

## **THEEWATERSKLOOF MUNICIPALITY COMMONAGE BY-LAW**

**Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Municipal Council of the Theewaterskloof Municipality hereby enacts as follows:**

### **PREAMBLE**

The objective of this by-law is to –

- (i) provide for arrangements for the use and management of the municipal commonage; and
- (ii) provide for the control of animals on the municipal commonage.

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### **1. INTERPRETATIONS**

In this by-law, the English text prevail in the event of any conflict with the Afrikaans text, and unless the context indicates otherwise -

**“agriculture”**, means the cultivation of the soil for the production of crops;

**“Animal Identification Act”**, means the Animal Identification Act, 2002 (Act No 6 of 2002), as amended;

**“brand”**, means any mark registered in terms of section 5 (2) of the Animal Identification Act, 2002 (Act No 6 of 2002), as amended, which is marked or branded or implanted as a microchip on an animal, and includes as the circumstances may require any representation of such a mark intended for an animal, but does not include any -

(a) mark made or placed on the horn or hoof of an animal ;

(b) mark made with paint on an animal;

(c) any tag attached to the ear of an animal, or any mark made on such tag;  
or

(d) notch or hole made on any body part of an animal;

**“crops”**, means the produce of cultivated plants;

**“enclosure”**, means a closed off area used for the protection of animals;

**“equine”**, means any horse, mule or donkey, or member of the horse family;

**“large stock”**, means cattle and equine, and includes any other species of animals which are for the purposes of the Animal Identification Act, 2002 (Act No 6 of 2002), as amended, declared or deemed to be large stock;

**“Municipality”**, means the Theewaterskloof Municipality, and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements of the Theewaterskloof Municipality;

**“municipal commonage”**, means land owned by, or under control of the Theewaterskloof Municipality, which has a zoning of undetermined use and which may be set aside by the Theewaterskloof Municipality for grazing or for such other purposes or use as may be deemed necessary by the Theewaterskloof Municipality;

**“paddock”**, means a closed off or fenced portion of land;

**“small stock”**, means pigs, sheep and goats, and includes any other species of animals which are for the purposes of the Animal Identification Act, (Act No 6 of 2002), as amended, declared or deemed to be small stock; and

**“veterinary surgeon”**, means a person who is qualified and registered in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No 19 of 1982), as amended, to practice as veterinary surgeon.

## **2. UTILIZATION OF THE MUNICIPAL COMMONAGE**

- (1) The Municipality may use the municipal commonage subject to other statutory provisions and municipal by-laws for any purpose, and may fence off portions of the municipal commonage –
  - (a) as paddocks for the grazing of the livestock of the residents of the municipal area; or
  - (b) as garden plots for agricultural use by the residents of the municipal area.
- (2) The Municipality may reserve certain portions of the municipal commonage for the grazing of small and large stock, and other parts for the planting of crops or other purposes.
- (3) The Municipality may erect enclosures or similar structures for the protection of the animals of residents of the municipal area.

## **3. CLOSING OF PADDOCKS FOR GRAZING AND RESTRICTIONS ON THE USE OF AREAS OF THE MUNICIPAL COMMONAGE**

- (1) The Municipality may, whenever it is considered to be necessary for the maintenance of an area of the municipal commonage or for purpose of soil conservation or allowing a meadow to regenerate grass growth or the regeneration of natural vegetation, close an area of the municipal commonage or a paddock or a section thereof for certain periods of the year and prohibit the use thereof or the grazing of animals thereon.
- (2) No person may allow an animal to graze in a paddock or a portion thereof or allow that any portion of the municipal commonage be cultivated or be used for any purpose, when the paddock or area concerned has been closed by the Municipality.
- (3) An animal found in a paddock or any other portion of the municipal commonage, which has been closed for grazing or other purposes in terms of subsection 3(1) of this by-law, may be impounded in terms of the provisions of the Impoundment of Animals By-law of the Theewaterskloof Municipality.

#### **4. APPROVAL TO UTILIZE THE MUNICIPAL COMMONAGE**

- (1) No person may allow any animal to graze in a paddock or any portion thereof, or cultivate or use any portion of the municipal commonage, without first having obtained written approval from the Municipality.
- (2) A person, who wishes to obtain approval to graze animals or cultivate or use any portion of the municipal commonage, shall submit an application on the prescribed application form to the Municipality.
- (3) The application to utilize the municipal commonage shall be considered by the Municipality for approval, subject to the following considerations -
  - (a) the number of animals already accommodated in an area or a specific paddock or the agricultural activities already allowed in an area;
  - (b) the number and kind of animals or crops, which are to be accommodated;
  - (c) the condition of the soil or pastures in the area concerned or specific paddock;
  - (d) the management recommendations of an approved grazing or commonage management plan, and
  - (e) any other consideration which the Municipality deems to be applicable.
- (4) The grazing rights or any other right of use granted to an applicant or any group of people shall be confined to that applicant or such group of people, and no person or group of people shall be entitled to transfer or cede such rights to another person or persons.

