

LOCAL GOVERNMENT NOTICE

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MUNICIPALITY OF NKONKOBÉ

BY-LAW RELATING TO PUBLIC OPEN SPACES

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996], the By-Law Relating to Public Open Spaces.

Purpose of By-law

The purpose of this by-law is to provide an effective legal and administrative framework to ensure that the way in which the municipality controls, manages and develops public open spaces is environmentally sustainable, in the long-term interests of the local community, and clearly defines the rights and obligations of the community in relation to such public open spaces.

CHAPTER 1

INTERPRETATION AND APPLICATION

1 **Definitions** - In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, and, unless the context otherwise indicates -

“active game” means any physical sport, game or other activity conducted by one or more persons –

- (a) undertaken within a public open space other than in an area set aside for that purpose;
- (b) which may be a nuisance to or cause injury to other users, or damage to vegetation or municipal property within a public open space; and
- (c) includes, but shall not be limited to, football, cricket, rugby, golf, tennis, hockey, volleyball, netball, badminton, archery, cycling, skateboarding, roller-skating and roller-blading;

“authorised official” means –

- (a) an official of the municipality who has been authorised by it to administer, implement, and enforce the provisions of this by-law;

- (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996];
- (c) a member of the police service, as defined in terms of Section 1 of the South African Police Services Act, 1995 [Act No. 68 of 1995]; or
- (d) a peace officer, contemplated in terms of Section 1 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];

"**community work**" means any activity undertaken by a person on a voluntary basis or for nominal remuneration in order to protect, improve or uplift persons or their immediate environment, and "voluntary work" shall have a corresponding meaning;

"**designated area**" means an area designated by the municipality as an area in which an active game, or any other activity which would otherwise be prohibited under chapter 3 of this by-law, may be conducted;

"**environment**" means the surroundings within which humans exist, made up of –

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (a) and (b), and the interrelationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"**environmentally sustainable measures**" means the exercise of powers, or performance of functions, in a manner aimed at ensuring that –

- (a) the risk of harm to the environment and to human health and safety is minimised, to the extent reasonably possible under the circumstances;
- (b) the potential benefits to the environment and to human health and safety are maximised, to the extent reasonably possible under the circumstances; and
- (c) legislation intended to protect the environment and human health and safety is complied with;

"**local community**" means that body of persons comprising –

- (a) the residents of the area in which the public open space is situated;
- (b) the ratepayers of the area in which the public open space is situated; and
- (c) any civic and non-governmental organisations or private sector organisations or bodies which are involved in local affairs in the area in which the public open space is situated;

“municipal manager” means a person appointed as such by the municipality, in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998];

“municipal property” means any structure or thing owned or managed by or on behalf of the municipality, and which is incidental to the use and enjoyment of a public open space, and includes buildings, lapas, kiosks, benches, picnic tables, playground equipment, fountains, statues, monuments, fences, poles, notices and signs;

“municipality” means the Municipality of Nkonkobe, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], 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 to such political structure, political office bearer, councillor, agent or employee;

“notice” means a clear and legible notice drawn up by the municipality in the languages designated by the municipality, and prominently erected in a public open space;

“nuisance” means an unreasonable interference, or likely interference, with –

- (a) the health or well-being of any person;
- (b) the use and enjoyment by an owner or occupier, of his or her property; or
- (c) the use and enjoyment by a member of the public of a public open space;

“organ of state” means –

- (a) any department of state, or administration, in the national, provincial or local sphere of government; or
- (b) any other functionary or institution –

- (i) exercising a power or performing a function in terms of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996] or a provincial constitution; or
- (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer;

"peace officer" means the person contemplated in terms of Section 1 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];

"person" means a natural person or a juristic person, and includes an organ of state;

"prescribed fee" means a fee determined by the municipality by resolution in terms of any applicable legislation;

"printed matter" includes any advertisement, billboard, poster, book, pamphlet or handbill;

"prohibited activity" means any activity or behaviour that is prohibited in terms of chapter 3 from being conducted in a public open space, either completely or without permission in terms of sections 23 or 24;

