

Provincial Gazette

Free State Province

Published by Authority

Provinsiale Koerant

Provinsie Vrystaat

Uitgegee op Gesag

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PROCLAMATION

(P37/2/5)

[NO. 33 OF 2010]

Under the powers vested in me by section 3 of the Roads Ordinance, 1968 (Ordinance 4 of 1968), as amended, I hereby declare that the public road, described below, will be changed in name and number from the date of publication of this proclamation:

DECLARATION OF A SECTION OF BLOEMFONTEIN – GLEN SECONDARY ROAD S143 AS A SECTION OF THE MASELSPOORT – GLEN SECONDARY ROAD S403, B-A, SITUATED IN THE MAGISTERIAL DISTRICT OF BLOEMFONTEIN (LENGTH ± 3,445 km):

From point B (coordinates X 64 318.0 and Y 3 204 635.5) on Plot 1 of Riverside Agricultural Plots, where it leaves secondary road S403; thence over Plot 1 of Riverside Agricultural Plots, Subdivision 1 of Middelpunt 100, Subdivision 13 of Middelpunt 100, Waters-Waar-Rus-Is 2939, Klipfontein 240, Cypress 89 and Middelwater 159, to point A (coordinates X 66 412.8 and Y 3 202 513.8) on Middelwater 159, where it joins primary road P55/1.

The road concerned is shown approximately on a plan with a scale of 1:25 000 (plan no. GP-7D) in the office of the Head: Police, Roads and Transport, Bloemfontein.

Given under my hand at Bloemfontein on 12 October 2010.

Signed by:
MR T.M. MANYONI
MEMBER OF THE EXECUTIVE COUNCIL:
POLICE, ROADS AND TRANSPORT

PROKLAMASIE

(P37/2/5)

[NO. 33 VAN 2010]

Kragtens die bevoegdheid my verleen by artikel 3 van die Ordonnansie op Paaie, 1968 (Ordonnansie 4 van 1968), soos gewysig, verklaar ek hiermee dat die openbare pad, hieronder beskryf, vanaf die datum van afkondiging van hierdie proklamasie van naam en nommer verander sal wees:

VERKLARING VAN 'N GEDEELTE VAN DIE BLOEMFONTEIN – GLEN SEKONDÊRE PAD S143 TOT 'N GEDEELTE VAN DIE MASELSPOORT – GLEN SEKONDÊRE PAD S403, B-A, GELEË IN DIE LANDDROSDISTRIK BLOEMFONTEIN (LENGHTE ± 3,445 km):

Vanaf punt B (coordinate X 64 318.0 en Y 3 204 635.5) op Hoewe 1 van Riverside Landbouhoewes, waar dit sekondêre pad S403 verlaat; vandaar oor Hoewe 1 van Riverside Landbouhoewes, Onderverdeling 1 van Middelpunt 100, Onderverdeling 13 van Middelpunt 100, Waters-Waar-Rus-Is 2939, Klipfontein 240, Cypress 89 en Middelwater 159, tot by punt A (coordinate X 66 412.8 en y 3 202 513.8) op Middelwater 159, waar dit by primêre pad P55/1 aansluit.

Die betrokke pad word by benadering aangetoon op 'n plan met 'n skaal van 1:25 000 (GP-7D) in die kantoor van die Hoof: Polisie, Paaie en Vervoer, Bloemfontein.

Gegee onder my hand te Bloemfontein op 12 Oktober 2010.

Onderteken deur:
MNR. T.M. MANYONI
LID VAN DIE UITVOERENDE RAAD:
POLISIE, PAAIE EN VERVOER

COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICE

NALA LOCAL MUNICIPALITY

PROPOSED DRAFT BY-LAWS FOR THE NALA LOCAL MUNICIPALITY – PUBLICATION OF DRAFT BY-LAWS FOR COMMENT.

1. The following draft By-Laws for the Nala Local Municipality are hereby in terms of Section 156 (2) of the Constitution of the Republic of South Africa Act, 108 of 1996, as amended, read with Section 12(3)(b) of the Local Government: Municipal Systems Act No. 32 of 2000 published for public comment to enable the Council to consider the adoption thereof after comments have been received and considered:

- 1.1 Draft Road Traffic and Parking By-laws
- 1.2 Draft Street Trading By-laws
- 1.3 Draft General Street and Premises By-laws
- 1.4 Draft Taxi Ranks and Taxi Pickup Points By-laws

2. Written comments must be handed in at the office of the Municipal Manager, Municipal Offices, Bothaville and Wesselsbron or posted to the Municipal Manager, P/Bag x15, Bothaville, 9660 or faxed to the Municipal Manager at number 086 516 4775 or sent by e-mail to the Municipal Manager to: cfo@nala.org.za.

Comments must reach the office of the Municipal Manager not later than 21 (twenty one) calendar days after the date of this publication. Comments received after this date will not be considered.

NALA LOCAL MUNICIPALITY

PUBLICATION OF DRAFT BY-LAWS FOR COMMENT:

STREET TRADING BY-LAWS

SCHEDULE

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Definitions

1. in these by-laws;
 - (a) words used in the male gender include the female gender and vice versa;
 - (b) the singular includes the plural and vice versa;
 - (c) any word or expression used in the context of a municipality or its functions also has the meaning assigned to it in the Municipal Structures Act No.117 of 1998 and the Municipal Systems Act No.32 of 2000;
 - (d) a reference to any legislation shall include the regulations promulgated hereunder; and
 - (e) any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), shall have a corresponding meaning;

and, unless the context indicates otherwise:-

"Administrative unit" means a former municipality as contemplated in Section 14(3) of the Municipal Structures Act, 1998;

"Approval" means approval by the Council and "approved" has a corresponding meaning;

"Authorised official" means-

- (a) any municipal official who has been authorised by the Council and any statutory functionary or inspector appointed in terms of any law to administer, implement and enforce the provisions of these by-laws;
- (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act No.93 of 1996;
- (c) a member of the South African Police service, as defined in terms of Section 1 of the South African Police Services Act No. 68 of 1995; or
- (d) a peace officer or a law enforcement officer contemplated in Section 334 of the Criminal Procedure Act No.51 of 1977.

"Council services" means any system conducted by or on behalf of a municipality for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage, purification or supply of water, gas or electricity, or municipal services;

"Council" means the Council of the Municipality referred to in Section 18(1) of the Municipal Structures Act, 1998 and includes any duly authorised political structure, political office bearer, councillor and official thereof;

"Council service works" means all property or works of whatever nature necessary for or incidental to any Council services;

"Foodstuff" means any article or substance, except a drug as defined in the Drugs and Drug Trafficking Act, 1992, ordinarily eaten or drunk by persons or purporting to be suitable or manufactured or sold for human consumption and includes any part or ingredient of any such article or substance or any substance used or intended or destined to be used as a part or ingredient of any such article or substance.

"Garden or park" means a garden or park to which the public has a right of access;

"Goods" means any movable property and includes any living thing;

"Intersection" means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act No. 93 of 1996;

"Litter" includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;

"Minor" means any person that is under the age of 18 years and a person suffering from any mental disability and where such a person is in the guardianship of parents or a parent or is placed in the guardianship of any other person by a court of law.

"Municipality" means the Nala Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"Motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act No.93 of 1996;

"Prescribed procedures" means operational procedures determined by resolution of the Council from time to time and procedures have a corresponding meaning;

"Prescribed tariff" means a tariff that is determined by the council on the tariff schedule to the budget of the Municipality and fee have a corresponding meaning;

"Property", in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes the goods in which he trades;

"Public building" means a building belonging to or occupied solely by the State or the Council and includes municipal service works;

"Public monument" means any one of the "public monuments and memorials" as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999) or any similar legislation;

"Public place" means any square, park, recreation ground or open space which is vested in the Municipality or to which the public has the right to use or is shown on a general plan of a township filed in the deeds registry or a Surveyor-General's office and has been provided for the use of the public or the owners of erven in such township and includes residential erven on which street trading has been authorised by the municipality;

"Public road" means a public road as defined in section 1 of the National Road Traffic Act No.93 of 1996;

"Roadway" means a roadway as defined in section 1 of the National Road Traffic Act No.93 of 1996;

"Sell" includes -

(a) barter, exchange or hire out;

(b) display, expose, offer or prepare for sale;

(c) store on a public road or public place with a view to sell; or

(d) to provide a service for reward;

and **"sale", "selling" and "sold"** has a corresponding meaning;

"Sidewalk" means a sidewalk as defined in section 1 of the National Road Traffic Act No. 93 of 1996;

"Statutory functionary or inspector" means an officer, official or inspector performing a function or exercising a power assigned to that officer, official or inspector by National, Provincial or Municipal legislation.

"Street furniture" means any furniture installed by the Council on a street for public use;

"Street trader" means a person who carries on the business of street trading or hawking and includes any employee of such person;

"Street trading" means the display, selling, or the offer for sale of any goods or the supplying or offering to supply any service for reward in a public road or public place, by a street trader or a hawker;

"Street trading permit" means a permit that authorises and control street trading and is issued to a street trader by an authorised official at the payment of the prescribed tariff;

"The Act" means the Businesses Act, 1991 (Act No. 71 of 1991) and includes the regulations promulgated thereunder;

"Urban area" means that portion of the area of jurisdiction of a municipality which has by actual survey been subdivided into erven, plots and commonage or is surrounded by surveyed erven, plots and commonage and includes all the public roads, streets or thoroughfares abutting thereon; and;

"Verge" means a verge as defined in section 1 of the National Road Traffic Act No.93 of 1996.

