



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notice

MUNICIPALITY OF HENTIESBAAI

No. 279

2002

STREET AND TRAFFIC REGULATIONS

The Council of the Municipality of Hentiesbaai, after consultation with the Minister of Regional, Local Government and Housing, has under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992) and in relation to the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), made the Street and Traffic Regulations set out in the Schedule.

A.J. DAMES

BY ORDER OF THE COUNCIL

CHAIRPERSON OF THE COUNCIL

Hentiesbaai, 11 June 2002

SCHEDULE PRELIMINARY

Definitions

1. In these regulations, unless the context otherwise indicates, an expression defined in the Local Authorities Act, 1992 (Act No. 23 of 1992), has a corresponding meaning and -

“animal” includes livestock, dogs, cats, horses, snakes, baboons and birds;

“approval” means the written approval of the person or authority concerned;

“authorised officer” means-

- (a) an authorised officer as defined in section 1 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);
- (b) a member of the Namibian Police Force as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990); and
- (c) any officer in the service of the Council designated as such in writing by the Council;

“building line” means a line parallel to a street or public place, which may be determined by the Council and up to which the front of all buildings must be built and beyond which no structure may encroach towards the street, or public place concerned;

“child” means a person under the age of sixteen years;

“town engineer” means the person from time to time holding appointment as such or acting in such capacity in connection with the Council, or his or her authorised deputy or assistant;

“Council” means the Municipal Council of Hentiesbaai;

“drive” in relation to a vehicle or motor vehicle, means any person who operates or attempts to operate any vehicle, motor vehicle, or animal drawn vehicle, and ‘ride’ means to operate or attempt to operate a motorcycle, pedal cycle, or animal, and “driver” and “rider” have corresponding meanings;

“firearm” means an “arm” as defined in section 1 of the Arms and Ammunitions Act, 1996 (Act No. 7 of 1996), and includes a cannon, machine gun or machine rifle;

“game of chance” means any game by which a prize in money or in kind is or may be gained, won, drawn or competed for by lot, dice or other method;

“livestock” means domesticated livestock, and includes horses, cattle, mules, asses, sheep, goats and pigs;

“motor vehicle” means a motor vehicle as defined in section 1 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“municipal area” means the area under the jurisdiction of the Council;

“park”, in relation to a vehicle or motor vehicle and when used as a verb, means to keep such vehicle or motor vehicle whether occupied or not, stationary for a period of time greater than is reasonably necessary for the actual loading or unloading of persons or goods, except if that vehicle or motor vehicle is stationary for a reason beyond the control of the person in charge of that vehicle or motor vehicle, and “parking” has a corresponding meaning;

“Road Traffic and Transport Act” means the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“sidewalk” means that portion of a street intended mainly for use by pedestrians and shall further include the area situated between a street and a building line, provided such area is normally used by the public as a footway;

“street” includes:-

- (a) a public road;
- (b) the shoulder of a street; and
- (c) a bridge, ferry, ford or drift traversed by a street and any other object or thing forming part of or connected with or belonging to a street;

“vehicle” means a vehicle as defined in section 1 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999); and

“waste” means objects or substances discarded, abandoned, rejected or cast aside, and includes refuse.

CHAPTER 1

STREETS AND PUBLIC PLACES

Obstruction of streets and public places

2. (1) No person may wilfully or negligently cause an obstruction, interference, nuisance or hindrance to a pedestrian or to traffic in a street or a public place, including an obstruction, interference, or nuisance or hindrance by way of -

- (a) congregating with other people;
- (b) sitting, lying down, loitering or similar other conduct;
- (c) a motor vehicle, animal or other object; or
- (d) trading or hawking, including the selling of newspapers, magazines or periodicals.

(2) No person may in a street or public place carry or otherwise move an object with uncovered protrusions or edges or a package or thing without taking reasonable precautionary measures to prevent pedestrians, motor vehicles, vehicles or property in or alongside of the street or public place from being injured, damaged, obstructed or inconvenienced thereby.