"public open space" means any land which –

- (a) is either –
 - (i) set aside in terms of any law, zoning scheme or spatial plan for the purposes of public recreation, conservation, the installation of public infrastructure or agricultural purposes; or
 - (ii) predominantly undeveloped and open, and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or spatial plan; and
 - (iii) shall include -
 - (aa) **"conservation open space"**, which means public open space that is managed by or on behalf of the municipality for conservation purposes, and includes nature reserves, green belts, ravines, bird sanctuaries, and sites of historical, ecological or archaeological value;
 - (bb) **"recreational open space"**, which means public open space that is managed by or on behalf of the municipality for public recreational purposes, and includes beaches, parks, botanical gardens, sports grounds and play grounds, but excludes golf courses;

- (cc) “**road reserves**”, which means those portions of roads, streets or thoroughfares improved, constructed, or intended for vehicular traffic, which are between the edges of the roadways, or those portions of roads, streets or thoroughfares, including the sidewalks, which are not the roadways or shoulders; and
- (dd) “**utility open space**”, which means public open space that is managed by or on behalf of the municipality for the purposes of providing a municipal service, including areas upon which is located water services infrastructure, but excluding municipal buildings, municipal housing, clinics and other social services;

and

- (b) (i) vests in an organ of state in terms of any legislation; or
- (ii) is owned by an organ of state, and set aside for such purpose; or
- (iii) is controlled and managed by the municipality for such purpose;

“**service provider**” means a person or institution or any combination of persons and institutions which provides a municipal service in terms of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000];

“**special event**” means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or similar event, which requires, for that purpose, exclusive use of a part of a public open space;

“**user**”, with reference to a public open space, means any person who enjoys, or benefits from, the use of public open space;

“**vehicle**” means a device designed or adapted mainly to travel on wheels, but excludes wheelchairs and children’s pushchairs;

“**waste**” means any substance or article that the owner wishes to dispose of, because it is unwanted, superfluous, broken, worn out, contaminated, or otherwise spoilt, and that has either been discarded, or has been accumulated or stored so that it can be discarded, reused, reclaimed or recycled;

“**water body**” means any body of water within a public open space, and includes a pond, fountain, artificial watercourse, dam, lake, canal, reservoir, stream, river, wetland, estuary and tidal lagoon; and

“**watercraft**” includes any boat, raft, yacht, canoe, inflatable mattress, model ship or boat, radio-controlled boat, or similar device.

2 Application of by-law

- (a) This by-law applies to all public open space that falls under the jurisdiction and control of the municipality, excluding cemeteries.
- (b) This by-law is binding on the state.

CHAPTER 2

MANAGEMENT AND ADMINISTRATION OF PUBLIC OPEN SPACES

3 Underlying Principles

- (1) Public open spaces must be managed and administered in the interests of the local community, and, in determining the interests of the local community –
 - (a) the long-term collective interests of the local community must be prioritised over the interests of any specific interest group or sector of society;
 - (b) a long-term perspective, that takes into account the interests of future generations, must be adopted; and
 - (c) the interests of other living organisms that depend on public open spaces must be taken into account.
- (2) Public open spaces must be managed in accordance with environmentally sustainable measures.
- (3) Subject to subsections (5) and (7), all persons must be given access to public open spaces, on a non-discriminatory and equitable basis.
- (4) Where necessary, special measures must be taken to facilitate access to public open spaces for historically disadvantaged persons and disabled persons.
- (5) Access to a public open space may be restricted in a manner that does not unjustifiably discriminate against any person or class of persons –
 - (a) if the restriction is authorised by this by-law, or by any other applicable legislation; or
 - (b) in order to achieve the purposes of this by-law.

- (6) The recreational, educational, social and other opportunities which public open spaces offer must be protected and enhanced, to enable local communities to improve and enrich their quality of life.
- (7) Local communities must be encouraged to use and care for public open spaces in their areas.
- (8) The natural environment and heritage resources within public open spaces must be identified, preserved, protected and promoted, for the benefit of the local community, the public, and future generations.