#### **5. CONFINEMENT OF GRAZING, AGRICULTURAL AND OTHER ACTIVITIES TO ALLOCATED AREAS**

A person granted grazing rights and any other right of use on the municipal commonage, shall confine his or her stock or agricultural or other activities, to the pastures or areas allocated by the Municipality to such a person for the specific use.

## **6. RENTAL FEES FOR THE USE OF THE MUNICIPAL COMMONAGE**

The Municipality may determine fees and tariffs for the use of the municipal commonage for grazing, agricultural and other purposes, and any person making use of the municipal commonage for the grazing of animals, agriculture cultivation or any other purpose, are liable for the payment of such fees and tariffs to the Municipality.

## **7. THE NUMBER, HEALTH AND CONDITION OF ANIMALS**

- (1) The Municipality may determine the number and kinds of animals that shall be accommodated and allowed in total or for a specific area, pasture or applicant, on the municipal commonage.
- (2) A person keeping an animal on the municipal commonage, shall ensure that the animal concerned always has access to sufficient potable water and food, and remain in good health.
- (3) A person keeping an animal on the municipal commonage, shall ensure that the animal concerned is restricted to the allocated pasture or area, and that the animal concerned do not wander onto a public road or public place.
- (4) The Municipality may require from a person keeping or applying to keep an animal on the municipal commonage, to provide to the Municipality a sworn affidavit with regard to the ownership, health, inoculation and condition of such an animal.
- (5) A person commits an offence, when he or she –
  - (a) keeps more than the predetermined number of animals on an allotted area or pasture, as contemplated in subsection 7(1) of this by-law;
  - (b) fails to ensure that an animal has access to sufficient potable water and food, or remain in good health, as contemplated in subsection 7(2) of this by-law;
  - (c) fails to submit an affidavit, as contemplated in subsection 7(4) of this by-law; or
  - (d) provides false information to the Municipality.

## **8. BRANDING OF LIVESTOCK**

- (1) A person, who has been granted grazing rights for livestock on the municipal commonage, shall ensure that all his or her animals are branded in terms of section 7 of the Animal Identification Act.
- (2) No person may keep or allow any animal to graze on the municipal commonage, without such animal being branded.
- (3) Livestock found on the municipal commonage without the required branding, may be impounded by the Municipality in terms of the provisions of the Impoundment of Animals By-law of the Theewaterskloof Municipality.

## **9. INFECTED OR CONTAGIOUS ANIMALS**

- (1) No person may graze any livestock on the municipal commonage, or allow or leave any livestock to graze on the municipal commonage, which are infected or suspected of being infected with any contagious or infectious disease.
- (2) Any livestock found on the municipal commonage, suspected of being infected with any contagious or infectious disease, shall be examined by a veterinary surgeon at the cost of the owner of such animals, and when it is found that such animals are infected by a contagious or infectious disease, the veterinary surgeon may order such livestock to be isolated or quarantined or destroyed.

## **10. ANIMAL CARCASSES OR REMAINS**

The owner of an animal which has died on the municipal commonage, shall immediately ensure that the carcass or remains of such animal are disposed of at an appropriate place and in an appropriate way, in terms of statutory provisions, and when the owner fail to do so, the Municipality shall dispose of the carcass or remains on behalf of the owner, and shall recover the expenses thereof from the owner.

## **11. PROHIBITED CONDUCT**

- (1) No person may without the prior written consent of the Municipality –
  - (a) erect any hut, shelter, kraal, building or structure of any kind on any portion of the municipal commonage;

- (b) occupy, reside, camp or squat on any portion of the municipal commonage, nor cause or encourage the habitation thereof;
- (c) accumulate or dispose of, or cause the accumulation or disposal of, any derelict motor vehicles, other vehicles or machinery or any unusable parts thereof, on any portion of the municipal commonage;
- (d) excavate, mine or remove soil, clay, sand, gravel, rocks or boulders from any part of the municipal commonage;
- (e) manufacture or burn bricks, or erect brick, lime or charcoal kilns on any part of the municipal commonage;
- (f) cut, harvest, damage, burn, destroy, gather or remove any plants, shrubs, wild flowers, trees, timber, firewood, brushwood, compost or any grass, from or on any portion of the municipal commonage;
- (g) interfere with or cause damage to any signage, fence, gate, drinking trough, water supply or other object or appliance, on any portion of the municipal commonage;
- (h) set fire to a pasture or veldt or any bush, tree, shrub or vegetation on any portion of the municipal commonage;
- (i) make use of any road over the municipal commonage, other than the roads proclaimed as public roads or the roads made specifically admissible from time to time by the Municipality for the public;
- (j) dispose of any poison or any hazardous substances or chemical substances on any portion of the municipal commonage;
- (k) kill or trap wild animals or birds of any kind, on any portion of the municipal commonage;
- (l) destroy the nests, or remove the eggs or progeny of any bird or water-fowl, on any portion of the municipal commonage;
- (m) fish in any dam, river or any watercourse, on any portion of the municipal commonage; or
- (n) encroach with a boundary onto any portion of the municipal commonage.