A Single act constitutes street trading and street trading without a street trading permit is prohibited

2. (1) For the purpose of these by-laws a single act of selling or offering on display any goods for sale, or the rendering of any public services, in a street, a public road, or a public place shall constitute the business of street trading.
- (2) No person shall carry on the business of a street trader unless such a person is in possession of a valid street trading permit that was issued to such a person by the authorised official of the municipality on the prescribed procedures.
- (3) No minor shall be issued with a street trading permit unless such a minor has obtained special written permission on good cause shown from the municipal manager to be issued with a street trading permit.
- (4) A street trader that has been issued with a street trading permit must carry the original permit on his or her person while conducting business and must produce such a permit on demand to an authorised official.

Assigning powers of a Council employee to employee of a service provider, where a service provider has been appointed

3. If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council, and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Prohibited conduct

4. (1) No person shall carry on the business of a street trader:-
- (a) at a place or in an area declared by the Council in terms of section 6A (2) (a) of the Act as a place or area in which street trading is prohibited;
 - (b) in a garden or a park to which the public has a right of access;
 - (c) on a verge contiguous to -
 - (i) a building belonging to, or occupied solely by, the State or the Council;
 - (ii) a church or other place of worship;
 - (iii) a building declared to be a Public monument;
 - (iv) an auto teller bank machine;
 - (d) at a place where it causes an obstruction in front of -
 - (i) a fire hydrant;
 - (ii) an entrance to or exit from a building;
 - (e) at a place where it could obstruct vehicular traffic;
 - (f) at a place where it could substantially obstruct a pedestrian in his use of the sidewalk;
 - (g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorised official;
 - (h) anywhere in the municipal urban areas, on a stand, or in any area demarcated by Council in terms of section 6A (3) (b) of the Act, if he is not in possession of a valid street trading permit and written proof that he has hired such stand or area from the Council, or that such stand has otherwise been allocated to him;
 - (i) within 5 (five) metres of any intersection; and
 - (j) on a sidewalk contiguous to a building, or within a radius of 100 meters from the main entrance to such a building, in which business is being carried on by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold without the prior consent of such person and an authorised official has informed the street trader that such consent does not exist.
- (2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1) (h), may not trade in contravention of the terms and conditions of such street trading permit, lease, contract or allocation.

Restricted conduct

5. A person carrying on the business of a street trader -
- (a) may not sleep overnight at the place of such business;
 - (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
 - (c) may not place his goods or property on a public road or public place, with the exception of his motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer complies with health regulations that are applicable to the goods being sold and does not obstruct pedestrian and vehicular traffic movement and complies with the provisions of the National Road Traffic Act, 1996;
 - (d) must ensure that his property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;

- (e) may not trade on a sidewalk where the width of such sidewalk is less than three metres;
- (f) may not place or stack his property in such a manner that it obstructs any entrance or exit to a building or constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
- (g) may not display his goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
- (h) must, upon request by an authorised official of the Council, or supplier of telecommunication or electricity or other council services, move his property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
- (i) may not attach any of his property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (j) may not carry on such business in such a manner as to -
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
 - (iii) create a traffic and/or health hazard, or health risk, or both.
- (k) may not make an open fire on a public road or public place;
- (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
- (m) may not obstruct access to a building, shop, pedestrian crossing, a parking or loading bay or any other facility for vehicular or pedestrian traffic;
- (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of these by-laws;
- (p) may not carry on business, or take up a position, or place his property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of these by-laws;
- (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;
- (r) may not place on a public road or public place his property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (s) must on concluding business for the day remove his property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (t) may not store his property in a manhole, storm water drain, public toilet, and bus shelter or in a tree;
- (u) may not handle any foodstuffs including meat in a manner contrary to applicable law;
- (v) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A(2)(a) of the Act.

Cleanliness

- 6. A street trader must -
 - (a) Keep the area or site occupied by him for the purposes of such business in a clean and sanitary condition;
 - (b) Keep his property in a clean, sanitary and well maintained condition;
 - (c) Dispose of litter generated by his business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;
 - (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
 - (e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
 - (f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
 - (g) Ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
 - (h) On request by an authorised official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

Signs indicating restricted and prohibited areas

- 7. (a) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating-
 - (i) specified hours, places, goods or services in respect of which street trading are restricted or prohibited;

- (ii) the locations of boundaries of restricted or prohibited areas;
 - (iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
 - (iv) the fact that any such stand or area has been let or otherwise allocated; and
 - (v) any restriction or prohibition against street trading in terms of these by-laws;
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of these by-laws or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of these by-laws, and any such sign shall have the same effect as a road sign in terms of the National Road Traffic Act No.93 of 1996.

Provision of and lease of stands or areas for the purpose of street trading

8. (1) The Council may, by resolution in terms of Section 6A (3) (a) to (c) of the Act.
- (a) lease on a lease agreement or contract any municipal land to the owner or occupier of contiguous land on condition that such owner or occupier shall admit a specified number of street traders to trade on stands or places on such land designated by such owner or occupier for informal trading;
 - (b) set apart municipal land in the municipality and demarcate stands or areas on such land for the purpose of informal trading;
 - (c) extend, reduce or disestablish any stand or area referred to in the previous subsections.
- (2) Any land leased by or allocated by the Council aforesaid for informal trading shall be so let on an economic rental basis.
- (3) These by-laws shall apply to any informal trading area established by the Council in terms of this section.
- (4) The Council may, in addition to setting aside land in its municipal area for informal trading, also make available to informal traders, subject to such conditions as it may determine, suitable structures, shelter and devices for the conduct of the business of informal trading

Removal and impoundment

9. (1) An authorised official may remove and impound any property or goods, including perishable foodstuffs, (as contemplated in Government Notice No.R328 published in Government Gazette No. 29792 of 20 April 2007 or as amended and any other health regulations that control the sale of such perishable foodstuffs) , from a street trader that refuse to obey a lawful instruction:-
- (a) which he reasonably suspects is being used or which intended to be used or has been used in or in connection with illegal street trading; and
 - (b) which he finds at a place where street trading is restricted or prohibited and which constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.
- (2) Any authorised official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must -
- (i) itemise the property to be removed and impounded;
 - (ii) provide the address where the impounded property will be kept, and the period thereof;
 - (iii) state the conditions for the release of the impounded property;
 - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
 - (v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.
- (3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorised official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he shall be guilty of an offence,
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorised official of the Council may take such steps as may be necessary to remove such property.
- (5) Perishable foodstuffs not impounded or confiscated in terms of subsection (1) shall be retained by the street trader who shall immediately remove such foodstuffs from the prohibited trading area.
- (6) The Council shall provide sufficient and adequate storage facilities for the storage of any property impounded in terms of this section.

Vicarious responsibility of persons carrying on business

10. (1) When an employee or agent of a street trader contravenes a provision of these by-laws, the street trader shall be deemed to have committed such contravention himself unless he satisfies the court that he took reasonable steps to prevent such contravention.
- (2) The fact that a street trader issued instructions to the employee or agent prohibiting such contravention, shall not, in itself, constitute sufficient proof of such reasonable steps.

Offences and Penalties

11. (1) Any person who -
- (a) contravenes or fails to comply with any provision of these by-laws;
 - (b) fails to comply with any notice issued in terms of these by-laws; or
 - (c) fails to comply with any lawful instruction given in terms of these by-laws; or
 - (d) fails to comply with any condition imposed by the Council in any lease agreement, contract, authorisation or street trading permit granted under these by-laws; or
 - (e) who obstructs or hinders any authorised official of the Council in the execution of his duties under these by-laws - is guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50 per day, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written infringement notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence,
- (2) A court sentencing a street trader who is found guilty of a contravention of these by-laws may also order such street trader to pay to the municipality such reasonable costs it may have incurred in impounding and storing any goods impounded under these by-laws.

Repeal of By-laws and Savings

12. Any by-laws relating to Street- or Informal Trading adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

Short title

13. These by-laws are called the by-laws relating to Street Trading, 2010

PUBLICATION OF DRAFT BY-LAWS FOR COMMENT:**GENERAL STREET AND PREMISES BY-LAWS****SCHEDULE****Table of Contents**

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42. Penalties
43. Repeal of By-laws and Savings
44. Short title

Definitions

1. in these by-laws:-

- (a) words used in the male gender include the female gender and vice versa;
- (b) the singular includes the plural and vice versa;
- (c) any word or expression used in the context of a Municipality or its functions also has the meaning assigned to it in the Municipal Structures Act No. 117 of 1998 and the Municipal Systems Act No. 32 of 2000; and
- (d) a reference to any legislation shall include the Regulations promulgated thereunder;

and unless the context indicates otherwise:-

"Animal" means any horse, mule, donkey, cattle, pig, sheep, goat, ostrich, poultry, other indigenous mammals, wild birds, reptiles, other exotic wild animals and insects and for the purpose of this by-law the definition of "animal" includes a swarm of honey-bees;

"Authorised official" means:-

- (a) any municipal official who has been authorised by the council and any statutory functionary or inspector appointed in terms of any law to administer, implement and enforce the provisions of these by-laws;
- (b) a traffic officer appointed in terms of section 3A of the National Road Traffic Act No.93 of 1996;
- (c) a member of the South African Police Service, as defined in terms of section 1 of the South African Police Services Act No.68 of 1995; or
- (d) a peace officer or a law enforcement officer contemplated in section 334 of the Criminal Procedure Act No.51 of 1977;

"Caravan" means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

"Council" means the council of the Municipality referred to in section 18(1) of the Municipal Structures Act No.117 of 1998 and includes any duly authorised political structure, political office bearer, councillor and official thereof;

