



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$6.00

WINDHOEK - 17 October 2013

No. 5319

CONTENTS

Page

GENERAL NOTICE

No. 410 Town of Ondangwa: Street and traffic regulations: Local Authorities Act, 1992 1

General Notice

TOWN OF ONDANGWA

No. 410

2013

STREET AND TRAFFIC REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Town Council of Ondangwa, after consultation with the Minister of Regional and Local Government and Housing, under section 94(1)(d) of the Local Authorities Act, 1992 (Act No. 23 of 1992), and with the approval of the Minister of Works, Transport and Communication under section 92(1) of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), makes the regulations set out in the Schedule.

L.S. NEGONGA
CHAIRPERSON OF THE COUNCIL
BY ORDER OF THE COUNCIL

Ondangwa, 23 August 2013

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Application of regulations
3. Obstruction of street and public places
4. Tempering, interfering with or damaging property of Council
5. Trees and other plants in streets or public places

6. Dangerous fence, railing, wall or barrier abutting on street
7. Prohibition against use of certain lamps or lighting devices
8. Excavations in and removal of matter from streets, public places or other land
9. Dangers created on private property
10. Animals and animal carcasses
11. Animal-drawn vehicle
12. Littering
13. Damage to streets
14. Games
15. Loitering
16. Performance and gathering in streets or public places
17. Noise emanating from vehicles
18. Race or sport activities within local authority area
19. Street collections
20. Displaying of articles and goods for sale
21. Children
22. Auction and sales
23. Firearms
24. Nuisance
25. Repair or washing of motor vehicle or other articles
26. Indecent behaviour
27. Fireworks
28. Procession in streets
29. Speed limit regulatory signs and warning signs
30. Exemption of ambulances and fire engines
31. Proprietor of motor vehicle garage not to use street as place of business
32. Vehicles to be kept and maintained in state of efficiency and repair
33. Order or instruction by authorised officers
34. Limitation of activities
35. Offences and penalties

Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“animal” means any member of the animal kingdom (other than a human) including any mammal, bird, fish, shellfish or reptile;

“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 16 years;

“Council” means the Town Council of Ondangwa;

“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;

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

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

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

“street”, includes a bridge, drift or concrete slab in the course of a street and any shoulder, embankment, subway, drain, kerb or motor grid gate and any work or thing forming part of or being connected with a street;

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

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

“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.

Application of regulations

2. Unless the context otherwise indicates, these regulations apply to the local authority area of Outjo.

Obstruction of streets and public places

3. (1) A person may not in a street or public place -
- (a) cause an obstruction, interference, nuisance or hindrance to a pedestrian or to traffic, including an obstruction, interference, nuisance or hindrance, 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;
 - (iv) trading or hawking, including the selling of newspapers, magazines or periodicals;
 - (v) intentionally hindering or interrupting the free movement of traffic; or
 - (vi) placing or abandoning or causing to be placed or abandoned any object that may endanger or cause damage to a vehicle or motor vehicle.

- (b) carry or otherwise move a large object, package or thing, or a pointed or sharply edged tool not properly protected, or any other package or thing which may injure, obstruct or inconvenience pedestrians, except for the purposes of loading or unloading a vehicle or motor vehicles;
- (c) deposit, store or place a merchandise or any other article 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) place, exhibit, offer, prepare or make available for sale any article or merchandise.

(2) Despite subregulation (1)(d), the Council may allow informal trading to be carried out on specified location 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 a 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 authorised officer considers to be appropriate, including the removal of a vehicle or a motor vehicle, provided that in a case 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 intentionally 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, must ensure that the sidewalk in front of or adjacent to those 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), are let as separate apartments for purposes of offices, dwelling rooms, shops or for any other purpose, both the lessor and lessee are for the purpose of that subregulation considered to be the occupier of such premises.

(8) Despite 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 or public place 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 persons or property from damage or injury which may be 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.