- (2) The Municipality may take any steps necessary to rectify any contravention of subsection 11(1) of this by-law, and may recover the costs incurred by the Municipality for the rectification of a transgression, from the person responsible for the contravention.

## **12. EXEMPTIONS**

- (1) Any person may by means of a written application, accompanied by a complete motivation, apply to the Municipality for exemption from any provision of this by-law.
- (2) The Municipality may after consideration of an application and the motivation therefore –
  - (a) grant an exemption in writing, stipulate the conditions in terms of which the exemption is granted, and the period for which such exemption is valid;
  - (b) alter or cancel any exemption or condition of an exemption; or
  - (c) refuse to grant an exemption, and provide the reasons for the refusal to the applicant.
- (3) An exemption does not take effect before an applicant has undertaken in writing to comply with all conditions imposed by the Municipality for a specific exemption, and when an activity is commenced before such undertaking has been provided to the Municipality, an exemption shall immediately lapse.
- (4) When any condition of an exemption is not complied with, the exemption shall immediately lapse.

## **13. COMMUNITY LIASON FORUMS**

- (1) The Municipality may establish one or more liaison forums in a community for the purposes of –
  - (a) creating opportunities for a local community to participate in the affairs of the Municipality;
  - (b) to advise the Municipality on matters, referred to the liaison forum for input by the Municipality; and

- (c) promoting the achievement of a properly controlled and administered municipal commonage.
- (2) A community liaison forum may consist of –
- (a) a member or members of an interest group, and / or affected persons or parties;
  - (b) a member or members of a community; and
  - (c) a designated official or officials of the Municipality, or organs of state.
- (3)(a) The Municipality may when considering an application for an approval or an exemption in terms of this by-law, request the input of a community liaison forum.
- (b) A liaison forum or any person or persons contemplated in subsection 13(2) of this by-law, may on their own initiative provide input to the Municipality for consideration.

#### **14. AGREEMENTS AND THE DEVELOPMENT OF A MUNICIPAL COMMONAGE MANAGEMENT PLAN**

- (1) The Municipality may, in consultation with a community liaison forum, enter into a written agreement with any party regarding the use of the municipal commonage or any part thereof, or may develop a municipal commonage management plan for the management and development of the municipal commonage.
- (2) The Municipality may cancel any agreement, when any of the conditions of an agreement are transgressed or any provisions of this by-law are not adhered to.

#### **15. SERVING OF NOTICES AND OTHER DOCUMENTS**

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law, is deemed to be duly issued when a duly delegated official of the Municipality has signed it.
- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served –

- (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa, and proof of the posting thereof is provided;
  - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa, in a manner as provided in subsections 15(2)(a), 15(2)(b) or 15(2)(c) of this by-law;
  - (e) if that person's address and agent or representative in the Republic of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates; or
  - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purpose of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupant, or holder of the property or rights in question, and it is not a requirement to name that person.
- (4) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

## **16. APPEALS**

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such a decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty one (21) days of the date of the notification of the decision.

## **17. OFFENCES AND PENALTIES**

Any person who contravenes or fails to comply with the provisions of this by-law, or fails to comply with a notice served in terms of this by-law, or fails to comply to an instruction of an authorized official or posted on a notice board, or interferes with an authorized official in the execution in his or her duties, is guilty of an offence and is liable on conviction, for -

- (a) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
- (b) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment for every day such offence continues; and
- (c) any further amount as an order of court for costs, equal to any costs and / or expenses, deemed by the Court to have been incurred by the Municipality as a result of such contraventions.

## **18. CONFLICT BETWEEN LEGISLATION**

When any stipulation of this by-law, is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

## **19. REPEAL OF BY-LAWS**

The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this by-law.

## **20. SHORT TITLE**

This by-law shall be called the Commonage By-law of the Theewaterskloof Municipality.

## **21. OPERATIVE DATE**

This by-law shall take effect on the date of publication.

