

**KWAZULU-NATAL PROVINCE**

**KWAZULU-NATAL PROVINSIE**

**ISIFUNDAZWE SA KWAZULU-NATALI**

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## CONTENTS

		<i>Gazette No.</i>	<i>Page No.</i>
<b>GENERAL NOTICES • ALGEMENE KENNISGEWINGS</b>			
20	KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010), as amended: Notice of applications received .....	2080	11
20	KwaZulu-Natal Gaming & Betting Act, 2010 (Wet No. 8 van 2010): Kennisgewing van aansoeke ontvang.....	2080	13
21	KwaZulu-Natal Gaming and Betting Amendment Act (04/2017): Public Hearings for Application received for Amendment of Licence Conditions: Kingdom Slots, KZN Slots, V-Slots, Luck at IT and Sibaya Casino .....	2080	17
21	KwaZulu-Natal Wet op Dobbelen en Weddenskappe, 2017 (Wet No. 04 van 2017): Openbare Hoore vir Aansoek ontvang vir Wysiging van Lisensie Voorwaardes–Kingdom Slots, KZN Slots, V-slots, Luck at IT and Sibaya Casino: Aantal Toegekende Beperk te Uitbetaling Masjiene .....	2080	19
22	KwaZulu Natal Land Administration and Immovable Asset Management Act (2/2014): Erf 1277, Copesville ...	2080	23
<b>PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS</b>			
66	Mtubatuba Municipality: Various By-Laws .....	2080	24
20	Municipal Finance Management Act (56/2003): Call for applications for Persons to serve as members of the Municipal Bid Appeals Tribunal .....	2080	89
<b>MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS</b>			
56	Local Government: Municipal Property Rates Act (6/2004): Public Notice Calling for Inspection of Supplementary Valuation Roll No. 10, 1 July 2018 to 31 March 2019 and Lodging of Objections.....	2080	90



















## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

## NOTICE 20 OF 2019



## NOTICE OF APPLICATIONS RECEIVED

**CONSENT TO ACQUIRE FINANCIAL INTEREST IN LICENSEES, IN TERMS OF SECTION 43A OF THE KZN GAMING AND BETTING ACT, NO.08 OF 2010, AS AMENDED**

1. Notice is hereby given in terms of Regulation 14, of the Regulations published under the KwaZulu-Natal Gaming & Betting Act, 2010 (Act No. 8 of 2010) as amended, of an application received from Mrs Z P Maseko for consent to acquire financial interest in the below mentioned Licensees through Masabe Empowerment Investments (Pty) Ltd in terms of Section 43A of the KwaZulu-Natal Gaming & Betting Act 8, of 2010 as amended:

APPLICANT	APPLICANT'S ADDRESS	LICENSEE	SHAREHOLDER	TYPE OF LICENCE	INTEREST
Mrs Z P Maseko	9 Sutton Avenue, Umhlanga Manors, Umhlanga Durban, 4319	Hollywood Sportsbook KZN (Pty) Ltd	Masabe Empowerment Investments (Pty) Ltd	Bookmaker	26.38%
		Krugerbets (Pty) Ltd	Masabe Empowerment Investments (Pty) Ltd	Bookmaker	26.38%
		Betting Entertainment Technologies (Pty) Ltd	Masabe Empowerment Investments (Pty) Ltd	National Manufacturer	25%

2. **Public inspection of application**

The above mentioned application will be subjected to any ruling by the Board to the contrary in accordance with the provisions of section 34 (2) to (3) of the KwaZulu-Natal Gaming and Betting Act No. 08 of 2010, be open for public inspection at the offices of the Board at either of the addresses mentioned below for the period from **23 May 2019 to 01 July 2019**.

KwaZulu-Natal Gaming & Betting Board  
 1 George MacFarlane Drive  
 Redlands Estate  
 Wembley  
 Pietermaritzburg  
 3201

Or

KwaZulu-Natal Gaming & Betting Board  
22 Dorothy Nyembe Road  
18<sup>th</sup> Floor Marine Building  
Durban  
4000

### 3. Invitation to lodge representations

Interested persons are hereby invited to lodge any representations in respect of this application by no later than **16:00** on the **1<sup>st</sup> July 2019**. Representations should be in writing and must contain at least the following information:

- (a) The name of the applicant to whom the representations relate.
- (b) The ground(s) on which representations are made.
- (c) The name, address telephone number of the person submitting the representations.
- (d) An indication as to whether or not the person making the representations wishes to make oral representations should the Board later decide to hold a public hearing into the application.

Any representations that do not contain all of the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to:

KwaZulu-Natal Gaming & Betting Board  
1 George MacFarlane Drive  
Redlands Estate  
Wembley  
Pietermaritzburg  
3201

Or faxed to: (033) 342 7853.

**KENNISGEWING 20 VAN 2019****KENNISGEWING VAN AANSOEKE ONTVANG****TOESTEMMING OM 'N FINANSIELE BELANG TE VERKRY IN 'N LISENSIELEHOUER IN TERME VAN ARTIKEL 43A VAN DIE KWAZULU NATAL DOBBELARY EN WEDDERY WET, 2010**

1. Kennisgewing geskied hiermee ingevolge Regulasie 14 van die Regulasies gepubliseer kragtens die KwaZulu-Natal Gaming & Betting Act, 2010 (Wet No. 8 van 2010) soos gewysig, van 'n aansoek ontvang van mev. ZP Maseko vir toestemming om te verkry indirekte finansiële belang in die hieronder vermelde Lisensiehouers deur Masabe Empowerment Investments (Edms) Bpk ingevolge Artikel 43A van die KwaZulu-Natal Wet op Spele en Weddery 8 van 2010 soos gewysig:

AANSOEKER	AANSOEKER SE ADRES	LISENSIELEHOUER	INDIREKTE AANDEELHOUER	TIPE LISENSIE	RENTE VERKRY
Mrs Z P Maseko	9 Sutton Avenue, Umhlanga Manors, Umhlanga Durban, 4319	Hollywood Sportsbook KZN (Pty) Ltd	Masabe Empowerment Investments (Pty) Ltd	Bookmaker	26.38%
		Krugerbets (Pty) Ltd	Masabe Empowerment Investments (Pty) Ltd	Bookmaker	26.38%
		Betting Entertainment Technologies (Pty) Ltd	Masabe Empowerment Investments (Pty) Ltd	National Manufacturer	25%

**2. Openbare inspeksie van aansoek**

Die aansoek lê, behoudens enige teenstrydige reëling deur die raad in ooreenstemming met die bepalings van artikel 34(2) om (3) van die KwaZulu-Natal Gaming & Betting Board, 2010 (Wet No. 08 van 2010), vir openbare inspeksie ter insae by die kantoor van die Raad by die ondergemelde adres vir die tydperk van **23 Mei 2019 om 01 Julie 2019**.

KwaZulu-Natal Gaming & Betting Board  
 1 George MacFarlane Drive  
 Redlands Estate  
 Wembley  
 Pietermaritzburg  
 3201

Or

KwaZulu-Natal Gaming & Betting Board  
22 Dorothy Nyembe Street  
18<sup>th</sup> Floor, Marine Building  
DURBAN,  
4001

### 3. Uitnodiging om vertoë te rig

Belanghebbende persone word hierby uitgenooi om enige vertoë ten opsigte van die aansoeker te rig teen nie later as **16:00** op **01 Julie 2019**. Vertoë moet skriftelik geskied en moet minstens die volgende inligting bevat:

- (a) Die name van die aansoeker waarop die vertoë betrekking het;
- (b) Die grond(e) waarop die vertoë berus;
- (c) Die naam, adres en telefoonnommer van die persoon wat die vertoë rig en
- (d) 'n Aanduiding of die persoon wat die vertoë rig ook mondelikse vertoë wil rig, aldan nie, wanneer die raad die aansoek aanhoor.

Enige vertoë wat nie al die besonderhede bevat wat in paragraaf 3 vermeld word nie, sal geag word nie by die raad ingedien te wees nie en sal nie deur die raad oorweeg word nie..

