

Provincial Gazette

Free State Province

Published by Authority

Provinsiale Koerant

Provinsie Vrystaat

Uitgegee op Gesag

NO. 42	FRIDAY, 26 JULY 2019	NR.42	VRYDAG, 26 JULIE 2019
PROVINCIAL NOTICES		PROVINSIALE KENNISGEWINGS	
68	Proposed Draft Standard Bylaw for Setsoto Local Municipality: Publication of Standard Bylaw for Public Comment: Standard Business Regulations Bylaw.....	2	
69	Proposed Draft By-Law for the Setsoto Local Municipality Publication of Draft Bylaw for Public Comment: Draft Public Passenger and Goods Transportation Bylaw.....	3	

[PROVINCIAL NOTICES NO. 68 OF 2019]**PROPOSED DRAFT STANDARD BYLAW FOR SETSOTO LOCAL MUNICIPALITY****PUBLICATION OF STANDARD BYLAW FOR PUBLIC COMMENT
STANDARD BUSINESS REGULATIONS BYLAW**

1. Notice is hereby given that the Setsoto Local Municipality has proposed to adopt the following Standard Bylaw as published by the MEC Cooperative Governance, Traditional Affairs and Human Settlement as a Standard Bylaw as follows:
 - (a) Standard Business Regulations Bylaw as published in Government Gazette Nr 163 as Provincial Notice No 228 of 18 March 2016.
2. Written comments must be handed in at the office of the Municipal Manager or Manager Administration, Municipal Offices, Ficksburg or posted to the Manager Administration, P.O. Box 116, Ficksburg, 9730 or faxed to the Manager Administration at number (051) 933-9309. Comments can also be sent by e-mail: admin@setsoto.co.za.
3. Comments must be submitted as above not later than Friday 16 August 2019. Comments received after this date will not be considered.
4. Copies of the draft By-Laws will also be available for perusal at the Libraries and Municipal Offices in Ficksburg, Clocolan, Marquard and Senekal, both in towns and the townships areas during normal office hours. A copy of these draft By-Laws may also be obtained from the mentioned offices at a nominal fee applicable for copies. These draft By-Laws are also published and available for download on the municipal website at www.setsoto.co.za
5. Persons who are not able to read or write and who wish to comment on these draft By-Laws can be assisted through appointment by the following officials from respective Units during office hours at Municipal Offices.

UNIT	OFFICIAL	CONTACT NUMBERS
Ficksburg	Me Moeng	051-933 9340
Senekal	Mr Hlongwane	058-481 2142
Marquard	Mr Mohale	051-991 0089
Clocolan	Mr Tjaka	051-943 0403

.....
MUNICIPAL MANAGER
S.T.R RAMAKARANE

[PROVINCIAL NOTICES NO. 69 OF 2019]**PROPOSED DRAFT BY-LAW FOR THE SETSOTO LOCAL MUNICIPALITY****PUBLICATION OF DRAFT BYLAW FOR PUBLIC COMMENT
DRAFT PUBLIC PASSENGER AND GOODS TRANSPORTATION BYLAW**

1. The Draft Public Passenger and Goods Transportation By-Law for the Setsoto Local Municipality contained in the Schedule hereto, is hereby in terms of 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.
2. Written comments must be handed in at the office of the Municipal Manager or Manager Administration, Municipal Offices, Ficksburg or posted to the Manager Administration, P.O. Box 116, Ficksburg, 9730 or faxed to the Manager Administration at number (051) 933-9309. Comments can also be sent by e-mail : admin@setsoto.co.za.
3. Comments must be submitted as above not later than Friday 16 August 2019. Comments received after this date will not be considered.
4. Copies of the draft By-Laws will also be available for perusal at the Libraries and Municipal Offices in Ficksburg, Clocolan, Marquard and Senekal, both in towns and the townships areas during normal office hours. A copy of these draft By-Laws may also be obtained from the above mentioned offices at a nominal fee applicable for copies. These draft By-Laws are also published and available for download on the municipal website at www.setsoto.co.za

5. Persons who are not able to read or write and who wish to comment on these draft By-Laws can be assisted through appointment by the following officials from respective Units during office hours at Municipal Offices.