## **MUNISIPALITEIT VAN THEEWATERSKLOOF**

### **VERORDENING INSAKE MEENTGRONDE**

**Kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 verorden die Munisipale Raad van die Munisipaliteit van Theewaterskloof hiermee soos volg:**

#### **AANHEF**

Die oogmerke met hierdie verordening is om –

- (i) voorsiening te maak vir reëlings vir die gebruik en bestuur van die munisipale meent; en
- (ii) voorsiening te maak vir die beheer van diere op die munisipale meent..

#### **INHOUDSOPGAWE**

- 1. Interpretasie
- 2. Benutting van die munisipale meent
- 3. Sluiting van kampe en areas van die munisipale meent vir weiding en gebruik
- 4. Goedkeuring om die munisipale meent te benut
- 5. Die beperking van beweiding, landbou en ander aktiwiteite tot toegekende areas
- 6. Huurgelde vir die gebruik van die munisipale meent
- 7. Die getal, gesondheid en toestand van diere
- 8. Merk van vee
- 9. Besmette diere en diere met aansteeklike siektes
- 10. Dierekarkasse of -oorskotte
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- 12. Vrystellings
- 13. Gemeenskapskakelforums
- 14. Ooreenkomste en die opstel van 'n bestuursplan vir die munisipale meent
- 15. Bediening van kennisgewings en ander dokumente
- 16. Appèlle
- 17. Strafbepalings
- 18. Teenstrydighede met ander wetgewing
- 19. Herroeping van verordening
- 20. Kort titel
- 21. Inwerkingtreding

## 1. INTERPRETASIE

In hierdie verordening, geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, en tensy dit uit die samehang anders blyk, beteken -

**“brandmerk”**, enige merkteken geregistreer in terme van artikel 5(2) van die Wet op die Identifikasie van Diere, 2002 (Wet No 6 van 2002), soos gewysig, wat op ‘n dier gemerk, ingebrand of as ‘n mikroskyfie ingeplant of aangebring word, en sluit in enige voorstelling van sodanige merkteken wat nagelang omstandighede vir ‘n dier bedoel is, maar sluit uit -

- (a) ‘n merkteken gemerk of aangebring op die horing of hoof van ‘n dier;
- (b) ‘n merkteken met verf op ‘n dier aangebring;
- (c) ‘n etiket geheg aan ‘n oor van ‘n dier, of enige merkteken gemaak op sodanige etiket; of
- (d) ‘n keep of gaatjie gemaak op enige liggaamsdeel van ‘n dier;

**“beskutting”**, ‘n afgeskermdde area vir die beskerming van diere;

**“gewasse”**, die opbrengs van die kweek van plante vir voedsel;

**“groot vee”**, beeste en perde, en sluit enige ander spesie van diere in, wat vir doeleindes van die Wet op die Identifikasie van Diere, 2002 (Wet No 6 van 2002), soos gewysig, as groot vee verklaar of beskou word;

**“kamp”**, ‘n afgekampte of omheinde gedeelte grond;

**“klein vee”**, varke, skape en bokke en sluit enige ander spesie van diere in, wat vir doeleindes van die Wet op die Identifikasie van Diere, 2002 (Wet No 6 van 2002), soos gewysig, as klein vee verklaar of beskou word;

**“landbou”**, die bewerking van die grond vir die verbouing van gewasse;

**“Munisipaliteit”**, die Munisipaliteit van Theewaterskloof, wat insluit enige verwysing na behoorlike gemagtigde en / of aangestelde beamptes en / of diensverskaffers in terme van diensleweringsooreenkomste van die Munisipaliteit van Theewaterskloof;

**“munisipale meent”**, enige grond in besit van of onder beheer van die Munisipaliteit van Theewaterskloof, wat ‘n sonering as onbepaald het, en wat deur die Munisipaliteit van Theewaterskloof gereserveer of gebruik mag word vir weiding of sodanige ander doel of gebruik, as wat na die mening van die Munisipaliteit van Theewaterskloof nodig mag wees;

**“perde”**, enige perd, muil of donkie, of ‘n lid van die perde familie; en

**“veearts”**, ‘n persoon wat in terme van die Wet op Veeartsnykundige en Para-Veeartsnykundige Professies, 1982 (Wet No 19 van 1982), soos gewysig, gekwalifiseer en geregistreer is om as veearts te praktiseer.

**“Wet op die Identifikasie van Diere”**, die Wet op die Identifikasie van Diere, 2002 (Wet No 6 van 2002), soos gewysig.