Vertoë moet gerig word aan:

KwaZulu-Natal Gaming & Betting Board  
1 George MacFarlane Drive  
Redlands Estate  
Wembley  
Pietermaritzburg  
3201

Of per faks gestuur word na: (033) 342-7853

**ISAZISO NGOKWEZICELO EZAMUKELIWE****ILUNGelo LOKUHLomULA NGOKWEZIMALI NGOKWEZINHlinZEKO ZESIGABA 43A SOMThETHO  
WEZOKUPhATHWA KWEZOKUPhAKWA WEZOKUGEMbULA WAKWAZULU-NATALI NO 08 KA 2010,  
KUNYE NEZICHIBIYELO ZAWO**

1. Isaziso sinikezwa ngokuya kuMthethonqubo 14, weMithethonqubo eshicilelwe ngaphansi koMthetho WezokuGembula NokuBheja waKwaZulu-Natali, 2010 (uMthetho No. 8 ka 2010) njengoba uchtshiyelwe, kwesicelo esitholwe kuMnu. ZP Maseko ngokuvuma ukuzuza isithakazelo esiqondile semali kumaLayisense aKhishwe ngezansi ngeMasabe Empowerment Investments (Pty) Ltd ngokwesigaba 43A soMthetho wezokuGembula noBheja waKwaZulu-Natali, ka-2010 njengoba uchtshiyelwe:

UMFAKISICELO	IKHELI LOMFAKISICELO	UMNINILAYISENSI	UMHLOMULI	UHLOBO LWELAYISENSI	UBUNGAKO BOKUHLomULA
Mrs Z P Maseko	9 Sutton Avenue, Umhlanga Manors, Umhlanga Durban, 4319	Hollywood Sportsbook KZN (Pty) Ltd	Masabe Empowerment Investments (Pty) Ltd	Bookmaker	26.38%
		Krugerbets (Pty) Ltd	Masabe Empowerment Investments (Pty) Ltd	Bookmaker	26.38%
		Betting Entertainment Technologies (Pty) Ltd	Masabe Empowerment Investments (Pty) Ltd	National Manufacturer	25%

2. **Ukuhlolwa kwesicelo ngumphakathi**

Lezi zicelo ezibalulwe ngenhla, kuye ngokuhambisana nanoma yisiphi isinqumo seBhodi esiphikisayo ngokwezinhlinzeko zesigaba 34 (2) kuya ku (3) soMthetho wezokuGembula waKwaZulu-Natali ka 2010 (uMthetho No. 08 ka 2010), zizovuleleka ukubonwa ngumphakathi emahhovisi eBhodi kuleli kheli elibhalwe ngezansi kusukela ngomhlaka **23 kuNhlaba 2018** kuya kumhlaka **01 kuNtulikazi 2019**:

KwaZulu-Natal Gaming & Betting Board  
1 George MacFarlane Drive  
Redlands Estate  
Wembley  
Pietermaritzburg  
3201

Or

KwaZulu-Natal Gaming & Betting Board  
22 Dorothy Nembe Street  
18<sup>th</sup> Floor, Marine Building  
Durban  
4001

### 3. Isimemo sokwenza izethulo

Abantu abanentshisekelo bayamenywa ukuba benze izethulo ungakadluli umhlaka **01 kuNtulikazi 2019** ngaphambi **kwehora lesine ntambama**. Izethulo kufanele zibhalwe futhi zibe nalemininingwane elandelayo:

- (a) Igama lomfakisicelo izethulo eziqondene naye;
- (b) Izizathu izethulo ezenziwa ngaphansi kwazo;
- (c) Igama, ikheli kanye nenombolo yocingo yomuntu oletha izethulo; kanye;
- (d) Nokubalula ukuthi umuntu owenza izethulo uyafisa ukwenza izethulo ngomlomo uma iBhodi lingase licabange ukuvula isigcawu somphakathi sokulalelwa kwalesisicelo.

Noma iziphi izethulo ezingaluqukethe lonke lolu lwazi olubalulwe endimeni 3 ngenhla zizothathwa ngokuthi azikaze zethulwe kwiBhodi futhi iBhodi angeke izicubungule.

Izethulo kufanele zithunyelwe ku:

KwaZulu-Natal Gaming & Betting Board  
1 George MacFarlane Drive  
Redlands Estate  
Wembley  
Pietermaritzburg  
3201

Noma zithunyelwe ngesikahhlamezi kule nombolo: (033) 342 7853



## NOTICE 21 OF 2019



**PUBLIC HEARINGS FOR APPLICATION RECEIVED FOR AMENDMENT OF LICENCE  
CONDITIONS: KINGDOM SLOTS, KZN SLOTS, V-SLOTS, LUCK AT IT AND SIBAYA CASINO**

In terms of **Section 37** read with **Regulation 21** of the **KwaZulu-Natal Gaming and Betting Amendment Act, 2017 (Act No. 04 of 2017)**, notice is hereby given of an application for Amendment of Licence Conditions as described below; that a public hearing will be held on **Tuesday: 11 June 2019**, at **Protea Hotel, 149 OR Tambo, Marine Parade, Durban**, at **10:00am**.

**Kingdom Slots**

REGION	ALLOCATION PER LICENCE CONDITION	PROPOSED REQUEST APPLICATION
Durban	550	650
South Coast		
Pietermaritzburg	150	120
Midlands	150	80
North Coast	150	150
Zululand		
Total	1000	1000

**KZN Slots**

REGION	ALLOCATION PER LICENCE CONDITION	PROPOSED REQUEST APPLICATION
Durban	600	650
South Coast		
Pietermaritzburg	200	130
Midlands	100	90
North Coast	100	130
UMkhanyakude		
Total	1000	1000

**V-Slots**

REGION	ALLOCATION PER LICENCE CONDITION	PROPOSED REQUEST APPLICATION
Durban	400	650
South Coast		
Pietermaritzburg	150	100
Midlands	150	100
North Coast	300	150
UMkhanyakude		
Total	1000	1000

**Luck At It**

<b>REGION</b>	<b>ALLOCATION PER LICENCE CONDITION</b>	<b>PROPOSED REQUEST APPLICATION</b>
<b>Durban</b>	400	650
<b>South Coast</b>		
<b>Pietermaritzburg</b>	150	100
<b>Midlands</b>	150	100
<b>North Coast</b>	300	150
<b>UMkhanyakude</b>		
<b>Total</b>	1000	1000

**Sibaya Casino**

<b>NAME</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>	<b>CURRENT ALLOCATION PER LICENCE CONDITION</b>	<b>REDUCTION OF GAMING MACHINES/TABLES REQUESTED</b>
Afrisun KZN (PTY) LTD t/a Sibaya Casino & Entertainment Kingdom	1 Sibaya Drive Umhlanga Rocks, 4320	Electronic Gaming Machines	1400	200
		Gaming Tables	61	12

## KENNISGEWING 21 VAN 2019



**OPENBARE HOORE VIR AANSOEK ONTVANG VIR WYSIGING VAN LISENSIE VOORWAARDES – KINGDOM SLOTS, KZN SLOTS, V- SLOTS, LUCK AT IT and SIBAYA CASINO : AANTAL TOEGEKENDE BEPERK TE UITBETALING MASJIENE**

Ingevolge artikel 37 gelees met Regulasie 21 van die KwaZulu-Natal Wet op Dobbels en Weddenskappe, 2017 (Wet No. 04 van 2017), hiermee word kennis gegee van 'n aansoek om wysiging van lisensievoorwaardes om die aantal toegekende beperkte uitbetaling dobbel masjiene te verander in sekere streke in KZN. 'n Openbare verhoor sal gehou word op **Dinsdag: 11 Junie 2019**, by die **Protea Hotel, 149 OR Tambo, Marine Parade, Durban**, om 10:00am.

**Kingdom Slots**

STREEK	TOEKENNING PER LISENSIE VOORWAARDES	VOORGESTELDE VERSOEK VIR TOEKENNING
Durban	550	650
South Coast		
Pietermaritzburg	150	120
Midlands	150	80
North Coast	150	150
Zululand		
Total	1000	1000

**KZN Slots**

STREEK	TOEKENNING PER LISENSIE VOORWAARDES	VOORGESTELDE VERSOEK VIR TOEKENNING
Durban	600	650
South Coast		
Pietermaritzburg	200	130
Midlands	100	90
North Coast	100	130
UMkhanyakude		
Total	1000	1000

**V-Slots**

STREEK	TOEKENNING PER LISENSIE VOORWAARDES	VOORGESTELDE VERSOEK VIR TOEKENNING
Durban	400	650
South Coast		
Pietermaritzburg	150	100
Midlands	150	100
North Coast	300	150
UMkhanyakude		
Total	1000	1000

**Luck At It**

<b>STREEK</b>	<b>TOEKENNING PER LISENSIE VOORWAARDES</b>	<b>VOORGESTELDE VERSOEK VIR TOEKENNING</b>
<b>Durban</b>	400	650
<b>South Coast</b>		
<b>Pietermaritzburg</b>	150	100
<b>Midlands</b>	150	100
<b>North Coast</b>	300	150
<b>UMkhanyakude</b>		
<b>Total</b>	1000	1000

**Sibaya Casino**

<b>NAAM</b>	<b>ADRES</b>	<b>BESKRYWING</b>	<b>HUDIGE TOEKENNING PER LISENSIE VOORWAARDES</b>	<b>AANSOEK VIR DIE VERMINDERING VAN DOBBEL MASJIENE/TAFELS</b>
Afrisun KZN (PTY) LTD t/a Sibaya Casino & Entertainment Kingdom	1 Sibaya Drive Umhlanga Rocks, 4320	Elektroniese Dobbel Masjiene	1400	200
		Dobbel Tafels	61	12



