



GOVERNMENT GAZETTE

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CONTENTS

	<i>Page</i>
GENERAL NOTICE	
No. 263 Municipality of Karasburg: Street and traffic regulations	1

General Notice

MUNICIPALITY OF KARASBURG

No. 263 2005

STREET AND TRAFFIC REGULATIONS

The Council of the Municipality of Karasburg under section 30(1)(u) read with section 94(1)(d) of the Local Authorities Act, 1992 (Act No. 23 of 1992) hereby made Street and Traffic Regulations as set out in the schedule.

SCHEDULE

DEFINITIONS

1. In these regulations, unless the context otherwise indicates, a word or an expression defined in the Act or the Road Traffic and Transport Act, has a corresponding meaning, and -

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

“approval” means the written approval of the Council and granted by the Council prior to the commission of the act in question;

“authorised officer” means any officer in the service of the Council authorised in writing by the Council to enforce any of these regulations, a member of the Namibian Police Force as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990) and any person appointed by virtue of the provisions of section 11 of the Road Traffic and Transport Act, in any of the categories of appointment contemplated in that section;

“building line” means a line determined by the Council in order to indicate a limit or boundary parallel to a public place or with a street, up to which the front of all buildings must be built and beyond which no building may encroach;

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

“Council” means the Municipal Council of Karasburg;

“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, whether or not the result thereof is determined by chance, played with playing cards, dice, gambling machines or gambling devices for money, property, cheques, credit or anything of value other than an opportunity to play a further game, including, without derogating from the generality of the afore-mentioned, roulette, bingo, twenty-one, black-jack, chemin de fer and baccarat, but excluding any lawful lottery;

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

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

“street” means any road, throughfare, pavement, sidewalk, lane or other right of way set apart for the use and benefit of residents in a local authority area and, includes any bridge, drift or concrete slab in the course of such street and any shoulder, embankment, subway, drain, kerb or motor grid gate and any work or thing forming part of or being connected with such street;

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

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

“waste” means any undesirable or superfluous by-product, emission or residue, including any industrial wastewater, sewerage, radioactive substance, mining by-product, metallurgical and power generation waste and regardless of whether such waste is in a gaseous, liquid or solid form or any combination thereof and which results from any process or activity, whether such activity or process is undertaken or originates from a residential, business or industrial area and further includes any object or thing discarded, abandoned, rejected or cast aside, including refuse.

Obstruction of streets and public places

2. (1) Subject to subregulation (3), a person may not -
 - (a) cause an obstruction, interference, nuisance or hindrance to a pedestrian or to traffic in a street or a public place, including an obstruction, interference, nuisance or hindrance, whether intentionally or negligently, by way of -

- (i) congregating with other people;
 - (ii) sitting, lying down, loitering or similar other conduct;
 - (iii) a motor vehicle, vehicle, animal or other object; or
 - (iv) trading or hawking, including the selling of newspapers, magazines or periodicals;
- (b) carry or otherwise move a large object, package or thing, or a pointed or sharply edged tool in a street or public place, without taking the necessary reasonable precautionary measures to prevent damage, injury, obstruction or inconvenience to pedestrians, motor vehicles, vehicles or property in or alongside of a street or public place; or
- (c) deposit, store or place merchandise or other articles for longer than is reasonably necessary for the loading of such goods onto or into a vehicle or motor vehicle, or for its removal from such vehicle or motor vehicle to some premises after having been unloaded from a vehicle or motor vehicle; or
- (d) subject to subregulation (2), exhibit, offer, prepare, or make available for sale any article or merchandise,

on or in a street or public place, as the case may be.

(2) Despite subregulation (1)(d), the Council may allow informal trading to be carried out on specified locations identified by the Council from time to time for that purpose, and subject to such conditions as the Council may impose.

(3) An authorised officer may instruct any person, who fails to comply with any prohibition under subregulation (1), to refrain from such activity.

(4) An authorised officer may, at any time, cause the removal of an obstruction from a street or public place to a place which that officer considers to be appropriate, including the removal of a vehicle or a motor vehicle: Provided that in the instance of a vehicle or motor vehicle causing the obstruction, the removal of such vehicle or motor vehicle is exercised in compliance with the provisions of regulation 355(1) of the Road Traffic and Transport Regulations, 2001, promulgated under Government Notice No. 53 of 30 March 2001.