## **2. BENUTTING VAN DIE MUNISIPALE MEENT**

- (1) Die Munisipaliteit mag die munisipale meent onderhewig aan ander statutêre bepalings en munisipale verordeninge vir enige doeleindes aanwend, en mag gedeeltes van die munisipale meent afkamp –
  - (a) as kampe vir die weiding van die vee van die inwoners van die munisipale area;
  - (b) of as tuinplotte vir landboukundige gebruik deur die inwoners van die munisipale area.
- (2) Die Munisipaliteit mag bepaalde dele van die munisipale meent reserveer vir beweiding deur groot en klein vee, en ander dele reserveer vir die aanplant van gewasse of vir ander doeleindes aanwend.
- (3) Die Munisipaliteit mag beskuttings of soortgelyke strukture oprig vir die beskerming van diere van die inwoners van die munisipale area.

## **3. SLUITING VAN KAMPE EN AREAS VAN DIE MUNISIPALE MEENT VIR WEIDING EN GEBRUIK**

- (1) Die Munisipaliteit mag, indien dit as wenslik geag word vir die onderhoud van ‘n area van die munisipale meent of vir doeleindes van grondbewaring of vir die herstel van weiding in ‘n kamp of die herstel van natuurlike plantegroei, ‘n area van die munisipale meent, of ‘n kamp of gedeeltes daarvan sluit vir sekere periodes van ‘n jaar, en die gebruik of beweiding daarvan verbied.
- (2) Geen persoon mag toelaat dat ‘n dier in ‘n kamp of ‘n gedeelte daarvan wei, of toelaat dat enige gedeelte van die munisipale meent bewerk word of dat dit vir enige doel gebruik word, indien die betrokke kamp of area deur die Munisipaliteit vir gebruik gesluit is nie.

- (3) 'n Dier wat in 'n kamp of enige deel van die munisipale meent gevind word, wat in terme van subartikel 3(1) van hierdie verordening vir beweiding of ander redes gesluit was, mag geskut word in terme van die bepaling van die Verordening insake die Skut van Diere van die Munisipaliteit van Theewaterskloof.

#### **4. GOEDKEURING OM DIE MUNISIPALE MEENT TE BENUT**

- (1) Geen persoon mag toelaat dat enige dier in 'n kamp of gedeelte daarvan wei, of dat enige gedeelte van die munisipale meent bewerk of gebruik word, alvorens die Munisipaliteit se toestemming daarvoor verkry is nie.
- (2) 'n Persoon wat goedkeuring wil bekom om op die munisipale meent diere te laat wei of om enige gedeelte van die munisipale meent te bewerk of te benut, moet 'n aansoek daarvoor op die voorgeskrewe aansoekvorm by die Munisipaliteit indien.
- (3) 'n Aansoek vir die gebruik van die munisipale meent sal deur die Munisipaliteit vir goedkeuring oorweeg word, onderhewig aan die volgende oorwegings –
- (a) die aantal diere wat alreeds in 'n area of 'n spesifieke kamp akkommodeer word of die landboukundige aktiwiteite wat reeds in 'n area toegelaat word;
  - (b) die aantal en tipe diere of gewasse, wat akkommodeer moet word;
  - (c) die toestand van die grond of weiding in 'n betrokke area of spesifieke kamp;
  - (d) die bestuursaanbevelings vervat in 'n goedgekeurde weiding- of meentbestuursplan; en
  - (e) enige ander oorweging wat die Munisipaliteit as nodig ag.
- (4) Die weidingregte of enige ander grondgebruikregte toegeken aan 'n applikant of 'n groep persone, word beperk tot die applikant en sodanige groep persone, en mag nie oorgedra of gesedeer word nie.

## **5. DIE BEPERKING VAN WEIDING, LANDBOU EN ANDER AKTIWITEITE TOT TOEGEKENDE AREAS**

'n Persoon aan wie daar weidingsregte of enige ander reg van gebruik toegeken word, moet sy of haar diere of landboukundige aktiwiteite, beperk tot die kampe en areas, wat deur die Munisipaliteit toegeken is vir gebruik deur sodanige persoon en die spesifieke gebruik.

## **6. HUURGELDE VIR DIE GEBRUIK VAN DIE MUNISIPALE MEENT**

Die Munisipaliteit mag fooie en tariewe vir die gebruik van die munisipale meent vir weiding, landbou en ander doeleindes vasstel, en enige persoon wat van die munisipale meent gebruik wil maak vir die weiding van diere, landbouwerking of enige ander doel, sal aanspreeklik vir die betaling van die betrokke fooie en tariewe aan die Munisipaliteit wees.