"Domestic pet animal" means any dog, cat, bird or reptile that is kept by a household as a pet and includes any domesticated wild animal, bird or reptile that is legally kept in captivity by a household on conditions that may be set in terms of a permit that was issued by the department of nature conservation for the keeping in captivity of such an animal, bird or reptile;

"Dump" means to dispose of waste in any manner other than a manner permitted by law and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever, whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments and sewage and storm water systems. The act of "littering", which retains its ordinary meaning, is excluded from the definition of "dump"

"Municipality" means the Nala local municipality established in terms of Section 12 of the Municipal Structures Act No.117 of 1998 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"Municipal area" means the area of jurisdiction of Nala local municipality as determined in terms of the Municipal Demarcation Act 1998;

"Municipal manager" means a person appointed in terms of section 82 of the Municipal Structures Act, 1998;

"Motor vehicle" means any self-propelled vehicle and includes-

- (a) a trailer, and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include-

- (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
- (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

"Parking a vehicle" means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping stationary of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle and park or parked have a corresponding meaning;

"Person" includes a natural person, company, closed corporation, trust, association and partnership;

"Premises" means any demarcated open land, open demarcated erven, or any land or demarcated erven with either permanent or temporary buildings and structures on them, together with the adjoining land used in connection with such land or erven and "premises" includes any permanently parked vehicles on such land or erven;

"Public place" means any square, park, recreation ground, sports ground, sanitary lane or open space which has:-

- (a) in connection with it any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, whether or not it is shown on a general plan, subdivision of a plan or diagram and include any residential erven used for the purpose of authorised street trading by the occupants thereof;
- (b) at any time been dedicated to the public;
- (c) been used by the public without interruption for a period of at least thirty years; or
- (d) at any time been declared or rendered such by the municipality or other competent authority;

"Public thoroughfare" means-

- (a) any street or footpath which has at any time been:-
 - (i) dedicated for the use of pedestrians and the general public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent authority, or
 - (iv) constructed by a local authority, and
- (b) any land, with or without buildings or structures thereon, which is shown as a thoroughfare on:-
 - (i) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (ii) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office; unless such land is on such plan or diagram described as a private street;

"Semi-trailer" means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

"Sidewalk" means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

"Street" means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and except where in-consistent with the context includes -

- (a) the sidewalk, shoulders and verge of any such road, street or thoroughfare
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare.

"Tare", in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of-

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of-
 - (i) fuel, and
 - (ii) anything attached to such vehicle which is not of the nature referred to in paragraph (b) or (c);

"Trailer" means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a side-car fitted to a motor cycle;

"Urban area" means that portion of the area of jurisdiction of a municipality which has by actual survey been subdivided into erven, plots and commonage or is surrounded by surveyed erven, plots and commonage and includes all the public roads, streets or thoroughfares abutting thereon;

"Vehicle" means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails;

"Vermin" means lice, fleas and any organism which may infest or tend to be parasitic on humans or animals and vermin also include any wild animal, bird, rodent, reptile or insect that may be declared by the department of nature conservation to be vermin and "pest" have a corresponding meaning;

"Waste" means any matter, whether liquid or solid or a combination thereof, which is a by-product, emission, residue or remainder of any product, process or activity and which has been discarded, but excludes any radioactive matter.

"Work" means work of any nature whatsoever undertaken on any land within the area of jurisdiction of the Nala local municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of a new building or alterations or additions to any existing building, the laying of cables and pipes, the dumping of building or other material anywhere in the street, or delivery to or removal from any site of any soil or material of any nature whatsoever.

Streets, sidewalks and encroachments on streets

2. No person shall:-
- (a) make, construct, reconstruct, or alter a street or sidewalk in a street -
 - (i) except with the written permission of the municipality, or
 - (ii) otherwise than in accordance with the requirements prescribed by the municipality; or
 - (b) construct a veranda, stoep, steps or other projection or erect a post in a street except with the written permission of the municipality.

Advertisements visible from streets

- 3
- (1) No person shall display any advertisement, placard, poster or bill in a street:-
 - (a) except with the written permission of the municipality, and
 - (b) otherwise than in accordance with such conditions as may be determined by the municipality.
 - (2) This section shall not be applicable to signs which have been exempted under the provisions of the municipality's by-law relating to Outdoor Advertising.

Animals or objects causing an obstruction

4. No person shall -
- (a) deposit or leave any goods or articles in a street, other than for a reasonable period during the course of the loading, offloading or removal thereof, or
 - (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle other than a perambulator or wheelchair which is being used for the conveyance of children or the disabled, or
 - (c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street -
 - (i) except with the written permission of the municipality, or
 - (ii) otherwise than in accordance with such conditions as may be determined by the municipality.

Trees in streets

- 5
- (1) No person shall
 - (a) plant a tree or shrub in a street, park or public place, or in any way cut down a tree or a shrub in a street, park or public place or remove it from such place, except with the written permission of the municipality;
 - (b) climb on, break or damage a tree growing in a street, park or public place; or
 - (c) in any way mark or paint any tree growing in a street, park or public place or attach any advertisement thereto.
 - (2) Any tree or shrub planted in a street, park or public place shall become the property of the municipality.

Trees or growth causing a danger, interference or obstruction

- 6
- (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, a danger or obstruction to traffic or an inconvenience to persons using a street, the municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.
 - (2) Any person failing to comply with a notice issued in terms of subsection (1) shall be guilty of an offence.
 - (3) If any person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

Accumulation, dumping and burning of refuse, motor vehicle wrecks and other waste material

7. No person shall -
- (a) accumulate, dump or leave any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products on any premises within the urban areas of the municipality; or
 - (b) burn any garden refuse, rubbish or any other waste products or materials on any premises within the urban areas of the municipality without the written permission of the fire prevention inspector and otherwise than in accordance with such conditions as may be determined by the fire prevention inspector; or

- (c) permit any such objects or substances to be dumped or placed in a street thoroughfare, park or public place from premises owned or occupied by him, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality.

Prohibition upon certain activities in connection with objects in streets

8. No person shall, in a street-
- (a) effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or
 - (b) clean or wash a vehicle.

Prohibition upon games and other acts in streets and on noise pollution in residential areas

9. No person shall -
- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge any airgun or fireworks or throw a stone, stick or other projectile in, onto or across a street or
 - (b) do anything in a street which may endanger the life or safety of any person, animal or wild bird or do anything that may be a nuisance, obstruction or annoyance to the public using such street.
 - (c) in any residential area within the urban areas of the municipality create any noise pollution, or cause any noise pollution to be created, that is in excess of the decibel value that is internationally accepted as the maximum safe noise tolerance level for human sensory organs.

Use of explosives and fireworks

10. No person shall in or upon any street, thoroughfare, park, public place or in any residential area, use, keep, store, display for sale or sell any fireworks or present any organised fireworks display or use explosives or undertake blasting operations:-
- (a) except with the written permission of the municipality, and
 - (b) otherwise than in accordance with such conditions as may be determined by the municipality and any law that regulates the storage and use of fireworks and explosives and on such other conditions that may be determined by the chief fire officer of the municipality.

Conveyance of animal carcasses or other waste products through streets.

11. No person shall carry or convey through a street the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand -
- (a) unless it is properly covered, and
 - (b) unless it is conveyed in such a way and in a type of container that will not allow any offensive liquids or parts of the load to be spilt in the street

Fences on street boundaries

12. No person shall erect a barbed-wire fence or other dangerous fence on the boundary of a street except with the written permission of the municipality.

Building materials in streets

13. No person shall bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials in a street except with the written permission of the municipality, and then only in accordance with the requirements prescribed by the municipality.

Balconies and verandas

14. No person shall, except with the written permission of the municipality -
- (a) use a balcony or veranda erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon, or
 - (b) enclose or partition a balcony or veranda erected beyond the boundary line of a street or portion thereof as a living or bedroom. .

Drying of washing on fences on boundaries of streets

15. No person shall dry or spread washing on a fence on the boundary of a street

Outspanning in streets

16. No person shall outspan or allow to be outspanned in any street any vehicle drawn by animals, or detach or leave in any street any trailer, caravan or vehicle which is not self-propelled; provided that this provision shall not apply to the actual loading or unloading of such vehicle.

Protection of street surface

- 17 (1) No person shall-
- (a) use or park a vehicle or allow it to be used or parked in any street if such vehicle is in such a defective condition that it will or may-cause damage to any street, and
 - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way.
 - (c) undertake any work which may cause the surface of any street to be altered, damaged or broken without the permission of the municipality.
- (2) If the municipality identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs, as determined by the municipality, may be recovered from the offender.
- (3) Any person who is the owner of land on which any work is done shall be liable for any damage to any portion of a street caused by or in connection with the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.
- (4) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks or road verges, the owner of such land shall not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such street as a result of, or in connection with, the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.
- (5) After completion of such work, the municipality shall itself undertake the repair of any portion of such street as may have been damaged by such work and shall set off the cost of such repairs against such deposit. If such cost is less than the amount of the deposit, the municipality shall refund the balance to the depositor, but if the amount of the deposit does not cover such cost, the owner shall be liable for the difference, which shall become payable on receipt of an account specifying the additional amount due.
- (6) No person other than an authorised official of the municipality, in the performance of his or her duties, or an appointed advertising agent of the municipality may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street, sidewalk or thoroughfare.

Damaging of notice-boards, traffic signs, street name boards or signs

18. No person shall deface damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the municipality.

Street and door-to-door collections

19. No person shall -
- (a) collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality, or
 - (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the municipality.

Excavations in streets

20. No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street
- (a) except with the written permission of the municipality, and
 - (b) otherwise than in accordance with the requirements prescribed by the municipality.

