15. Name of business:

EJ's Entertainment CC

CK 2008/117967/23 t/a Balls & All

At the following site:

Shops 6-8, Koorzen Centre, Koorzen Street,

Strand 7140

Erf number:

Erf 23263, Strand

Persons having a financial interest of 5% or more in the

business:

Enzelle Fourie (100%)

## WRITTEN COMMENTS AND OBJECTIONS

Residents of this province who wish to lodge objections or to furnish comment on any application, may do so in writing. In the case of written objections to an application, the grounds on which such objections are founded, must be furnished. Where comment in respect of an application is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than 16:00 on Friday, 26 September 2008.

Notice is hereby given that, in terms of Regulation 24(2) of the National Gambling Regulations, the Board will schedule a public hearing in respect of an application only if, on or before 16:00 on Friday, 26 September 2008, a written objection to such application relating to:

- the probity or suitability for licensing of any of the persons to be involved in the operation of the relevant business, or
- the suitability of the proposed site for the conduct of gambling operations

has been received. If a public hearing is scheduled, the date of such hearing will be advertised in this publication approximately 14 days prior to the date thereof

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, P.O. Box 8175, Roggebaai 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, Seafare House, 68 Orange Street, Gardens, Cape Town or faxed to the Chief Executive Officer at one of the aforementioned addresses on fax number +27 (0)21 422 2603.

5 September 2008

46779

15. Naam van besigheid: EJ's Entertainment BK

CK 2008/117967/23

h/a Balls & All

By die volgende perseel: Winkel 6-8, Koorzen Sentrum, Koorzenstraat, Strand 7140

Erfnommer:

Erf 23263, Strand

Persone met 'n finansiële belang van 5% of meer in die

besigheid:

Enzelle Fourie (100%)

## SKRIFTELIKE KOMMENTAAR EN BESWARE

Inwoners van hierdie provinsie wat belangstel om besware aan te teken teen of kommentaar te lewer op enige aansoek, mag dit skriftelik doen. In die geval van skriftelike besware teen 'n aansoek, moet die redes waarop sodanige besware gebaseer is, verskaf word. Waar kommentaar betreffende die aansoek verstrek word, moet die volle besonderhede en feite om sodanige kommentaar te staaf, verskaf word. Die naam, adres en telefoonnommer van die persoon wat beswaar maak of kommentaar lewer, moet ook verskaf word. Kommentaar of besware moet die Raad op die laatste teen 16:00 op Vrydag, 26 September 2008 bereik.

Kennis geskied hiermee dat die Raad, ingevolge regulasie 24(2) van die Nasionale Dobbelregulasies, 'n openbare verhoor ten opsigte van 'n aansoek sal skeduleer slegs indien 'n skriftelike beswaar teen 'n aansoek voor of om 16:00 op Vrydag, 26 September 2008 ontvang is. Sodanige beswaar moet betrekking hê op:

- die onkreukbaarheid of geskiktheid van enige van die persone, wat betrokke sal wees by die bedryf van die relevante onderneming, vir lisensiëring, of
- die geskiktheid van die voorgestelde perseel vir die bedryf van dobbelaktiwiteite.

Indien 'n openbare verhoor geskeduleer word, sal die datum van sodanige verhoor ongeveer 14 dae vóór die verhoordatum in hierdie publikasie geadverteer word.

Besware of kommentaar moet gestuur word aan die Hoof-Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Seafare Huis, Oranjestraat 68, Tuine, Kaapstad of gefaks word aan die Hoof- Uitvoerende Beampte by een van die voorafgenoemde adresse by faksnommer +27 (0)21 422 2603.

5 September 2008

46779

#### OVERSTRAND MUNICIPALITY

#### BY-LAW RELATING TO STREETS, PUBLIC PLACES AND THE PREVENTION OF PUBLIC NUISANCES

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of the Overstrand Municipality has made the by-law set out in the schedule hereto:

#### **SCHEDULE**

# BY-LAW RELATING TO STREETS, PUBLIC PLACES & PUBLIC NUISANCES

## PREAMBLE:

WHEREAS the Overstrand Municipality ("the Municipality") may enact and administer by-laws for the effective administration of such matters as the control of municipal roads and streets, public places and the prevention of public nuisances;

AND WHEREAS the Municipality strives to ensure that the manner in which it controls, manages and develops streets and public open spaces is environmentally sustainable, and is in the long-term interests of the whole community of the Overstrand Municipality, including future generations;