**ISAZISO NGOKULALELWA KWESICELO ESAMUKELIWE SOKUSHINTSHWA KOKUCHIBIYELWA KWEMIBANDELA YELAYISENSI NJENGOBA KUCHAZWE NGENZANSI – KINGDOM SLOTS, KZN SLOTS, V-SLOTS, LUCK AT IT AND SIBAYA CASINO**

Ngokwezinhlinzeko zesigaba 37 kanye nokomthethonqubo 21 wezokuGembula nokuBheja waKwaZulu-Natali, 2017 (uMthetho No. 04 ka 2017), ngalokhu lapha kunikezelwa isaziso sokuchibiyela imibandela yelayisensi njengoba kuchazwe ngenzansi, sokuthi inkundla yomphakathi yezicelo ezilandelayo izobanjwa ngo **Lwesibili zingu – 11 kuNhlangulana kophezulu u2019, eProtea Hotel, 149 OR Tambo, Marine Parade, eThekwini, ngo 10:00am.**

**Kingdom Slots**

ISIFUNDA	ISABELO NGOKWEMIBANDELA YELAYISENSI	ISABELO NGOKWESICELO
Durban	550	650
South Coast		
Pietermaritzburg	150	120
Midlands	150	80
North Coast	150	150
Zululand		
<b>Total</b>	<b>1000</b>	<b>1000</b>

**KZN Slots**

ISIFUNDA	ISABELO NGOKWEMIBANDELA YELAYISENSI	ISABELO NGOKWESICELO
Durban	600	650
South Coast		
Pietermaritzburg	200	130
Midlands	100	90
North Coast	100	130
UMkhanyakude		
<b>Total</b>	<b>1000</b>	<b>1000</b>

**V-Slots**

ISIFUNDA	ISABELO NGOKWEMIBANDELA YELAYISENSI	ISABELO NGOKWESICELO
Durban	400	650
South Coast		
Pietermaritzburg	150	100
Midlands	150	100
North Coast	300	150
UMkhanyakude		
<b>Total</b>	<b>1000</b>	<b>1000</b>

**Luck At It**

<b>ISIFUNDA</b>	<b>ISABELO NGOKWEMIBANDELA YELAYISENSI</b>	<b>ISABELO NGOKWESICELO</b>
<b>Durban</b>	400	650
<b>South Coast</b>		
<b>Pietermaritzburg</b>	150	100
<b>Midlands</b>	150	100
<b>North Coast</b>	300	150
<b>UMkhanyakude</b>		
<b>Total</b>	1000	1000

**Sibaya Casino**

<b>IGAMA</b>	<b>IKHELI</b>	<b>INCAZELO</b>	<b>ISABELO SAMANJE NGOKWEMIBANDELA YELAYISENSI</b>	<b>IMISHINI NAMATAFULA ANCISHISIWE NGOKWESICELO</b>
Afrisun KZN (PTY) LTD t/a Sibaya Casino & Entertainment Kingdom	1 Sibaya Drive Umhlanga Rocks, 4320	Imishini yokugembula	<b>1400</b>	<b>200</b>
		Amatafula okugembula	<b>61</b>	<b>12</b>

**KWAZULU – NATAL LAND ADMINISTRATION AND IMMOVABLE ASSET MANAGEMENT ACT, (ACT NO.2 OF 2014)**  
**NOTICE IN TERMS OF SECTION 5(2)-(4) OF THE KWAZULU – NATAL LAND ADMINISTRATION AND IMMOVABLE ASSET**  
**MANAGEMENT ACT, (ACT NO.2 OF 2014)**

Ngokwesigaba sesihlanu se Kwazulu-Natal Land Administration and Immovable Asset Management Act (Act No.2 of 2014) Mina Mnumzane Ravigasen Ranganathan Pillay, umphathiswa Wezokuhlaliswa Kwabantu Kanye nezeMisebenzi yomphakathi Ngaphansi kwa Hulumeni wesifundazwe sakwa Zulu – Natali, Nginikezela isaziso senhloso yami yokudlulisa ubunikazi bomhlaba ku masipala wasw Msunduzi lemihlaba elandelayo:

NO	PROPERTY DESCRIPTION	EXTENT	TITLE DEED NO.	Applicable conditions	Current Zoning	Current Usage
1	Erf 1277 Copesville	4844 Sqm	T16674/1992	None	Residential	Vacant

Izethulo ezibhaliwe mayelana nokunikezelelwa kwalemihlaba, zingenzwa ezinsukwini eziyi Shumi Nantathu (30) emuva kokuvela kwalesisaziso kulemininingwane elandelayo:

The Head of the Department of Human Settlement  
Private Bag X 9157  
PIETERMARITZBURG  
3200

Enquiries: Mr. H. Ganesh: Tel: (031) 319 3761  
Fax: (031) 3193640  
Email: [Heeralall.Ganesh@kzndhs.gov.za](mailto:Heeralall.Ganesh@kzndhs.gov.za)  
10<sup>th</sup> Floor, Eagle Building  
Pixley Ka-Seme Street  
DURBAN  
4001



MR R.R PILLAY (MPL)

UMPHATHISWA OHLONIPHEKILEYO WEZOKUHLALISWA KOMPHAKATHI KANYE NEZEMISEBENZI YOMPHAKATHI

14-01-19

DATE

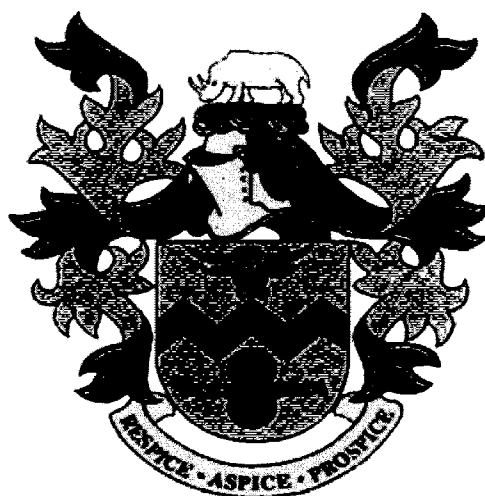
NOTICE 22 OF 2019

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

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PROVINCIAL NOTICE 66 OF 2019

# MTUBATUBA MUNICIPALITY



## STANDING RULES AND ORDERS BY-LAW 2018



**STANDING RULES AND ORDERS OF MTUBATUBA MUNICIPAL COUNCIL**

Be it enacted by the Council of Mtubatuba Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:

**ARRANGEMENT OF SECTIONS**

<i>Section</i>	<i>PAGE</i>
<b>CHAPTER 1</b>	
1. Definitions.....	5-6
<b>CHAPTER 2</b>	
<b>APPLICATION AND INTERPRETATION OF RULES AND ORDERS</b>	
2. Application of these Rules and Orders.....	6
3. Interpretation of these Rules and Orders.....	6-7
<b>CHAPTER 3</b>	
<b>FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS</b>	
4. Council meetings.....	7
5. Admission of public.....	7
6. Notice to attend an ordinary council meeting.....	7
7. Special meetings.....	7-8
8. Service of notices and agenda.....	8
9. Non-receipt of notice.....	8
<b>CHAPTER 4</b>	
<b>QUORUM</b>	
10. Quorum.....	8
11. Cancellation and adjournment in absence of quorum.....	8-9
<b>CHAPTER 5</b>	
<b>ATTENDANCE</b>	
12. Attendance.....	9
13. Leave of absence.....	9-10
14. Non-attendance.....	10
<b>CHAPTER 6</b>	
<b>ADJOURNMENT</b>	
15. Adjourned meeting.....	10
16. Continuation meeting.....	10

## CHAPTER 7 PROCEEDINGS

17. Speaker and chairpersons of meetings.....	11
18. Minutes.....	11
19. Order of business.....	11-12
20. Confirmation of minutes of previous meeting.....	12
21. Deputations.....	12
22. Reports.....	12
23. Motions.....	12-13
24. Questions.....	13
25. Supply of information to Councillors.....	13
26. General matters of an urgent nature.....	13
27. Interpretation.....	13
28. In-committee.....	14

## CHAPTER 8 VOTING

29. Decisions by voting.....	14
30. Method of voting.....	14
31. Dissenting votes and Abstention .....	15

## CHAPTER 9 REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS

32. Revocation of council resolutions.....	15
33. Revocation of committee resolutions.....	15

## CHAPTER 10 DEBATE

34. Opportunity to speak.....	15
35. Relevance.....	15
36. Length of speeches.....	15
37. Councillors to speak only once.....	15
38. Precedence of the Speaker or chairperson.....	15
39. Points of order.....	15
40. Explanation.....	15

## CHAPTER 11 CONDUCT

41. General conduct.....	16
42. Misconduct and Disorderly Conduct of a Councillor or persons other than Councillors.....	16
43. Dress Code.....	17