UNIT	OFFICIAL	CONTACT NUMBERS
Ficksburg	Me Moeng	051-933 9340
Senekal	Mr Hlongwane	058-481 2142
Marquard	Mr Mohale	051-991 0089
Clocolan	Mr Tjaka	051-943 0403

.....
MUNICIPAL MANAGER
S.T.R RAMAKARANE

SCHEDULE
DRAFT PUBLIC PASSENGER AND GOODS TRANSPORTATION BYLAW

To provide for the management and regulation of public passenger and goods transportation within the area of jurisdiction of the Setsoto Local Municipality;

To provide for the enforcement of this By-law; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Setsoto Local Municipality recognizes that public transportation is a significant part of its competitiveness strategy and acknowledges that goods and passenger transportation have an important role in modern cities to enhance save and secured mobility and social cohesion in communities, support urban rejuvenation and economic growth;

WHEREAS the Setsoto Local Municipality aims to effectively regulate public transportation in a manner that ensures proper management thereof;

WHEREAS the Setsoto Local Municipality wishes to support the co-ordination and collaboration between all role-players, to promote partnerships and to enhance the effect of safe mobility in the Town;

AND WHEREAS the Town wants to ensure that public transportation happen safely and securely in a coordinated and regulated manner in the Setsoto Local Municipality;

AND NOW THEREFORE, BE IT ENACTED by council of the Setsoto Local Municipality, as follows: —

TABLE OF CONTENTS

CHAPTER 1

- 1. Definitions**

CHAPTER 2

- 2. Establishment, Maintenance And Management Of Municipal Taxi Ranks:**
- 2.1 Municipal may Establish, Maintain and manage municipal taxi ranks.
 - 2.2 Taxis to display parking permit discs when being driven into or parked at municipal taxi ranks.
 - 2.3 Applications for, issue and duration of a parking permit disc
 - 2.4 Presentation that owner drove or parked taxi.
 - 2.5 Seizure and impoundment of taxis at municipal taxi ranks.
 - 2.6 A llocation of taxi ranks and stands.

CHAPTER 3

- 3. MINIBUS TAXIS**
- 3.1 Parking of Minibus.
 - 3.2 Use of Taxi Rank.
 - 3.3 Engagement of passengers.
 - 3.4 Behaviour and clothing of drivers.
 - 3.5 Failing or refusing to pay or attempting to evade payment of the fare due.

- 3.6 Furnishing of the name and address by person conveyed or on a Minibus taxi.
- 3.7 Conveyance of filthy or deceased persons.
- 3.8 Disinfection of Minibus taxi.
- 3.9 Driver's right to refuse to convey passengers.
- 3.10 Possession of dangerous or offensive articles.
- 3.11 Clean vehicle.

CHAPTER 4

4. GOODS TRANSPORTATION AND TRADING FROM VEHICLES

- 4.1 Permits to be produced on demand.

CHAPTER 5

5. LAW ENFORCEMENT

- 5.1 Permits to be produced on demand.
- 5.2 Transport Trading Right Licence or Decol.

CHAPTER 6 OFFENCES AND PENALTIES

- 6.1 Penalties and empowerment.
- 6.2 Impoundment.

CHAPTER 1

1. DEFINITIONS

In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996, (Act no 93 of 1996) and/or the regulations in terms of the National Road Traffic Act, 1996 (Act no 93 of 1996), shall have such meaning, and unless the context otherwise indicates: -