4 Application of principles

The national environmental management principles set out in Section 2 of the National Environmental Management Act, 1998 [Act No. 107 of 1998] must be considered and applied by any person –

- (a) exercising a power or performing a function under this by-law;
- (b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the use of, public open spaces within the municipality's jurisdiction; or
- (c) exercising a power or performing a function that is likely to have a significant effect on, or which concerns the use of, public open spaces.

5 General powers

The Municipality may, in relation to any public open space –

- (a) designate any area within a public open space as an area within which one or more activities otherwise prohibited in terms of this by-law may be undertaken, and erect a prominent notice to this effect at entrances to the designated area;
- (b) develop any public open space, in accordance with the principles set out in section 4; and
- (c) exercise any other power reasonably necessary for the discharge of the municipality's obligations in terms of this by-law, and relating to the management of public open spaces.

6 Fees

The Municipality may require members of the public to pay –

- (a) a reasonable prescribed fee to use recreational or other facilities that the municipality provides within public open spaces;

- (b) a reasonable prescribed fee for entrance to public open spaces, such fee to take into consideration the costs to maintain such public open spaces;
- (c) a reasonable prescribed fee for the right to undertake a special event;
- (d) a reasonable prescribed fee for the right to exclusively use municipal property for a specific period;
- (e) a deposit prior to undertaking a prohibited activity;
- (f) a reasonable prescribed fee for processing applications for permits or letters of permission under this by-law.

7 Restricting access

The Municipality may restrict access to any public open space or to any part of a public open space for a specified period of time -

- (a) to protect any aspect of the environment within a public open space;
- (b) to reduce vandalism and the destruction of municipal property;
- (c) to improve the administration of a public open space;
- (d) to develop a public open space;
- (e) to enable a special event that has been properly permitted to proceed; or
- (f) to undertake any activity that the municipality reasonably considers necessary or appropriate to achieve the purposes of this by-law.

8 Procedure when exercising powers

If the rights or legitimate expectations of any person will be materially and adversely affected by the municipality's exercising of any power in terms of sections 5, 6 or 7, then the municipality must, before exercising such power –

- (a) give notice of the proposed administrative action, which notice must –
 - (i) be publicised -
 - (aa) in a newspaper circulating within the area of the municipality;
 - (bb) by means of radio broadcasts covering the area of the municipality; and

- (cc) where the municipal manager deems this to be necessary, in the Provincial Gazette;
 - (ii) be in the languages designated by the municipality, having regard to language preferences and usage within its area;
 - (iii) be displayed at the municipal offices;
 - (iv) contain a clear statement of the proposed administrative action; and
 - (v) invite comments and objections with a specified period;
- and
- (b) consider the comments and objections received in response to the notice.

9 Powers of authorised officials

In relation to any public open space, an authorised official may –

- (a) issue an instruction under section 20;
- (b) order any person to leave a public open space, if the authorised official reasonably believes that the said person has not complied with any provision of this by-law; and
- (c) exercise any other power that may be exercised by a peace officer in terms of the Criminal Procedure Act, 1977, provided that an official of the municipality may not act in terms of this subsection unless he or she is also a peace officer, as contemplated in terms of Section 1 of the Criminal Procedure Act, 1977.

10 Obligations in respect of public open spaces

- (1) The municipality must, within a public open space, erect any notice required under this by-law.
- (2) In respect of recreational open spaces, the municipality must –
 - (a) ensure that they are open to the public between sunrise and sunset, or such other times as the municipality may determine; and
 - (b) erect prominently displayed notices at every entrance, indicating -
 - (i) the opening and closing times of that recreational open space; and

- (ii) any rules made in relation to that recreational open space.

CHAPTER 3

PROHIBITED CONDUCT

11 Prohibited activities

- (1) Any person who undertakes an activity, or behaves in a manner, that is prohibited under sections 12 to 20, is guilty of an offence, unless the activity or conduct in question –
 - (a) takes place in a designated area within which such activity is allowed;
 - (b) is authorised in terms of permission granted, or a permit issued, under sections 23 or 24; or
 - (c) was deemed to have been authorised by the municipality under subsection (2).
- (2) Subject to subsection (3), a person is deemed to have permission to undertake a prohibited activity, if that person needs to undertake the prohibited activity –
 - (a) to perform his or her obligations as an employee, agent or service provider of the municipality, under his or her contract with, or mandate from, the municipality, or to achieve the purposes of this by-law;
 - (b) to carry out any lawful duties on behalf of an organ of state within a utility open space;
 - (c) to fulfil his or her duties as an authorised official to implement this by-law; or
 - (d) to fulfil his or her duties as a peace officer.
- (3) No person shall be deemed to have permission to undertake an activity that is prohibited under section 12 (a), (d), (e) or (f), or an activity that the municipality has expressly refused to permit.