## CHAPTER 12 COMMITTEES

44. Rules Committee.....	17
45. Own rules.....	17
46. The chairperson.....	17

### CHAPTER 13 PECUNIARY INTEREST

47. Declaration of pecuniary interest.....	17-18
--	-------

### CHAPTER 14 BREACH AND SANCTIONS

48. Breach.....	18
49. Sanction.....	18

### CHAPTER 15 GENERAL PROVISIONS

50. Suspension of a rule or order.....	18
51. Adoption as by-law .....	18
52. Repeal of existing Rules and Orders.....	18
53. Short title and commencement .....	18
54. Schedule of Fines.....	18-22

## CHAPTER 1 DEFINITIONS

### 1. Definitions

In these Rules and Orders, unless inconsistent with the context –

**“Authorised person”** means an official of the municipality authorised by the Municipal Manager to perform a specific task in terms of these Rules and Orders;

**“by-law”** means legislation passed by the council of a municipality;

**“calendar day”** means a twenty-four-hour day as denoted on the calendar;

**“chairperson”** means a Councillor elected in a permanent or acting capacity to control and conduct any meeting of a committee of council;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996

**“Council”** means —

- (a) the Mtubatuba Municipality, exercising its legislative and executive authority through its municipal council;
- (b) its successor-in-title;
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these Rules and Orders has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Systems Act; and
- (d) a service provider fulfilling a responsibility under these Rules and Orders;

**“Code of Conduct”** means the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act;

**“contact details”** means a physical address, postal address, electronic mail address, telephone number, facsimile number and cellular phone number;

**“Councillor”** means a member of a municipal council;

**“day”** means any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

**“deputation”** means a person or group of persons who wish to appear personally before the council or a committee of the council in order to address the council or committee of the council;

**“executive committee”** means the council's executive committee established in terms of section 43 of the Structures Act;

**“in-committee”** means any council or committee meeting at which the public and or officials of the municipality are excluded;

**“integrated development plan”** means a single, inclusive and strategic plan for the development of the municipality and applicable in terms of Chapter 5 of the Systems Act;

**“mayor”** means a Councillor elected as the mayor of the municipality in terms of section 48 of the Structures Act;

**“meeting”** means a meeting of the council or any one of its committees;

**“municipality”** means the Mtubatuba Municipality established in terms of section 155(6) of the Constitution, 1996, and established by and under sections 11 and 12 of the Structures Act, read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

**“municipal asset”** means any movable, immovable, corporeal, incorporeal, tangible and intangible property to which the municipality holds title;

**“municipal manager”** means the person appointed municipal manager in terms of section 54A of the Systems Act and includes any person acting in that capacity;

**“notice of motion”** means the instrument by which Councillors may bring items on to the agenda of a council

meeting in terms of section 23 of these Rules and Orders;

**"Peace Officer"** means any person declared as a Peace Officer in terms of the Criminal Procedure Act No. 51 of 1977;

**"point of order"** means the pointing out of any deviation from or anything contrary to, the conduct and or any other irregularity in the proceedings of a meeting;

**"precincts"** means the council chamber and all places of meeting, the areas to which the public are allowed access and all other venues where the meetings of the council or a committee of the council are conducted;

**"public"** includes the media and means any person residing within the Republic of South Africa;

**"service delivery agreement"** means an agreement between a municipality and an institution or person mentioned in section 76(b) of the Systems Act in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the municipality;

**"Speaker"** means the chairperson of the council elected in terms of section 36 of the Structures Act and includes any acting Speaker when he or she is elected to perform the functions of the Speaker;

**"Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**"table"** means to submit a report or any official document to the council or a committee of council for consideration at a meeting of the council or a committee of council of which notice has been given in terms of these Rules and Orders.

## CHAPTER 2 APPLICATION AND INTERPRETATION OF RULES AND ORDERS

### 2. Application of this by-law these Rules and Orders

- 2.1. The rules of order contained herein apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of Councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 2.2. These Rules and Orders governs the proceedings of the council and committees of the council which bind and must be complied with by –
  - (a) all Councillors;
  - (b) any member of the public while present in the precincts;
  - (c) any deputation addressing the council or a committee of the council;
  - (d) any municipal official of the municipality; and
  - (e) Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act.

### 3. Interpretation of these Rules and Orders

- (a) Any interpretation of these Rules and Orders must be made having due regard to the supremacy of the Constitution, national, provincial and municipal legislation, the rule of law and the rules of natural justice.
- (b) The ruling of the Speaker or chairperson with regard to the interpretation of these Rules and Orders at a meeting of the council or committee of the council will, subject to sections 3(e) and 3(f), be final and binding.
- (c) The interpretation and the ruling of the Speaker or chairperson on any of these Rules and Orders must be recorded in the minutes of the council or committee meeting.
- (d) The municipal manager must keep a register of the rulings and legal opinions.
- (e) Any Councillor may request the municipal manager, in writing within five days from a ruling made in terms of section 3(b), to obtain clarity on the interpretation and ruling and to report to the council or committee of the council.
- (f) The council or committee of the council may after consideration of the report in terms of section 3(e) confirm, amend or substitute the ruling of the Speaker or chairperson, subject to any rights which any third party may

have accrued as a result of the ruling and all decisions effecting the rights of others must be in writing and reasons must be recorded of such decisions.

### **CHAPTER 3**

#### **FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS**

#### **4. Council meetings**

- (a) The council must hold an ordinary meeting of the council not less than once in every three months.
- (b) The Speaker must convene all meetings of the council in accordance with section 4(a) and subject to section 6.

#### **5. Admission of public**

- (1) All meetings of the council and those of its committees must be open to the public, and the council or committee of the council may not exclude the public from a meeting, other than when the council or committee, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the municipality, deems it reasonable and justifiable to do so having due regard to the principles of an open and democratic society.
- (2) The council or a committee of the council, may not for any reason whatsoever, exclude the public when considering, voting or noting any of the following matters –
  - (a) a draft by-law tabled in the council;
  - (b) a budget tabled in the council;
  - (c) the municipality's integrated development plan, or any amendment of the plan, or any amendment of the plan tabled in council;
  - (d) the municipality's performance management system, or any amendment of the system, tabled in council;
  - (e) the decision to enter into a service delivery agreement;
  - (f) any reports on an award in terms of supply chain management policy;
  - (g) the disposal or acquisition of municipal capital asset;
  - (h) any other matter prescribed by legislation.
- (3) The municipal manager must give notice to the public, in a manner determined by the council, of the time, date and venue of every ordinary meeting of the council or committee of the council and any special or urgent meeting of the council or committee of the council, except when time constraints make this impossible.
- (4) Members of the council together with members of the public attending any council or committee meetings must accord the meeting the dignity it deserves by dressing appropriately as per Rule 41(d) and must not wear any attire which could be ascribed to a political party

#### **6. Notice to attend an ordinary council meeting**

- (1) The Speaker must convene meetings of the council, at least once every three months, through a duly signed "Notice of Council Meeting", stating the date, place and time of the meeting and accompanied by or containing the agenda of the proposed meeting.
- (2) Notice to attend a meeting in terms of section 6(1) must be given at least –
  - (a) five (5) calendar days prior to an ordinary meeting; and
  - (b) two (2) calendar days prior to a special meeting.

#### **7. Special meetings**

- (1) The Speaker must call a special meeting of the council –
  - (a) for the purpose of pertinent or urgent council business; or
  - (b) or at the request of a majority of the Councillors of the municipality.
- (2) A special meeting must be held in compliance with section 6(2)(b) and in terms of section 7(1)(b) no later than four days from the date of receipt of a request.

- (3) A request for the calling of a special meeting, as contemplated in section 7(1)(b), must –
  - (a) be signed by no less than fifty percent plus one of all Councillors of the municipality; and
  - (b) be accompanied by –
    - (i) a duly signed notice of motion; and
    - (ii) a written statement by the Councillor signing the notice of motion giving reasons as to why the intended business of the special meeting is urgent and cannot wait for an ordinary meeting of the council.
  - (c) If the Speaker fails to convene a meeting in terms of this section, the municipal manager must convene such meeting and conduct an election of an acting Speaker in terms of section 41 of the Structures Act.

#### 8. Service of notices and agenda

- (1) Notice to attend a meeting or any other official communication from the council, must be delivered to –
  - (a) a physical address within the area of jurisdiction of the municipality; or
  - (b) an e-mail address;
  - (c) facsimile; or
  - (d) by a short message service:

Provided that contact details must be supplied by each Councillor to the municipal manager in writing within two days of a Councillor's election and, thereafter, whenever Councillor wishes to change either address and at which address the Councillor will accept service and or receipt of any notice to attend a meeting and any other official communication from the council.
- (2) All documentation relevant to any council or committee meeting, except special meetings convened in terms of section 7, must be given to all Councillors at least five calendar days prior to an ordinary council or committee meeting and two calendar days prior to a special council or special committee meeting.
- (3) All Councillors must inform the Speaker of any change of his/her contact details within three days of such change.
- (4) Subject to section 5(3), notice to attend a meeting must be displayed on the public notice boards of the municipality.