(9) For the purposes of subregulation (8), a person referred to in that subregulation may not allow, cause or permit building material to use up more than one third of the width of the street and not more than the extent of the front of the building.

Tampering, interfering with or damaging property of Council

4. (1) A person may not -

- (a) tamper, interfere with or remove, destroy or damage any property of the Council;

- (b) interfere with or obstruct any works undertaken by the Council in the local authority area or signs provided by the Council at the site of such works; or
- (c) destroy, pull down, obliterate, deface or alter the name board of a street or the number of a house or other building set up by the Council.

(2) The Council may recover reasonable costs incurred by it to repair the damage caused in terms of subregulation (1)(c) from a person found guilty of contravening that subregulation.

Trees and other plants in streets or public places

5. (1) A person may not -

- (a) subject to the provisions of any other law relating to the protection of trees and other plant, uproot or plant any tree or other plant in a street or public place, except with the approval of the Council and subject to such conditions as the Council may impose;
- (b) damage or destroy or cause to be damaged or destroyed any tree or other plant planted by the Council in a street, public place or any other land within the local authority area;
- (c) cut, damage, remove or damage any wood, turf or grass from a street, public place or any other land within the local authority area, except with the approval of the Council and subject to such conditions as the Council may impose;
- (d) remove or cause damage to any protection to any tree or other plant referred to in paragraph (b);
- (e) 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 or public place 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
- (f) 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.

(2) Subject to any other law relating to the protection of trees or other plants, 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 specified by the Council, remove any tree or other plants or part thereof, growing on that land and causing such damage, inconvenience or obstruction referred to in subregulation (1)(e) or (f); or
- (b) where the owner or occupier of land referred to in paragraph (a) fails to comply with the notice referred to in that paragraph, remove such tree or other plant; 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 other plants referred to in paragraph (b).

(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 any tree or other plant causing an obstruction or nuisance.

Dangerous fence, railing, wall or barrier abutting on street

6. (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 any other reason, the municipal 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 municipal engineer, within a period 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 or the removal of the fence, railing, wall or barrier which is the subject of that notice to be made and the Council may recover reasonable costs incurred for such repair or removal from either the owner, occupier or from both the owner and occupier jointly.

Prohibition against use of certain lamps or lighting devices

7. (1) A person may not use a lamp or lighting device in a street, public place or any other land within the local authority area in such a manner that the visibility of such lamp or lighting device from a street endangers public or motor vehicle safety.

(2) Subregulation (1) does not apply to lamps or lighting devices used -

- (a) on a motor vehicle in accordance with the Road Traffic and Transport Act, 1999;
- (b) by the State or any other statutory body in the execution of their functions, powers or duties; or
- (c) under a prior written authorisation issued by the Council.

(3) A lamp or lighting device that is in use in contravention of subregulation (1) at the commencement date of these regulations, may be used until such a time as the Council directs in writing that such a lamp or lighting device be removed or altered in terms of subregulation (5).

(4) The Council may authorise the use of a lamp or lighting device that is visible from a street under the conditions and for a period determined by the Council and such authorisation may be altered or revoked by the Council in writing.

(5) If the Council is satisfied that a lamp or lighting device is used in contravention of this regulation, the Council may by written notice direct the person using such lamp or lighting device or the person on whose property the lamp or lighting device is erected, to alter or remove such lamp or lighting device at his or her cost within a period specified in such notice.

(6) Where a person referred to in subregulation (5) fails to comply with the direction referred to in that subregulation, the Council may remove or alter such lamp or lighting device and recover the cost of the removal or alteration from such a person.

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

8. A person may not -

- (a) make a hole, pit, trench, or other excavation of any kind in a street, public place or on any other land within the local authority area; or
- (b) 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,

except with the approval of the Council and subject to such conditions as the Council may impose.

Dangers created on private property

9. (1) A person may not place an object or article on a balcony, 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 giving access to a street or public place in a manner that such gate, trellis or door open onto a street or public place, except with the approval of the Council and subject to such conditions as the Council may impose.