Control of vermin and the use of poisons in streets, parks, public places and on residential premises

21. (1) No person, other than an authorised official of the municipality or a person authorised in writing by the municipality to administer legally approved poisons, weed-killers or insecticides, shall use, set or cast poison, weed-killers or insecticides in any street, park or public place.
- (2) The presence of vermin on any premises must be reported as soon as possible to the local Health Officer and no person shall set or cast any type of poison or weed-killer anywhere within the urban areas of the municipality for the purpose of controlling or killing vermin or harming any animals, birds or reptiles, unless it is done under the supervision and directions of the local Health Officer.
- (3) No person shall keep, store or use any agricultural poisons, insecticides, weed-killers or any other lethal agricultural poisons on any residential premises other than those household poisons, insecticides and weed-killers that is legally approved for normal household use.

Processions

- 22 (1) Subject to the provisions of sub-section (6) no person shall hold, organise, initiate, control or actively participate in a procession or gathering in a street, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street, or shall use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections(2) and (3).
- (2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street shall submit a written application for permission thereto, which shall reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out; provided that persons who intend participating actively in a procession, or gathering in any street need not apply to the municipality for permission thereto and it shall not be illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the municipality. An application made in terms hereof shall contain the following:
- (a) full details of the name, address and occupation of the applicant;
 - (b) full details of the street where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend, and
 - (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out
- (3) Any application submitted in accordance with subsection (2) shall be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the municipality, likely to be in conflict with the interests of public peace, good order or safety, the municipality shall issue a certificate granting' permission and authorisation for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.
- (4) The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (1), if the performance or carrying out of such action or actions will, in the opinion of the municipality, be in conflict with the interests of public peace, good order or safety.
- (5) The municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.
- (6) The provisions of this section shall not apply -
- (a) to wedding or funeral processions, or
 - (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act No 205 of 1993 in which case the provisions of the said act shall be applicable.

Roller-skating and skating on skate -board-

23. No person shall, except with the prior written permission of the municipality, skate on roller skates or a skate board or a similar device in or on a public road, -place, street or in or upon an area where skating is prohibited by an applicable road traffic sign.

Persons to be decently clad

24. No person shall appear in any street without being clothed in such a manner as decency demands.

Overflow of water into streets

25. No person shall cause or allow any water other than rain water to flow into a street except in the case of emergency.

Behaviour in streets

26. No person shall -
- (a) cause a nuisance to other persons by loitering, standing, sitting or lying or begging;
 - (b) sleep, overnight or erect any shelter,
 - (c) wash or dry clothes, blankets or any other domestic articles;
 - (d) use abusive, insulting, obscene, threatening or blasphemous language;
 - (e) fight or act in a riotous manner;
 - (f) discharge a fire-arm, airgun or air-pistol;
 - (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
 - (h) defecate, urinate or wash himself;
 - (i) solicit or importune any person for the purpose of prostitution or immorality;
 - (j) engage in gambling;
 - (k) use intoxicating liquor or drugs; or
 - (l) spit in a street.

Animals in streets, thoroughfares, parks and public places

27. No owner or person-
- (a) in charge of any domestic pet animal, wild or ferocious animal, monkey or horned cattle shall allow such animals at any time to be insufficiently attended or at large in any street, thoroughfare, park or public place, or shall keep any such animal in such a manner as to be a danger or annoyance to the public using such a street, thoroughfare, park or public place; or
 - (b) shall, allow, permit or cause any animal to graze or stray unattended in or about any street, thoroughfare, park or public place.

Declaration of livestock, an animal or a domestic pet animal as a public danger or a public nuisance

- 28
- (1) No person shall bring into the urban areas of the municipality any livestock, any ferocious animal or ferocious domestic pet animal without the written consent of the municipality.
 - (2) No person shall keep, feed, or graze any livestock on any premises within the urban areas of the municipality without the written consent of the municipality.
 - (3) An authorised official of the municipality may declare as a public danger and destroy any ferocious animal or ferocious domestic pet animal that poses a serious and immediate danger of injury to any person using a street, park, thoroughfare or public place; provided that the owner of such an animal, if he is present or can immediately be summoned, must be given a fair and reasonable opportunity to calm down and capture such an animal in order to safely and permanently remove the animal from the urban areas of the municipality.
 - (4) An authorised official may declare as a public danger and destroy for the purpose of testing the remains any livestock, animal or domestic pet animal that acts in a manner and shows clear symptoms of rabies; provided that the owner of such an animal and if the animal poses no immediate threat, may consult with a practising veterinary surgeon in order to either confirm or set aside the decision of the authorised official.
 - (5) An authorised official may declare as a public nuisance any livestock, animal or domestic pet animal on the basis of affidavits from members of the public that are constantly annoyed by the damage, noise or odour that may be caused or created by such an animal. The authorised official must on the strength of the affidavits give notice to the owner or the person in control of the animal that the animal was declared a public nuisance and to forthwith and permanently remove the offending animal from the urban areas of the municipality; provided that the owner of such an animal was served with a final notice that the animal will be declared as a public nuisance if the annoyance is not abated to the satisfaction of the complainants and where the owner failed to abate the annoyance within the time limit allowed for abatement in the final notice.
 - (6) In circumstances where the owner or the person in control of livestock, animals or domestic pet animals, that is contemplated in sub-sections (2) and (5) of this section, fails to remove permanently from the urban areas of the municipality any livestock, animal or domestic pet animal, or have such livestock, animal or domestic pet animal removed, at the cost of the owner or the person in control of such livestock, animal or domestic pet animal.

Display of street number of premises

- 29
- (1) The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the municipality in terms of section 38(b) shall be displayed and the owner of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises.
 - (2) a number displayed as contemplated by sub-section (1) shall -
 - (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
 - (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

Bridges and crossings over gutters and sidewalks

30. No private crossing, pathway, bridge or culvert shall be made or built to or in front of any dwelling or other premises in any street or public place-
- (a) except with the written permission of the municipality, and
 - (b) otherwise than in accordance with the requirements prescribed by the municipality.

Control of amusement shows, apparatus and devices

- 31
- (1) No person shall set up or use in any street, park or public place any circus, merry-go-round, roller-coaster, roundabout or other side-show, apparatus or device for the amusement or recreation of the public -
 - (a) except with the written permission of the municipality
 - (b) otherwise than in accordance with such conditions as may be determined by any law that regulates the maintenance and use of such apparatus or device.
 - (c) unless suitable sanitary conveniences for both sexes of the staff have been provided and
 - (d) if an authorised official declared it in any way dangerous or unsafe for public use.

- (2) An authorised official of the municipality shall, for the purposes of inspection; at all reasonable times have free access to such circus, merrygo-round, roller-coaster, roundabout or other sideshow, apparatus or device.

Control of animal-drawn vehicles

- 32 (1) No person shall -
- (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street;
 - (b) drive or be in control of an animal-drawn vehicle in a street if he or she is under 16 years of age, or
 - (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

Control of vehicles used as a sleeping facility

33. No person shall use a vehicle parked in any street, thoroughfare or park as a sleeping facility other than a motor vehicle parked in a taxi-rank or on some other premises duly allocated by the municipality as a caravan park or a truck stop.

Municipality may act and recover costs

- 34 (1) Notwithstanding any other provisions of this by-law, the municipality may -
- (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained, and
 - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

Closure and diversion of streets by members of the public

- 35 No person shall, without the approval and written consent of the municipality, close or barricade any street, thoroughfare, park or public place or restrict access thereto in any way.

Closure and diversion of streets by the municipality

- 36 (1) The municipality may close or divert any public street or part thereof;
- (2) When the municipality decides to act in terms of subsection (1), it shall give notice of such intention in terms of its communication policy;
- (3) Any objection against the intended action must be delivered in writing to the Municipal Manager within 30 days from the date of notification in terms of subsection (2) for submission to Council or a committee or person who has delegated powers to decide upon it

Temporary closure of Public Street

37. The municipality may, without complying with the provisions of section 35 temporarily close a public street-
- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;
 - (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street
 - (c) in any emergency or if such street is, in the opinion of the municipality, in a state that is, or may become, dangerous to traffic;
 - (d) by reason of an organised public event which, in the opinion of the municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds, or on application of the presenter of such an organised public event.
 - (e) for any other reason which, in the opinion of the traffic chief, renders the temporary closing of such a street necessary, and
 - (f) temporarily divert a public street which has been closed in terms of paragraph (a).

Construction, maintenance and numbering of streets and public places

38. The municipality may in its area of jurisdiction-
- (a) make, construct, reconstruct, alter and maintain streets and public places;
 - (b) allocate and re-allocate numbers to properties abutting on streets and public places.