AND WHEREAS disorderly, aggressive, threatening, abusive, or obstructive behaviour of persons in public negatively impacts on the realisation of its objective;

NOW THEREFORE BE IT ENACTED by the Council of the Overstrand Municipality as follows:-

#### INDEX

- 1. DEFINITIONS
- 2. PROHIBITED BEHAVIOUR
- 3. STREET AND DOOR-TO-DOOR COLLECTIONS
- 4. PARKING AND RELATED SERVICES
- 5. OBJECTS CAUSING AN OBSTRUCTION
- 6. TREES CAUSING AN INTERFERENCE OR OBSTRUCTION
- 7. TREES IN STREETS
- 8. GOODS, BUILDING MATERIALS, MOTOR VEHICLE WRECKS, DANGEROUS OBJECTS
- 9. EXCAVATIONS IN STREETS
- 10. POISON IN STREETS AND CONVEYANCE OF ANIMAL CARCASES AND OTHER WASTE
- 11. PROCESSIONS AND PUBLIC PERFORMANCES
- 12. PROHIBITIONS OF CERTAIN ACTIVITIES IN CONNECTION WITH OBJECTS
- 13. DRYING OF WASHING ON FENCES ON BOUNDARIES
- 14. PROHIBITION OF SKATING, ROLLERSKATING AND DANGEROUS ACTS
- 15. CONTROL OF GOODS OFFERED FOR SALE
- 16. BRIDGES AND CROSSINGS OVER GUTTERS AND SIDEWALKS
- 17. CONTROL OF AMUSEMENT SHOWS AND DEVICES
- 18. DISPLAY OF STREET NUMBERS
- 19. MOTOR VEHICLE AND BOAT BUILDING AND REPAIRS
- 20. LIGHT POLLUTION
- 21. EXEMPTIONS
- 22. ENFORCEMENT OF COMPLIANCE
- 23. OFFENCES AND PENALTIES
- 24. REPEAL OF EXISTING LAWS
- 25. SHORT TITLE
- 26. SCHEDULE

## 1. DEFINITIONS:

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

- "beg" means any request made by a person for an immediate donation of money or some other thing of value or otherwise, and includes the sale or attempted sale of an item or service for an amount exceeding its value such that the purchase is in substance a donation, provided that begging does not include a collection on behalf of a charitable organisation in a public place or from door-to-door with the prior written permission of the Municipality and in accordance with any conditions determined by the Municipality when granting such written permission.
- "camp" means to occupy land by picnicking thereon or erecting thereon a tent or temporary structure and using a caravan, vehicle, tent or temporary structure for the purpose of habitation and/or sleeping overnight or as a shelter or protection against the weather;
- "collection" means the door-to-door collection of money or some other thing of value in terms of a written permission obtained by the Municipality;
- "kerb line" means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge;
- "Municipality" means the Overstrand Municipality, a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) read with Provincial Notice 494 of 2000, as amended, or the Council or any committee of the Council, political office-bearer, councillor or employee, acting in terms of delegated or subdelegated authority or any duly authorised agent;
- "obstruction" in relation to a road, means any vehicle or any other thing which blocks or is likely to block traffic flow;
- "overnight" means the period from 20:00 in the evening to 06:00 in the morning;

"parking and related services" means parking services, car cleaning services, car washing services, car security services, windscreen washing services and any other similar services;

"peace officer" means a law enforcement officer or traffic official, duly appointed by the Municipality who has been declared a peace officer in terms of section 334 of the Criminal Procedure Act 51 of 1977;

"public nuisance" means any act, omission or condition which is offensive and/or injurious and/or dangerous to health and/or which materially interferes with the ordinary comfort, convenience, peace or quiet of the public and/or which adversely effects the safety of the public;

"public parking space" means any space in a public place designated by the Municipality for the parking of a motor vehicle;

#### "public place" means-

- (a) a public road;
- (b) any parking area, square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has—
  - (i) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
  - (ii) at any time been dedicated to the public;
  - (iii) been used without interruption by the public for a period of at least thirty years, or
  - (v) at any time been declared or rendered as such by the Municipality or other competent authority; or

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) 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 includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

"public transportation vehicle" includes any, bus, minibus, ferry, aircraft or vehicle travelling on land, water or in the air, conveying members of the public at a fee;

"roadway" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic and which is situated between the edges of the roadway;

"shelter" means any structure that provides privacy or cover, and has one or more sides enclosed;

"shoulder" means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;

"sidewalk" means that portion of a verge intended for the exclusive use of pedestrians;

"verge" means that portion of a road, street or thoroughfare between the kerb line and outer border of the road reserve, including the sidewalk, which is not the roadway or the shoulder.

