Statutory Instrument of 2022 **CAP.29:15**

Manyame RDC Protection of land and Natural Resources By-laws, 2022

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PART V

GENERAL

IT is hereby notified that the Minister of Local Government and Housing has in terms of section 90 of the Rural District Councils Act [*Chapter 29:13*], approved the following by-law—

PRELIMINARY

*Title*

1. These by-laws may be cited as the Manyame RDC Protection of land and Natural Resources By-laws.

2. These by-laws shall apply to—

a) the Council area of Manyame RDC;

*Application*

*Interpretation of terms*

3. In these by-laws—

“approved” means approved by the council or by any authorized official of the

council to whom its powers of approval may have been delegated in terms of section

93 of the Act.

“authorised official” means any person authorised by council to assist it in giving effect to these by-laws;

“council” means the Manyame RDC;

“land” includes any improvements thereon;

“livestock” means—

a) any bovine, equine, ovine, caprine or porcine; or

b) any antelope which is in captivity; or

c) the young of any animal mentioned in paragraph (a) or (b);

“maintenance” includes cleansing, repair and renewal;

“Council land” means any land under the control of the council;

“naturally defined banks” means the banks containing the flow of a public stream when it is flowing at its fullest capacity and keeping the usual natural direction of its own course;

“natural resources “ includes—

a) the soil, waters and minerals; and b) animal, bird and fish life; and

c) trees, grasses and other vegetation; and

d) springs, vleis, marshes and public streams; and

e) such other things as may be declared to be natural resources in terms of the National Resources Act [*Chapter20:13 ]*; in the area of application of these by-laws;

“nuisance” means a condition which tends to endanger the health, or interfere with or disturb the ordinary comfort, convenience, peace, or quiet, or affect the rights, of the public or any section of the public;

“occupier”, in relation to any land, means the person in lawful occupation of the land, and who has the right to exercise control over such land;

“owner” in relation to any land means—

a) the person in whose name the title to the land is registered, or the duly authorised representative of such person; or

b) if such person is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person’s or holder’s estate is vested, whether an executor, guardian or in any other capacity whatsoever; or

c) if the land is under lease, the registration whereof is in law necessary for the validity of such lease, the lesse; or

d) where the owner, as defined in paragraph (a), (b) or (c), is absent from the area specified in section 2, or his whereabouts are unknown, an agent of such owner, or any person receiving or entitled to receive renting respect of the land;

“owner” in relation to any livestock, includes any person having the management, charge, custody or control of any livestock, or, if that person is a child, the person having for the time being the care, custody or control of the child;

“public amenity area” means any public park, garden, traffic island or developed open space which is in any way vested in or under the control of the council, and includes any children’s play-ground, public swimming-bath, Council sports-field or stadium, or any car-park, and any such area set aside for the convenience or relaxation of the public;

“satisfaction” means to the satisfaction of the council, or any authorised official of the Council to whom its powers have been delegated in terms of section 93 of the Act;

“user” in relation to land, means any person, other than the owner or occupier, who has or

exercises any rights in, over or upon land, or who makes use of land in any way.

‘pollution’ means

PART I

CONTROL OF LIVESTOCK

*Fencing*

4. Any person authorised to keep livestock on any land in terms of these by-laws or the (Public Health) by-law, shall—

provide fencing—

(i) to enclose the entire area to be occupied by the livestock;

(ii) which complies with the standards set out in the Building, By-laws, and any further requirements or modifications which the council may specify; and

(b) adequately maintain such fencing, to the satisfaction of the Council.

PART II

PROTECTION OF LAND

*Removal of unauthorised buildings, structures or equipment*

5. (1) Where any person has—

erected any kraal, hut, fence, shelter or other erection; or

parked, deposited or abandoned any disused, dismantled or derelict vehicle, motor- vehicle or machinery, or any part thereof;

on any Council land without the prior written approval of the council, the council may serve a written notice on the owner or person responsible for such building, structure, vehicle or machinery to remove such kraal, hut, fence, shelter or other erection or machinery from the Council land within a time to be specified in such notice.

(2) No person shall fail to comply with the terms of a notice issued in terms of subsection (1), and the council may give effect to the terms of such notice at the expense of such person.

PART III

PROTECTION OF WATERCOURSES

*Control of watercourses*

6. (1) No person shall—

canalize, control, define, deepen, broaden, narrow or excavate from the course of any public stream or its banks; or

construct any aqueduct, wall, culvert or other contrivance which will alter or interfere with the bed, banks, natural course or flow of any public stream;

without the prior written approval of the council, unless such a right is conferred by a water court in terms of the Water Act [*Chapter. 20:24* ].