#### 9. Non-receipt of notice

- (a) A Councillor may request an investigation regarding the non-receipt of a notice to attend a meeting.
- (b) Non-receipt of a notice to attend a meeting will not affect the validity of any meeting or proceedings of council or any of its committees.

### CHAPTER 4 QUORUM

#### 10. Quorum

- (1) (a) Notwithstanding that there may be vacancies, the quorum of a council must be fifty percent plus one of the total number of Councillors determined in accordance with the municipality's establishment notice, before a vote may be taken on any matter.
- (b) Subject to a quorum, the failure of any Councillor to vote will not invalidate the proceedings of the council meeting.
- (2) (a) Notwithstanding that there may be vacancies, a majority of the number of Councillors appointed to a committee of council must be present at a meeting of the committee before a vote may be taken on any matter.
- (b) Subject to a quorum, the failure of any councilor to vote will not invalidate the proceedings of the committee meeting.

#### 11. Cancellation and adjournment in absence of quorum

##### Cancellation

- (1) No meeting may take place, if no quorum is present fifteen minutes after the time at which a meeting was due to commence, unless it is unanimously agreed by the Councillors present to allow further time not exceeding a further fifteen minutes for a quorum, where after if no quorum is present, the meeting must be cancelled.

**Adjournment**

- (2) If during discussion on an item at any meeting of council or any of its committees the attention of the Speaker or chairperson is called to the number of Councillors present, he or she must –
  - (a) count the Councillors present;
  - (b) if it is found that there is no quorum, the Speaker or chairperson must adjourn the meeting and allow an interval of fifteen minutes for a quorum to become present;
  - (c) if a quorum becomes present after the adjournment then the meeting must continue;
  - (d) if no quorum becomes present after the adjournment then the chairperson or Speaker must forthwith adjourn the meeting.
- (3) When a meeting is adjourned as a result of no quorum, the meeting will be re-convened within seven days as a continuation meeting.

**CHAPTER 5  
ATTENDANCE****12. Attendance**

- (1) All Councillors must punctually attend and remain in attendance at each meeting of the council and a committee of which that Councillor is a member except when –
  - (a) leave of absence is granted in terms of section 13;
  - (b) that Councillor is required to withdraw in terms of section 46(b); or
  - (c) that Councillor is absent with the permission of the Speaker or chairperson.
- (2) Each Councillor attending any meeting of the council or a committee of the council must sign an attendance register provided for that purpose.
- (3) The attendance register must be filed in the office of the municipal manager.
- (4) Any Councillor who is entitled to leave of absence in terms of section 13 and no longer requires such leave, is entitled to attend, participate and vote in the meeting from which leave of absence was granted and sign the attendance register.

**13. Leave of absence**

- (1) Leave of absence must not be granted by the Speaker in such a manner that more than the number required for a quorum will at any one time be absent.
- (2) If a Councillor –
  - (a) is unable to attend a meeting of which notice had been given; or
  - (b) is unable to remain in attendance at a meeting; or
  - (c) will arrive after the stipulated commencement time of a meeting,he or she will, as soon as is reasonably possible and prior to that meeting, lodge with the municipal manager a written application for leave of absence from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.
- (3) The municipal manager must as soon as possible inform the Speaker or chairperson of the meeting concerned of any application for leave of absence received.
- (4) The Speaker or chairperson of the meeting concerned must as soon as possible consider an application for leave of absence and either grant or reject the application with reasons and immediately inform the municipal manager of his decision.
- (5) The municipal manager must as soon as is reasonably possible, inform a Councillor who has applied for leave of absence of the Speaker or chairperson's decision.
- (6) A Councillor will be deemed absent without leave from the meeting concerned where an application for leave of absence has not been granted and he or she –
  - (a) failed to attend a meeting; or
  - (b) failed to remain in attendance at a meeting.
- (7) Where a Councillor fails to remain in attendance at a meeting –
  - (a) without being granted permission to do so; or
  - (b) without obtaining permission from the Speaker or chairperson to leave prior to the close of the meeting, the time of leaving must be recorded in the minutes of the meeting and that Councillor will be deemed to have been absent without leave at that meeting.



- (8) Where a Councillor arrives late at a meeting, without obtaining permission to do so, the time of arrival and the reasons for the late attendance must be recorded in the minutes of the meeting and the Councillor may attend the meeting and sign the attendance register in terms of section 12(2).
- (9) Leave of absence for two or more consecutive council or committee meetings must be sanctioned by the council or the relevant committee.

#### 14. **Non-attendance**

- (1) (a) Subject to compliance with the procedure set out in section 13 and the provisions of item 4(2) of Schedule 1 of the Systems Act, a Councillor who is absent without good cause from a meeting, of which notice has been given, will be liable to pay a fine as determined in the Schedule of fines, which fine may be deducted from remuneration due to the Councillor concerned.
- (b) A Councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that Councillor is required to attend in terms of Item 3 of Schedule 1 of the Systems Act, must be removed from office as a Councillor in accordance with section 14(2)(e) of the Systems Act.
- (c) Proceedings for the imposition of a fine or the removal of a Councillor must be conducted in accordance with a uniform standing procedure of fines.
- (2) Where a Councillor has been absent without obtaining leave from a meeting—
  - (a) the Rules Committee as contemplated in section 43 or the Speaker or chairperson as the case may be, must invite the Councillor to provide a formal explanation setting out the reasons for the Councillor's absenteeism from the meeting;
  - (b) the Speaker or chairperson must consider the explanation and decide whether or not the Councillor was absent with good cause, providing appropriate reasons for the decision;
  - (c) the Councillor may appeal in writing to the Speaker's or chairperson's decision within seven days of receipt of such decision.
  - (d) the council or committee, as the case may be, must —
    - (i) allow the Councillor an opportunity to make representations, oral or written; and
    - (ii) consider the Councillor's appeal, together with any comments from the Speaker or chairperson of the meeting concerned;
    - (iii) make a finding as to whether the Councillor was absent with or without good cause.
- (3) The municipal manager must keep a record of all incidents in respect of which Councillors have been found to be absent or deemed to be absent without leave and without good cause and must submit a written report to the Speaker whenever a Councillor is absent from three or more consecutive meetings which that Councillor was required to attend.
- (4) Where the Speaker receives a report in terms of section 14(3), the Speaker must submit the report to council and direct that the matter be investigated in accordance with Item 14 of the Code of Conduct.

## **CHAPTER 6 ADJOURNMENT**

#### 15. **Adjourned meetings**

Subject to section 11(3), a council or committee meeting may by majority vote, be adjourned to another day or hour but no later than 14 days after the original meeting.

#### 16. **Continuation meeting**

- (1) When a meeting is adjourned, notice of the continuation meeting must be served in terms of section 8.
- (2) No business will be transacted at a continuation meeting except such as is specified in the notice of the meeting which was adjourned.

## CHAPTER 7 PROCEEDINGS

### 17. Speaker and chairpersons of meetings

- (1) At every meeting of the council, the Speaker, or if he or she is absent, an acting Speaker, will be the chairperson and will perform the duties stipulated in terms of section 37 of the Structures Act and must ensure that each Councillor when taking office is given a copy of these Rules and Orders and the Code of Conduct.
- (2) The Speaker and chairperson of council and committee meetings –
  - (a) must maintain order during meetings;
  - (b) must ensure compliance in the council with the Code of Conduct for Councillors; and
  - (c) must ensure that meetings are conducted in accordance with these Rules and Orders.
- (3) If the Speaker or chairperson of the council or committee of the council is absent or not available to perform the functions of Speaker or chairperson, or during a vacancy, the council or committee under the direction of the municipal manager or his/her nominee must elect another Councillor to act as Speaker or chairperson as the case may be.
- (4) No meeting of the council or a committee of the council may commence or continue unless a Speaker or chairperson presides at a meeting.

### 18. Minutes

- (a) The proceedings of every council meeting must be accurately and electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- (b) Written minutes of the proceedings of each council and committee meeting must contain an accurate record of the resolutions adopted by council at such meeting.
- (c) The approved minutes of every meeting of a council or committee other than in-committee meetings must be available to the public.
- (d) Where the municipal manager is of the opinion that any resolution or proceeding of a council or committee meeting may be in contravention of any law or by-law, he or she must advise the council or committee accordingly and full details of such opinion must be recorded in the minutes.