## 2. PROHIBITED BEHAVIOUR

- No person, excluding a peace officer or any other official person acting in terms of the law, shall—
  - (a) when in a public place intentionally block or interfere with the safe or free passage of a pedestrian or vehicle;
  - (b) approach or follow a person individually or as part of a group of two or more persons, in a manner or with conduct, words or gestures intended to or likely to influence or to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other things of value; or
  - (c) continue to beg from a person or closely follow a person after the person has given a negative response to such begging.
- Any person who blocks, occupies or reserves a public parking space with the intention to obstruct the free flow of traffic, or begs, stands, sits or lies in a public place thereby causing a public nuisance, shall immediately cease to do so when directed by a peace officer.
- 3. No person shall in a public place-
  - (a) use abusive or threatening language
  - (b) cause or permit to be caused a public nuisance by singing, shouting, screaming or making any other loud or persistent noise or sound including amplified noise or sound;
  - operate a motor vehicle in such a manner as to cause excess noise which can be avoided by the exercise of reasonable care on his or her part;
  - (d) fight or act in a riotous or physically threatening manner;
  - (e) urinate or defecate, except in a public toilet;

- (f) spit on an exposed surface;
- (g) perform any explicit sexual act;
- (h) appear in the nude or expose his or her genitalia;
- (i) consume liquor or drugs in the open;
- (i) be drunk or under the influence of drugs;
- (j) solicit or importune any person for the purpose of prostitution or immorality;
- (k) engage in gambling;
- start or keep a fire which is not a designated fireplace, except an official or person duly authorised to do so or acting in terms of the law, or
- (m) camp or erect any shelter, unless in an area designated for this purpose by, or with the written consent of, the Municipality.

#### 3. STREET AND DOOR-TO-DOOR COLLECTIONS

No person shall collect or attempt to collect money in a public place, or organise or in any way assist in the organisation of such collection, except with the written permission of the Municipality and otherwise than in accordance with such conditions as may be determined by the Municipality, which shall not disbar any person or organisation from collecting from door-to-door of money due and payable to that person or on whose behalf the money is collected.

#### 4. PARKING AND RELATED SERVICES

- No person shall, without a valid permit from or written agreement with the Municipality and proper identification consented to by the Municipality, in exchange for money or some other thing of value or in anticipation thereof
  - (a) direct the operator or occupant of a motor vehicle to a public parking space; or
  - (b) provide any other parking or related services in a public place.
- No driver or person in control of a truck or any other heavy duty vehicle shall, except for any emergency or other valid reason, park or leave such vehicle parked overnight in a public place.

#### 5. OBJECTS CAUSING AN OBSTRUCTION

No person, other than a peace officer or other official or person acting in terms of the law shall-

- deposit, pack, unpack or leave any goods or articles in a public place, or cause any goods or articles to be deposited, packed, unpacked
  or left in a public place, other than for a reasonable period during the course of the loading, off-loading or removal of such goods or
  articles;
- (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any object or vehicle.

## 6. TREES CAUSING AN INTERFERENCE OR OBSTRUCTION

- Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or
  inconvenience to persons using a public road, the Municipality may by notice in writing order the owner or occupier of such property to
  prune or remove such a tree or growth to the extent and within the period specified in such notice.
- 2. Any person failing to comply with a notice issued in terms of subsection (1) shall be guilty of an offence.
- If any person fails to comply with a notice in terms of this section, the Municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

#### 7. TREES IN STREETS

- 1. No person shall-
  - (a) Plant a tree or shrub in a public road, or in any way cut down a tree or a shrub in a public road or remove it therefrom, other than in terms of the provisions of the Municipality's Asset Management Policy;
  - (b) climb, break or damage a tree growing in a public road, or
  - (c) in any way mark or paint any tree growing in a public road or attach any advertisement thereto.
- 2. Any tree or shrub planted in a public road shall become the property of the Municipality.