(5) A person may not obstruct or interfere with an authorised officer who removes the obstruction referred to in subregulation (4).

(6) An occupier of premises, situated at street level or of any other building abutting on a street or a public place, shall ensure that the sidewalk in front of or adjacent to that premises is kept in a clean and tidy condition and is free from litter, waste or any obstruction.

(7) Where any premises or other building, referred to in subregulation (6), is let as separate apartments for purposes of offices, dwelling rooms, or shops or for any other purpose, the lessee of each such apartment concerned is for the purpose of that subregulation each considered to be the occupier of such premises.

- (8) (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 persons or property caused by such building material being deposited, placed or stored in the street and all such waste, debris and other material, including temporary fencing erected in connection with such work must be removed immediately upon completion of that 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 flora in streets or public places

3. (1) A person may not -

- (a) uproot or plant any tree or other flora in a street or public place or intentionally introduce any alien species of flora upon any other land within the local authority area, which is subject to the authority and control of the Council, without the approval of the Council, and subject to the laws relating to the protection of trees or other flora and such conditions as the Council may impose;
- (b) damage or destroy, or cause to be damaged or destroyed, any tree or other flora planted by the Council in a street, public place or any other land within the local authority area;
- (c) cut, damage or remove any wood, turf or grass from any street, public place or any other land within the local authority area, which is subject to the authority and control of the Council, except with the approval of the Council and subject to such conditions as the Council may impose; or
- (d) remove or cause damage to any protection to any tree or other flora.

(2) A person may not -

- (a) allow any part of a tree or other flora, 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 or public place; or
- (b) allow any part of a tree or other plant growing 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 supplied to that land or to adjacent land.

(3) Subject to any other law relating to the protection of trees or other flora, the Council may -

- (a) issue a written notice to an owner or occupier of land specifying that such owner or occupier must, within a reasonable period determined by the Council, remove any tree or other flora or part thereof, specified in that notice, growing on that land and causing such damage, inconvenience or obstruction referred to in subregulation (2)(a) or (b);

- (b) remove any tree or other flora or part of such tree or flora which causes damage, inconvenience or obstruction referred to in subregulation (2)(a) or (b), and where such owner or occupier of land fails to comply with the notice referred to in paragraph (a), the Council may remove such tree or flora; and
- (c) recover from the owner or occupier, or from both the owner and occupier jointly, the reasonable costs incurred for the removal of any tree or flora referred to in paragraph (b).

(4) Subject to any other law relating to the protection of trees or other flora, the Council may at any time remove from a street or public place any tree or other flora causing an obstruction or nuisance.

Dangerous fence, railing, wall or barrier abutting on street

4. (1) An owner or occupier of land within the local authority area may not erect or cause to be erected a fence composed either wholly or partly of barbed or razor blade wire, or erect or cause to be erected any other potentially dangerous fence, railing, wall or barrier which abuts on a street or public place except with the approval of the Council and subject to such conditions as the Council may impose.

(2) Should a fence, railing, wall or barrier 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, disrepair or for such other reason, the town engineer may, by notice in writing, require the owner or occupier of the land on which the fence, railing, wall or barrier is situated to remove such fence, railing, wall or barrier or render it safe in a manner approved by the town engineer, within a reasonable period to be specified in that notice.

(3) Where the owner or occupier referred to in subregulation (1), fails to comply with the notice referred to in subregulation (2), the Council may cause the repair to or the removal of the fence, railing, wall or barrier which is the subject of that notice, and may recover the reasonable costs incurred 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 streets, public places or other land

5. (1) A person may not, without the approval of the Council and subject to such conditions as the Council may impose, make a hole, pit, trench, or other excavation of any kind in a street, public place or upon any other land within the local authority area, which is subject to the authority and control of the Council.

(2) A person may not, without the approval of the Council and subject to such conditions as the Council may impose, including the payment of reasonable fees, remove any earth, stone, gravel, shale or building material from any street or public place or from any other land within the local authority area, which is subject to the authority and control of the Council.

Dangers created on private property

6. (1) A person may not 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 such object or article against being blown into or falling onto that public place or street.

(2) A person may not fit or hang a gate, trellis or door in such a manner so as to allow that gate, trellis or door to open onto a street or public place, except with the approval of the Council and subject to such conditions as the Council may impose.

