be rendered on payment of the fee as from time to time determined by the Council by means of resolution.

13. DRIVING OF CATTLE/LIVESTOCK

13.1 No one shall drive an animal in the municipal area in such a way that a danger is created.

13.2 Livestock shall not be driven through the boundaries of the town of Kannaland.

13.3 In other business centers within the municipal area the driving of livestock is not allowed except with the written permission of the Municipality.

14. REPAIR OF VEHICLES IN A PUBLIC ROAD

14.1 No shall (except in the case of an accident or when repair on the spot is necessary) clean or repair any part of a vehicle in a public road.

15. THE USE OF AMPLIFIERS OR LOUD-SPEAKERS

15.1 No shall use or allow to be used a loud-speaker or amplifier in order to increase the volume of the sound of radios, musical instruments or similar apparatus in such a way as to cause a nuisance to his neighbors or the general public within the municipal area.

15.2 Without the prior written consent of the Municipality no one shall use or allow to be used a loud-speaker or similar apparatus in order to increase or strengthen the volume of sound in a public road, thoroughfare, parking area or open space.

15.3 Except with the prior written consent of the Municipality no one shall advertise any wares of services or make public announcement by means of a megaphone, loud-speaker system or similar device or by insistent shouting or cause a nuisance in a public road.

15.4 Loud-speaker or similar apparatus may be used for the purposes of inviting people to a meeting or similar gatherings.

16. PARKING OF MOTOR CYCLES

16.1 A motor cycle shall be parked in the following manner:

16.1.1 where a traffic sign indicates a special parking place for motor cycle shall be parked wholly within the parking lines; and

16.1.2 where no parking place for motor cycles is demarcated along the curbing, such motor cycle shall be parked parallel to and as near as possible to the curbing.

17. ABANDONING OR LEAVING OF VEHICLE IN A PUBLIC ROAD

17.1 A vehicle which-

17.1.1 has been left in a public road in the circumstances as described in terms of Act; or

17.1.2 has been left in a place or in a position in such a manner that it creates a danger or obstruction to motor traffic in the opinion of a traffic officer; or

17.1.3 has been parked or left standing in contravention of any notice or traffic sign; can immediately be wheel clamped or removed and pounded by an officer of the Traffic Division of the Municipality.

17.2 The owner, driver or person in charge of a vehicle which been wheel clamped by an officer of the Traffic Division of the Municipality, may be request the Traffic Division of the Municipality to remove the wheel clamp on payment of the fee as from time to time determined by the Council by means of resolution: Provided that no fee is payable for the removal of a wheel clamp from a stolen or defective vehicle.

17.3 A vehicle which is removed and pounded in terms of the provisions of section, is kept in a pound at the owner's risk and may be released by the owner, driver or person in charge thereof on payment at the Traffic Division, of the fee from time to time determined by the Council by means of resolution.

18. DRIVING OR PARKING AT SCENE OF FIRE

18.1 No one shall park or drive a vehicle nearer than 100m from a fire-fighting vehicle or apparatus erected on the same of a fire. This section does not apply to vehicles of the traffic section, the fire section or of the South African Police services.

19. DRIVING VEHICLE OVER FIRE-HOSE

19.1 No one shall drive a vehicle over a fire-hose lying in the roadway of a public road.

20. RIGHT OF WAY AT UNCONTROLLED INTERSECTIONS

20.1 The right of way at uncontrolled intersections, with proper consideration for the safety of other vehicles and persons, shall be as follows;

20.1.1 when two or more vehicles enter an intersection at more or less the same time, the driver of the vehicle on the left-hand side shall grant right of way to the vehicle on his right-hand side.

21. STOPPING IN ORDER TO LOAD GOODS

21.1 Goods shall be loaded on that side of a vehicle which is nearest to the curbing.

22. CROSSING PRIVATE PROPERTY TO BY-PASS A TRAFFIC SIGN

22.1 No one shall drive on, to or across private property in an effort to avoid compliance with any traffic sign.

23. SPECIAL ROUTES FOR ABNORMAL VEHICLES AND CONVOYS

23.1 No one may drive an abnormal vehicle or move an abnormal load within the municipal area without the permission of the Traffic Chief.

23.2 Should the Traffic Chief deem it necessary to pilot an abnormal vehicle or load in the municipal area, the owner or driver of such vehicle or load shall be obligated to pay the fee as from time to time determined by the Council by means of resolution.

23.3 No one shall drive a motor vehicle, forming part of convey of vehicles which are to be delivered to a motor vehicle dealer or any other person, on any other route in the municipal area that the one determined by the Traffic Chief or as designated by an appropriate road traffic sign.