- (3) An occupier 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, unless such water is 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 approved by the municipal engineer.

Animals and animal carcasses

- 10.** (1) A person may not -
- (a) intentionally frighten or harass or cause to be frightened or harassed an animal within the local authority area;
 - (b) carry or convey, through or along a street or public place, the carcass of an animal or animal offal, unless the carcass of an animal or animal offal is properly covered with non-transparent material; or
 - (c) without the written approval of the Council and subject to such conditions as the Council may impose, allow to be within the local authority area livestock owned by him or her or of which he or she is ordinarily in charge, unless such land is set aside for farming purposes or for purposes of keeping or rearing livestock.
 - (d) subject to other laws relating to the protection of wild animals, keep a dangerous or potentially dangerous wild animal within the local authority area.
- (2) A driver or a person in control of a vehicle or motor vehicle may not allow or permit -
- (a) an animal to occupy the roof, running board or any other place on top of the motor vehicle while it is in motion; or
 - (b) an animal to occupy any position on the motor vehicle which may interfere with the driver of the motor vehicle from exercising complete control of the motor vehicle or from giving signal of his or her intention to stop, slow down or changing direction.

(3) A person may not leave or allow a bovine animal, horse, ass, mule, sheep, goat, pig or ostrich to be on or alongside a street or to stray on a street, unless such bovine animal, horse, ass, mule, sheep, goat, pig or ostrich is restricted from being on a street by a fence or by any other means.

(4) Subregulation (3) does not apply to an animal which is being -

(a) ridden or is being used to draw a vehicle along a street; or

(b) driven from one place to another in such a manner as not to constitute a source of danger or injury to a person or vehicle or motor vehicle using the road.

(5) A person may not drive an animal referred to in subregulation (3) -

(a) along a street during the period from sunset to sunrise, unless -

(i) a person carries a red light visible in clear weather at a distance of at least 150 metres tends the animal; or

(ii) in the case of a flock or herd of more than 10 animals, a person tending to the animals carries a red light as contemplated in paragraph (i); and

(iii) another person carrying a red light as contemplated in paragraph (i) follows the animals;

(b) along a street during any other period unless -

(i) a person displays in a conspicuous manner a red cloth, of not less than 300 millimetres by 300 millimetres, tends the animal; or

(ii) in the case of a flock or herd of more than 10 animals, a person tending to the animals and displaying a red cloth as contemplated in paragraph (i); and

(iii) another person displaying a cloth as contemplated in paragraph (i) follows the animals.

(6) A person in charge of an animal on a street must tend the animal in such a manner as not to constitute an obstruction or danger to traffic.

(7) An authorised officer may take charge of an animal referred to in subregulation (3) or take such other steps as the Council may determine.

(8) In any prosecution for contravening subregulation (3), it must, in the absence of evidence to the contrary, be presumed that an animal referred to in that regulation is left or allowed or permitted to be on or alongside a street by the owner of such animal.

Animal-drawn vehicle

11. (1) A person may not operate an animal-drawn vehicle on a street unless the -

(a) name and address of the owner of the vehicle is affixed or painted in a conspicuous position on the left side of the vehicle in letters not less than 25 millimetres high; or

(b) vehicle, the harness and other equipment on such vehicle are efficient and in a safe condition.

(2) Subregulation 1(a) does not apply to a vehicle used solely for the conveyance of persons other than for hire or reward.

(3) The owner of an animal-drawn vehicle may not use, cause or permit to be used the vehicle on a street by himself or herself or by any other person if such owner or other person is not competent, whether by reason of his or her age or otherwise, to drive or control the vehicle.

(4) The person driving an animal-drawn vehicle on a street must at all times give his or her undivided attention to the driving of the vehicle under his or her control, and if the vehicle is standing on a street, the driver may not cease to retain control over every animal which is harnessed to the vehicle, unless some other person competent to do so takes charge of every such animal or every such animal is fastened that it cannot move from the place where it has been left.