12 General

No person shall, within a public open space –

- (a) act in a manner that is dangerous to life or property;
- (b) contravene the provisions of any notice within any public open space;

- (c) unlawfully enter a public open space to which access has been restricted in terms of section 7;
- (d) cause a nuisance to other users;
- (e) behave in an offensive manner; or
- (f) obstruct any authorised official who is exercising a power or performing a duty under this by-law.

13 Use

No person shall, within a public open space –

- (a) wash him- or herself, an animal, or any other object, including clothing, in any water body;
- (b) sail, row, paddle, propel or control any watercraft on any water body;
- (c) make, light, or otherwise start, a fire;
- (d) camp, or reside, in any public open space;
- (e) consume, brew, store, or sell, any alcoholic beverage;
- (f) use any sound equipment, including a radio, portable hi-fi or car stereo;
- (g) play an active game; or
- (h) shoot a projectile of any nature.

14 Waste

No person shall, within a public open space –

- (a) deposit, dump or discard any waste, unless in a receptacle provided by the municipality for that purpose; or
- (b) pollute or deposit any waste or thing in a manner which may detrimentally impact on a water body.

15 Vehicles

No person shall, within a public open space –

- (a) except at times, and on roads or pathways, prescribed by the municipality, drive, draw or propel any vehicle;
- (b) drive, draw or propel a vehicle in excess of 60 kilometres per hour; or

- (c) park a vehicle in a public open space.

16 Animals and vegetation

No person shall, within a public open space –

- (a) disturb, damage, destroy or remove any vegetation;
- (b) plant any vegetation;
- (c) alter the slope or drainage pattern so as to interfere with the access of water, air or nutrients to any tree;
- (d) capture or attempt to capture, chase, shoot at, injure, throw objects at, tease, molest, or in any other way disturb, any fish, bird or animal;
- (e) disturb, damage or destroy any bird nest or eggs;
- (f) introduce any animal, unless the animal is a guide dog and is accompanied by a person with a sight disability; or
- (g) affix, or place, on any tree any printed matter.

17 Municipal property and erection of structures

No person shall, within a public open space -

- (a) deface, damage, destroy or remove any municipal property;
- (b) disturb the surface of any land, whether by digging, undertaking any earthworks, or in any other manner;
- (c) erect, build or assemble any structure, including, but not limited to, a hut, tent, screen, bulletin board, pole, stand or stage; or
- (d) affix, or place, on any municipal property, or distribute, any printed matter.

18 Selling and special events

- (1) No person shall, within a public open space –
 - (a) use municipal property in a way that unfairly restricts, or prevents, other users of the public open space from utilising such municipal property; or
 - (b) sell, hawk, offer, or display, any goods or articles for sale or hire.

- (2) No person may undertake a special event, except in terms of a permit issued for such purpose.

19 Community work

No person shall, within a public open space, undertake any community work or voluntary work of any description such that it –

- (a) damages, or poses a risk of damage, to a public open space;
- (b) creates a nuisance to users; or
- (c) contravenes any provision of this by-law.

20 Restoration or removal instructions

- (1) Unless permission or a permit has been obtained under sections 23 or 24, an authorised official may issue a restoration or removal instruction to any person who has, directly or indirectly, and in a public open space –
 - (a) damaged, defaced, disturbed, destroyed, demolished, or removed, vegetation or municipal property;
 - (b) erected, built or assembled a structure; or
 - (c) dumped, discarded or deposited any waste, unless in a receptacle provided by the municipality for that purpose.
- (2) The restoration or removal instruction may direct the said person within the time stated in the notice to take reasonable action -
 - (a) to restore or rehabilitate the affected area, to the reasonable satisfaction of the municipality; or
 - (b) to remove a structure or thing, and restore the affected site, as nearly as practicable, to its former condition.