24. PARKING OF MOTOR VEHICLE OUTSIDE A GARAGE

24.1 The owner or driver or person in control of a motor vehicle business, garage, workshop or industry using or in control of motor vehicles, shall not allow a motor vehicle or part thereof which is under the control of such business, garage, workshop or industry or which was brought to such business, garage, workshop or industry for repair to be parked or left on a public road including sidewalks or an public open space next to or in the vicinity of the premises in which the business, garage, workshop or industry is carried on.

24.2 Public road, open space or public open space in the residential areas, between sunrise and sunset.

25. IMPEDING OR OBSTRUCTING OF STREET INTERSECTIONS

25.1 When traffic circumstances are such that a driver of a vehicle entering an intersection will be obliged to stop in the intersection in such a manner that cross traffic will be impeded, the driver shall stop his vehicle before entering the intersection and he shall not move forward until the traffic circumstances have changed to such an extent that it will allow traffic to flow freely through the intersection without it being necessary to stop in the intersection: Provided however that this section will not be applicable to the driver of a vehicle who is about to turn left or right and who is forced to stop in an intersection to give way to vehicles approaching him or to pedestrians.

26. NOTICES AND ROAD TRAFFIC SIGNS FOR THE CONTROL OF TRAFFIC ON MUNICIPAL GROUNDS

26.1. The Municipality may –

26.1.1 by way of a notice displayed on a notice board, wall, sign or on the surface of the grounds –

26.1.1.1 prohibit or control the admission of vehicles or persons to the grounds;

26.1.1.2 prohibit or control the parking or stopping of vehicles on the grounds;

26.1.1.3 limit the speed at which vehicles may travel on such grounds;

26.1.2 cause to be erected and display prescribed road traffic signs on such places on the grounds as it may determine.

26.2 When exercising the powers in terms of sub-section 25.1.1.1 it is permissible to differentiate between vehicles of different classes and the classes of persons using the vehicles.

26.3 Any one who fails to comply with –

26.3.1 a notice displayed in terms of sub-regulation 25.1.1; or

26.3.2 the direction of a traffic sign erected in terms of sub-section 25.1.2 is guilty of an offence.

26.4 The provisions of the Act are applicable mutatis mutandis to any person who, whilst driving a vehicle on municipal grounds, becomes involved in a collision, drives recklessly or negligently or without due care or whilst under the influence of intoxicating liquor or any drug having a narcotic effect.

26.5 A Traffic Officer may exercise the powers vested in him in terms of the Act in respect of traffic, including persons in or on vehicles on municipal grounds.

26.6 Any person who hinders or obstructs a Traffic Officer in the execution of his duties or who refuses or fails to comply to the best of his abilities with an instruction of such Traffic Officer shall be guilty of an offence.

27. OFFENCES AND PENALTIES

27.1 Any person contravening any of the provisions of these by-laws or who fails to comply therewith, shall be guilty of an offence, and shall be liable on conviction with a fine not exceeding R20 000,00 or a term of imprisonment not exceeding five years, or both such fine and such imprisonment.

27.2 Any expense incurred by the Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do or under these by-laws and which he failed to do, may be recovered by the Municipality from the person committing the contravention or failing to do such thing.

27.3 Any person who, after conviction in terms of these by-laws, persists in the conduct or neglect which constituted the offence, shall be guilty of a continuing offence and liable to a fine not exceeding R10 000.00 or a term of imprisonment not exceeding three years, or both such fine and such imprisonment.

28. PRESUPTIONS

28.1 Where in any prosecution under these by-laws, it is alleged that an offence was committed on a public road, the road concerned shall, until the contrary is proved, be presumed to be a public road.

28.2 Where in any prosecution under these by-laws, it is alleged that an offence was committed on a freeway, the road concerned shall, until the contrary is proved, be deemed to be a freeway.

28.3 Where in any prosecution under these by-laws, it is alleged that an offence was committed on a public road in an urban area, the road concerned shall, until the contrary is proved, be presumed to be a public road in an urban area.

28.4 Where in any prosecution under these by-laws, it is material to prove who was the driver of a vehicle, it shall be presumed, until the contrary is proved, that such vehicle was driven by the owner thereof.

28.5 For the purposes of sub-sections 27.5 and 27.6, it shall be presumed, until the contrary is proved, that where the owner of the vehicle concerned is a corporate body, such vehicle was driven, as contemplated in those sub-sections by a director or servant of the corporate body in the exercise of his powers or in the performance of his duties as such director or servant or in furthering or endeavoring to further the interests of the corporate body.