## **7. DIE GETAL, GESONDHEID EN TOESTAND VAN DIERE**

- (1) Die Munisipaliteit mag in totaal, per area of kamp, of per applikant, die aantal en tipe diere bepaal wat op die munisipale meent geakkommodeer en toegelaat sal word.
- (2) 'n Persoon wat 'n dier op munisipale meentgronde aanhou, moet verseker dat die betrokke dier altyd toegang tot voldoende drinkbare water en voedsel het, en in goeie gesondheid verkeer.
- (3) 'n Persoon wat 'n dier op munisipale meentgronde aanhou, moet verseker dat die dier beperk word tot die toegekende kamp of area vir die betrokke dier, en dat die betrokke dier nie na 'n openbare pad of publieke plek afdwaal nie.
- (4) Die Munisipaliteit mag van 'n persoon vereis, wat 'n dier aanhou of aansoek doen om 'n dier aan te hou op die munisipale meent, om 'n beëdigde verklaring in te dien oor die eienaarskap, gesondheid, inenting en kondisie van sodanige dier.
- (5) 'n Persoon begaan 'n oortreding, indien hy of sy –
  - (a) meer as die voorafbepaalde aantal diere op 'n toegekende area of in 'n toegekende kamp, soos voorsien in subartikel 7(1) van hierdie verordening, aanhou;

- (b) versuim om toe te sien dat diere toegang het tot genoegsame drinkbare water en kos, en in goeie gesondheid bly, soos voorsien in subartikel 7(2) van hierdie verordening;
- (c) versuim om 'n verklaring in te dien, soos voorsien in subartikel 7(4) van hierdie verordening; of
- (d) vals inligting aan die Munisipaliteit verskaf.

## **8. MERK VAN VEE**

- (1) 'n Persoon aan wie weidingsregte op die munisipale meent vir vee toegeken word, moet toesien dat sy of haar diere in ooreenstemming met artikel 7 van die Wet op die Identifikasie van Diere, gebrandmerk word.
- (2) Geen persoon mag diere aanhou of toelaat dat diere op die munisipale meent wei, wat nie gebrandmerk is nie.
- (3) Vee wat op die munisipale meent gevind word, wat nie oor die vereiste brandmerke beskik nie, mag deur die Munisipaliteit in terme van die bepalings van die Verordening insake die Skut van Diere van die Munisipaliteit van Theewaterskloof, geskut word.

## **9. BESMETTE DIERE EN DIERE MET AANSTEEKLIKE SIEKTES**

- (1) Geen persoon mag enige vee, wat besmet is of wat na vermoede besmet mag wees met 'n aansteeklike of besmetlike siekte, op die munisipale meent laat wei of toelaat dat sodanige diere daar wei of sodanige diere daar laat om te wei nie.
- (2) Enige vee wat op die munisipale meent gevind word, wat na vermoede met 'n aansteeklike of besmetlike siekte besmet mag wees, moet deur 'n veearts ondersoek word op die koste van die eienaar van sodanige diere, en indien dit bevind word dat sodanige diere 'n aansteeklike of besmetlike siekte het, mag die veearts gelas dat die betrokke vee ge-isoleer of onder kwarantyn geplaas of vernietig word.

## 10. DIEREKARKASSE OF -OORSKOTTE

Die eienaar van 'n dier wat op die munisipale meent gevrek het, moet onmiddelik toesien dat daar met die karkas of oorskot van sodanige dier op 'n geskikte plek en 'n geskikte wyse, in terme van statutêre bepalings weggedoen word mee, en indien die eienaar versuim om as sodanig te handel, mag die Munisipaliteit namens die eienaar wegdoen met die karkas of oorskot, en die verbandhoudende kostes van die eienaar verhaal.

## 11. VERBODE GEDRAG

- (1) Geen persoon mag sonder die vooraf skriftelike toestemming van die Munisipaliteit –
  - (a) enige hut, skerm, kraal, gebou of struktuur op enige gedeelte van die munisipale meent oprig nie;
  - (b) enige gedeelte van die munisipale meent okkupeer of op enige gedeelte bly of kampeer of plak nie, of sodanige bewoning veroorsaak of aanmoedig nie;
  - (c) enige verlate motorwrakke, ander voertuie of masjienerie of enige onbruikbare parte daarvan, op enige gedeelte van die munisipale meent laat ophoop of wegdoen daarmee, of toelaat dat sodanige afval opgehoop of mee weggedoen word nie;
  - (d) op enige deel van die munisipale meent, uitgrawings doen, myn of grond, klei, sand, gruis, klippe of rotse verwyder nie;
  - (e) op enige deel van die munisipale meent, stene vervaardig of brand, of steen-, kalk- of steenkooloonde oprig nie;
  - (f) enige plante, struik, wilde blom, bome, saaghout, brandhout, kreupelhout, kompos of enige gras, op of vanaf enige deel van die munisipale meent sny, oes, beskadig, brand, vernietig, versamel of verwyder nie;
  - (g) op enige deel van die munisipale meent, enige kennisgewing, heining, hek, drinkbak, watertoevoer of ander voorwerp of toestel beskadig of daarmee inmeng nie;
  - (h) op enige deel van die munisipale meent, die weiding of veld of bosse, bome, struik of plante aan die brand steek nie;