- 1.1 **authorized official** means any official of the council who has been authorized by it to administer, implement and enforce the provisions of these By-laws;
- 1.2 **bus** means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- 1.3 **Council** means:
 - (a) The Setsoto Local Municipality exercising its legislative and executive authority through its Municipal Council; or
 - (b) Its successor in title; or
 - (c) a structure or person exercising a delegated power or carrying out an instruction where any power in this bylaw has been delegated or sub-delegated, or instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or
 - (d) A Service Provider fulfilling a responsibility under this bylaw assigned to it in terms of Section 81(2) of the Local Government: Municipality Systems Act or any other Law as the case may be;
- 1.4 **Chief of Traffic** means the unit manager appointed by the Municipality as head of the component of the municipality responsible for the traffic services management and administration of road traffic matters;
- 1.5 **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;
- 1.6 **motor vehicle** means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- 1.7 **Municipality** means the Setsoto Local municipality;
- 1.8 **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);
- 1.9 **municipal taxi rank** means an area demarcated in terms of section 2(2) to be used by taxis displaying valid parking permit discs to park and load and off-load passengers and shall include the waiting area of such taxi rank;
- 1.10 **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;
- 1.11 **Medical Officer of Health** means a person appointed as such under section 22 or 25 of the Health Act, 1977 (Act No 63 of 1977);
- 1.12 **minibus** means a motor vehicle designed, or lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry from nine (9) to eighteen (18) seated persons, excluding the driver;
- 1.13 **minibus taxi-type service** means a regular or frequent none scheduled Public Passenger Road Transport service authorized by a valid permit issued in terms of the relevant Provincial Legislation, provided on a fixed route or network of routes by means of a motor vehicle designed or adapted solely or principally for the conveyance of not more than 16 persons, including the driver in respect of which a valid Certificate of Fitness or Roadworthy Certificate

- has been issued under applicable legislation, which authorizes the carrying of passengers, and that is not subject to restrictions in respect of fares and timetables and excludes a Metered Taxi Service;
- 1.14 **taxi** means any motor vehicle, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and **taxi rank** means a rank or stand established by the Council where a minibus taxi may stop for the purpose of picking up or setting down passengers;
- 1.15 **metered taxi service** means a public transport service operated by means of a motor vehicle which is designed, or lawfully adapted, in compliance with the Road Traffic Act, 1986 (Act No. 29 of 1989), to carry fewer than nine (9) seated persons, including the driver, where that vehicle-
- (a) is available for hire by hailing, by telephone or otherwise;
- (b) may stand for hire at a rank; and
- (c) is equipped with a sealed meter, in good working order, for the purpose of determining the fare
- 1.16 **parking permit disc** means a disc issued in terms of section 4 to be displayed by a taxi making use of a municipal taxi rank;
- 1.17 **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) A scheduled service,
- (b) An unscheduled service, which includes a minibus taxi-type service
- (c) A charter service
- (d) A long-distance service
- Except if clearly inappropriate, the term public transport must be interpreted accordingly.
- 1.18 **public passenger transport** may also be referred as:
- (a) Cross-border transport
- (b) Minibus taxi
- (c) Scholar transport
- (d) Midi-bus taxi
- (e) Any other transport conveying passengers for rewards.
- 1.19 **a municipal property** refers to ranks, parking bays and any designated or undesignated areas for a passenger or goods transport services.
- 1.20 **designated area** is an area which has been allocated by the municipality for a specific purpose services.
- 1.21 **undesignated area** is an area which is not designated by the municipality for a specific purpose or services.
- 1.22 **goods transport** refers to any vehicle which transport goods for rewards or sale within the Setsoto Local Municipality jurisdiction e.g.:
- (a) Vehicle trading or selling goods
- (b) Vehicle loading hazardous substances
- (c) Vehicle loading life stock
- (d) Any other related activities.
- 1.23 **midi bus** means a motor vehicle designed, lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry from nine (9) to eighteen (18) seated persons, excluding the driver;
- 1.24 **land transport** means the movement of persons and goods on or across land by means of any conveyance and through the use of any infrastructure and facilities in connection therewith;
- 1.25 **decol** refers to the trading rights licence of the Setsoto Local Municipality or a sticker which shall be issued at the predetermined annual fee for authority to trade or sell goods from vehicle or convey passengers within the municipality of Setsoto.

CHAPTER 2

2.1 MUNICIPALITY MAY ESTABLISH, MAINTAIN AND MANAGE MUNICIPAL TAXI RANKS

- 2.1.1 The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal taxi ranks.
- 2.1.2 A Municipal taxi rank must be demarcated by notice in the provincial gazette.
- 2.1.3 At the entrance of each municipal taxi rank, as well as at the entrance of its waiting area, a signboard must 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.
- 2.1.4 Rules contemplated in subsection (3) must be adopted by the Municipality and promulgated in the provincial gazette.