## 8. GOODS, BUILDING MATERIALS, MOTOR VEHICLE WRECKS, DANGEROUS OBJECTS

No person shall-

- (a) without the prior written permission of the Municipality or otherwise than in accordance with any conditions determined by the Municipality when granting such written permission—
  - (i) leave, store, pack or unpack goods or cause or permit goods to be left, stored, packed or unpacked, or accumulate or cause to

be accumulated in any public place or balcony or verandah erected beyond the boundary of a public road any building materials, motor vehicle wrecks, spare parts of vehicles, building, waste materials or scaffolding, or

- (ii) bore or cut stone, slate or sift lime, or mix building materials in any public place; or
- (b) leave or accumulate or cause to be left or accumulated in any public place, or permit to be placed in any public place from premises owned or occupied by him or her, any broken glass or other potentially dangerous object, or
- (c) transport or cause or permit to be transported any building materials, mixed or unmixed, on a public road in such a way as to spill onto or to damage the road.

#### 9. EXCAVATIONS IN STREETS

- No person shall, subject to the provisions of the Municipality's Asset Management Policy, make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a public road—
  - (a) except with the written permission of the Municipality, and
  - (b) otherwise than in accordance with the requirements prescribed by the Municipality.
- 2. The provisions of subsection (1) do not prevent a person from erecting an umbrella or any other similar object in a public place during daylight, provided that the manner in which it is erected does not result in damage to the vegetation or anything forming part of the amenity concerned or obstruct the free movement of the public through such an amenity.

#### 10. POISON IN PUBLIC PLACES AND CONVEYANCE OF ANIMAL CARCASSES AND OTHER WASTE

- No person other than an official of the Municipality or an authorised person who administers legally approved weed-killers or poisons shall apply such chemicals in any public place.
- 2. No person shall carry or convey through a public road the carcass of an animal or any garbage, night soil, refuse, litter, rubbish or manure—
  - (a) unless it is properly covered, and
  - (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the road.

#### 11. PROCESSIONS AND PUBLIC PERFORMANCES

- 1. Subject to the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), no person shall—
  - (a) hold, organise, initiate, control or actively participate in a procession, demonstration or gathering in a public place;
  - (b) dance, shout, sing or play a musical instrument in a public place;
  - (c) do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in a public road, or
  - (d) use any loudspeaker or other device for the reproduction or amplification of sound, without the written permission of the Municipality in terms of subsections (2) and (3).
- 2. Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any public place shall submit a written application for permission thereto, which shall reach the Municipality within a reasonable time or prescribed time in terms of other applicable legislation, depending on the urgency of the action and in any event not less than 48 hours, before the date upon which any one or more of such actions is or are intended to be performed or carried out; provided that persons who intend participating actively in a procession, demonstration or gathering in any public place need not apply to the Municipality for permission thereto and that it shall not be illegal for such persons to participate actively in such procession, demonstration or gathering if the organiser, promoter or controller thereof has obtained the permission of the Municipality. An application made in terms hereof shall contain the following:
  - (a) full details of the name, address and occupation of the applicant;
  - (b) full details of the public place where en route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions, demonstrations and gatherings, the number of persons expected to attend; and
  - (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- 3. Any application submitted in accordance with subsection (2) shall be considered by the Municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the Municipality, likely to be in conflict with the interests of public peace, good order or safety, the Municipality, shall issue a certificate granting permission and authorisation for the performance or carrying out of any one or more of such actions, subject to such conditions as the Municipality may deem necessary to uphold public peace, good order and safety.
- 4. The Municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (1), if the performance or carrying out of such action or actions will, in the opinion of the Municipality, be in conflict with the interest of public peace, good order or safety.
- The Municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or actions in question will be in conflict with the interests of public peace, good order or safety.
- The provisions of this section shall, subject to other applicable legislation, not apply to religious gatherings, wedding or funeral processions.

#### 12. PROHIBITION OF CERTAIN ACTIVITIES

No person shall-

- (a) effect any repairs to a vehicle in a public place, except where necessary for the purpose of removing such vehicle from the place where
  it was involved in an accident or has a breakdown,
- (b) discharge laundry water or any other household water into a public road; or
- (c) discharge any offensive liquids, suspended solids or solids from any vehicle, boat or any other vessel into a public road or public place.

#### 13. DRYING OF WASHING ON FENCES ON BOUNDARIES

No person shall dry or spread washing in a public place or on a fence on the boundary of a public road except where conditions are such that it is not possible to do otherwise.