(3) Subject to the provisions of the Hawker and Peddler Regulations promulgated by Government Notice No. 17 of 1 February 1969, no person may on or in a street or public place -

- (a) deposit, store or place merchandise or other articles for longer than is reasonably necessary for loading it onto a vehicle or motor vehicle for removal, or for its removal to some premises after having been unloaded from a vehicle or motor vehicle; or
- (b) exhibit or offer or prepare, or make available for sale any article or merchandise.

(4) The Council may at any time remove an obstruction from a street or public place and if a vehicle or motor vehicle causes an obstruction, the vehicle or motor vehicle may be removed forthwith to a safer place by an authorised officer, but subject to compliance with the provisions of section 78(3) and (4) of the Road Traffic and Transport Act.

- (5) (a) Notwithstanding anything to the contrary contained in these regulations, a person carrying out work for the erection, alteration or repair of a building which abuts on a street may, with the approval of the Council, and subject to such conditions as the Council may impose, deposit, place or store building material in a street while the work is in progress, but the person carrying out such work must at all times effectively safeguard the public from damage or injury to person or property caused by such building material being imposed, deposited, placed or stored in the street and all such waste, debris and other material, including temporary fencing erected in connection with the work must be removed immediately upon completion of the work.
- (b) In no instance, however, may more than one third of the width of the street and not more than the extent of the front of the building be taken up by such building material.

Trees and other plants in streets and public places

3. (1) No person may -
- (a) uproot or plant a tree or other plant in a street or public place without the approval of the Council, subject to the laws relating to the protection and trees and other plants, and subject to such conditions as the Council may impose;
 - (b) damage or destroy a tree or plant, planted by the Council in a street or public place or remove the protection provided for such tree or other plant;
 - (c) cut, remove, damage or destroy trees, wood, turf, soil or grass from or on any municipal land, street or public place without the approval of the Council, subject to the laws relating to the protection of trees and other plants and subject to such conditions as the Council may impose;
 - (d) allow any part of a tree or other plant growing on land of which he or she is the owner or occupier, to obtrude into or hang over a street in a manner as to cause an obstruction to traffic, or to be a source of danger or inconvenience to a person using the street, sidewalk or public place; or
 - (e) allow any part of a tree or other plant on land of which he or she is the owner or occupier to cause damage to or to obstruct access to electrical cables, sewers or other services or installations supplied by the Council, whether to that land or to adjacent land.
- (2) Subject to any other law relating to the protection of trees or other plants, the Council may -
- (a) by written notice to the owner or occupier of land referred to in paragraph (d) or (e) of subregulation (1), require the removal within a reasonable period specified in the notice, of a tree or plant or part thereof, growing on that land and causing such damage, inconvenience or obstruction, as the case may be;
 - (b) failing compliance with the notice, remove the tree or other plant or part thereof; and
 - (c) recover from the owner or occupier, or from both the owner and occupier jointly, the reasonable costs incurred by such removal.
- (3) Subject to any other law relating to the protection of trees or other plants, the Council may at any time remove from a street or public place a tree or other plant causing an obstruction or nuisance.

Dangerous fences

4. (1) The owner or occupier of land within the municipal area may not erect or cause to be erected a fence composed either wholly or partly of barbed or razor blade wire, or other potentially dangerous fence, railing, wall or barrier abutting on a street without the approval of the Council, and subject to such conditions as the Council may impose.

(2) Should a fence referred to in subregulation (1), whether erected before or after the coming into force of these regulations, become potentially dangerous as a result of dilapidation or disrepair, the town engineer may by notice in writing require the owner or occupier of the land on which the fence is situated, to remove the fence or render it safe in a manner approved by the town engineer, within a reasonable period to be specified in the notice.

(3) Should the owner or occupier of the land, fail to comply with the requirements of a notice referred to in subregulation (2), the Council may repair or remove the fence, as the case may be, and may recover the reasonable costs for such repair or removal from either the owner or occupier, or from both the owner and occupier jointly.