2.2 TAXIS TO DISPLAY PARKING PERMIT DISCS WHEN BEING DRIVEN INTO OR PARKED AT MUNICIPAL TAXI RANKS/STANDS

- 2.2.1 No taxi shall be driven into or parked at a municipal taxi rank/stands without displaying a valid parking permit disc attached in the manner set out in subsection (2).
- 2.2.2 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.
- 2.2.3 A parking permit disc shall –
- (a) be of the design and contain the particulars set out in Annexure D
 - (b) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

2.3 APPLICATION FOR, ISSUE AND DURATION OF A PARKING PERMIT DISC

- 2.3.1 The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.
- 2.3.2 An application for the issue of a parking permit disc must –
- (a) be in the form determined by the Municipality;
 - (b) be directed to the Director Development Planning & Social Security;
 - (c) be accompanied by the fees determined by the Municipality;
 - (d) in respect of the next ensuing financial year, be made no later than the last day of May of each year.
- 2.3.3 On receipt of the application, the Director Development Planning & Social Security must consider the application and, no later than the last day of June 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.
- 2.3.4 If an application was turned down by the Director Development Planning & Social Security –
- (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 Director Development Planning & Social Security, 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.
- 2.3.5 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 Director shall process and finalise the application within a reasonable time.
- 2.3.6 The owner of a taxi, making use of a municipal taxi rank, 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.
- 2.3.7 A parking permit disc shall lapse at the end of each financial year.

2.4 PRESUMPTION THAT OWNER DROVE OR PARKED TAXI

- 2.4.1 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 making use of a municipal taxi rank.

2.5 SEIZURE AND IMPOUNDMENT OF TAXIS AT MUNICIPAL TAXI RANKS

- 2.5.1 Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a taxi at a municipal taxi rank for a period of 7 days –
- (a) if the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);
 - (b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or
 - (c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.
- 2.5.2 A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.
- 2.5.3 No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).
-

2.6 ALLOCATION OF TAXI RANKS AND STANDS

- 2.6.1. (a) This section shall apply to all ranks and stands which have been or may hereafter be set aside by the City Council as special parking places or stands for taxis authorised to use them by a permit issued in terms of this Bylaw.
- (b) The at such places (whether on a public road or not) as the Council may determine of the appropriate road traffic signs and markings prescribed for taxi ranks on public roads by the Regulations made in terms of the Road Traffic Act /1989, as amended from time to time or, in the case of special parking places or stands not on a public road of signs and markings similar to such signs and markings so prescribed.
- (c) Subject to the provision of subsection 2.6.1 (a) hereof, no provision of this bylaw shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.
- (d) Notwithstanding the provisions of subsection (c) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of this bylaw which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards for such facilities.
- 2.6.2 (a) No person except the driver of a taxi in respect of which a permit to use the same has been issued under this bylaw shall cause or permit any vehicle to stand upon any such parking place at any time.
- (b) It shall be unlawful for any person to cause or permit any taxi to stand upon such special parking place during the period or periods when the stopping any vehicles therein is prohibited in terms of a road traffic sign erected or displayed thereat or while such parking place is temporarily closed in terms of this bylaw.
- (c) No owner or driver of a taxi shall allow the same to stand in any public road for the purpose of plying for hire, except on a rank or stand established and demarcated as such by a traffic sign and markings in terms of the said Bylaws.
- (d) The driver shall remain in charge of such taxi during the whole time it occupies such rank or stand, provided that any driver may leave his taxi unattended on the stand for a period not exceeding 45 minutes.
- (e) It shall be unlawful for any person to park, or allow, cause or permit to be parked, any taxi in respect of which a permit has been issued in terms of this bylaw in any rank other than the rank allocated to it and specified in such permit; provided that such taxi may be parked in any communal rank specified in the permit without the payment of any further fee.
- 2.6.3 Application for a permit to use any such special parking place shall be made in writing to the Chief of Traffic by the owner of the taxi or taxis in respect of which the permit is sought. Such application shall be made in the form prescribed in the Second Schedule to these Bylaw and shall disclose:
- (a) The full name of the applicant and address or, if the applicant is a partnership or a company, the full names of all the partners or directors thereof;
- (b) The make, type, seating capacity and registration number of the taxi or taxis concerned;
- (c) The length of time during which the applicant has engaged in the business of transporting passengers for reward by taxi;
- (d) The number and date of the motor carrier exemption certificate issued by the Road Transportation Board in respect of the taxi or taxis concerned.
- 2.6.3.4 A sum of R300,00 shall be payable in respect of each grade A vehicle (buses) and R200,00 in respect of each grade B vehicle (mid buses) and R100,00 in respect of each grade C vehicle (mini buses) and R50,00 in respect of each grade D vehicle (4+1 LMV) allocated to an applicant.
- 2.6.3.5 Grade A vehicles, grade B vehicles, grade C vehicles and grade D vehicles shall be those as set and prepared by the Chief of Traffic or as amended from time to time at the discretion of the Chief of Traffic; provided that any permit holder or applicant who is aggrieved by any amendment of the said schedule which alters the grade of a vehicle in respect of which he is a permit holder or applicant shall have the right within fourteen days of his being notified of such alteration in grade of the vehicle, to appeal to the portfolio committee by giving written notice of appeal to the Director Development Planning & Social Security.
- 2.6.3.6 The Chief of Traffic shall as soon as possible report to the Director Development Planning & Social Security the particulars of all applications so made to him, together with his recommendations thereon, and the Director Development Planning & Social Security shall with the concurrence of Municipal Manager take such decision thereon as it may deem proper, either summarily or after such investigation as it may decide.
- 2.6.3.7 Whenever an application for a permit is granted by the Director Development Planning & Social Security, the Chief of Traffic shall forthwith issue to the applicant a permit in the form prescribed and annexed to this Bylaw as D and a numbered disc of a design approved by the Chief of Traffic displaying on the face thereof the registration number of a taxi and the rank on which its use has been authorised. A permit shall be valid only for the period stated thereto.
- 2.6.3.8 A permit issued in terms of this Bylaw shall not be transferred to any other person without the prior written approval of the Director Development Planning & Social Security.
- 2.6.3.9 The Chief of Traffic may replace a permit or a disc which has been lost or has become damaged on payment of a fee R150 and submission of an affidavit setting out the circumstances occasioning such loss or damage.