### 19. Order of business

- (1) The order of business at every meeting of the council or its executive committee or committee of council, as may be applicable, is as follows:

Council	Executive Committee	Committee
<ul style="list-style-type: none"> <li>• Opening: Moment of reflection</li> <li>• Notice of the meeting</li> <li>• Granted leave of absence</li> <li>• Acceptance of the agenda</li> <li>• Declaration of interest</li> <li>• <b><u>Announcements</u></b></li> <li>• Deputations</li> <li>• Confirmation of minutes from the previous meeting</li> <li>• Outstanding matters</li> <li>• Submission of reports from Council representatives from District/Local municipality</li> <li>• Reports of the Executive Committee, under the sections: recommendations to the council, decisions under delegated authority and decisions of the Executive Committee</li> <li>• Reports from MPAC</li> <li>• Report from the Audit Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Opening: Moment of reflection</li> <li>• Notice of the meeting</li> <li>• Granted leave of absence</li> <li>• Acceptance of the agenda</li> <li>• Declaration of interest</li> <li>• <b><u>Announcements</u></b></li> <li>• Presentations</li> <li>• Confirmation of minutes from previous minutes</li> <li>• Outstanding matters</li> <li>• Reports from Portfolio Committees</li> <li>• Reports from Audit Committees</li> <li>• Reports for noting</li> <li>• Reports for consideration</li> <li>• In-Committee reports</li> <li>• Urgent reports allowed- only with the consensus of the chairperson.</li> </ul>	<ul style="list-style-type: none"> <li>• Opening: Moment of reflection</li> <li>• Notice of the meeting</li> <li>• Granted leave of absence</li> <li>• Acceptance of the agenda</li> <li>• Declaration of interest</li> <li>• <b><u>Announcements</u></b></li> <li>• Presentations</li> <li>• Confirmation of minutes from previous minutes</li> <li>• Outstanding matters</li> <li>• Reports for noting</li> <li>• Reports for consideration</li> <li>• In-Committee reports</li> <li>• Notice of Motion</li> <li>• Urgent reports allowed only with the consensus of the chairperson.</li> </ul>

<ul style="list-style-type: none"> <li>• Reports on ward committees/ consolidated report on ward committees</li> <li>• Report on SALGA activities</li> <li>• Monthly Activities</li> <li>• Input by the Traditional Leader</li> <li>• Reports for noting</li> <li>• Reports for consideration</li> <li>• Reports - In-Committee;</li> <li>• Notice of Motion</li> <li>• Questions of which Notice has been given</li> <li>• Urgent reports - allowed only with the consensus of the chairperson; and</li> <li>• General matters of an urgent nature</li> </ul>		
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(2) The Speaker or chairperson may, in his/her discretion, at any stage bring forward any business that is on the agenda paper.

## 20. Confirmation of minutes of previous meeting

- (1) The minutes of every meeting must be confirmed at the next ordinary meeting of that council or committee and must be signed by the Speaker or chairperson.
- (2) No motion or discussion will be allowed upon the minutes of a previous meeting other than relating to the accuracy of those minutes.

## 21. Deputations

- (a) A deputation wishing to address the council or a committee of council must submit a memorandum to the municipal manager in which is set out the representations it wishes to make.
- (b) A request by a deputation to address the council or a committee of the council must be approved by the Speaker or relevant chairperson.
- (c) The municipal manager must submit the memorandum to the council or a committee of the council, which may receive the deputation.
- (d) Any matter requiring consideration arising from a deputation, will not be further considered by the council or committee until the deputation has withdrawn provided that questions of clarity may be permitted.
- (e) A member of the public, other than a deputation, who wishes to speak at a council or committee meeting, must obtain the permission of the Speaker or chairperson to do so, prior to the commencement of the meeting.
- (f) When speaking at a council or committee meeting, a member of the public and a deputation must comply with any directions or orders given by the Speaker or chairperson.
- (g) If a member of the public or a deputation conducts himself/herself in a disorderly and unruly manner at any time, the Speaker or chairperson must direct that that member remove himself or be removed by a Peace Officer from the precincts.
- (h) Any member of the public or deputation who fails or refuses to comply with the Speaker's or chairperson's directions in terms of section 21(f) and section 21(g) will be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

## 22. Reports

- (a) Any report submitted to the council or a committee of the council must, with the exception of a report accepted by the Speaker or chairperson as a matter of urgency, be provided to Councillors in terms of section 8.
- (b) The Speaker or chairperson must allow debate in accordance with sections 34, 35, 36, 37, 38, 39 and 40 on any report submitted to the council or a committee of the council, at the meeting at which that report is submitted and if the debate is incomplete or does not take place for any reason whatsoever, then the debate in respect of that report must be held, at the next meeting.

## 23. Motions

- (1) No subject will be brought before council or a committee of council by a Councillor except by way of notice of motion.

- (2) A notice of motion must –
  - (a) be in writing; and
  - (b) be signed by the Councillor submitting it and by another Councillor acting as seconder; and
  - (c) refer to one matter only.
- (3) A notice of motion must, subject to section 7, be lodged with the municipal manager before 12h00 seven calendar days prior to the next meeting, failing which the notice will be considered at the next ensuing meeting.
- (4) The municipal manager must –
  - (a) date and number each notice of motion;
  - (b) enter each notice of motion lodged in a register, which must be open to inspection by any Councillor and the public; and must
  - (c) enter each notice of motion on the agenda in the order received.
- (5) The Speaker or chairperson must –
  - (a) read out the number of every motion and the name of the mover and seconder;
  - (b) ascertain which motions are unopposed and these will be passed without debate; and
  - (c) call the movers of the opposed motions in the order they appear on the agenda.
- (6) A Councillor submitting a motion must move such motion and will have the right of reply.
- (7) A motion will lapse if the Councillor and seconder who submitted it is not present at the meeting when such motion is being debated.
- (8) A Councillor will be allowed not more than three notices of motion on the same agenda.
- (9) The Speaker or chairperson must not reject a motion received by him or her in terms of these Rules and Orders.

#### **24. Questions**

- (a) A Councillor may put a question requiring a written reply from any political or municipal office bearer of the municipality concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers, provided that written notice of the question has been lodged with the Speaker or chairperson and the municipal manager at least seven days prior to the council or committee meeting and the municipal manager must ensure that the councilor receives a written reply from that political or municipal office-bearer, at the council or committee meeting.
- (b) If, after a question has been replied to, a Councillor is of the opinion that the reply is not clear and is ambiguous, he or she may, with the consent of the Speaker or chairperson, request a follow-up question.

#### **25. Supply of information to a Councillor**

- (a) No Councillor may approach or communicate with any officer of the municipal administration concerning the business of the municipality other than when exercising his rights or liberties as an ordinary member of the public.
- (b) A Councillor may approach and communicate with the municipal manager or any head of department or any officer of the municipal administration specifically designated by the municipal manager or by the head of department concerned for this purpose, in order to obtain such information as he or her may reasonably require for the proper performance of his duties as a Councillor.

#### **26. General matters of an urgent nature**

- (a) General items of an urgent nature may be placed on an agenda by the municipal manager and any member of the council with the prior consent of the Speaker or chairperson, which consent will not be unreasonably withheld.
- (b) Prior to adoption, Councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the council.

#### **27. Interpretation**

If a majority of Councillors present so resolve, an interpreter may be used in meetings of the council and committees of the council.

**28. In-committee**

- (1) (a) Subject to section 5, the council or a committee of council may, at any time, resolve to proceed in-committee.
  - (b) The public will be excluded from any in-committee meetings.
  - (c) The municipal manager or another official exempted from this section by the Speaker or chairperson, will not be excluded from any in-committee meeting.
  - (d) All proceedings in-committee must be recorded in terms of section 18(1) and 18(2) and must be confidential.
  - (e) Unauthorised disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.
- (2) The Council will deliberate in-Committee when discussing any of the following matters:
  - (a) trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
  - (b) personal and private information of any Councillor or an employee of the municipality;
  - (c) the intention of the municipality to purchase or acquire land or buildings;
  - (d) the price a municipality may offer for the purchase or acquisition of land or buildings;
  - (e) any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
  - (f) disciplinary proceedings or proposed disciplinary proceedings against any employee;
  - (g) any matter that might not be disclosed in terms of legislation;
  - (h) consideration of the minutes of previous in-Committee discussions.
- (2) (a) A Councillor may, when an item in the agenda is put to order, other than a matter referred to in 2. (a) above, and provided it is not a matter that is required in law to be dealt with in an open council, propose with motivation, that the matter be further dealt with in-Committee.
  - (b) The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

## CHAPTER 8 VOTING

**29. Decisions by voting**

- (1) A quorum must be present in order for a vote to be taken.
- (2) All questions concerning the following matters must be determined by a decision taken by the council with a supporting vote of a majority of the number of Councillors determined in accordance with the municipality's establishment notice –
  - (a) the passing of by-laws;
  - (b) the approval of budgets;
  - (c) the imposition of rates and other taxes, levies and duties;
  - (d) the raising of loans;
  - (e) the rescission of a council resolution within 6 months of the taking thereof; and
  - (f) any other matter prescribed by legislation.
- (3) All other questions before the council must be decided by a majority of the votes cast by the Councillors present.
- (4) If, on any matter there is an equality of votes, the Speaker or chairperson may exercise a casting vote in addition to a deliberative vote as a Councillor, provided that a Speaker or chairperson will not exercise a casting vote during the election of any office-bearer of council and when Council considers matters listed in section 160(2) of the Constitution.

