

By-law No 20, 2010 **PREVENTION AND SUPPRESSION OF NUISANCES BY-LAW, 2010****BY-LAW****To provide for the regulation of the prevention and suppression of nuisances****BE ENACTED** by the Ubuntu municipality as follows:**1. Definitions**

In this by law, unless the context proves otherwise means-

"Council" the UBUNTU Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal System Act (Act 32 of 2000);

"noise nuisance" any sound which disturb or impairs or may disturb the convenience or peace of any person;

"public peace and security" public tranquility, calmness, safety and freedom from civil disorder;

"public place" includes any public street or place, any public conveyance, any place of public entertainment, any place of public gathering or any place of which the public has unhindered usage of the right of way any place that is open to public view;

"public street" any street, road or highway, thoroughfare, lane, footpath, sidewalk, alley, passage, square, bridge or any other place of a like nature or any portion thereof, and includes any appurtenance thereto;

"animal" also includes birds and poultry.

2. Disturbance of the peace

(a) No person shall make, produce or cause a disturbance in noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof whether in a public or on private property.

(b) No person shall-

- (i) operate or play, or allow to be operated or played, a radio, television set, drums, music instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance;
- (ii) offer any article for sale by means of any megaphone, loudspeakers or other similar device, or by shouting, ringing a bell or making other sound in a manner which may cause a noise nuisance.
- (iii) except in an emergency, emit a sound, or allow a sound to be emitted by means of a bell carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device if it may cause a noise nuisance;
- (iv) drive a vehicle on a public street in such a manner that it may cause a noise nuisance.

- (c) No person shall at any time of the day or night, disturb the public peace security in any public place in the jurisdiction of the UBUNTU Local Municipal Council by wrangling, quarrelling, fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner, any stick or other weapon, or by any riotous violent or unseemly behavior, which constitutes or may constitute a disturbance of the public peace and security.
- (d) No person shall in any public place in the jurisdiction of the UBUNTU Local Municipal Council use any abusive or threatening language or commit any act which is liable or calculated to cause a breach or peace.
- (e) If a noise emanating from a building, premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle or recreational vehicle from which such noise emanates or may emanate, or all such persons, is deemed responsible for the disturbing noise or noise nuisance and punishable in terms of this by-law.

3. Animals

- (a) No person shall allow any animal owned or controlled by him or her to cause a noise nuisance or disturb the neighborhood.
- (b) No person shall be permit any animal, of which he/she is the owner or in charge of , to rush pedestrians, motor cars or cyclists, or permit such animal is securely tied up or confined.

4. Penalty

Any person contravening any provision of this by-law shall be guilty of an offence and liable on conviction to a penalty not exceeding R3,000.00 and in the event of a second further offence, to a further penalty not exceeding R10,000.00.

5. Repeal of by-laws

The by-laws of the former Municipal Councils of Victoria West, Richmond and Loxton relating to matters contained in this by-law, are hereby repealed.

6. Short title

This By-law shall be called the Prevention and Suppression of Nuisances By-law, 2010.