- 2.6.3.10 A permit so issued shall at all times be carried in or upon the taxi to which it relates, and the driver thereof shall exhibit it to any member of the Public Safety Division upon demand. Failure to exhibit such permit on demand shall make the driver of such taxi guilty of an offence.
- 2.6.3.11 A disc issued in terms of section (5) shall at all times be displayed at the lower near side corner of the windscreen of the taxi to which it relates. Failure to display such disc as aforesaid shall make the driver of such taxi guilty of an offence.
- 2.6.3.12 Applications for the renewal of any permit for the following year shall be made to the Chief of Traffic not later than the 1st day of December in each year in the same manner as provided in Section 3 of this Bylaw. Applications for renewal made after 1st December aforesaid shall be treated as applications for new permits.
- 2.6.3.13 No application for renewal lodged before the 1st day of December shall be refused except on the ground that the applicant has been guilty of misconduct.
- 2.6.4 The Council shall be entitled:
- (a) To cancel or to refuse to renew any permit if the motor carrier exemption certificate of the vehicle to which the permit relates is cancelled or withdrawn or is not renewed; or, if the permit was granted on incorrect information furnished by the applicant in terms of sub-section 2.6.3 (5) of this bylaw.
- (b) To Temporarily close any stand established under this bylaw and to establish elsewhere another temporary stand in lieu thereof; such temporary closure and establishment shall be deemed to have been effected by the display of notices thereof at or near to the stands concerned, without amendment of this bylaw, and during any such temporary closure any permit issued in respect of the stand so closed shall be deemed to relate to the stand established in lieu thereof.
- 2.6.5 If at any time the taxi to which a permit relates is under repair, or if for any other reason the owner thereof so desires, the Chief of Traffic may, by endorsement upon the permit, authorise the substitution of another vehicle therefore either temporarily or for the duration of the permit.
- 2.6.6. No rights possessed by the holder of any permit under this bylaw or under such permit shall operate to debar the Council from permanently closing or removing any stand established hereunder or from amending this bylaw or the Annexures appended hereto. Provided, however, that no stand shall be permanently closed or removed until after the expiry of three months' written notice to the holders of any current permits issued in respect thereof in terms of this bylaw.

