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WITZENBERG MUNICIPALITY:**COMMONAGE BY-LAW**

(7-2004)

Purpose of By-Law

- To promote the achievement of a safe and sound environment for the benefit of all residents;
- To provide for the conservation of the commonage through the prohibition of damaging of vegetation, bird- and animal life, the removal of any material and the unlawful occupation of the commonage.

Definitions

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

“commonage” means any land or portion of land which is in possession or under control of the municipality and includes any street, road, thoroughfare or public place;

“municipal area” means the area described in Clause 2(1) of the Establishment Notice published under Provincial Notice 487 dated 22 September 2000;

“municipality” means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“public place” means any square, park, recreation ground or open space which:—

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

“stræt” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and except where in-consistent with the context includes—

- (a) the verge of any such road, street or thoroughfare
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare.

Prohibited Actions

2. No person shall erect any hut, shelter, kraal, habitation or structure of any kind nor occupy, camp or squat on any portion of the commonage or in any street, or road, thoroughfare or public place without the consent of the municipality.
3. No person shall without prior permission of the municipality, accumulate, dump or deposit or cause to be accumulated, dumped or deposited on any portion of the commonage any derelict

WITZENBERG MUNISIPALITEIT:**VERORDENING INSAKE DORPSGRONDE**

(7-2004)

Doel van Verordening

- Om die verwesenliking van 'n veilige en ongeskonde omgewing te bevorder tot voordeel van alle inwoners;
- Om voorsiening te maak vir bewaring van die dorpsgronde deur die verbod op beskadiging van plantegroei, voël- en dierelewe, die verwydering van enige materiaal en die onwettige bewoning van die dorpsgronde.

Woordomskriving

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

“dorpsgrond” enige grond of gedeelte van grond wat in besit of onder beheer van die munisipaliteit is en sluit in enige straat, pad, deurgang of openbare plek;

“munisipale gebied” die gebied soos beskryf in klousule 2(1) van die Instellingskennisgewing gepubliseer per Provinsiale Kennisgewing 487 gedateer 22 September 2000;

“munisipaliteit” die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedeleger of gesubdeleger is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

“openbare plek” enige plein, park, ontspanningsoord of oop terrein wat—

- (a) by die munisipaliteit berus;
- (b) die publiek die reg het om te gebruik, of
- (c) getoon word op 'n algemene plan van 'n dorpsgebied in 'n aktereregistrasiekantoor van 'n landmeter-generaal en wat verskaf is vir of gereserveer is vir die gebruik van die publiek of die eienaars van erwe in sodanige dorpsgebied;

“straat” enige pad, straat of deurgang of enige ander plek wat gewoonlik deur die publiek of 'n deel daarvan gebruik word of waartoe die publiek of 'n deel daarvan die reg van toegang het en tensy onbestaanbaar met die sinsverband, sluit dit ook in—

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige voetpad, sypaadjie of soortgelyke voetganger gedeelte van 'n padreserwe;
- (c) enige brug, pont of drif waarvoor of waardeur enige sodanige pad, straat of deurgang loop;
- (d) enige ander voorwerp wat 'n deel uitmaak van sodanige pad, straat of deurgang.

Verbode Handelinge

2. Niemand mag sonder die toestemming van die munisipaliteit 'n hut, beskutting, kraal, woning of struktuur van enige soort op 'n gedeelte van die dorpsgrond of in 'n straat, pad, deurgang of openbare plek oprig of dit okkupeer of daarop kampeer of plak nie.
3. Niemand mag sonder die voorafverkreë toestemming van die munisipaliteit enige verlate motorkarre of ander voertuie of masjinerie of enige verlate onderdele daarvan op enige gedeelte

motor cars or other vehicles or machinery or any derelict parts thereof.

4. (1) No person shall on the commonage dig or remove soil, clay, sand, gravel or boulders without being in possession of a valid and current permit issued by the municipality.
- (2) The municipality may issue permits upon payment in advance of the charges fixed by it for the removal of soil, clay, sand, gravel or boulders from demarcated sites.
5. No person shall make bricks, or erect brick-, lime- or charcoal kilns, on any land within the municipal area, or on land under control of the municipality, without prior written consent of the municipality, except on land denoted for such purposes in terms of an approved spatial development plan and zoning scheme and further subject to payment of the fees determined by municipality.
6. No person shall cut, damage, burn, destroy, gather or remove any plants, shrubs, trees, timber, firewood, brushwood, manure or any grass growing or being upon any portion of the commonage without prior written permission of the municipality.
7. No person shall interfere with or cause damage to any fence, gate, drinking trough, water tap or other appliance or thing, or set fire to the pasture or any bush, tree, shrub on the commonage.
8. No person shall make use of any road over the commonage other than such roads as shall be allowed open by the municipality from time to time, and such roads to the use of which the public have a legal right.
9. No person shall deposit or in any way leave any poison for whatever purpose on the commonage or on any street, thoroughfare of public place without the written permission of the municipality.
10. The municipality has the right to set apart any portions of the commonage for the purpose of forming a rifle range or rifle ranges and no person shall practice target shooting with any rifle on any other portion of the commonage except on such range or ranges.
11. The municipality may cause traps to be set for vermin on the commonage and any person interfering with or damaging such traps in any way or letting loose or removing or causing to be loosened or removed any vermin there from or in any way disposing of any bodies there from without the prior approval of the municipality, shall be guilty of an offence.
12. No person shall kill, catch, capture or hunt or attempt to kill, any game or birds of whatsoever description on the commonage.
13. No person shall set traps of whatsoever description on the commonage without the prior consent of the municipality.
14. No person shall destroy the nest, or remove the eggs or young there from, of any birds or water-fowl on the commonage or any public place within the municipality.