#### 14. PROHIBITION OF SKATING, ROLLER SKATING AND DANGEROUS ACTS

No person shall-

- (a) on a public road skate on roller-skates or a skateboard or similar device where prohibited by the Municipality;
- (b) in a public place do anything which may endanger the life or safety of any person or animal, including—
  - (i) shoot with a bow and arrow or catapult, or throw a stone, stick or other projectile in, onto or across a public road;
  - (ii) without the prior written permission of the Municipality or otherwise than in accordance with any conditions determined by the Municipality when granting such written permission or in contravention of any other applicable by-law, use explosives or discharge fireworks.
  - (iii) Except for a lawful purpose discharge any firearm or air, gas or alarm gun or pistol unless-
    - (aa) the firearm of air, gas or alarm gun or pistol in question is discharged in any shooting range which complies with the provisions of any law applicable thereto, or
    - (bb) the firearm or air, gas or alarm gun or pistol in question is discharged for signalling the start of a race at an organised and controlled sports meeting; provided that blank cartridges only are fired thereby, or
    - (cc) the firearm or air, gas or alarm gun or pistol, or fireworks in question is discharged for a purpose and at a time and place approved in writing by the Municipality.

## 15. CONTROL OF GOODS OFFERED FOR SALE

No person shall, in a public place, display or offer for sale any goods or produce except as may be prescribed by the Municipality and unless he or she has received written authority from the Municipality to do so.

# 16. BRIDGES AND CROSSINGS OVER GUTTERS AND SIDEWALKS

No private crossing, pathway, bridge or culvert shall be made or built to or in front of any dwelling or other premises in any public place—

- (a) except with the written permission of the Municipality; and
- (b) otherwise than in accordance with the requirements prescribed by the Municipality, including its Asset Management Policy.

#### 17. CONTROL OF AMUSEMENT SHOWS AND DEVICES

- No person shall set up or use in any public place any amusement park circus, roundabout, or other side show or device for the amusement or recreation of the public—
  - (a) except with the written permission of the Municipality;
  - (b) otherwise than in accordance with such conditions as may be determined by the Municipality;
  - (c) unless suitable sanitary conveniences for both sexes of the staff and the public have been provided there; and
  - (d) if it is in any way dangerous or unsafe for public use.
- An authorised official of the Municipality shall, for the purposes of inspection to ensure compliance with this section, at all reasonable times have free access to such amusement park, circus, roundabout, or other sideshow or device.

#### 18. DISPLAY OF STREET NUMBERS

- 1. The Municipality may, by written notice-
  - (a) allot any number to any premises in any public road and direct the owner of such premises to display the number allotted to the premises and may also, in exceptional circumstances, prescribe the position where it is to be displayed, and the owner or occupier of such premises shall, within 30 days of the date of such notice affix the allotted number on the premises in accordance with such notice: Provided that any such number displayed on the premises shall be clearly visible and readable from a height of 1,5 m above the centre line of the adjacent road or carriageway; and

- (b) direct any owner to replace or repaint any digit of such number which has become illegible, obliterated or defaced.
- If the owner of any premises fails to comply with any direction in terms of a notice contemplated in subsection (1), the Municipality may cause such direction to be executed and the owner shall be liable for the cost incurred by the Municipality in having the direction executed.
- 3. The Municipality may at its discretion allocate a number to a portion of a premises which is not a building or to vacant land which borders on a public road, and the provisions of subsections (1) and (2) shall apply *mutatis mutandis* in respect of such portion of a premises or such vacant land.

#### 19. MOTOR VEHICLE AND BOAT BUILDING AND REPAIRS

The building, dismantling, reassembling, repair or adjustment of any motor vehicle or any boat on any premises other than premises duly registered and licensed for that purpose is prohibited—

- (a) unless-
  - (i) such motor vehicle or boat is owned by a person resident on such premises and such work is carried out by a person so resident, but not where a motor workshop is run for commercial purposes; or
  - (ii) the Municipality has granted its prior permission in writing thereto;
- (b) if it is in contravention of any condition imposed by the Municipality in granting its permission under paragraph (a)(ii);
- (c) if it is carried out earlier than 07:00 or later than 20:00;
- (d) if it is carried out after notice in writing is served by the Municipality to the owner or occupier of such premises requiring that such work ceases on the grounds that—
  - it or the motor vehicle or boat concerned is visible from any other premises or any public place and in the opinion of the Municipality is or causes such premises to be unsightly; or
  - (ii) it has been carried on for a longer period than is, in the opinion of the Municipality, reasonably necessary for the completion thereof; or
  - (iii) it or the manner in which it is being carried out is, in the opinion of the Municipality, offensive or objectionable.