(5) A person may not operate a vehicle drawn by a team of animals not controlled by reins on a street, unless there is a person leading the team and exercising control over the team.

(6) The driver or other person in charge of a vehicle drawn by an animal may not permit the vehicle to follow another vehicle drawn by an animal at a distance of less than 150 metres calculated from the foremost animal of the first mentioned vehicle, except for the purpose of overtaking a vehicle travelling at a slower speed or when a vehicle travelling at a greater speed, having overtaken that vehicle, is drawing away from it.

Littering

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

- (a) throw, spill, drop, deposit, 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, any waste or litter that may interfere with the cleanliness or tidiness of such street, public place or other land 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) Subregulation (1)(a) does not apply to a piece of land set aside by the Council for the purposes referred to in that subregulation.

(3) Where a person contravenes subregulation (1)(a), an authorised officer may instruct the 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.

Damage to street

13. (1) A person may not on a street -

- (a) cause a wheel of any vehicle or motor vehicle to drag or spin upon the surface of the roadway, except in the case of an emergency;
- (b) make use of chocks or shoes between a wheel of a vehicle moving along the roadway and the surface of the roadway; or
- (c) use a vehicle or any other thing in a manner causing or likely to cause damage to the street.

Games or throwing of objects

14. (1) For the purposes of this regulation -

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

(2) A person may not on or across a street or in or on a public place -

- (a) play cards, dice or any other game, including games of skill or game of chances; or
- (b) roll an object, fly a kite, throw a stone, use a bow and arrow or catapult or by other means discharge a missile,

unless authorised to do so by the Council.

(3) A game of skill or game of chance may with the approval of the Council be conducted by a registered welfare organisation for the purposes of raising funds.

(4) Subregulation (1)(a) does not apply to games authorised in terms of the Casinos and Gambling Houses Act, 1994 (Act No. 32 of 1994), or the Lotteries Act, 2002 (Act No. 15 of 2002).

(5) A person may not in a street or public place use a roller-skate, skateboard or similar equipment, unless authorised to do so by the Council.

Loitering

15. A person may not -

- (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 street or 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, school, hospital, church or other similar institution.

Performance and gatherings in streets or public places

16. (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 without obtaining 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 Chief Executive Officer not later than three working days prior to the proposed performance or gathering.

(3) An application referred to in subregulation (2) 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 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 the vicinity of such street or public place must obey the directions of an 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.

Noise emanating from vehicles

17. (1) For the purposes of this regulation -

“sound amplification system” means a radio, television, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(2) A person may not operate a vehicle or motor vehicle or cause it to be operated on a street -

- (a) while using a sound amplification system emitting sound from such vehicle which is audible under normal conditions from a distance of at least 33 metres from the vehicle; or
 - (b) so as to cause excessive noise.
- (3) Subregulation (2) does not apply to -
- (a) an emergency vehicle, a vehicle driven by a traffic officer in the carrying out of his or her duties or a motor vehicle fitted with an anti-theft device which incorporates a siren in accordance with regulation 220 of the Road Traffic and Transport Regulations, 2001;
 - (b) a motor vehicle fitted or equipped with a communication device or sounding device used by an authorised officer in the carrying out of his or her duties; or
 - (c) a motor vehicle or a sound amplification system used for an activity for which written approval has been obtained from the Council.

Race or sport activities within local authority area

18. (1) For the purposes of this regulation -

“race or sport” means a race, speed trial, reliability trial, hill climbing competition, sport meeting or any other activity which may constitute a source of danger to traffic or which may hamper, impede or disrupt the normal flow of traffic.

(2) A person may not on a street or public place organise or take part in a race or sport on a street, except with a written consent of the Council and subject to conditions as the Council may impose.