Penalties

15. Except for the erection of a hut, building or any other structure for residential purposes on the commonage, in which case the provisions of the Act on Prevention of illegal Eviction and the Unlawful Occupation of land, Act 19 of 1998, shall prevail, any person who contravenes or fails to comply with the provisions of this by-law shall be guilty of an offence and shall on conviction be liable to—
 - (1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment or both such fine and such imprisonment;
 - (2) in the case of a continuing offence, an additional fine or an additional period of imprisonment, or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and

van die dorpsgrond ophoop, weggooi of aflaai of laat ophoop, weggooi of aflaai nie.

4. (1) Geen persoon wat nie in besit is van 'n geldige permit deur die munisipaliteit uitgereik, mag op dorpsgrond klei, grond, sand, gruis of klippe grawe of verwyder nie.
- (2) Die munisipaliteit kan perмите uitreik teen betaling vooruit van die gelde wat hy vasstel vir die verwydering van grond, klei, sand, gruis of klippe van afgebakende terreine.
5. Niemand mag sonder die voorafverkreë skriftelike toestemming van die munisipaliteit bakstene maak of baksteen-, kalk- of houtskooloonde oprig op grond binne die munisipale gebied of op grond onder beheer van die munisipaliteit nie, behalwe op grond wat ingevolge 'n goedgekeurde ruimtelike ontwikkelingsraamwerk of soneringskema vir sodanige doeleindes aangewys is en onderworpe aan die betaling van die gelde deur die munisipaliteit bepaal.
6. Niemand mag plante, struik, bome, hout, brandhout, kreupelhout, mis of gras wat op enige gedeelte van die dorpsgrond groei of daarop gevind word, afsny, beskadig, verbrand, vernietig, bymekaarmaak of verwyder sonder die voorafverkreë skriftelike toestemming van die munisipaliteit nie.
7. Niemand mag aan 'n heining, hek, drinkbak, waterkraan of ander toestel of ding peuter of dit beskadig of die weiveld of bossies, bome of struik op die dorpsgrond aan brand steek nie.
8. Niemand mag van enige pad oor die dorpsgrond gebruik maak nie, behalwe dié wat van tyd tot tyd deur die munisipaliteit oopgestel word en dié ten opsigte waarvan die publiek 'n wettige gebruiksgereg het.
9. Niemand mag gif vir watter doel ook al op die dorpsgrond of op enige straat, verkeersweg of openbare plek plaas of laat sonder die skriftelike goedkeuring van die munisipaliteit nie.
10. Die munisipaliteit besit die reg om gedeeltes van die dorpsgrond af te sonder vir 'n skietbaan of skietbane en niemand mag met 'n geweer op enige ander gedeelte van die dorpsgrond skyfskiet nie behalwe op sodanige skietbaan of skietbane.
11. Die munisipaliteit kan valle vir ongediertes laat stel op die dorpsgronde en iedereen wat hom op enige wyse met sodanige valle bemoei of dit beskadig of 'n ongedierte daaruit loslaat of verwyder of laat loslaat of verwyder of toelaat dat dit gedoen word of op enige wyse karkasse daaruit verwyder sonder die voorafverkreë goedkeuring van die munisipaliteit, is skuldig aan 'n misdryf.
12. Niemand mag wild of voëls van watter soort ook al op die dorpsgrond doodmaak, vang of op hulle jag maak of hulle probeer doodmaak nie.
13. Niemand mag sonder die voorafverkreë toestemming van die munisipaliteit valle van watter soort ook al op die dorpsgrond stel nie.
14. Niemand mag die nes van voëls of watervoëls op die dorpsgrond of 'n openbare plek vernietig of die eiers of die kuikens daaruit haal nie.

Strafbepalings

15. Behalwe in die geval van die oprigting van 'n hut, of enige gebou of struktuur op dorpsgronde vir woondoeleindes, in welke geval die bepalinge van die Wet op Voorkoming van Onwettige Uitsetting en Onregmatige Besetting van Grond, Wet 19 van 1998, sal geld, is iedereen wat die bepalinge van hierdie verordening oortree of versuim om daaraan te voldoen, skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—
 - (1) 'n boete of gevangenisstraf, óf sodanige boete of sodanige gevangenisstraf óf beide sodanige boete en sodanige gevangenisstraf;
 - (2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf, of sodanige addisionele boete of sodanige addisionele gevangenisstraf, of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en