Animals and animal carcasses

7. (1) A person may not -

- (a) intentionally frighten or harass or cause to be frightened or harassed any animal within the local authority area;
- (b) carry or convey, through or along a street or public place, the carcass of an animal or any animal offal, which is not properly covered with nontransparent material; or
- (c) without the approval of the Council and subject to such conditions as the Council may impose, allow within the local authority area livestock owned by him or her or of which he or she is ordinarily in charge.

(2) Subregulation (1)(c), does not apply to any land set aside for purposes of farming or for purposes of keeping or rearing livestock.

Littering

8. (1) Subject to subregulation (2), a person may not -

- (a) throw, spill, drop, deposit or place or cause to be thrown, spilled, dropped, deposited or placed in or on a street, public place or other land within the local authority area, which is subject to the authority and control of the Council, any waste or litter that may interfere with the cleanliness or tidiness of such street, public place or other land, unless such other land is set aside by the Council for that purpose, or which may cause annoyance or danger to any person, animal or traffic; or
- (b) convey any kind of waste, unless such waste is effectively covered so as to prevent environmental pollution, contamination or littering.

(2) Where a person contravenes paragraph (a), an authorised officer may instruct that person to immediately remove such waste from the street, public place or such other land, failing which the Council may remove such waste and may recover the reasonable costs of removal from that person.

Games

9. A person may not 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, or play any game of cards or dice, or traverse across or along any street using roller-skates or skateboards, or play such other games, including games of skill or games of chance upon, in or over or across a street or public place, as the case may be, unless the Council has approved the staging or conducting of such games or activities, subject to such conditions as the Council may impose.

Loitering

10. A person may not willfully -

- (a) sit, lay, stand, or congregate in a street or public place or otherwise act in a manner as to obstruct or cause an obstruction to 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 such 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 or public places

11. (1) A person may not organise the holding or convening of a performance or gathering in a street, public place or any other land within the local authority area, which is subject to the authority and control of the Council, without obtaining the approval of the Council.

(2) A written application for the approval referred to in subregulation (1), must be made by the organiser of the gathering and must be submitted to the town clerk not later than three working days prior to the proposed performance or gathering.

- (3) An application referred to in subregulation (3) must -
 - (a) contain the full name and address of the conventor or organiser of the proposed performance or gathering;
 - (b) set out fully the purpose and nature 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 possibly create a public nuisance.

(4) Where an occasion of public celebration, a public meeting or other event is likely to cause congestion in a street or public place, each person in or in the vicinity of such 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. A person may not create a public nuisance in a street, public place or residential premise, or allow any person under his or her control or authority to create a public nuisance in a street, public place or residential premise by -

- (a) shouting, quarrelling or fighting;
- (b) singing or playing any musical instrument, recorded music, radio, television, or similar device in an unreasonably noisy or loud 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) A child may not sell or offer for sale any goods, merchandise, article, service or thing in a street or public place without the approval of the Council and subject to such conditions as Council may impose.

(2) A person may not cause or permit a child under his or her custody or control to sell or offer for sale any goods, merchandise, article, service or thing in a street or public place, without the approval of the Council and subject to such conditions as the Council may impose.

(3) A child may not beg in a street or public place and a person may not cause or permit a child under his or her custody or control to beg in a street or public place.

Soliciting

14. A person may not solicit another for the purpose of prostitution in or in view of a street or public place.

Indecent behaviour

15. A person may not -

- (a) commit an indecent act, make an indecent gesture, or conduct himself or herself in an indecent, unseemly, riotous or disorderly manner;
- (b) paint, draw, or in any manner make any indecent or obscene figure, writing, drawing or representation; or
- (c) sing an obscene song or use profane language,

in or in view of, or within hearing distance, as the case may be, of a street or public place.

Street collections

16. A person may not collect money for charitable or other purposes, within the local authority area, except with the approval of the Council and subject to such conditions as the Council may impose.

Firearms and fireworks

17. (1) A person may not from, in, on or about a street, public place or upon any other land within the local authority area, which is subject to the authority and control of the Council, discharge, throw, use, explode or brandish or cause to be discharged, thrown, used, exploded or brandished any firearm, fireworks or crackers or anything whatsoever, which may cause annoyance, loss, injury, damage or danger to any person, animal, traffic or property.