Excavations in and removal of matter from municipal land, streets or public places

5. (1) No person may make a hole, pit, trench, or other excavation of any kind, in a street or public place without the approval of the Council, and subject to such conditions as the Council may impose.

(2) No person may remove any earth, stone, gravel, shale or building material from any municipal land, street or public place without the approval of the Council, and subject to such conditions, including the payment of reasonable fees, as the Council may impose.

Dangers created on private property

6. (1) No person may place an object or article on a balcony or in an upper window opening or on a window-sill of a building abutting on a public place or street without sufficiently safeguarding it against being blown into or falling onto that public place or street.

(2) Except with the approval of the Council, and subject to such conditions as the Council may impose, a gate, trellis or door giving access to a street or public place must be hung or placed so as not to open towards or onto the street or public place.

Animals

7. (1) No person may in the municipal area wilfully frighten or harass an animal.

(2) No person may carry or convey through or along a street or public place the carcass of an animal or animal offal without the carcass or offal being properly covered with non-transparent material.

(3) No person may allow livestock owned by him or her or which he or she is ordinarily in charge of, to be in the municipal area without the approval of the Council, and subject to such conditions as the Council may impose.

Littering

8. (1) No person may throw, spill, drop, deposit or place or cause or permit to be thrown, spilled, dropped, deposited or placed in or on a street or public place any waste that may interfere with the cleanliness or tidiness of that street or public place or may cause annoyance or danger to any person, animal or traffic.

(2) No person may convey waste of whatever nature without it being effectively covered to prevent environmental pollution or littering.

(3) If a person in contravention of subregulation (1) or (2), causes waste to fall in or on a street or public place, an authorised officer may instruct that person to immediately remove such waste from the street or public place, failing which the waste may be removed by the Council and the costs of such removal reasonably incurred may be recovered by the Council from that person.

(4) No person may throw or cause to be thrown from, in, on or about a street or public place any fireworks, crackers, or other matter or thing, or use, explode or brandish or cause to be used, exploded or brandished in a street or public place anything whatsoever which may cause annoyance, loss, injury or danger to any person, animal or traffic or damage to property.

Games

9. (1) No person may on or in a street or public place roll an object or fly a kite, or throw a stone, or use a bow and arrow or catapult, or by other means discharge a missile upon, over or across a street or public place, or play cards, dice or other games, including games of skill or games of chance: Provided that games may with the approval of the Council be staged or conducted by registered welfare organisations for the purpose of raising funds.

(2) No person may use a roller-skate, skateboard or similar equipment in a street or public place.

Loitering

10. No person may wilfully -

- (a) sit, lie, stand, or congregate in a street or public place or otherwise act in a manner as to obstruct the free movement of traffic, or jostle or otherwise hinder a person using the street, or obstruct the free movement of persons in a public place;
- (b) loiter near the entrance to a public place of assembly in a manner so as to obstruct the free movement of persons into or out of the public place of assembly; or
- (c) loiter within 100 metres from the premises of an institution for the care of aged or handicapped people, a school, hospital, church or other similar institution.

Performances and gatherings in streets and public places

11. (1) No person may hold, convene or organise a performance or gathering in a street or public place without the approval of the Council and subject to such conditions as the Council may impose.

(2) A written application for the approval referred to in subregulation (1), must be submitted to the Town Clerk not later than three working days prior to the proposed performance or gathering.

(3) Each application must -

- (a) contain the full name and address of the convenor or organiser of the proposed performance or gathering;
- (b) set out fully the purpose of the proposed performance or gathering; and
- (c) specify the date, time and place of the proposed performance or gathering and whether it is proposed to make use of any orchestra, musical instrument, loudspeaker or similar device which may create a public nuisance.

(4) On an occasion of public celebration, a public meeting or other event likely to cause congestion in a street or public place, a person in or in the vicinity of that street or public place must obey the directions of any authorised officer as to the route to be followed by vehicles or motor vehicles, animals or pedestrians, or as to any other matter which may be necessary for the avoidance, prevention or removal of an obstruction in such street or public place.

