



# **MUNICIPALITY OF STELLENBOSCH**

**BY-LAW RELATING TO  
PLANTATIONS, PARKS,  
GARDENS, RECREATION  
FACILITIES AND NATURE  
RESERVES**

# **BY-LAW RELATING TO PLANTATIONS, PARKS, GARDENS, RECREATION FACILITIES AND NATURE RESERVES**

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## Definitions

1. In this By-law, unless inconsistent with the context -

“**commonage**” means land which is vested in the Council through purchase, grant, donation, or exchange;

“**Council**” means the Municipal Council of the Stellenbosch Municipality in terms of the Municipal Ordinance, 1974 (Ordinance 20 of 1974);

“**enclosure**” means any place fenced in or enclosed with any type of fence or obstruction whether being of wire, iron, wood, concrete or any other kind of fixed material;

“**nature reserve**” means a nature reserve, nature garden, veld-flower reserve, catchment-area or any reserve land or premises which has been established or reserved for this purpose;

“**nursery**” means any premises, building or structure or in which plan or related material is cultivated or housed;

“**open erf and space**” means any vacant property or premises vested in Council and situated within the municipal residential or industrial boundaries;

“**park**” means any premises, or public place as defined in Section 2 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), which have or has been set aside for the use as a botanical garden, zoo, flower garden, pleasure resort, recreation resort, play park or sports ground under the control of the Council;

“**picnic area**” means any premises set aside for this purpose and includes all buildings and facilities;

“**plantation**” means a plantation of one or various kinds of trees either in their natural state or established by the Council, and includes all roads, fire-bells, buildings and land;

“**Town Clerk**” means the Town Clerk of the Stellenbosch Municipality in terms of the Municipal Ordinance, 1974 (Ordinance 20 fo 1974);

“**tree**” means any kind of tree or shrub in or on any pavement, island, park, garden, lawn, premises, nursery, plantation, nature reserve, commonage or open erf and space, either in its natural state or planted by the Council.

## Other terms

2. All other terms used in this By-law shall, unless the context otherwise indicates, have the meaning assigned thereto in the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), the Municipal Ordinance, 1974 (Ordinance 20 of 1974), and the Forest Act, 1984 (Act 122 of 1984).

### General prohibitions

3. No person shall in or on premises, buildings, land, plantations, a commonage, enclosures, nature reserves, parks, gardens, open erven and spaces, picnic areas, nurseries, trees, sport and recreation facilities which are vested in or under control of the Council -
  - (a) disfigure or deface any post, railing, fence, seat, barrier, gate, notice board, plate, house, building, shed, urinal, closet, flag, mark or other article or thing by pasting thereon or affixing thereto in any way any bills, papers, placards or notices or by cutting, writing, stamping, painting, drawing or marking thereon in any way whatsoever.;
  - (b) remove, destroy, damage or deface any notice or sign;
  - (c) make a fire or commit any acts whereby a fire may be caused, except in places where fireplaces are provided;
  - (d) saw, cut, gather, remove, dig up, burn, pick or break any timber, tree, shrub, brushwood, fencing, pole, lawn, plants, fruit, flower or equipment, or climb therein or thereon or damage it in any way.
  - (e) remove or disturb any soil or water at a place other than that specially provided by the Council;
  - (f) erect or cause to be erected any post, rail, fencing, tent, screen, stand, swing, building or construction of whatever nature without the written permission of the Council;
  - (g) park, drive, ride, pull or properly any type of vehicle except a manually operated wheelchair or perambulator when used for the conveyance of an invalid or a child;
  - (h) leave any refuse, building waste, rubbish, paper, materials or any object except in containers provided for that purpose;
  - (i) injure, kill, hunt, capture or disturb any animal or bird, or damage or destroy the nest or eggs of any bird or interfere with the animal life in any other way;
  - (j) break, damage, hurt, destroy, disfigure or remove any flora, fauna or nests of fauna or objects of historical or scientific interest or any property in the nature reserve;
  - (k) introduce any flora, fauna, weapon, trap, net, explosive or poison into the nature reserve, or be in possession thereof in the nature reserve;
  - (l) fire a fire-arm or an air-gun, discharge any firework, catapult or sling or throw a stone or other missile;