CHAPTER 4

TREE PRESERVATION ORDERS

21 Municipality may issue a tree preservation order

- (1) If the municipality reasonably believes that any tree or group of trees in a public open space requires protection, then the municipality may issue a tree preservation order in respect of such tree or group of trees.
- (2) A tree preservation order -

- (a) must indicate the tree or trees to which it relates; and
 - (b) may provide that any person who cuts, disturbs, damages, destroys, removes, transports, exports, purchases, sells, donates, or in any other manner acquires, or disposes of, the tree or trees to which the tree preservation order relates, shall be guilty an offence.
- (3) The municipality must erect a prominently displayed copy of any tree preservation order granted, at or in the vicinity of the tree or trees to which the order relates.

22 Procedure for issuing tree preservation order

Unless the issuing of a tree preservation order is required as a matter of urgency, the municipality must, before issuing a tree preservation order under section 21 -

- (a) give notice of the proposal to protect the tree or group of trees, and invite comments and objections within a specified period, in accordance with the procedure contemplated in terms of section 8(a);
- (b) notify any affected organs of state; and
- (c) consider the comments and objections received in response to the notice.

CHAPTER 5

APPLICATIONS FOR AUTHORISATION

23 Application for permission

- (1) Any person who wants to undertake a prohibited activity must apply in writing to the municipality for permission to do so.
- (2) The municipality may, after receiving an application, request the applicant to provide additional information that the municipality reasonably requires in order to consider the application.
- (3) The municipality may refuse to consider an application until it has been provided with the information required under subsection (2), and until the prescribed fee, if any, has been paid.
- (4) Subject to subsections (2) and (3), the municipality must consider the application within a reasonable time, and must either -

- (a) refuse the application; or
 - (b) grant permission in writing, subject to whatever conditions the municipality considers appropriate to achieve the purposes of this by-law, which may include payment of a deposit or a fee.
- (5) The municipality shall not grant permission for any person to perform any activity that is prohibited under section 12 (a), (d), (e) or (f).
- (6) Every person whose application, as contemplated in terms of subsection (1), has been approved shall complete and sign an indemnity in favour of the municipality, in a form provided by the municipality.

24 **Application for a special event permit**

- (1) An application for permission to hold a special event in a public open space must be made at least 30 (thirty) days before the proposed date of the special event.
- (2) The time period referred to in subsection (1) may, on good cause, be reduced, at the municipality's discretion.
- (3) The application must contain the following information –
- (a) the full contact details of the applicant, including name, organisation, address, telephone number, fax number and email address, if available;
 - (b) the nature and purpose of the special event;
 - (c) the intended route or area proposed to be used by the special event; and
 - (d) the permission, if any, required under chapter 3 of this by-law.
- (4) Prior to the approval of an application, the municipality may require the payment of a prescribed fee or deposit.
- (5) Subject to any conditions imposed by the municipality, the holder of a special events permit has the right to use the area of public open space specified in the permit to the exclusion of any other persons during the period specified in the permit.
- (6) Every person whose application, as contemplated in terms of subsection (1), has been approved shall complete and sign an indemnity in favour of the municipality, in a form provided by the municipality.

CHAPTER 6

COOPERATIVE MANAGEMENT AGREEMENTS

25 **Municipality may conclude cooperative management agreements**

- (1) The municipality may enter into a written agreement with any organ of state, local community or organisation to provide for –
 - (a) the cooperative development of any public open space; or
 - (b) the cooperative management of any public open space; and
 - (c) the regulation of human activities within a public open space.
- (2) The municipality shall not enter into a cooperative management agreement in relation to a public open space, unless such agreement will promote the purposes of this by-law.
- (3) The municipality must monitor whether any cooperative management agreement is effective in achieving the purposes for which it was concluded.
- (4) A cooperative management agreement may be cancelled by the municipality in terms of written notice given to the other party where the said agreement –
 - (a) is not effective in achieving the purposes for which it was concluded; or
 - (b) inhibits the attainment of the purposes of this by-law.