(2) Any person, including his heirs, or successors in title, who shall have obtained authority from the council to carry out work in terms of subsection (1), shall thereafter be responsible for the maintenance and repair of such work, to the satisfaction of the Council.

(3) Where a property-owner carries out cultivation of land which abuts on to any natural or artificial watercourse, he shall only carry out such cultivation in such manner as will assist the protection of the watercourse, and shall neither fail to take such precautions nor do any act which will adversely affect the functioning of the watercourse.

*Pollution of streams*

7. No person shall—

deposit any cinders, ashes, bricks, rubbish, filth or any other matter whatsoever which may cause or be likely to cause annoyance or a nuisance or pollution in any public stream or watercourse, including any ditch or drain or other works provided for the disposal of storm-water; or

permit any sewage, trade effluent, filthy or impure water, poisonous or noxious liquid, any polluting fluid whatsoever, to discharge or to be discharged, or to flow, into any public stream or watercourse, or into the dry bed of any public stream or watercourse, including any ditch or drain or other works provided for the disposal of storm-water; or

install any septic tank or french drain within thirty metres of any stream or watercourse, or the dry bed of any stream or watercourse.

*Irrigation water*

8. (1) No person shall—

(a) abstract any water from any public stream or watercourse in the Council area for the irrigation of land unless he is the holder of a water right for such purpose which has been conferred by water court in terms of the Water Act [Chapter ]; or

(b) construct any well, shaft, bore-hole or other work which is intended to have the effect of abstracting water from a public stream or watercourse.

(2) Any person who shall have any irrigation works as defined in the Water Act [*Chapter 20:24*] on his property, and is not the holder of a water right, shall obtain authority from the council to retain such works on terms and conditions determined by the Council.

PART IV

PUBLIC AMENITY AREAS

*Injury to structures*

9. In any public amenity area, no person shall remove or injure any fountain, statue, monument, bust, post, chain, railing fence, fencing-post, pole, seat, barrier, gate, lamp, lamp-post, notice-board or plate, house, building, shed, urinal, water-closet, flag, mark, playground equipment or other thing or deface or disfigure the same by pasting or affixing, in any way, any bill, placard or notice, or by cutting, writing, stamping, painting, drawing or marking hereon.

*Injury to plant life*

10. In any public amenity area, no person shall cut, remove, dig up, fell, burn, pluck, break, climb up or upon, or do damage or injury to, timber, or to any tree, shrub, brushwood, turf, fruit, flower or plant.

*Removal or destruction of plastics*

11. In any public amenity, no person shall—

a) take, dig, cut, break, damage or remove any gravel, sand, sod, clay, turf, mould, soil, water or other substance; or

b) burn or do any act which might cause any timber, wood, brushwood, plant, paper, rubbish or other substance to be burned, or light any fire, except in a place specially set-aside for the purpose by the council.

*Injury to animal life*

12. In any public amenity area, no person shall—

a) catch or snare any bird or animal; or

b) lay or place any net, snare or trap for the taking of birds or animals; or c) take any bird’s egg or nest; or

d) shoot or chase or attempt to shoot any bird or animal; or

e) throw any stone or stick or other missile, with intent to injure or catch any bird or animal; or

f) in any way interfere with any fish, or any aquatic bird or animal:

unless he is possession of a valid permit to do so, issued by the council.

13. In any public amenity area, no person shall —

*Enclosures*

go, or attempt to go, into any enclosed place, plantation or garden, or temporary enclosure, entry to which is prohibited by the display of a notice at such place, plantation, garden or enclosure; or

make or attempt to make any enclosures.

*Use of land*

14. In any public amenity area, no person shall:

a) erect or place any post, rail, fence, pole, peg, spike, tent, booth, screen, stand or swing, or any building, erection or obstruction of any kind whatsoever, without the consent of the council; or

b) deposit or leave any refuse, rubbish, paper, bottle, dead animal or other matter or thing; or

c) turn livestock out to grass or feed, or allow or suffer livestock to stray or remain; or

d) use any part of any public amenity area or shaking, beating, brushing or cleaning any carpet, mat or other thing, or for drying or bleaching linen clothes or other articles.

*Wheeled traffic*

15. In any public amenity area, no person shall—

(a) ride any horse, donkeys or ride, drive, draw or propel any cycle or vehicle, other than a wheeled chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or an invalid, without the written approval of the council, except in the places and at the times which shall be defined by the council by notices affixed or set-up at or near several entrances to any public amenity area; or

(b) draw, drive, propel, stand or place upon, or over, any part of a flower bed or lawn any wheeled vehicle or machine whatsoever.