Declaration of public streets and public places, naming and renaming of streets and public places

39. (1) The municipality may declare any street or portion thereof to be a public street or any place to be a public place or name and re-name streets and public places;
- (2) When the municipality decides to act in terms of subsection (1), it shall give notice of such intention in terms of its communication policy and follow all the relevant procedures prescribed by legislation that may regulate the process;
- (3) Any objection against the intended action must be delivered in writing to the Municipal Manager within 30 days from the date of notification in terms of subsection (2) for submission to Council, a committee, or person who has delegated powers to decide upon it

Dumping and littering in or on a public road, a public street, a public park or a public place

- 40 (1) No person shall:-
- (a) litter or cause or permit littering of waste in or on a public road, a public street, a public park or a public place;
- (b) dump or cause or permit the dumping of waste unless it is dumped on a registered and operational municipal dumping site;
- (2) If the provisions of subsection (1) are contravened, Council may direct, by way of a written notice in terms of subsection (5), any or all of the following persons:-
- (a) any person who committed, or who directly or indirectly caused or permitted, the contravention;
- (b) the generator of the waste, whether or not the generator is responsible for the contravention;
- (c) the owner of the land or premises where the contravention took place, if the owner failed to take the steps set out in subsection (3);
- (d) the person in control of, or any person who has or had, at the time of the contravention, a right to use, the land or premises where the contravention took place, if that person failed to take the steps set out in subsection (3);
- (e) any person who negligently failed to prevent the contravention from taking place, to cease the contravention in a specified time, or to prevent a further contravention or the continuation of the contravention, and to take whatever steps Council considers necessary to clean up or remove the waste, to rehabilitate the affected facets of the environment and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully.
- (3) A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for this purpose.
- (4) Council may issue notices—
- (a) for the purposes of giving directions in terms of subsection (2);
- (b) for compelling persons to comply with their obligations under subsections (3); and
- (c) for any other purpose under this by-law, and may, in the notice, specify a reasonable time within which the directions given in the notice must be complied with.
- (5) In addition, or as an alternative to, the steps set out in subsection (2), or if a person fails to comply with directions given in a notice issued under subsection (4), Council may itself take whatever steps it considers necessary to clean up or remove the waste, to rehabilitate the premises or place and affected facets of the environment at which the waste has been dumped and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully. Council may then recover the costs of taking these steps from any of the persons listed in subsection (2), who shall be jointly and severally liable therefore.
- (6) The costs claimed under subsection (5) must be reasonable and may include, but are not

Parking of Heavy Vehicles and Caravans

41. (1) No person shall park on a public street, road or place within the urban area of the Municipality:-
- (a) a motor vehicle with a tare exceeding 3500 kg;
- (b) a trailer;
- (c) a semi-trailer, or
- (d) a caravan,
- for an uninterrupted period exceeding two hours.
- (2) No person shall park on a public road within the residential areas of the municipality a vehicle contemplated in sub section (1) between sunset and sunrise the next morning without written permission obtained on good cause shown from the chief traffic officer.
- (3) Whenever a vehicle is parked in contravention of sub section (1) and (2), it shall be deemed that such vehicle has been parked by the owner thereof unless the contrary is proved.

Penalties

- 42... Any person who fails to comply with any lawful instruction or direction given by an authorised official in terms of these by-laws or contravenes any provision of these by-laws shall be guilty of an offence and shall be liable upon conviction to:-
- (1) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and;
 - (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and;
 - (3) shall also be liable for any further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

Repeal of By-Laws and Savings

42. Any by-laws relating to streets or to premises adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these bylaws.

Short Title

43. This by-law is called the General Street and Premises By-laws, 2010

**PROPOSED BY-LAWS FOR NALA LOCAL MUNICIPALITY
PUBLICATION OF DRAFT BY-LAWS FOR COMMENT:**

SCHEDULE

ROAD TRAFFIC AND PARKING BY-LAWS**Table of Contents**

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Definitions

1. In these By-laws;
 - (a) words used in the male gender include the female gender and vice versa;
 - (b) the singular includes the plural and vice versa;
 - (c) any word or expression used in the context of a Municipality or its functions also has the meaning assigned to it in the Municipal Structures Act No 117 of 1998 and the Municipal Systems Act No 32 of 2000; and
 - (d) a reference to any legislation shall include the Regulations promulgated thereunder;
 and unless the context indicates otherwise:-

“Authorised official” means:-

- (a) any municipal official who has been authorised by the council and any statutory functionary or inspector appointed in terms of any law to administer, implement and enforce the provisions of these by-laws;
- (b) a traffic officer appointed in terms of section 3A of the National Road Traffic Act No 93 of 1996;
- (c) a member of the South African Police Service, as defined in terms of section 1 of the South African Police Services Act No.68 of 1995; or
- (d) a peace officer or a law enforcement officer contemplated in section 334 of the Criminal Procedure Act No.51 of 1977;

“Council” means the council of the Municipality referred to in section 18(1) of the Municipal Structures Act No.117 of 1998 and includes any duly authorised political structure, political office bearer, councillor and official thereof;

“Driver” means the driver of a vehicle as defined in section 1 of the National Road Traffic Act and drive have a corresponding meaning;

“Goods Vehicle” means a motor vehicle other than a motorcar or bus, designed or adapted for the conveyance of goods on a public road and includes a truck-tractor, motorcycle, motor tricycle or motor quadrucycle so adapted;

“Heavy motor vehicle” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

“High collision risk area” means any street, road or public place where the traffic division of the municipality has identified a high risk of traffic collisions or a danger to pedestrians and children using such a street, road or place;

“Licensed Motor Vehicle Attendant” means the owner of a motor vehicle attendant service who is the holder of a current street trading permit issued in terms of section 2 of the Street Trading By-laws and these By-laws;

“Minor” means any person that is under the age of 18 years and a person suffering from any mental disability and where such a person is in the guardianship of parents or a parent or is placed in the guardianship of any other person by a court of law;

“Motor Vehicle Attendant” means a person who directs traffic to available parking spaces and at the request, or with the consent of the person in charge of a motor vehicle, undertakes for reward to guard, supervise or take care of such motor vehicle while it is parked in a public street or place and car guard have a corresponding meaning;

“Motor vehicle” means a motor vehicle as defined in section 1 of the National Road Traffic Act;

“Motor Vehicle pound” means a depot established and managed in terms of section 99 of the Free State Public Transport Act No.4 of 2005 and includes the term “Government Facility” that is referred to in Regulation 320(1) and 320(1A) of the National Road Traffic Act and is generally referred to by the public as a pound.

“Motor Vehicle pound master” means the authorised official appointed by the Municipal Manager in terms of section 99(4) (b) of the Free State Public Transport Act No. 4 of 2005 as the person in charge of the motor vehicle pound.

“Municipality” means the Nala Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee.

“Municipal sanitation services” means any service or system conducted by or on behalf of the municipality for the collection, conveyance, treatment and disposal of solid waste or refuse, the removal of abandoned motor vehicle wrecks or parts thereof and the storage, disposal or keep thereof;

“Organised public event” means any organised event, racing, sport, function or any other organised activity on a public road or in a public place that may have a temporary negative effect on pedestrian safety, traffic safety and traffic flow.

“Prescribed procedures” means operational procedures as determined by resolution of the Council from time to time;

“Prescribed tariff” means a tariff that is determined by the Council on the tariff schedule to the budget of the Municipality and prescribed fee have a corresponding meaning;

“Public road or place” means a public road or place as defined in section 1 of the National Road Traffic Act;

“Responsible officer” means an authorised official that is appointed as the responsible officer in terms of section2 (4) (a) of the Regulation of Gatherings Act No.205 of 1993.

“Roadway” means a roadway as defined in section 1 of the National Road Traffic Act.

“Sidewalk” means a sidewalk as defined in section 1 of the National Road Traffic Act.

“The Act” means the National Road Traffic Act No. 93 of 1996 and all of the regulations promulgated in terms thereof and as it may be amended from time to time;

“Vehicle” means a vehicle as defined in section 1 of the National Road Traffic Act;

“Verge” means a verge as defined in section 1 of the National Road Traffic Act;

Use of Roads Demarcated into Traffic Lanes and the Use of Traffic Calming Devices

2. (1) When any roadway has been demarcated into traffic lanes, a driver of a vehicle shall drive so as to be entirely within a single traffic lane and shall not cause or permit his vehicle to encroach over any lane line demarcating such traffic lane, except when moving from one lane into or across another.
- (2) All vehicles proceeding along any public road demarcated into traffic lanes at less than the normal speed of traffic at the time and place and under the conditions then existing, all animal-drawn vehicles and all heavy motor vehicles shall be driven in the left-hand traffic lane then available for traffic or as close as practicable to the left edge of the roadway, except when overtaking another vehicle proceeding in the same direction or when making a right-hand turn.

- (3) The municipality may construct on any identified high collision risk street, public road, or public place, traffic calming devices like speed humps, mini circles or any other suitable device that it deems necessary to calm down and bring down the average speed of vehicles using such a street, road or place. No driver of any vehicle shall while using such a street, public road, or public place take any deliberate evasive action to avoid such a traffic calming device with the intend of not reducing the speed of the vehicle; provided that evasive action may be taken by the driver in an emergency or to avoid a collision.

Use of Streets, Public Roads and Public Places for Organised Public Events

3. No person or organisation shall use any street, a public road, or a public place for the purpose of presenting an organised public event on such a street, public road, or public place unless such a person or organisation has obtained written consent, that was issued on the prescribed procedures by the appointed responsible officer of the municipality, to present the organised public event on such a street, public road, or public place.

Establishment of a Motor Vehicle Pound and a Storage Facility or a Depot

4. The Council must establish a motor vehicle pound and a storage facility, as it is generally known, or a depot as contemplated in terms of section 99 of the Free State Public Transport Act No.4 of 2005.