**30. Method of voting**

- (a) Voting will be by a show of hands unless the law prescribes otherwise, or the council or committee by resolution of a majority of the Councillors present resolves to proceed with a secret written ballot.
- (b) During the taking of a vote no Councillor may leave the council chamber or committee room.
- (c) The municipal manager or his nominee, will count the votes cast and will record the results of voting, but the Speaker or chairperson will announce the results.

**31. Dissenting votes and Abstention**

- (1) A Councillor may request that his/her dissenting vote be recorded as evidence of how he or she voted on the motion.
- (2) A member may abstain from voting without leaving the chamber.

## **CHAPTER 9 REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS**

**32. Revocation of Council Resolutions**

- (a) Approval to revoke or alter a resolution of council may not be delegated to any person or committee.
- (b) Prior notice of an intention to move a motion for the revocation or alteration of a council resolution must be given.
- (c) Any revocation or alteration of a council resolution must be made within a period of six months as provided for in section 29(2)(e).

**33. Revocation of Committee Resolutions**

- (a) Approval to revoke or alter a resolution of a committee of the council may not be delegated to any person.
- (b) Prior notice of an intention to move a motion for the revocation or alteration of a resolution of a committee of the council must be given.
- (c) Any revocation or alteration of a resolution of a committee of the council must be approved by a majority of the number of the members of that committee.

## **CHAPTER 10 DEBATE**

**34. Opportunity to speak**

- (a) A Councillor may only speak when so directed by the Speaker or chairperson.
- (b) A Councillor may indicate a desire to speak by raising his/her hand and awaiting the direction of the Speaker or chairperson, which direction must not be withheld.
- (c) Councillors and officials must direct their address to the Speaker or chairperson.

**35. Relevance**

Every speaker must restrict himself or herself strictly to the matter under consideration.

**36. Length of speeches**

Other than the delivery of the mayoral report or the presentation of the estimates of income and expenditure, no speech will exceed five minutes in length without the consent of the Speaker or chairperson.

**37. Councillors to speak only once**

A Councillor may not speak more than once on any motion or proposal provided that the mover of the motion may speak on the motion, will have the right of reply and the reply will be confined to answering previous speakers and will not introduce any new matter into the debate.

**38. Precedence of the Speaker or chairperson**

Whenever the Speaker or chairperson rises during a debate, any Councillor then speaking or offering to speak must seat himself/herself and the Councillor must be silent so that the Speaker or chairperson may be heard without interruption.

**39. Points of order**

- (a) Any Councillor may raise a point of order at any time by standing to draw the attention of the Speaker or chairperson.
- (b) Any member will only be allowed to raise one point of order and one point of personal explanation during the council meeting. Only one point of order on the same matter will be allowed.
- (c) The ruling of the Speaker or chairperson on a point of order will be final and will not be open to discussion.

**40. Explanation**

Any Councillor may speak in explanation, provided that such explanation is confined to some material part of the discussion, which may have been misunderstood.

## CHAPTER 11 CONDUCT

### 41. General conduct

- (1) The Speaker or the chairperson of the meeting in the event of a meeting other than a council meeting shall:
  - (a) maintain order during meetings
  - (b) ensure compliance with the Code of Conduct for Councillors during meetings
  - (c) ensure that meetings are conducted in accordance with the Council's Rules and Orders
  - (d) ensure that members conduct themselves in a dignified and orderly manner during meetings are dressed appropriately for the dignity of the meeting and ensure that no political party attire or regalia is acceptable within the Council Chamber
  - (e) ensure that members of the public attending meetings are seated in areas designated for that purpose
  - (f) ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or chairperson of the meeting
  - (g) ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting
  - (h) ensure that Council conduct its business in the highest decorum and integrity that the occasion deserves;
  - (i) ensure adherence to the Code of Conduct
  - (j) ensure adherence to the rule of law and the by-laws of the municipality;
  - (k) ensure that all members do not use offensive or objectionable language; and
  - (l) ensure that members do not use a cellular phone during, bring a firearm or any dangerous weapon, into a meeting of council or any of its committees.

### 42. Misconduct and Disorderly Conduct of a Councillor or persons other than Councillors

- (a) The Speaker may order a Councillor to withdraw and apologise for any word, statement, opinion or gesture made by that Councillor.
- (b) If a Councillor or Councillors behave improperly during a meeting of council or any of its committees, the Speaker must direct the Councillor or Councillors to conduct himself or themselves properly and, if speaking, to stop speaking and resume his/ their seat or seats.
- (c) In the event of persistent disregard of the directions of the Speaker, the Speaker must direct such Councillor or Councillors to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalised.
- (d) In the event that any misconduct by a Councillor or Councillors prejudices the proceedings of the council or committee, the Speaker or chairperson must adjourn the meeting and any such misconduct by a Councillor or Councillors must be dealt with in terms of these Rules and Orders and the Code of Conduct.
- (e) Where a Councillor refuses to retire from a meeting or in the event of more than one Councillor having to be ejected from the meeting, and such Councillor/s refuse/s to leave the meeting, the Speaker shall request an authorised official to facilitate the removal of such Councillor/s from the chamber.
- (f) If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes in order for the relevant Councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the Councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation.
- (g) The chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any Councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The authorised official of the council will ensure that such Councillor/s does/do not enter such an alternative venue.
- (h) Any person, other than a Councillor, who misconducts himself or herself or behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the authorised official will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the council chamber or the meeting venue for such period as it may be deemed fit.

**43. Dress Code**

- (1) Councillors and officials must during any council or committee meetings be dressed appropriately for the dignity of the meeting.
- (2) They must be dressed either formally (collar and tie), or smart casual.
- (3) The following items shall not be regarded as proper dress code for a meeting of council or any of its committees:
  - (a) Canvass shoes or takkies;
  - (b) Dark sunglasses except on medical grounds;
  - (c) Informal hats or caps;
  - (d) Tracksuits;
  - (e) T-shirts;
  - (f) Political party attire;
  - (g) Short pants;
  - (h) Overalls

**CHAPTER 12  
COMMITTEES****44. Rules Committee**

- (a) The municipal council may by resolution of a majority of Councillors establish a special committee to be known as the Rules Committee to investigate and make findings on any alleged breaches of the Code of Conduct, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning these Rules and Orders.
- (b) The Rules Committee will consist of the Speaker, the mayor and one representative of each political party represented on the council, such representative to be nominated from time to time by each political party.

**45. Own rules**

- (a) These Rules and Orders are applicable to all Committees of the Council.
- (b) No Committee of Council may determine its own rules.

**46. The chairperson**

- (1) The chairperson of a committee must—
  - (a) preside at every meeting of the committee at which he or she is present; and
  - (b) be entitled to vote in the first instance and in the case of an equality of votes in addition to his/her deliberative vote, will give a second or casting vote.
- (2) In his/her absence, the acting or deputy chairperson will have the same powers and rights of voting as those possessed by the chairperson.

**CHAPTER 13  
PECUNIARY INTEREST****47. Declaration of pecuniary interest**

- (a) A Councillor must disclose to the municipal council, or to any committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the council or committee.
- (b) The Councillor making a declaration must withdraw from the proceedings of the council or committee unless the council or committee decides that the Councillor's direct or indirect interest in that matter is trivial or irrelevant.
- (c) A Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the council at which it is possible for the Councillor to make disclosure.
- (d) The disclosure of interests in terms of section 46(a) and benefit in terms of section 46(c) does not apply to an interest or benefit which a Councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.



- (e) When elected or appointed, a Councillor must within 60(sixty) days declare in writing to the municipal manager the financial interests referred to in Item 7 of Schedule 1 of the Systems Act.

## **CHAPTER 14 BREACH AND SANCTIONS**

### **48. Breach**

Any Councillor who fails or refuses to obey these Rules and Orders or any resolution of Council may be guilty of a breach of the Code of Conduct.

### **49. Sanction**

Where it is alleged that a Councillor has breached these Rules and Orders, the council must, in terms of Item 14 of the Code of Conduct, investigate the alleged breach and may impose a sanction in keeping with the Uniform Standing procedure.

## **CHAPTER 15 GENERAL PROVISIONS**

### **50. Suspension of a rule or order**

(1) In instances of urgency or where a council considers that adherence to a section would be unreasonable and would prejudice the operation of a meeting of the council, then the council may with the approval of the majority of the number of Councillors of the municipality and for the duration of that meeting, temporarily relax the provisions of a section, provided that:

- (a) such relaxation must not be in contravention of any national or provincial legislation or any by-law of the municipality;
- (b) no section may be relaxed when the removal of any political office bearer is before the council.
- (c) the suspension or relaxation of the section relates to an item on the agenda for the meeting of the council or committee of the council; and
- (d) section 23 must not be suspended; and
- (e) the reasons for the suspension of the section are recorded in the minutes of the meeting.