- (i) gebruik maak van enige pad oor die munisipale meent, wat nie 'n openbare pad is nie of 'n pad is wat van tyd tot tyd spesifiek deur die Munisipaliteit oopgestel word vir publieke gebruik;
  - (j) op enige deel van die munisipale meent, enige gif of gevaarlike substansies of chemiese substansies weggooi nie;
  - (k) enige wilde diere of voëls, op enige deel van die munisipale meent doodmaak of met 'n strik vang nie;
  - (l) op enige deel van die munisipale meent neste vernietig, voëleiers verwyder of die nageslag van enige voël of watervoëls vang nie;
  - (m) op enige deel van die munisipale meent visvang in enige dam, rivier of waterloop nie; of
  - (n) op enige deel van die munisipale meent, die grens van die munisipale meent oorskry nie.
- (2) Die Munisipaliteit mag enige stappe soos benodig implementeer, om enige oortreding soos voorsien in subartikel 11(1) van hierdie verordening, aan te spreek en mag die kostes aangegaan deur die Munisipaliteit vir die korreksie van 'n oortreding, van die persoon verantwoordelik vir die oortreding, verhaal.

## 12. VRYSTELLINGS

- (1) Enige persoon mag by wyse van 'n skriftelike aansoek, vergesel van 'n volledige motivering, by die Munisipaliteit aansoek doen vir vrystelling van enige bepaling van hierdie verordening.
- (2) Die Munisipaliteit mag na oorweging van 'n aansoek en die motivering daarvoor –
  - (a) op skrif 'n vrystelling toestaan, die voorwaardes aandui ingevolge waarvan die vrystelling toegestaan word en die periode aandui waarvoor die vrystelling geldig sal wees;
  - (b) 'n vrystelling kansleer of enige voorwaarde daarvan wysig; of
  - (c) weier om 'n vrystelling toe te staan, en die redes vir sodanige weiering aan die applikant te verskaf.

- (3) 'n Vrystelling word eers van krag, nadat 'n applikant skriftelik onderneem het om te voldoen aan al die voorwaardes soos deur die Munisipaliteit vir 'n spesifieke vrystelling bepaal word, en indien daar met 'n aktiwiteit begin word voordat sodanige onderneming aan die Munisipaliteit gegee word, sal 'n vrystelling onmiddelik verval.
- (4) Wanneer daar nie voldoen word aan enige voorwaarde van 'n vrystelling nie, sal sodanige vrystelling onmiddelik verval.

### **13. GEMEENSKAPSKAKELFORUMS**

- (1) Die Munisipaliteit mag skakelforums in 'n gemeenskap instel, met die doel om –
- (a) geleentheid vir die gemeenskap te skep, om aan die aangeleentheid van die Munisipaliteit deel te neem;
  - (b) advies oor aangeleentheid te lewer, wanneer die skakelforum deur die Munisipaliteit versoek word om insette te lewer; en
  - (c) die bereiking van 'n behoorlik gekontroleerde en geadministreerde munisipale meent te bevorder.
- (2) 'n Skakelforum mag bestaan uit –
- (a) 'n lid of lede van 'n belangegroep en / of geaffekteerde persone of groepe;
  - (b) 'n lid of lede van 'n gemeenskap; en
  - (c) 'n aangewese beampte of beamptes van die Munisipaliteit of owerheidinstellings.
- (3) (a) Die Munisipaliteit mag wanneer 'n aansoek om toestemming of vrystelling ingevolge hierdie verordening oorweeg word, die insette van 'n skakelforum versoek.
- (b) 'n Skakelforum of enige persoon of persone bedoel in subartikel 13(2) van hierdie verordening, mag op eie inisiatief 'n inset aan die Munisipaliteit vir oorweging verskaf.

#### **14. OOREENKOMSTE EN DIE ONTWIKKELING VAN 'N BESTUURSPLAN VIR DIE MUNISIPALE MEENT**

- (1) Die Munisipaliteit mag in konsultasie met 'n gemeenskapskakelforum, 'n ooreenkoms met enige party aangaan vir die gebruik van die munisipale meent of enige gedeelte daarvan, of mag 'n munisipale meentbestuursplan vir die bestuur en ontwikkeling van die munisipale meent opstel.
- (2) Die Munisipaliteit mag enige ooreenkoms kanselleer, wanneer enige voorwaarde van 'n ooreenkoms oortree word of wanneer daar nie aan enige bepaling van hierdie verordening voldoen word nie.