Seizure and Impoundment of Motor Vehicles, Vehicles, Pedal Cycles and Contraptions

5. Notwithstanding the powers of seizure that may be conferred on an Authorised Official by the Criminal Procedure Act No.51 of 1977:-
- (1) a Traffic Officer may impound or instruct an Authorised Official to impound any motor vehicle or vehicle that is parked or is found in a place or in circumstances as described in Regulation 320 of the National Road Traffic Act. The impounded motor vehicle or vehicle shall be released or disposed of in terms of prescribed procedures and subject to the provisions of Regulation 320 of the National Road Traffic Act.
 - (2) a Traffic Officer may impound or instruct an Authorised Official to impound, any motor vehicle that is found driven by a minor without a valid driver's license on a public road or place; provided that the parent or guardian of the minor involved is informed of such impoundment as soon as reasonably possible. The motor vehicle may be released to the parent or guardian of the minor on the proof of ownership of the motor vehicle and the payment of the infringement notice, if any, together with the prescribed tariff or pound fees.
 - (3) an Authorised Official may impound any motor vehicle, vehicle, pedal cycle, or a contraption described in section 6 and 7 of these by-laws, that is being used in contravention of the provisions of these by-laws and where the person in control of such motor vehicle, vehicle, pedal cycle or contraption fails to comply with a lawful instruction to cease such contravention.
 - (4) an Authorised Official may instruct the Municipal Sanitation Services to remove any motor vehicle wreck, vehicle parts, or any motor vehicle or vehicle that is in an obvious state of major disrepair, that was left on a public road or place; provided that the owner of such a motor vehicle, vehicle, or parts thereof, if he or she can be traced, was given 14 days written notice by the Authorised Official to remove it and has failed to do so within the time limit set in the notice.

Vehicles Not To Be Driven or Parked on Sidewalks, in Parks or in Public Places

6. No person shall drive, park, draw or propel any motor vehicle, vehicle or pedal cycle (other than a perambulator, invalid's chair or the like) upon any footpath, verge, sidewalk, park or public place designed for use by pedestrians except where the council authorise such use in organised public events, or when it is necessary to do so to cross (by the shortest route) any such sidewalk, public place or footpath for the purpose of entering or leaving any property abutting thereon.

Roller Skating and the Use of Soap Box Carts and Similar Contraptions

7. No person shall use a roller-skate, skateboard, soapbox cart or any similar contraption to which rollers or wheels are fixed or cause or permit them to be used upon a public road, public place or sidewalk; provided that the Council in its discretion and on good cause shown may authorise the use of such roller-skates, skateboards, soapbox carts or contraptions in connection with organised public events.

Control of Parking Places in an Emergency

8. Whenever the public or any number of persons are entitled or allowed to use, as a parking place, any area of land, including land which is not part of a public road or a public place, authorised officials or traffic officers shall, in cases of an emergency or when it is desirable in the public interest, have authority to direct and regulate traffic thereon, and no person shall disregard the instructions of any authorised official, traffic officer or law enforcement officer while so engaged.

Repair of Motor Vehicles on Public Streets, Roads or Public Places Prohibited

9. No person shall repair any motor vehicle or vehicle in any public street, road or place within the urban areas of the Municipality; provided that this By-law shall not prohibit the carrying out of minor emergency repairs necessitated by a temporary or sudden stoppage of such vehicle for the purpose of setting such vehicle in motion again.

Excessive Noise Caused by Motor Vehicle

10. No person shall operate a motor vehicle upon a public street, road or public place within the urban areas of the municipality in such a manner as to cause any excessive noise to such an extent that it becomes a nuisance to the general public and where such excessive noise can be avoided by the exercise of reasonable care on the part of that person.

Parking Regulations

11. (1) No person operating or in charge of a vehicle on a public road shall:
- (a) allow such vehicle to remain stationary in a loading zone between the hours of 07:00 and 17:00 Mondays to Fridays and 07:00 to 12:00 Saturdays except where any such day is a Public Holiday or during such other restricted hours as may be specified in respect of any particular loading zone by a road traffic sign or marking.
 - (b) in the case of a vehicle other than a goods vehicle, for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at such vehicle; or
 - (c) in the case of a goods vehicle for more than thirty minutes continuously and only while the vehicle is being actually loaded or unloaded;
 - (d)
 - (i) no person shall keep any vehicle stationary in a loading zone for any other purpose. The driver of a vehicle, other than a goods vehicle, stationary in a loading zone shall remove such vehicle from there immediately upon being directed to do so by a traffic officer or an authorised official, notwithstanding that it has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.
 - (ii) in the case of a vehicle other than a bus, allow such vehicle to remain stationary in a demarcated bus stop between the hours of 06h00 and 18h00.
 - (iii) park such vehicle in any public street, road or place within the municipality for a period beyond that indicated on any road traffic sign duly erected in terms of the National Road Traffic Act or regulations as the case may be.
- (2) No driver or other person in charge of any vehicle which has been parked in a parking area defined as such by road traffic signs shall move such vehicle from the position in which it was parked and again park that vehicle within a distance of 22, 9 metres of the place where it was so parked until an interval of thirty minutes shall have elapsed after so moving such vehicle.
- (3) No heavy motor vehicle designed, adopted or used for the conveyance of dangerous goods shall, without the written permission of the Chief Traffic Officer, be parked by any person anywhere in the urban areas of the municipality, except on private land or on those portions of public streets, roads or places on which there have been displayed road traffic signs regulating such parking.
- (4) No person shall park a vehicle upon a traffic island, unless directed to do so by a traffic officer or an authorised official.
- (5) No dealer shall park or allow to be parked in any public road within the Municipality, any vehicle which has been placed in his custody or under his control or which is in his possession for the purpose of sale, exchange or garaging, in the course of any dealer's business carried on by him unless at the time such vehicle is being used for demonstration or testing purposes or is in the course of being delivered to the owner or purchaser thereof.
- (6) No person responsible for the control of a business of recovering or repairing vehicles shall park, cause or permit to be parked, in any public road or place within the Municipality any vehicle that is in an obvious state of disrepair which has been placed in his charge in the course of the said business.

Exemption of Medical Practitioners and Certain Nurses from Parking Restrictions

12. (1) A registered medical practitioner or nurse, shall be exempt from the provisions of any law relating to parking in force in the Municipal area when using, on *bona fide* professional domiciliary visits, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) hereof issued on the authority of the Chief Traffic Officer.
- (2)
 - (a) The badge shall be a windscreen sticker badge of a design approved by the Chief Traffic Officer displaying on the face thereof, a serial number, and the name of the person to whom it is issued.
 - (b) The badge shall be displayed on the lower nearside corner of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked. The address shown on the card must be easily legible from outside the vehicle,
 - (c) Written application for the issue of a badge shall be made in a form approved by the Chief Traffic Officer.
 - (d) The Chief Traffic Officer shall keep a register, in which he shall record the serial number allocated by him of the badge the issue of which has been authorised by him and the name of the holder,
 - (e) No duplicate badge shall be issued without the prior consent of the Chief Traffic Officer.
 - (f) Where the Chief Traffic Officer has reason to believe that any holder is abusing the privileges conferred by a badge he shall notify the issuing body which shall thereupon withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.

Prohibitions and Restrictions on the use of Certain Roads by Certain Classes of Vehicles

13. (1) Except with the written permission of the Chief Traffic Officer, no person shall operate any animal drawn vehicle on any public road within the urban areas of the Municipality.
- (2) The municipality may prohibit and restrict by means of road traffic signs the use of certain roads and streets by heavy motor vehicles and vehicles exceeding a specified maximum permissible height, length or width and no person in control of such a restricted motor vehicle shall enter with such a vehicle into such a restricted road or street; provided that the Chief Traffic Officer may on good cause shown grant written permission for the use of such a restricted road or street by a restricted motor vehicle.
- (3) In granting any permission in terms of subsections (1) and (2) hereof, the Chief Traffic Officer may impose any restrictions and conditions that he may deem necessary in the interest and protection of pedestrians, infrastructure and the free flow of traffic.

Pedestrian Crossings

14. (1) (a) Where marked pedestrian crossings are in existence within an intersection, no pedestrian shall cross or attempt to cross such intersection except within any such marked pedestrian crossing.
- (b) Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at an intersection, no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding; provided that where no pedestrian signals are in operation at an intersection, but such intersection is controlled by a robot (or traffic control light signal), no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of such robot, or traffic control light signal is displayed in the direction opposite to that in which he is proceeding.
- (c) Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at a pedestrian crossing elsewhere than at an intersection, no pedestrian shall commence to cross the roadway in such pedestrian crossing when the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding.
- (2) A pedestrian crossing the roadway within a demarcated pedestrian crossing, whether at an intersection or otherwise, shall walk on the left of such pedestrian crossing.
- (3) No person or persons shall sit or lie on any sidewalk, footpath or public road, neither shall any persons stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public after being requested by a traffic officer or an authorised official to move on or disperse.
- (4) No pedestrians, when in or upon a public road, shall carelessly, negligently or recklessly disregard or endanger his own safety or the safety of any person or vehicle using the public road.

Vehicle Attendants

15. (1) No person shall conduct the business or act as a motor vehicle attendant within the urban area of the Municipality, except under authority of a street trading permit and a car guard permit granted by the Chief Traffic Officer, which permit the Chief Traffic Officer may grant, subject to such conditions as he may determine, or refuse.
- (2) No minor shall be issued with a car guard permit unless such a minor has obtained special written permission on good cause shown from the municipal manager to be issued with a car guard permit
- (3) Every car guard permit granted in terms of subsection (1) hereof shall, unless cancelled or suspended in terms of subsection (6) hereof, be valid until the 31st day of December of the year of issue.
- (4) No person authorised in terms of this By-law to act as a motor vehicle attendant or car guard shall charge an amount more than that determined by the Council from time to time for his services in connection with any one motor vehicle.
- (5) Every motor vehicle attendant shall, upon demand by a law enforcement officer or a member of the public who engages or proposes to engage his services, produce the car guard permit issued to him in terms of subsection (1) hereof.
- (6) A car guard permit granted in terms of subsection (1) hereof may be revoked or suspended by the Chief Traffic Officer if the holder thereof-
 - (a) commits a breach of this By-law or of any condition subject to which the permit was granted;
 - (b) leaves unattended and unguarded any motor vehicle left in his care;
 - (c) while performing his duties as a motor vehicle attendant is or becomes intoxicated;
 - (d) directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
 - (e) fails to observe or carry out the lawful instructions of any traffic officer or an authorised official.