CHAPTER 3 MINIBUS TAXIS

3.1 PARKING AND STOPPING OF MINIBUSES.

- 3.1.1 No person may park a minibus on any public road for the purpose of providing a public transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of the National Traffic Act, 1996 (Act No. 93 of 1996) for that vehicle or at a designated taxi rank.
- 3.1.2 No person shall stop or park a minibus on any public road for the purpose of providing a public transport service.
- 3.1.3 Notwithstanding the provisions of Section 2.1 of this By-law, in emergency situations or at recreational and other similar functions the Council may set aside temporary taxi facilities suitably identified by the Chief of Traffic for the parking and stopping of minibus taxis.
- 3.1.4 All parking permits where applicable, shall take the form as indicated in the schedule in this bylaw

3.2 USE OF TAXI RANK.

- 3.2.1 A driver of a minibus taxi may only park and load and unload passengers at a taxi rank at the platform allocated by Council according to the route and/or destinations to be travelled by the specific minibus taxi.
- 3.2.2 A driver of a minibus taxi shall, when plying for hire at a taxi rank at the applicable platform, do so in queue and shall: -
- (a) place his taxi in the first vacant place available in such queue immediately behind any other taxi already in a front position;
- (b) move his taxi forward in such queue as a vacancy occurs.
- 3.2.3 No driver of a minibus taxi shall, when plying for hire at a taxi rank: -
- (a) place his taxi ahead of any taxi in such queue which arrived and has taken up a position in the front of such queue before he did;
- (b) if his taxi is not the first in the front of such queue and any person calls for a taxi, respond to such call unless such person clearly indicates his preference for a taxi not in front of the queue.
- 3.2.4 No person shall park or stop a minibus taxi, which is not in good working order as required by the relevant legislation or regulations framed thereunder, in a taxi rank or cause or permit such a minibus taxi rank.
- 3.2.5 No driver of a minibus taxi shall enter a taxi rank, park or stop at a taxi rank, load or unload passengers at a taxi rank or remain a taxi rank if such driver is not in possession of a professional driving permit as prescribed by Section 32 read together with regulation 115 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and/or a valid public driving permit making provision for the route to be followed by the applicable minibus taxi and issued in terms of the relevant legislation.
- 3.2.6 No person shall repair or maintain a minibus taxi in any way whatsoever at a taxi rank except if such provision is made for this purpose.
- 3.2.7 No person shall wash any minibus taxi at a taxi rank except at a wash base specially constructed for such purpose.

3.3 ENGAGEMENT OF PASSENGERS.

- 3.3.1 No driver of a minibus or taxi, or any other person may by using force or a threat, or in a clandestine manner or by any other means prevent or seek to prevent any person from hiring any other minibus taxi or seek to prevent the driver of such other minibus taxi from obtaining or conveying a passenger or a load.
- 3.3.2 The driver of a minibus taxi may not use a hooter or sounding device to attract potential passenger or customers.

3.4 BEHAVIOUR AND CLOTHING OF DRIVERS.

- 3.4.1 Every driver of a minibus shall be cleanly and decently clothed, properly groomed, shall conduct himself in a proper, civil and decorous manner, and shall refrain from using insulting language or conduct himself/herself in an improper or unbecoming manner.
- 3.4.2 No driver of any minibus taxi shall:-
- (a) while engaged under hire, take alcoholic liquor or smell of such liquor and/or
 - (b) without the consent of the passenger smoke any tobacco or other substance whilst engaged under hire.

3.5 FAILING OR REFUSING TO PAY OR ATTEMPTING TO EVADE PAYMENT OF THE FARE DUE.

- 3.5.1 No passenger in or on a minibus taxi may fail or refuse to pay any fare due by such passenger

3.6 FURNISHING OF NAME AND ADDRESS BY PERSON CONVEYED IN OR ON A MINIBUS TAXI.

- 3.6.1 Any person conveyed in or on a minibus taxi who has failed or refused to pay any fare due by him or her, must when requested to do so by the driver state his or her correct name and address.

3.7 CONVEYANCE OF FILTHY OR DISEASED PERSONS.

- 3.7.1 A driver of a minibus taxi may refuse to convey or carry –
- (a) any person who is obviously in a state of filth or obviously suffering from any contagious disease; or
 - (b) any dead animal except animals or poultry intended for human consumption if the animals or poultry is properly wrapped.
- 3.7.2 No person who has another person in his or her care who to his or her knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any minibus taxi.
- 3.7.3 No person is obviously in a state of filth or obviously suffering from any contagious disease may enter any minibus taxi or having entered, remain upon such vehicle after being requested by the driver thereof to leave the vehicle.