*Use of public water amenities*

16. (1) In any public amenity area, no person shall—

(a) pollute; or

(b) wash clothes or other things in; or

(c) bath or wash any dog or animal, or allow any dog or other animal to be in; or

(d) Bath, jump into or throw, or be a part to throwing or pushing, any person into;

any lake, fountain, ornamental water, dam, public stream, conduit, aqueduct or pool.

(2)No person shall, within a public amenity area, catch, or attempt to catch, any fish in any lake, fountain, public stream, pool, dam or ornamental water, unless fishing in such water has previously been authorised by are resolution of the council.

*Fire-arms and miscellaneous weapons*

17. In any public amenity area, no person shall—

(a) discharge any fire-arm, firework, catapult, sling or pellet-gun: or b) throw any stone, stick or other missile; or

(b) use any squirt, syringe or other instrument; or

(c) do anything which may be a nuisance , obstruction or annoyance to the public.

*Public conduct*

18. In any public amenity area, no person shall—

(a) brawl, fight, use profane, indecent or improper language, be intoxicated or drugged, bet, gamble, beg, lie on any seat, or behave in an indecent or offensive manner, or commit any nuisance; or

(b) sell, or offer or expose for sale or hire, any commodity or article, or distribute any pamphlet, book, handbill, or other printed or written matter, except with the consent of the council; or

(c) use, or attempt to intrude upon or use, any water – closet, urinal or other place of convenience provided for the opposite sex; or

(d) play cricket, football or any other game, except on the places and at the times set apart for such games by the council; or

(e) take into, or have in, any public amenity area where notices prohibiting the

admission of dogs are exhibited, any dog not led by a chain, leash or other sufficient fastening; or

(f) smoke in any place or building in which, by notice affixed at or near the entrance to such place or building, smoking is prohibited; or

(g) take photographs or paint pictures or make sketches for sale by way of business without the prior written approval of the Council.

*Noise*

19. In any amenity area, no person shall—

(a) play or make sounds on any musical instrument, radio, gramophone, tape recorder or other instrument so as to create a nuisance; or

(b) deliver, utter or read aloud any public speech, prayer, sermons, book, or address of any kind, or sing any sacred or secular song, or hold any public meeting or assemblage, except with the prior written approval of the Council.

*Control*

20. In any public amenity area, no person shall—

(a) assault or resist , or aid or incite any person to assault or resist, any employee of the council or other person in the execution of his/ her duty or the lawful exercise of any authority under these by-laws or otherwise; or

(b) refuse to leave such public amenity area at or after the time of closing the gates, when requested to do so by any employee of the council or member of the police or unlawfully remain therein after the gates are closed, or climb on or over any gate, fence or railing, or enter or leave otherwise than through one of the authorised means of ingress or egress; or

(c) obstruct, disturb, interrupt or annoy any person in the proper use of such public amenity area.

*Hours of Closing*

21. The Council shall, by notice posted at or near the entrance gates, indicate the hours during which any public amenity area is closed to the public, and may, for any special purpose, by means of such notice, close any such public amenity area, or any part thereof, or any building therein, to the public for such time as the Council may from time to time consider necessary or expedient

*Special Uses*

22. (1). The Council may from time to time grant to any person or association of persons the exclusive use of any public amenity area, or of any portion thereof, for the purpose of any sport, game or public meeting, during such hours and for such period as the Council may deem fit.

(2) The Council may from time to time reserve a portion or portions of any public amenity area for any specific purpose, and may give orders, by means of a notice or notices posted at or near the entrances or in any such public amenity area, for the regulation of traffic therein.

(3) No person shall interfere with, or in any way hamper, any exclusive use granted in terms of this section, or neglect or refuse to obey any order made in terms of this section.

*Authority*

23. (1) It shall be lawful for any duly authorised employee of the council to exclude or remove from any public amenity area any person committing any breach of these by-laws.

(2) No person, after being told by an authorised person to go from a public amenity area—

(a) shall neglect or refuse to go; or

(b) having left the place, or having been removed therefrom, return thereto within twelve hours.

(3) Every person shall on being required to do so by an authorised official in a public amenity area inform such duly authorised official of his correct name and address.

*Police powers*

24. Nothing in these by-laws shall take away, abridge or limit or interfere with the powers of the police.

PART V

GENERAL

*Offences and penalties*

25. Any person who contravenes the provisions of these by-laws shall be guilty of an offence and liable to a fine as prescribed in the approved Council budget.