CHAPTER 7

GENERAL PROVISIONS

26 **Procedure for appeals**

- (1) Any person whose rights are affected by a decision taken by any authorised official under this by-law may, within 14 (fourteen) days of the date of the notification of the decision, appeal against such decision, by giving written notice of the appeal and reasons therefor to the municipal manager.
- (2) The municipal manager shall promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued to the appellant as a result of the decision.
- (4) An appeal submitted in terms of this section shall be dealt with in the manner prescribed by Section 62 of the Local Government: Municipal Systems Act, 2000.

27 **Offences and penalties**

- (1) Any person who –
 - (a) contravenes, or fails to comply with, any provisions of this by-law;
 - (b) fails to comply with any notice issued in terms of this by-law;
 - (c) fails to comply with any lawful instruction given in terms of this by-law; or
 - (d) obstructs or hinders any authorised official in the execution of his or her duties under this by-law;

shall be guilty of an offence, and liable, on conviction, to a fine of no more than R60 000, or, in default of payment thereof, to imprisonment for a period not exceeding 12 (twelve) months.

- (2) In the case of a continuing offence, the said person shall be liable, on conviction, to an additional fine of R600, or an additional period of imprisonment of 1 (one) day, or to such additional imprisonment without the option of a fine, or to both such additional fine and imprisonment, for each day on which such offence is continued.
- (3) The said person shall be liable, on conviction, to a further amount equal to any costs and expenses found by a court to have been reasonably incurred by the municipality as a result of such contravention.

28 **Regulations**

- (1) The municipality may make regulations regarding –
 - (a) the designation of any area within which stipulated activities may be undertaken, as contemplated in terms of section 5(a);
 - (b) the prescription of fees or deposits, as contemplated in terms of sections 6(a)–(f), 23(3), (4)(b) and 24(4);

- (c) the location, size, number, construction and contents of any notice required in terms of this by-law;
- (d) the issuing of a restoration or removal instruction, as contemplated in terms of section 20, including –
 - (i) the form and contents thereof; and
 - (ii) a guideline to time periods within which restoration or removal must be effected;
- (e) applications for authorisation, including –
 - (i) the time periods applicable for –
 - (aa) the lodging of an application, as contemplated in terms of sections 23(1) and 24(1); and
 - (bb) the consideration of the said applications, and determination thereof;
 - (ii) a guideline as to what conditions may be stipulated, before a prohibited activity or special event may take place, as contemplated in terms of sections 23(4)(b) and 24(5); and
 - (iii) the form and contents of an indemnity, as contemplated in terms of sections 23(6) and 24(6);
- (f) the procedure, form and contents of a cooperative management agreement, as contemplated in terms of section 25;
- (g) the issuing of a tree preservation order, as contemplated in terms of sections 21 and 22, including –
 - (i) the form and contents of such order; and
 - (ii) requirements for the distribution or publicisation of the order ;
- (h) the procedure and time periods associated with an appeal, subject to the Local Government: Municipal Systems Act, 2000, as contemplated in terms of section 26;
- (i)
 - (i) the prescription of penalties for the offences contemplated in terms of section 27; and
 - (ii) the amendment of such penalties from time to time;

and

- (j) any matter which may be prescribed in terms of this by-law, and any matter which may facilitate the application of this by-law.
- (2) (a) The municipality shall, not less than 1 (one) month before promulgating a regulation in terms of subsection (1), cause a draft of the regulation to be communicated to the local community and to be made public in terms of Sections 21 and 21A of the Local Government: Municipal Systems Act, 2000, together with a notice declaring the intention of the municipality to issue such a regulation and inviting comments or representations.
- (b) If the municipality decides to alter the draft regulations as a result of comments or representations received pursuant to such invitation, then it should not be necessary to communicate and make public the alteration before the amended draft is promulgated as a regulation.

29 Repeal of by-laws

Any by-laws relating to public open spaces adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

30. Short Title

This by-law is called the By-Law Relating to Public Open Spaces, 2004, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.