Nuisance

12. No person may create a public nuisance in a street, public place or residential premises, or allow any person under his or her control or authority to create a public nuisance in a street, public place or residential premises by -

- (a) shouting, quarrelling or fighting;
- (b) singing and playing any musical instrument, recorded music, radio, television, or similar device in an unreasonably noisy manner;
- (c) using a loudspeaker, amplifier, public address system or similar device;
- (d) behaving in a riotous, violent or unseemly manner; or
- (e) repairing or operating vehicles or motor vehicles or machinery in an unreasonably noisy manner.

Children

13. (1) No child may sell or offer for sale any goods, merchandise, article, service or thing in a public place or street, without the approval of the Council and subject to such conditions as Council may impose.

(2) No person may cause or permit a child under his or her authority or control to sell or offer for sale any goods, merchandise, article, service or thing in a public place or street, without the approval of the Council and subject to such conditions as Council may impose.

(3) No child may beg in a public place or street, and no person may cause or permit a child under his or her authority or control to beg in a public place or street.

Soliciting

14. No person may in or in view of a street or public place solicit a person for the purpose of prostitution.

Indecent behaviour

15. (1) No person may in or in view of a street or public place commit an indecent act, make an indecent gesture, or conduct himself or herself in an indecent, unseemly, riotous or disorderly manner.

(2) No person may in or in view of a street or public place, paint, draw, or in any manner make any indecent or obscene figure, writing, drawing or representation.

(3) No person may in or in hearing distance of a street or public place sing an obscene song or use profane language.

Street collections

16. No person may in the municipal area, without the approval of the Council and subject to such conditions as the Council may impose, collect money for charitable or other purposes.

Firearms

17. No person may discharge a firearm within or from a street or place within the municipal area, except in the case of -

- (a) a firearm discharged during lawful target shooting or practice;
- (b) a firearm lawfully discharged in the defence of a person or of property; or
- (c) a starter pistol discharged by a starter at a sports meeting.

Auctions

18. No person may hold an auction or sale in a street or public place except with the approval of the Council and subject to such conditions as the Council may impose.

Repair or washing of vehicles, etc.

19. (1) No person may in a street or public place -

- (a) repair a vehicle or motor vehicle or part thereof, except in the case of an accident or in other circumstances where such repairs are reasonably necessary before that vehicle or motor vehicle can be removed;
- (b) wash, dry or bleach an article; or
- (c) allow the repair or washing of a vehicle or motor vehicle or part thereof, or the washing, drying or bleaching of an article.

(2) Notwithstanding the provisions of subregulation (1), the Council may allow the repair or washing of vehicles on motor vehicles or parts thereof, or the washing, drying or bleaching of an article in an area determined by the Council.

Control of flow of water

20. The owner of a building may not -

- (a) allow water flowing from the roof or any part of the building, whether inside or outside, to flow into or fall onto a street or public place otherwise than by suitable troughing or piping; or
- (b) allow water to fall or flow upon or over a sidewalk, but must cause it to be conveyed below the surface of the sidewalk into the gutter or water furrow of the street by means of pipes or other appliances in accordance with plans to be approved by the town engineer.

Public washing

21. No person may wash himself or herself in or at a water furrow along a street, or in or at a reservoir, fountain, water trough, water pipe, or tap along a street or sidewalk or public place in the municipal area or area under the control of the Council.

Limitation of activities

22. The Council may display notices in conspicuous positions alongside of, in or on a street or public place for the purpose of informing the public of activities that are prohibited, restricted, or regulated by these regulations.

Closing of street during fire outbreak

23. (1) A street on or near which an outbreak of fire occurs, may be closed temporarily to all classes of traffic by an authorised officer, or by the Town Clerk, or by the Fire-master or other officer, or fireman in charge of the municipal area or of any other recognised fire brigade.