3.8 DISINFECTION OF MINIBUS TAXI.

- 3.8.1 The owner, driver or any other person in charge of a minibus taxi must take immediate steps as soon as it comes to his or her knowledge that –
- (a) any person suffering from a contagious disease; or
 - (b) the body of any person who has died of such disease; or
 - (c) anything which has been exposed to or contaminated with such disease, has been conveyed in or upon such minibus taxi, to report the matter to the Medical Officer of Health.
- 3.8.2 Any owner, driver or other person referred to in subsection (1) must carry out every instruction issued by the Medical Officer of Health with regard to the disinfection of such minibus taxi.

3.9 DRIVER'S RIGHT TO REFUSE TO CONVEY PASSENGERS.

- 3.9.1 The driver of a minibus taxi may, if he or she so decides, or at the request of any passenger, refuse to convey any person who is obviously in a state of intoxication or who is noisy or rowdy or otherwise misbehaving himself or herself.
- 3.9.2 No person referred to in subsection (1) may remain in or upon such minibus taxi after having been requested by the driver or conduct thereof to leave the minibus taxi.

3.10 POSSESSION OF DANGEROUS OR OFFENSIVE ARTICLES.

- 3.10.1 If the driver of a minibus taxi reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm as described in subsection (2), the driver or any passenger may request the first mentioned passenger to hand such article to the driver.
- 3.10.2 If a passenger is in possession of a fire-arm, the driver may request the passenger to display a valid license for such fire-arm or, if the passenger is required to carry the fire-arm as a member of the National or a Municipal Police Service established in terms of the South African Police Service Act, 1995, or as a member of the National Defence Force established under the Defence Act, 1957, the driver may request the passenger to display the current identity document which was issued to the passenger by such service or force.
- 3.10.3 If the passenger refuses to hand in the article referred to in subsection (1), or fails to display the license or identity document referred to in subsection (2), to the driver, the driver may refuse engagement to the passenger.
- 3.10.4 The article referred to in subsection 11(1) must be returned to its owner at the conclusion of his or her journey.
-

3.11 CLEAN VEHICLE.

- 3.11.1 The owner and the driver of any minibus taxi must keep the vehicle clean and in neat condition at all times while engaged in public passenger road transport services.
- 3.11.2 The owner and the driver of any minibus taxi is not allowed to drive without shoes or proper shoes.
- 3.11.3 where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner]

CHAPTER 4**GOODS TRANSPORTATION AND TRADING FROM VEHICLES**

- 4.1 No person shall park or stop vehicle on any public road for the purpose of transporting/trading/selling with the vehicle or goods except in a designated area provided by the Setsoto Local Municipality.
- 4.2 Vehicle transporting hazardous substances or dangerous goods. The driver shall be in possession of a permit.
- 4.3 No person shall transport livestock on a road without a permit.
- 4.4 Picking up of passengers
- 4.5 (1) The municipality shall when granting operating permit—
- (a) specify an area for picking up passengers;
 - (b) if the operating licence or permit specifies such an area, the vehicle may leave that area if, on the return journey, it is to carry the same passengers that it carries on the outward journey or if the vehicle is to return empty;
 - (c) the vehicle may pick up passengers outside of that area if the fare is pre-booked and the passengers will return to such area; and
 - (d) any particular journey may be operated at a fare not determined by the meter if the fare for that journey has been agreed upon before the journey begins, but the meter must be kept running for the information of passengers.

CHAPTER 5**LAW ENFORCEMENT**

- 5.1 Permit to be produced on demand.
- 5.1.1 Any duly authorized official may call upon the driver of any minibus taxi, metered taxi bus, or motor vehicle to stop and may demand from him-
- (a) To produce any permit which the driver is required to have in terms of any legislation or regulations;
 - (b) To give his full name and address and also the name and address of the owner of the minibus taxi, taxi or bus.