(3) The Council, in granting the consent referred to in subregulation (2), may -

- (a) exempt a person referred to in subregulation (2) from any provision of this regulation regarding speed limit or determine another speed limit for the street to be used by such person; or
- (b) levy fees for defraying the expenses incurred by the Council in connection with a race or sport.

(4) A consent given under subregulation (2) may be withdrawn by the Council by giving notice in writing to a person referred to in that subregulation.

Street collections

19. 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.

Display of articles and goods for sale

20. (1) A person, other than a duly licensed peddler or hawker or other person authorised to trade in a street or public place, may not exhibit for sale or otherwise display an article, object or item in a street or public place.

(2) Subregulation (1) does not apply to the exhibiting for sale or display of an article, object or item -

- (a) on premises demarcated for that purpose by the Council;
- (b) under circumstances and in accordance with requirements determined by the Council; or
- (c) with prior written consent of the Council.

Children

21. (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 in a street or public place beg, 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.

Auction and sales

22. (1) 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, except with the approval of the Council and subject to such conditions as the Council may impose.

Firearms

- 23.** (1) A person may not within the local authority area discharge a firearm.
- (2) Subregulation (1) does not apply to a firearm discharged -

- (a) during a lawful target shooting or practice;
- (b) in the defence of a person or property;
- (c) on farmland for purposes of hunting;
- (d) in the execution a person's lawful duty; or
- (e) by a starter's pistol at any sports meeting.

Nuisance

24. A person may not 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, quarreling or fighting;
- (b) singing or playing a musical instrument, recorded music, radio, television, or similar devices in an unreasonably noisy or loud manner;
- (c) using a loudspeaker, amplifier, public address system or similar devices;
- (d) behaving in a riotous, violent or unseemly manner; or
- (e) repair or operating vehicles or motor vehicles or machinery in an unreasonably noisy manner.

Repair or washing of motor vehicles or other articles

25. (1) A person may not in a street or public place -

- (a) repair a vehicle or motor vehicle or any part of a motor vehicle, except in a case of an accident or other circumstances where such repair is necessary before the vehicle can be removed;
- (b) wash, dry or bleach an article or thing; or
- (c) allow the repair or washing of a vehicle or any part of the vehicle or the washing, drying or bleaching of an article or which such person is the owner or is lawfully in charge of.

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

(3) A vehicle, article or thing that is being repaired, washed, dried or bleached without the authority of the Council as contemplated in subregulation (2) may be seized by an authorised officer in accordance with the Criminal Procedure Act, 1997 (Act No. 51 of 1977).

Indecent behavior

26. A person may not in the local authority area -

- (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;
- (c) sing an obscene song or use profane language in view of or within hearing distance of another person;
- (d) urinate or defecate in a street or sidewalk or any other public place;
- (e) wash herself or himself in or at a water furrow along a street or in or at a reservoir, fountain, water trough, water pipe or tap; or
- (f) undress himself or herself or be naked.
- (g) Stand or wander in or near a public building or public road or any public or private place, and attempt to engage passerby in conversation, or stop or attempt to stop motor vehicles, for the purpose of prostitution or other commercial sexual activity or lewdness or assignation;

Fireworks

27. A person may not from, in, on or about a street, public place or upon any other land within the local authority area, discharge, throw, use, explode or brandish or cause to be discharged, thrown, used, exploded or brandished any fireworks or crackers which may cause annoyance, loss, injury, damage or danger to any person, animal, traffic or property.

Processions in streets

28. 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

29. (1) A driver of a vehicle or motor vehicle may not drive his or her vehicle or motor vehicle at a speed which exceeds the speed limitation set within the local authority area and which speed limit is shown on a regulatory board erected by 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 traveling or otherwise take adequate steps to control the movement of the vehicle or motor vehicle while approaching the portion of a street referred to by such warning sign.

Exemption of ambulances and fire engines

30. Regulation 29 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

31. (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 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 subregulation (1), 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 state of efficiency and repair

32. 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

33. 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.

Limitation of activities

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

Offences and penalties

35. 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 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