(2) A street is deemed to be so closed if in the instance of an outbreak of fire a housepipe used in the operations of any such fire brigade is placed across the street.

(3) No person may interfere in any manner whatsoever with the operations of a fire brigade or of an authorised officer, when engaged in the suppression or control of an outbreak of fire, and any authorised officer or fireman may on his or her own motion, or at the request or order of the Town Clerk or of the Fire-master or other officer or fireman in charge of such fire brigade, remove a person so interfering.

(4) Notwithstanding subregulation (1) of this regulation, a street temporarily closed to all classes of vehicles or motor vehicles, is not intended to be closed for purposes of ambulances, fire engines or security vehicles of the Council or other approved authority or institution.

CHAPTER II

TRAFFIC: GENERAL PROVISIONS

Closing of street to traffic or directing flow of traffic

24. The Council may at any time by notice given under the hand of the Town Clerk and published in one or more newspapers circulating in the municipal area -

- (a) temporarily close a street to all traffic or to any specified class of traffic; or
- (b) prescribe that the traffic in any street may be temporarily or permanently restricted to one specified direction only.

Closing of street for repairs etc.

25. Notwithstanding anything contained in regulation 24 of these regulations, the Town Clerk may without any resolution of the Council by notice posted in a conspicuous position in any street, close such street or any portion thereof entirely or to any specified class or classes of traffic, for such time as may be necessary for carrying out any repairs or other work whatsoever under the authority or with the approval of the Council, or in the event of public festivities or the serious illness of a resident therein or, for the purpose of preventing the interference by noise with the proceedings of any court of law.

Processions in streets

26. No procession of any kind other than a funeral procession or a wedding procession or a procession for military or police purposes shall pass along any street without the written permission of the Council, and then only under such conditions as the Council may impose.

Speed limit regulatory signs and warning signs

27. (1) No driver of a vehicle or motor vehicle may within the municipal area drive at a speed exceeding the speed limit shown on any regulatory board erected by the Council at such place.

(2) Immediately upon coming within view of a warning sign, the driver must adequately reduce the speed at which the vehicle or motor vehicle is travelling, and otherwise take adequate steps to control the movement of the vehicle or motor vehicle whilst approaching that portion of a street or road referred to by such warning sign.

Exemption of ambulances and fire engines

28. Ambulances, fire engines and security motor vehicles of the Council or other approved authority or institution are exempt from the provisions of regulation 27.

Proprietor of motor vehicle garage not to use street as place of business etc.

29. (1) The proprietor of a motor vehicle garage or a person employed by him or her may not use a street or a parking place for trading, repair or other business purposes: Provided that in the instance of a breakdown of a vehicle or motor vehicle, urgent repairs may be attended to on the spot and then for no longer than is reasonably necessitated by such emergency.

(2) The term "trading, repair and business purposes" for the purpose of this regulation, includes the parking in a street of a vehicle or motor vehicle which is kept for sale or which may have been handed over to the owner of a garage or any of his or her employees for sale, repairs, cleaning or overhaul.

Vehicles to be kept and maintained in a state of efficiency and repair

30. Every vehicle and motor vehicle, whether plying for hire or not must be kept and maintained in a state of efficiency and repair, so as not to cause undue damage to the streets, or cause undue noise within the municipal area and so as not to be a source of danger to any person, property or animal.

Contravention of Road Traffic and Transport Regulations

31. No person may in addition to these regulations, contravene any provision of the Road Traffic and Transport Regulations promulgated under Government Notice No. 53 of 30 March 2001.

Powers of authorised officers

32. Any Police Officer and any officer of the Council duly authorised, is empowered to enforce these regulations, and a person who disregards or refuses to obey an order or instruction given to him or her by a Police Officer or officer of the Council under the provisions of these regulations or in pursuance of orders and instructions given by the Council in connection therewith, is guilty of an offence.

Offences

33. A person who contravenes any provision of these regulations commits an offence and on conviction is liable to pay a fine not exceeding N\$2000-00 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.