5.2 TRANSPORT TRADING RIGHTS LICENCE OR DECOL

- 5.2.1 All taxis and buses using Setsoto taxi/bus rank and other designated ranks within the jurisdiction of Setsoto Local Municipality shall have trading rights licence at **the cost of R120.00 minimum or any other fee determined by the municipality from time to time.**
- 5.2.2 Vehicles used for trading (hawkers), conveying passengers to and from work, scholar transport and or metered taxi shall have a trading rights licence as stipulated in paragraph 5.2.1
- 5.2.3 No public vehicle may be used within the boundaries of Setsoto Local Municipality unless is in the possession of trading rights licence obtained from the Setsoto Local Municipality. This licence must be displayed on the vehicle.
- 5.2.4 Any person operating without this trading rights licence is committing an offence.

CHAPTER 6**OFFENCES AND PENALTIES****6.1 PENALTIES**

- 6.1.1 Any person who contravenes or fails to comply with, or who causes, permits or encourages any person to contravene or fail to comply with the provisions of this bylaw or any notice given in terms thereof shall be guilty of an offence and liable upon conviction to a fine not exceeding R5000.00 or imprisonment not exceeding a period of 6 months or to both such a fine and such imprisonment.

6.2 IMPOUNDMENT

- 6.2.1 Any authorized officer who is satisfied on reasonable grounds that a motor vehicle is being used by any person for the operation of public transport within the Setsoto Local Municipality area without the necessary operating license or permit or operating in the municipality property with unlicensed or unpermitted vehicle, shall impound the vehicle pending the investigation and prosecution of that person for the offences as stipulated in **Section 127 (1)(a) or (b) of National Land Transport Act No. 5 of 2009.** The vehicles shall be impounded for 14 days at a cost determined by the Municipality.

CHAPTER 7

- 7.1 Date of commencement
- 7.1.1 These By-law shall come in operation after being published in the Provincial Gazette.
- 7.2 Short Title
- 7.2.1 These By-law is called the Public Passenger and Goods Transportation By-law of 2018.
- 7.3 Repeal of by-laws
- 7.3.1 Any by-laws which were previously applicable and related to by-laws on public passenger and goods transportation are hereby repealed.

SCHEDULE

(Subsection 3.1(4))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimetre.
2. The words "PARKING PERMIT MUNICIPALITY" 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.

ANNEXURE A

APPLICATION FOR PERMIT TO USE TAXI RANKS OR STANDS

(Under Chapter 2, of this bylaw relating to the Allocation of taxi ranks and stands)

Chief of Traffic

Setsoto Municipal Traffic.

Full Name of Owner of Taxi/Bus

Identity No

Address

Full Names of all Partners and/or Directors

Trading Name

Telephone: Bus: Res

Registration number of Taxi for which Permit is sought

Make and Year: Type:

Colour Seating Capacity

Engine No: Chassis No

Number of Public Road Carrier Permit Dated

Valid to:

Number and expiry date of Certificate of Fitness

Particulars of Rank applied for: No Situated at

Period for which permit is sought

Other stands presently occupied

Previous stands occupied

(Reasons for vacating to be endorsed on rear of this application)

State whether application is for New Permit or Renewal

Date: Signature: (Owner of Taxi)

Full details of Applicant's experience in transporting passengers for hire or reward by taxi to be recorded on the rear of this application.

Cheques for Renewals to be made payable to Traffic Administration Section, but cheques must NOT accompany New Applications.

A separate application must be made for each taxi for which a permit is required.

APPROVED IN PRINCIPLE/UNSUCCESSFUL

PERMIT NO:

CHIEF OF TRAFFIC

ANNEXURE B

APPLICANT'S EXPERIENCE IN TRANSPORTING PASSENGERS FOR HIRE OR REWARD BY TAXI

1. Length of time so engaged:
2. Areas to and from:
3. Number of taxis owned:
4. Number of Public Road Carrier Permits held:
5. Previous Stand/s vacated: reasons



ANNEXURE

PERMIT TO USE TAXI RANK OR STAND

(Under Chapter 2, Section 7 Allocation of taxi ranks and stands)

Permit No

Authority is hereby granted to motor taxi ----- owned by -----

to keep up a stand at ----- for the purpose of plying for hire during

the hours of a.m. to daily. This Permit expires on

Date

CHIEF OF TRAFFIC

(Office Stamp)