#### 20. LIGHT NUISANCE

A light installed on any premises shall be so positioned and if necessary screened, to ensure that it does not cause a nuisance to vehicular traffic, provided that this does not apply to any illumination which merely causes an increase in ambient light beyond the property boundary.

#### 21. EXEMPTIONS

- 1. The Municipality may, from time to time, on such conditions as it may determine, grant exemptions, from the provisions of this By-law.
- The Municipality may, on such conditions as it may determine, in writing, exempt from section 5(a) and 5(b) film crews or persons who, for purposes of photo shoots, media coverage or related activities, obstruct public places.

## 22. ENFORCEMENT OF COMPLIANCE

- 1. Notwithstanding any other provisions of this By-law, the Municipality may-
  - (a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained, and
  - (b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.
- Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

## 23. OFFENCES AND PENALTIES

- Any person who contravenes or fails to comply with any provision of this By-law or disobeys any instruction by a law enforcement officer
  or a member of the traffic department of the Municipality, enforcing this By-law, shall be guilty of an offence and liable to a fine not
  exceeding one thousand rand or imprisonment for a period not exceeding three months, or to both a fine and such imprisonment.
- 2. A court convicting a person of an offence under this By-law may impose alternative sentencing in place of a fine or imprisonment.

### 24. REPEAL OF EXISTING BY-LAWS

 The by-laws set out in Schedule 1 are repealed to the extent set out in that Schedule, together with any other provision in any other by-law which is inconsistent with the provisions of this by-law.

#### 25. SHORT TITLE

This By-Law is called the Overstrand Municipality: By-Law Relating to Streets, Public Places and the Prevention of Public Nuisances, 2008.

# REPEAL OF BY-LAWS AND SAVINGS

# SCHEDULE 1

NUMBER AND YEAR OF NOTICE	TITLE OR SUBJECT OF LAW	EXTENT OF REPEAL
P.N 0631/1930	Kleinmond Municipality: General series of Regulations	The Whole
P.N 0081/1931	Hermanus Municipality: General series of Regulations	The Whole
P.N 0114/1933	Gansbaai Municipality: General series of Regulations	The Whole
P.N 0318/1936	Stanford Municipality: General series of Regulations	The Whole
P.N 0335/1939	Hermanus Municipality: Regulations to side shows, streets and traffic	The Whole
P.N. 0178/1940	Stanford Municipality: Amended additional Regulations	The Whole
P.N 0294/1942	Hermanus Municipality: Amendment to Regulations	The Whole
P.N 0587/1951	Hermanus Municipality: Standard Regulations	The Whole
P.N 0887/1951	Hermanus Municipality: Streets	The Whole
P.N 15/1954	Kleinmond Municipality: Streets	The Whole
P.N 0227/1957	Stanford Municipality: Standard Regulations	The Whole
P.N 0597/1957	Betty's Bay Local Board: Standard Regulations	The Whole
P.N 0366/1958	Kleinmond Municipality: Amendment to standard Regulations relating to streets	The Whole
P.N 0612/1963	Gansbaai Municipality: Standard Regulations	The Whole
P.N 0755/1964	Gansbaai Municipality: Additional Regulations relating to streets	The Whole
P.N 0373/1969	Hermanus Municipality: Regulations for the control of door-to-door collections	The Whole
P.N 0759/1969	Kleinmond Municipality: Regulations for the control of door-to-door collections	The Whole
PN 0176/1979	Hermanus Municipality: By-law relating to the prevention of nuisances	The Whole
P.N 0096/1984	Stanford Municipality: By-law relating to the prevention of nuisances	The Whole
P.N 0444/1987	Gansbaai Municipality: By-law relating to the prevention of nuisances	The Whole
P.N 0551/1987	Gansbaai Municipality: Commonage By-law	Those provisions relating to streets, public places and nui- sance
P.N 0562/1987	Gansbaai Municipality: Standard By-law relating to streets	The Whole
P.N 0448/1988	Kleinmond Municipality: Standard By-law relating to streets	The Whole
P.N 0734/1988	Hermanus Municipality: Standard by-law relating to streets	The Whole
P.N 0163/1992	Kleinmond Municipality: Amendment to the by-law for the control of door-to-door collections	The Whole

5 September 2008 46780