- (m) in any other way cause a nuisance, obstruction, disturbance or annoyance to the public, to brawl, fight, swear or use obscene, indecent or improper language, gamble, beg, behave in an indecent or offensive manner or drink intoxicating liquor;
- (n)
  - (i) sell or offer for sale or hire, or hawk or exhibit any article or distribute any pamphlet, book, handbill or other matter.
  - (ii) present any public entertainment;
  - (iii) play a musical instrument; and
  - (iv) deliver or say any speech, public address or prayer of whatever nature or sing any song or hold or participate in any public meeting or function unless he has previously obtained the written permission of the Council to do so;
- (o) enter upon any ablution or sanitary conveniences indicated as having been provided for persons of the opposite sex;
- (p)
  - (i) enter or leave other than by an entrance or exit provided for that purpose; or
  - (ii) refuse to leave when requested to do so by an authorized officer of the Council or a member of the South African Police.
- (q)
  - (i) wash any article or animal under a tap, in a pond, fountain or in an ornamental pond or otherwise pollute water; or
  - (ii) swim in a dam or wash any clothes or other things or pollute the water therein in any other manner; and
- (r) perform any act whatsoever which may injure persons, damage or destroy any property.

#### **Powers of the Council**

- 4.
  - (1) Where any private property abuts on any public park, garden, recreation ground, open space, plantation or other land vesting in the Council, except a public street or road, the Council may require the owner of such property to erect on the boundary common thereto a fence to the satisfaction of the Council. No person shall provide a gate or other opening in such fence giving access to any such park, garden, recreation ground, open space, plantation or other land except with the prior written consent of the Council.
  - (2) Officers of the Council are entrusted with the duty of ensuring that this By-law is duly observed and shall report any contravention thereof to the authorities charged with the prosecution of crime.

- (3) The Council shall, at the discretion of the Municipal Manager, fix the deposit payable to it for any amenity, facility, entertainment, exhibition, performance or service established or provided by it and reserves the right to recover from the deposit compensation for damages suffered although indemnity shall not be limited to the amount of the deposit. The assessment of damages together with repayment of deposits vests in the Municipal Manager.
- (4) The Council reserves the right of admission to any park, garden, plantation, commonage, enclosed area, nature reserve, picnic area sport or recreation ground or part thereof and may from time to time, for any special purpose, set aside, close or let, or regulate traffic there or charge entry fees.
- (5) The Council reserves the right to destroy forthwith any dog straying, entering or having been taken into a nursery, plantation, commonage, enclosure, nature reserve or picnic area.

#### **Keeping of bees**

5.
  - (1) No person shall keep bees without the written permission of the Council. The Council may grant or refuse such permission. Where such permission is granted it shall be subject to the condition that the Council may at any time withdraw or modify such permission.
  - (2) Permission for the keeping of bees shall not be granted in any area where, in the opinion of the Council, the keeping of bees may be dangerous or constitute a nuisance to the inhabitants of such area.
  - (3) Any person applying for permission to keep bees shall satisfy the Council that he has a reasonable knowledge of the habits of bees.
  - (4) Any person keeping bees shall keep such bees in a bar-framed hive or hives. Such hive or hives shall be enclosed by means of screens or fences, or in such other manner as the Council may direct, so as to render them inaccessible to animals or unauthorized persons.
  - (5) No person shall destroy bees on any land under the control of the Council, nor shall any person remove bees, beeswax or honey from any land under the control of the Council without the written permission of the Council.

#### **Liability of the Council**

6. Any person making use of an open space, park, plantation, sport or relaxation facility shall do so at this own risk and the Council shall not be liable for the death of or any injury to persons or any loss of or damage to any property of visitors unless negligence can be proved on the part of the Municipality.

**Penalty**

7. Any person who contravenes any provision of this By-law shall be guilty of an offence and liable upon conviction to a fine as prescribed in Section 213(3) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974).

**Repeal of By-laws**

“To be inserted”