- (7) With the exception of a person holding a car guard permit issued in terms of subsection (1) hereof who has been authorised by the Chief Traffic Officer in writing specifically or generally to do so, or who is acting on the authority or under the control a traffic officer or an authorised official, no person shall -
- (a) on more than one occasion within any period of 30 minutes direct or offer to direct the driver of any motor vehicle into any area on a public street or public place; or
 - (b) in a public street or public place make an offer to provide care for, guarding or supervision of a motor vehicle whilst it is parked in such street or place.
- (8) No person shall in a public street or public place -
- (a) clean or wash any motor vehicle; or
 - (b) offer to clean or to wash any motor vehicle.
- (9) No person shall in a public street or public place inform or threaten the driver or person in charge of a motor vehicle that such vehicle will or may suffer damage or be stolen unless it is left in his care or under his guard or supervision.
- (10) If on a charge of contravening any of the provisions of this section the accused person alleges that the driver or person in charge of a motor vehicle made a request of him concerning the motor vehicle, the onus of proof in respect thereof shall rest upon the accused person.

Penalties

16. Any person who fails to comply with any lawful instruction or direction given by an authorised official in terms of these by-laws or contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to:-
- (1) a fine or imprisonment or either such fine or imprisonment or to both such fine and such imprisonment and;
 - (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such an offence is continued and;
 - (3) shall also be liable for any further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

Repeal of laws and savings

17. (1) Any by-laws relating to road traffic and parking or the operation of taxis adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

18. This By-law shall be called the Road Traffic and Parking By-law, 2010

SCHEDULE

TAXI RANKS AND TAXI PICKUP POINTS BY-LAWS

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Definitions

1. In these By-laws;
- (a) words used in the male gender include the female gender and vice versa;
 - (b) the singular includes the plural and vice versa;
 - (c) any word or expression used in the context of a Municipality or its functions also has the meaning assigned to it in the Municipal Structures Act No 117 of 1998 and the Municipal Systems Act No 32 of 2000; and
 - (d) a reference to any legislation shall include the Regulations promulgated thereunder;
- and unless the context indicates otherwise:-

“Authorised official” means:-

- (a) any municipal official who has been authorised by the council and any statutory functionary or inspector appointed in terms of any law to administer, implement and enforce the provisions of these by-laws;
- (b) a traffic officer appointed in terms of section 3A of the National Road Traffic Act No 93 of 1996;
- (c) a member of the South African Police Service, as defined in terms of section 1 of the South African Police Services Act No.68 of 1995; or
- (d) a peace officer or a law enforcement officer contemplated in section 334 of the Criminal Procedure Act No.51 of 1977;

“Bus” means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“Financial year” means a year starting on the first day of July of any year and ending on the last day of June of the next year;

“Manager: Traffic Services” means the municipal traffic officer appointed by the municipality as head of the component in the municipality that is responsible for the administration of road traffic matters and traffic chief have a corresponding meaning ;

“Motor vehicle” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“Municipality” means the Nala Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“Municipal Manager” means the person appointed by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Municipal taxi pickup point” means an area within the urban areas of the municipality that is demarcated, registered and maintained in terms of section 2(1) of these by-laws to be used by taxis displaying a valid parking permit disc to park such a taxi to load or to off-load passengers;

“Municipal taxi rank” means an area demarcated and registered in terms of section 2(2) of these by-laws to be used by taxis displaying a valid parking permit discs to park such a taxi to load or to off-load passengers and shall include the waiting area of such a taxi rank;

“Municipal traffic officer” means a traffic officer appointed by the Municipality in terms of the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or an Act repealed by that Act, as the case may be;

“operating licence” means a public transport operating license issued in terms of section 57 of the Free State Public Transport Act No. 4 of 2005 or any other legislation regulating a public transport service.

“Prescribed procedures” means operational procedures as determined by resolution of the Council from time to time;

“Prescribed tariff” means a tariff that is determined by the Council on the tariff schedule to the budget of the Municipality and prescribed fee have a corresponding meaning;

“Parking permit disc” means a disc issued in terms of section 4 of these by-laws that must be displayed by a taxi in order to make use of a municipal taxi rank or a taxi pickup point;

“Public transport service” means a service for the carriage of passengers by road or rail, whether the service is subject to a contract or not, and where the service is provided for a fare or other consideration or reward, including any service that is:-

- (a) Minibus taxi-type service;
- (b) Bus-type service;
- (c) Metered taxi-type service;
- (d) Rail service;
- (e) Tourist service;
- (f) Staff service;
- (g) Charter service;
- (h) Education service;
- (i) Courtesy service;
- (j) Shuttle service;
- (k) Limousine-type service;
- (l) Chauffeur driven service;
- (m) Adapted light delivery vehicle service;
- (n) Four plus one service; and

"Registered local taxi association" means a taxi association recognised and registered in terms of section 77 of the Free State Public Transport Act No. 4 of 2005 or any other legislation regulating a public transport service;

"Rules" means any rule in the municipal public transport policy in terms of these by-laws and shall include the rules to be observed at municipal taxi ranks and municipal taxi pickup points as contemplated in section 2 of these by-laws;

"Taxi" means any motor vehicle, except a bus, used for the conveyance of passengers and luggage for hire or reward and includes any other definition that may be given to it in other legislation that regulates public transport.

The Municipality may establish, register, maintain and manage municipal taxi ranks and taxi pickup points.

2. (1) (a) The Municipality may, within its area of jurisdiction, establish, register, maintain and manage municipal taxi ranks and taxi pickup points for a safe and orderly public transport service;
 - (b) Municipal taxi pickup points must be established, registered and demarcated after consultation with the local community and the registered local taxi association.
 - (c) The Municipality may make rules regarding the use of taxi pickup points.
- (2) A municipal taxi rank must be demarcated and registered by notice in the *Provincial Gazette*.
- (3) At the entrance of each municipal taxi rank, as well as at the entrance of its waiting area, a signboard may be displayed setting out the rules to be observed at that rank or area, respectively, by -
 - (a) taxi drivers;
 - (b) taxi owners; or
 - (c) members of the public, who enters into, parks at or makes use of taxi services at that rank or area.
- (4) Rules contemplated in subsection (3) may be adopted by the Municipality and promulgated in the *Provincial Gazette*.
- (5) No person shall undertake, or offer to undertake, any public transport service unless such a service is operated from a registered taxi rank, taxi pickup point or any other pickup points that may be specified in a valid operating license.

Application for issue and duration of validity of a taxi parking permit disc

3. (1) The owner of a taxi, desirous to make use of the municipal taxi ranks and taxi pickup points, must apply to the Municipality on the prescribed procedures for the issue of a taxi parking permit disc for each taxi that is to make use of any such taxi rank or taxi pickup point.
- (2) An application for the issue of a parking permit disc must-
 - (a) be in the form determined by the Municipality in prescribed procedures;
 - (b) be directed to the Municipal Manager;
 - (c) be accompanied by the prescribed fees determined by the Municipality after consultation with the registered local taxi association;
 - (d) in respect of the next ensuing financial year, be made no later than the last day of April of each year.
- (3) On receipt of the application, the Municipal Manager must consider the application after consultation with the registered local taxi association and no later than the last day of May of the year concerned —
 - (a) issue the parking permit disc to the applicant; or
 - (b) in writing, notify the applicant that the application was not successful, stating the reasons for his or her decision.
- (4) If an application was turned down by the Municipal Manager —
 - (a) because of a shortcoming in the application that can be rectified by the applicant, the applicant may rectify the shortcoming and, without the payment of any further fee, submit the application again;
 - (b) for any other reason, a new application for the same period may not be brought for the same taxi, but the applicant may appeal against the decision of the Municipal Manager, in which case the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply.
- (5) In the case where application for the issue of a parking permit disc is made during a financial year for the remainder of that financial year, the Municipal Manager shall process and finalise the application within a reasonable time.
- (6) The owner of a taxi, making use of a municipal taxi rank or pickup point, must -
 - (a) at all times keep written record of the identity of the driver of such taxi at any specific time, if he or she is not the driver of the taxi concerned;
 - (b) keep such records for at least one year after the end of the financial year in which it was made; and
 - (c) on request by a municipal traffic officer, make the records available for inspection by the Municipality.
- (7) A parking permit disc shall lapse at the end of each financial year.

Taxis to display parking permit discs when being driven into or parked at municipal taxi ranks or taxi pickup points.

4. (1) No taxi shall be driven into or parked at a municipal taxi rank or a taxi pickup point without displaying a valid parking permit disc attached in the manner set out in subsection (2).

- (2) The parking permit disc referred to in subsection (1), shall be displayed on the left side of the front windscreen of the taxi, in such a manner that the face thereof may be clearly visible to, and the inscriptions thereon easily legible by a person standing in front of or to the left front of the taxi.
- (3) A parking permit disc shall -
 - (a) be of the design and contain the particulars set out in the Schedule; and
 - (b) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

Presumption that the owner drove or parked a taxi or a motor vehicle.

- 5. Notwithstanding the provisions of section 4(6), the provisions of section 73 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), shall, *mutatis mutandis* apply to a taxi or a motor vehicle making use of a municipal taxi rank or taxi pickup point.

Seizure and impoundment of taxis and other motor vehicles at municipal taxi ranks and taxi pickup points.