- (2) Subregulation (1) does not apply where -

- (a) a firearm is discharged during lawful target shooting or practice;
- (b) a firearm is lawfully discharged in the defence of a person or of property;
- (c) a starter pistol is discharged by a starter at a sports meeting; or
- (d) subject to the approval of the Council and such conditions as the Council may impose, any fireworks, crackers or similar device is discharged, for purposes of entertainment.

Auctions, sale or exercise of trade

18. A person may not hold an auction, sale or exercise any trade within a street, public place or on any other land within the local authority area, which is subject to the authority and control of the Council, except with the approval of the Council and subject to such conditions as the Council may impose.

Repair or washing of vehicles or other articles

- 19.** (1) A person may not -
- (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 any article; or
 - (c) wash or cause the washing of a vehicle or motor vehicle or part thereof,

in a street or in a public place.

(2) Despite subregulation (1), the Council may allow the repair or washing of vehicles or motor vehicles or parts thereof, or the washing, drying or bleaching of an article in an area determined by the Council and subject to such conditions as the Council may impose.

Control of flow of water

- 20.** An owner or lessee 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 troughs, piping or other reasonable form of conduit; 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 reasonable forms of conduits in accordance with plans to be approved by the town engineer.

Public bathing

21. A person may not bath in a reservoir or fountain, which is within the local authority area and under the authority or control of the Council, or use a water trough, water pipe, or tap situated along a street or within a public place for the purpose of bathing.

Limitation of activities

22. The Council may display notices in visible 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) Despite anything to the contrary contained in regulation 24, an authorised officer, town clerk, Fire-master or fireman in charge of any outbreak of fire within the local authority area or any other recognised fire brigade may temporarily close any street, on or near the place where an outbreak of fire occurs, to all classes of traffic.

(2) For the purpose of subregulation (1), a street is considered to be closed if, in the instance of an outbreak of fire, a hosepipe used in the operations of any such fire brigade is placed across the street.

(3) A person may not 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 any outbreak of fire within the local authority area or any fire brigade, remove a person who interferes with such firefighting operation.

(4) Despite subregulation (1), nothing prohibits any ambulance, fire engine, security or emergency vehicle of the Council or other approved authority or institution to enter into or drive along a street which is temporarily closed, and a person may not willfully obstruct such ambulance, fire engine or other security or emergency vehicle.

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 within the local authority 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 restricted to one specified direction only.

Closing of street for repairs, public festivities or serious illness of a resident

25. Despite anything contrary contained in regulation 24, the town clerk may, without any resolution of the Council, post a notice in a visible position in any street or public place indicating that such street or public place or any portion thereof is closed and shall specify in such notice the class of traffic and the period during which the street or public place is closed for purposes of carrying out any repairs or other work whatsoever done 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, as the case may be.

Processions in streets

26. A person may not stage a procession of any kind, other than a funeral procession

or a wedding procession or a procession for military or police purposes, along any street, except with the approval of the Council and subject to such conditions as the Council may impose.

Speed limit regulatory signs and warning signs

27. (1) A driver of a vehicle or motor vehicle may not drive his or her vehicle or motor vehicle at a speed which exceed the speed limitation set within the local authority area and which speed limit is shown on a regulatory board erected by the Council.

(2) A driver of a vehicle or a motor vehicle must, immediately upon coming within view of a warning sign, 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 referred to by such warning sign.

Exemption of ambulances and fire engines

28. Regulation 27 does not apply to any ambulance, fire engine or security motor vehicle or any other emergency vehicle of the Council or other approved authority or institution.

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

29. (1) A proprietor of a motor vehicle garage or a person employed by him or her may not use a street or a parking place for trade, repair or any other business purpose: Provided that in the instance of a breakdown of a vehicle or motor vehicle, urgent repairs may be attended to at the place where such vehicle has broken-down and then for no longer than is reasonable in the circumstances of such emergency.

(2) The term “trade, repair and other business purpose” 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 local authority area and so as not to be a source of danger to any person, property or animal.

Order or instruction by authorised officers

31. A person may not disregard or refuse to obey an order or instruction given to him or her by an authorised officer under these regulations or in pursuance of orders and instructions given by the Council in connection therewith.

Offences and penalties

32. A person who contravenes or fails to comply with any of these regulations is liable upon conviction to a fine not exceeding N\$ 2 000-00 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

BY ORDER OF THE COUNCIL

COUNCILLOR J. KALOPA
CHAIRPERSON OF COUNCIL

Karasburg, 7 March 2005