#### **15. BEDIENING VAN KENNISGEWINGS EN ANDER DOKUMENTE**

- (1) 'n Kennisgewing, bevel, aanskrywing, of ander dokument wat ingevolge hierdie verordening deur die Munisipaliteit uitgereik word, word geag behoorlik uitgereik te wees indien 'n beamppte wat deur die Munisipaliteit gemagtig is, dit onderteken het.
- (2) Wanneer dit nodig is om enige gemagtigde kennisgewing, bevel, aanskrywing of ander dokument te bedien op 'n persoon ingevolge hierdie verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees –
  - (a) wanneer dit persoonlik aan die persoon afgelewer is;
  - (b) wanneer dit by die persoon se plek van inwoning of besigheid in die Republiek van Suid-Afrika gelaat is, by 'n persoon wat duidelik ouer as sestien jaar is;
  - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan die persoon se laaste bekende woon- of besigheidsadres in die Republiek van Suid-Afrika, en 'n erkenning van die versending verskaf word;
  - (d) indien die persoon se adres in die Republiek van Suid-Afrika onbekend is, wanneer dit aan die persoon se agent of verteenwoordiger in die Republiek van Suid-Afrika bedien is op so 'n manier, soos in subartikels 15(1)(a), 15(1)(b) of 15(1)(c) van hierdie verordening bepaal;
  - (e) indien die persoon se adres en agent in die Republiek van Suid-Afrika onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom of perseel, indien enige, waarop dit betrekking het; of

- (f) in die geval van 'n bestuursliggaam, wanneer dit by die geregistreerde kantoor of die sakeperseel van sodanige bestuursliggaam afgelewer word.
- (3) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument aan 'n persoon ingevolge hierdie verordening bedien moet word, is dit nie nodig om dit by name te noem nie, maar sal dit voldoende wees as die persoon daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.
- (4) 'n Bevel, kennisgewing of ander dokument wat waarmerking vereis moet behoorlik deur die Munisipaliteit onderteken wees.

## 16. APPÈLLE

'n Persoon wie verontreg voel oor 'n besluit geneem deur die Munisipaliteit ingevolge enige gedelegeerde magte, mag in terme van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, teen sodanige besluit appèlleer, deur binne een-en-twintig (21) dae vanaf datum van kennisgewing van die besluit, skriftelike kennis aan die Munisipale Bestuurder te gee van die appèl, en redes vir die appèl te verstrek.

## 17. STRAFBEPALINGS

'n Persoon wat enige bepaling van hierdie verordening oortree, of versuim om daaraan te voldoen, of versuim om te voldoen aan 'n instruksie uitgereik deur 'n gemagtigde beampte ingevolge hierdie verordening, of 'n instruksie aangebring op 'n kennisgewingbord, of 'n gemagtigde beampte verhinder in die uitvoering van sy of haar pligte, begaan 'n oortreding en kan by skuldigbevinding -

- (a) 'n boete of gevangenisstraf opgelê word, of gevangenisstraf sonder die keuse van 'n boete, óf beide sodanige boete en sodanige gevangenisstraf opgelê word;
- (b) in die geval van 'n voortgesette misdryf, 'n bykomende boete of bykomende tydperk van gevangenisstraf of sodanige bykomende gevangenisstraf sonder die opsie van 'n boete of beide sodanige bykomende boete en gevangenisstraf vir elke dag waarop sodanige misdryf voortduur, opgelê word; en

- (c) 'n verdere bedrag as kostebevel opgelê word, gelykstaande aan enige kostes en / of uitgawes wat die Hof bevind deur die Munisipaliteit aangaan was, as gevolg van sodanige oortreding.

## **18. TEENSTRYDIGHEDE MET ANDER WETGEWING**

In die geval van teenstrydigheid tussen enige bepaling van hierdie verordening, en nasionale en provinsiale wetgewing of regulasies, sal sodanige nasionale en provinsiale wetgewing of regulasies voorrang geniet.

## **19. HERROEPING VAN VERORDENING**

Die bepalings van enige ander verordeninge voorheen uitgevaardig deur die Munisipaliteit of deur enige van die afgeskafte munisipaliteite wat nou in die Munisipaliteit geïnkorporeer is, word hierby herroep in soverre dit betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word.

## **20. KORT TITEL**

Hierdie verordening staan bekend as die Verordening insake Meentgronde van die Munisipaliteit van Theewaterskloof.

## **21. INWERKINGTREDING**

Hierdie verordening tree op datum van publikasie daarvan in werking.