28.6 In any prosecution under any of the provisions of these regulations, the fact that any person purports to act or has purported to act as a traffic officer or an inspector or licenses, examiner of vehicles or examiner for driver's licenses, shall be prima facie evidence of his appointment and authority so to act: Provided that the provisions of this sub-section shall not apply with regard to a prosecution on a charge relating to personation.

29. CONFLICTING LAWS

29.1 If there is any conflict between a provision in these By-laws and a provision of any other by-law of the Municipality, the provisions of these By-laws shall prevail to the extent of the inconsistency.

30. SHORT TITLE COMMENCEMENT

30.1 This By-law is called Kannaland Municipality By-laws.



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DUMPING AND LITTERING BY-LAW: OFFENCES AND FINES

Description of Offence	Fine Amount
Littering or dumping under 1m ³	R 1000.00
Littering or dumping over 1m ³ to 3m ³	R 1500.00
Littering or dumping over 3m ³ to 5m ³	R 2000.00
Conveying of an uncovered/ unsecured load which results in spillage of load— Spillage under 1m ³	R 1000.00
Spillage over 1m ³ to 3m ³	R1500.00
Spillage over 3m ³ to 5m ³	R 2000.00
Unauthorised/Illegal dumping	R 2500.00

COMMUNITY FIRE SAFETY BY-LAW: OFFENCES AND FINES

Description of Offence	Fine Amount
Dealing with fireworks without license	R 1500.00
Use or discharge any fireworks without a permit	R 1500.00
Failing to keep fire-fighting equipment in working condition and inspected	R 1000.00
Handling or storing a liquid petroleum gas cylinder at a public exhibition without permission	R 1000.00
Damaging or altering fire-fighting equipment or installations	R 1000.00
Failing to display "No smoking" signs	R 250.00
Discarding flammable substance into sewer or drain Burning combustible material without permission	R 1000.00
Burning combustible material without permission	R 1000.00
Failing to display emergency evacuation plan	R 1000.00
Tampering or interfering with a fire hydrant	R 1500.00



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HOMESTORES BY-LAW: OFFENCES AND FINES

Description of Offence	Fine Amount
If he/she is declared by a court of law to be unsound mind	R 1500.00
A non-south African citizen who is in the country illegally	SAPS
Without the approval of the municipality	R 2500.00
No person carrying on business shall sleep in the Home Store / Tuck-Shop	R 1500.00
No illegal building or structure shall be erected for purpose of a Home Store Spaza / Tuck – shop	R 1500.00

STREET TRADING BY-LAW: OFFENCES AND FINES

Description of Offence	Fine Amount
Doing trading that cause obstruction in front of hydrants	R 500.00
Doing trading that causes obstruction in front of entrance or exit from a building	R 500.00
Causing obstruction to vehicular traffic	R 1000.00
Substantially obstruct pedestrians in their use of sidewalk	R 250.00
Doing trading without a permit	R 1000.00
Doing trading in church or place of worship without permission	R 500.00
Dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter	R 1500.00
Erect a structure for the purpose of providing shelter	R 500.00
Sleeping or overnight at the area where he or she is trading, or at the areawhere another street trader is trading	R 1000.00



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KEEPING/CONTROLLING OF ANIMALS BY-LAW: OFFENCES AND FINES

Description of Offence	Fine Amount
Baits or provokes or incites any animal to attack another animal or to proceed with the fighting of another animal	R 1500.00
Possesses, keeps, imports, buys, sells, trains, breeds animals without permit	R 1000.00
Urge or incite any animal to attack, worry or frighten any person or other animal	R 500.00
Be in any public road or public place, under no control of owner or keeper	R 500.00
Keeping an animal where such animal is kept is not properly and adequately fenced	R 500.00
Keeping animals on premises that is a source of danger to employees of the municipality on entering premises to carrying out their duties	R 500.00
Not keeping animals in a structure or on land which is considered by the municipality to be undesirable or objectionable, by reason of its locality, construction or manner of use	R 500.00
Not removing animals defecates in Public places.	R 250.00
Walking with a dangerous animal in Public places.	R 500.00
Not displaying notice board or signs of a dangerous animals on premises	R 500.00
Keeping livestock on premises for slaughter or butchery in a Community area	R 1000.00
Structures is not suitably screened from streets	R 500.00
Keeping livestock on premises	R 500.00
Walking dogs without leash in public place	R 500.00