- 6. (1) Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a taxi or any other motor vehicle at a municipal taxi rank or at a pickup point for a maximum period of 7 days if the owner or driver of such a taxi or motor vehicle fails to comply with a lawful instruction or direction given by the traffic officer and if-
 - (a) the taxi is driven into or parked at that taxi rank or pickup point without displaying a valid parking permit disc in the manner set out in section 3(2);
 - (b) the taxi or motor vehicle is parked and left unattended in contravention of any rule to be observed at that taxi rank or pickup point by the owner or driver of such a taxi or motor vehicle making use of the taxi rank or pickup point ;
 - (c) the owner or driver of the taxi or motor vehicle persist in contravening any rule to be observed at a taxi rank or taxi pickup point; or
 - (d) the owner or driver of a taxi or a motor vehicle uses an unauthorized and unregistered taxi rank or pickup point to conduct, or offer to conduct, a public transport service;
- (2) A taxi or a motor vehicle that was impounded by the Municipality in terms of subsection (1) must be kept at a depot established in terms of section 99(4) of the Free State Public Transport Act No. 4 of 2005.
- (3) The taxi or motor vehicle may be released before the 7-day period has expired and returned to its lawful owner on proof of ownership and payment by the owner of the prescribed fees determined by the Municipality in respect of municipal taxi ranks and pickup points and after all outstanding infringement notices issued on such a taxi or motor vehicle was paid. In the event where the taxi or motor vehicle is not claimed before the 7-day period has expired, the taxi or motor vehicle that was impounded may be released to the owner on proof of ownership and proof that all the prescribed outstanding impoundment fees and infringement notices issued on such a taxi or motor vehicle is paid to the authorities that impounded the taxi or motor vehicle and issued the infringement notices.
- (4) After three months from the date of impoundment the municipality may sell on public auction all unclaimed taxis and motor vehicles to defray the costs incurred by the municipality; provided that all reasonable steps was taken to trace the owner and that an advertisement of intention to sell the unclaimed taxis and motor vehicles on public auction was placed in a locally read newspaper at least 14 days before the auction date.
- (5) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

Municipal Public Transport Policy and delegation of powers and functions

- 7. The Council may adopt a municipal public transport policy and make rules in terms of such a policy after consultation with the local community and the registered local taxi association. The Municipal Manager may in writing, delegate the powers and functions vested in him or her by the policy and section 3 of this by-laws, to the Manager: Traffic Services.

Penalty clause

- 8. (1) Any person who contravenes or fails to comply with -
 - (a) any lawful instruction or direction given by an authorised official at a municipal taxi rank or a taxi pickup point; or
 - (b) any provision of these by-laws or any rules made in terms of these by-laws shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment and;
- (3) shall also be liable for any further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

Repeal of laws and savings

9. (1) Any by-laws relating to taxi ranks and taxi pickup points adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

10. This By-law shall be called the Municipal Taxi Ranks and Taxi Pickup Points By-law, 2010

ANNEXURE

(Section 3(3) (a))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimeter.
2. The words "PARKING PERMIT/PARKEERPERMIT MUNICIPALITY NALA MUNISIPALITEIT" shall be printed on the disc and provision shall be made on the disc for inscriptions indicating -
 - (a) the name of the owner of the taxi;
 - (b) the registration number of the taxi;
 - (c) the financial year in respect whereof the permit was issued; and
 - (d) the number of the permit.

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967)

It is hereby notified in terms of section 3(6) of the above-mentioned Act that the following applications have been received by the Head of the Department: Cooperative Governance, Traditional Affairs and Human Settlements and will lie for inspection at the **LT Trust Building, Office 406, 4th floor, 114 Maitland Street**, Bloemfontein and the offices of the relevant Local Authorities.

Any person who wishes to object to the granting of an application, may communicate in writing with the Head of the Department: Cooperative Governance and Traditional Affairs, Spatial Planning Directorate, Land Use Management Component, at the above address or P.O. Box 211, Bloemfontein, 9300. Objection(s) stating comprehensive reasons, in duplicate, must reach this office not later than **16:00 on Friday, 26 November 2010**. The postal address, street address and telephone numbers(s) of objectors must accompany written objections.

a) BAINSVLEI: (REFERENCE A12/1/9/1/2/7 (10/2010))

Farm St Eloi 2784, 3 DS Kok Street, Ferreira Smallholdings, Bloemfontein (Bainsvlei), for the removal of restrictive conditions 2.(a), 2.(b) and 2.(c) on page 2 in Deed of Transfer T19167/2006, pertaining to the mentioned farm, as well as the amendment of the Town-Planning Scheme of Bainsvlei by the rezoning of the farm St Eloi 2784, Ferreira Smallholdings, Bloemfontein (Bainsvlei), from "Holdings" to "Special Use 33", in order to enable the applicant to establish a guesthouse on the mentioned property.

WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN 1967)

Hierby word ingevolge artikel 3(6) van die bogenoemde Wet bekend gemaak dat die volgende aansoeke deur die Departementshoof: Samewerkende Regering en Tradisionele Sake, ontvang is en ter insae lê in die **LT Trust Gebou, Kamer 406, 4de Vloer, Maitlandstraat 114**, Bloemfontein en by die kantore van die betrokke Plaaslike Besture.

Enige persoon wat teen die toestaan van die aansoeke beswaar wil maak, kan met die Departementshoof: Samewerkende Regering, Tradisionele Sake en Huisvestings, Direkoraat Ruimtelike Beplanning, Grondgebruik Bestuur Komponent, Posbus 211, Bloemfontein, 9300 skriftelik in verbinding tree. Besware met volledige redes in tweevoud, moet hierdie kantoor nie later nie as **16:00 op Vrydag, 26 November 2010** bereik. Beswaarmakers se pos-en straatadres en telefoonnommer(s) moet skriftelike besware vergesel.

a) BAINSVLEI: (VERWYSING A12/1/9/1/2/7 (10/2010))

Plaas St Eloi 2784, DS Kokstraat 3, Ferreira Kleinplase, Bloemfontein (Bainsvlei), vir die opheffing van beperkende voorwaardes 2.(a), 2.(b) en 2.(c) op bladsy 2 in Transportakte T19167/2006, ten opsigte van die gemelde plaas, asook vir die wysiging van die Dorpsaanlegskema van Bainsvlei deur die hersonering van die plaas St Eloi 2784, Ferreira Kleinplase, Bloemfontein (Bainsvlei), vanaf "Hoewes" na "Spesiale Gebruik 33", ten einde die applikant in staat te stel om 'n gastehuis op die gemelde eiendom te vestig.

b) BAINSVLEI: (REFERENCE A12/1/9/1/2/7 (1/2009))

Subdivision 1 of the farm Voorzorg "A" No. 2541, Bainsvlei (Bloemfontein), (as indicated on the diagram which accompanied the application and which is available at the above-mentioned addresses), for the removal of restrictive conditions 2. and 3. on page 3 in Deed of Transfer T1414/1965, pertaining to the mentioned farm, as well as the amendment of the Town-Planning Scheme of Bainsvlei by the rezoning of Subdivision 1 of the farm Voorzorg "A" No. 2541, Bainsvlei (Bloemfontein), from "Holdings" to "Institutional", in order to enable the applicant to establish a church on the mentioned property.

b) BAINSVLEI: (VERWYSING A12/1/9/1/2/7 (1/2009))

Onderverdeling 1 van die plaas Voorzorg "A" No. 2541, Bainsvlei (Bloemfontein), (soos aangetoon op die diagram wat die aansoek vergesel het en wat by bogemelde adresse beskikbaar is) vir die opheffing van beperkende voorwaardes 2. en 3. op bladsy 3 in Transportakte T1414/1965, ten opsigte van die gemelde plaas, asook vir die wysiging van die Dorpsaanlegskema van Bainsvlei deur die hersonering van Onderverdeling 1 van die plaas Voorzorg "A" No. 2541, Bainsvlei (Bloemfontein) vanaf "Hoewes" na "Inrigting", ten einde die applikant in staat te stel om 'n kerk op die gemelde eiendom te vestig.

NOTICES

PLEASE TAKE NOTE THAT AS FROM 1 NOVEMBER 2010 THE BANKING DETAILS OF THE DEPARTMENT OF THE PREMIER WILL BE AS FOLLOWS:

BANKING DETAILS FOR DEPARTMENT OF THE PREMIER

NEW BANK:	STANDARD BANK
ACCOUNT NAME:	FSPG: DEPARTMENT OF THE PREMIER
ACCOUNT NUMBER:	240 322 029
BRANCH NAME:	BRANDWAG BRANCH
BRANCH CODE:	05 5534 00
REFERENCE NO.:	AS DISCUSSED UNDERNEATH
ACCOUNT HOLDER:	FSPG: DEPT PREMIER
FAX NO.	(051) 405 4396

- **NB: FOR CHEQUES PURPOSE (PAY) PLEASE WRITE FSPG: DEPT. PREMIER.**
- **YOU ONLY USE REFERENCE NUMBER WHEN YOU PHYSICALLY GO TO BANK AND FILL IN DEPOSIT SLIP. AFTER DEPOSITING, YOU FAX ME BACK YOUR DEPOSIT SLIP AND SUBSCRIPTION FORM PLEASE.**
- **WHEN DEPOSIT MONEY ELECTRONICALLY YOU WILL USE COMPANY NAME AS A REFERENCE NUMBER AND FAX ME BACK YOUR PROOF OF PAYMENT AND SUBSCRIPTION FORM PLEASE.**

ENQUIRIES CONTACT:

TEL NO.

**MS C TSHABALALA
MRS M.E. MATILE**

**(051) 403 3139
(051) 403 3590**

PLEASE TAKE NOTE: THAT THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2010 WILL BE ON 10 DECEMBER 2010.

THE NEXT PUBLICATION WILL BE ON 14 JANUARY 2011.