### **51. Adoption as by-law**

These Rules and Orders must be adopted as a by-law of Mtubatuba Municipality.

### **52. Repeal of existing Rules and Orders**

The council's existing Rules and Orders are hereby repealed.

### **53. Short title and commencement**

These Rules and Orders are called the **Mtubatuba Municipal Standing Rules and Orders, 2018**.

## **SCHEDULE OF FINES**

54. This Schedule shall serve as a guideline to Council on the determination of sanctions in terms of the Code. The sanctions included in this Schedule shall be read in conjunction with relevant by-laws and adopted policies.

ITEM OF THE CODE	OBLIGATION	PENALTY
Item 2	<p>A Councillor must-</p> <ol style="list-style-type: none"> <li>perform the functions of office in good faith, honestly and a transparent manner; and</li> <li>at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.</li> </ol>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ol style="list-style-type: none"> <li>fine the Councillor a minimum of 1-month salary, which must be deducted from that Councillor's allowance;</li> <li>issue a formal warning;</li> <li>reprimand the Councillor;</li> <li>request the MEC to suspend the Councillor for a certain period; or</li> <li>request the MEC to remove the Councillor from office.</li> </ol>
Item 2A	<p>A Councillor may not vote in favour of or agree to a resolution which is before the council or a committee of the council which conflicts with any legislation applicable to local government.</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ol style="list-style-type: none"> <li>fine the Councillor a minimum of 2 months' salary, which must be deducted from that Councillor's allowance;</li> <li>issue a formal warning;</li> <li>reprimand the Councillor;</li> <li>request the MEC to suspend the Councillor for a certain period; or</li> <li>request the MEC to remove the Councillor from office.</li> </ol> <p>Where the consequences of the unlawful votes have detrimental financial implications, Council or other authorities may also institute civil recovery proceedings.</p>
Item 3	<p>A Councillor must attend each meeting of the municipal council and of a committee of which that Councillor is a member, except when leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or that Councillors is required in terms of the Code to withdraw from the meeting.</p>	<p>A Councillor who is absent at a meeting of the council or committee of council without obtaining leave of absence is liable for a fine of 2 weeks' salary per meeting, which must be deducted from that Councillor's allowance.</p> <p>This must also apply where leave of absence is declined and the Councillor nonetheless remains absent at such a meeting.</p> <p>A Councillor who fails to remain in attendance at a Council or committee meeting for a period exceeding an hour without having obtained the consent of the Council or the committee is liable for a fine of 2 weeks' salary per meeting, which must be deducted from that Councillor's allowance</p> <p>A Councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that Councillor is required to attend in terms of item 3, must be removed from office as a Councillor.</p> <p>The process outlined in Chapter 3 must be followed when removing a Councillor in terms of this Item.</p>
Item 5	<p>A Councillor must-</p> <ol style="list-style-type: none"> <li>disclose to the municipal council, or to any committee of which that Councillor is a member, any direct or indirect personal or</li> </ol>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p>

	<p>private business interest that that Councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and</p> <p>b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the Councillor's direct or indirect interest in the matter is trivial or irrelevant.</p> <p>c) A Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the municipal council at which it is possible for the Councillor to make the disclosure.</p>	<p>(a) fine the Councillor 1 month's salary which must be deducted from that Councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p>
Item 6	<p>1) A Councillor may not use the position or privileges of a Councillor, or confidential information obtained as a Councillor, for private gain or to improperly benefit another person.</p> <p>2) No Councillor may -</p> <p>(a) be a party to or beneficiary under a contract for-</p> <p>(i) the provision of goods or services to the municipality; or</p> <p>(ii) the performance of any work otherwise than as a Councillor for the municipality;</p> <p>(iii) obtain a financial interest in any business of the municipality; or</p> <p>(iv) for a fee or other consideration appear on behalf of any other person before the council or a committee.</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may</p> <p>(a) fine the Councillor 1-month salary which must be deducted from that Councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p> <p>Council may also consider instituting criminal proceedings.</p>
	<p>When elected or appointed, a Councillor must within 60 days declare in writing to the <u>municipal manager</u> the following financial interests held by that councillor:</p> <p>a) shares and securities in any company;</p> <p>b) membership of any close corporation;</p> <p>c) interest in any trust;</p> <p>d) directorships;</p> <p>e) partnerships;</p> <p>f) other financial interest in any business undertaking;</p> <p>g) interest in property; and</p> <p>h) subsidies, grants and sponsorships by any organisation.</p> <p>Any change in the nature or detail of the financial interests of a Councillor must be declared in writing to the municipal manager annually.</p> <p>Gifts received by a Councillor above a prescribed amount must also be declared in accordance with subitem (1).</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor 3 weeks' salary which must be deducted from that Councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p> <p>Council may also consider instituting criminal proceedings.</p>
Item 8	<p>A Councillor who is a full-time Councillor may not undertake any other paid work, except with the consent of <u>municipal council</u> which consent must not unreasonably be withheld.</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor a minimum of 2 weeks' salary which must be deducted from that Councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p>

Item 9	<p>A <u>Councillor</u> may not request, solicit or accept any reward, gift or favour for-</p> <ol style="list-style-type: none"> <li>voting or not voting in a particular manner on any matter before the <u>municipal council</u> or before a committee of which that Councillor is a member;</li> <li>persuading the council or any committee in regard to the exercise of any power, function or duty;</li> <li>making a representation to the council or any committee of the council; or</li> <li>disclosing privileged or confidential information</li> </ol>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ol style="list-style-type: none"> <li>fine the Councillor a minimum of 4 months' salary which must be deducted from that Councillor's allowance;</li> <li>issue a formal warning;</li> <li>reprimand the Councillor;</li> <li>request the MEC to suspend the Councillor for a certain period; or</li> <li>request the MEC to remove the Councillor from office.</li> </ol>
Item 10	<p>A Councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person.</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ol style="list-style-type: none"> <li>fine the Councillor a minimum of 4 months' salary which must be deducted from that Councillor's allowance;</li> <li>issue a formal warning;</li> <li>reprimand the Councillor;</li> <li>request the MEC to suspend the Councillor for a certain period; or</li> <li>request the MEC to remove the Councillor from office.</li> </ol>
Item 11	<p>A <u>Councillor</u> may not, except as provided <u>by law</u>-</p> <ol style="list-style-type: none"> <li>interfere in the management or administration of any department of the municipal council unless mandated by council;</li> <li>give or purport to give any instruction to any employee of the council except when authorised to do so;</li> <li>obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or</li> <li>encourage or participate in any conduct which would cause or contribute to maladministration in the council.</li> </ol>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ol style="list-style-type: none"> <li>fine the Councillor a minimum of 3 months' salary which must be deducted from that Councillor's allowance;</li> <li>issue a formal warning;</li> <li>reprimand the Councillor;</li> <li>request the MEC to suspend the Councillor for a certain period; or</li> <li>request the MEC to remove the Councillor from office.</li> </ol>
Item 12	<p>A <u>Councillor</u> may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the <u>municipality</u> to which that Councillor has no right.</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ol style="list-style-type: none"> <li>fine the Councillor a minimum of 4 months' salary which must be deducted from that Councillor's allowance;</li> <li>issue a formal warning;</li> <li>reprimand the Councillor;</li> <li>request the MEC to suspend the Councillor for a certain period; and</li> <li>request the MEC to remove the Councillor from office.</li> </ol> <p>Council may also consider instituting criminal proceedings.</p>
	<p>Assaulting any person on municipal premises or on municipal business.</p>	<p>The Council may-</p> <ol style="list-style-type: none"> <li>fine the Councillor a minimum of 4 months' salary;</li> <li>request the MEC to suspend the Councillor for a certain period; and</li> <li>request the MEC to remove the Councillor from office.</li> </ol>

		Council may also consider instituting criminal proceedings.
	Stealing any property from municipal premises.	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 4 months' salary;</li> <li>(b) request the MEC to suspend the Councillor for a certain period; and</li> <li>(c) request the MEC to remove the Councillor from office.</li> </ul> <p>Council may also consider instituting criminal proceedings.</p>
	Malicious injury to municipal property.	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 4 months' salary;</li> <li>(b) request the MEC to suspend the Councillor for a certain period; and</li> <li>(c) request the MEC to remove the Councillor from office.</li> </ul> <p>Council may also consider instituting criminal proceedings.</p>
	Being under the influence of alcohol or intoxicating drugs or partaking of alcohol or intoxicating drugs in any meeting of the Council or Committee of the Council.	<p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 1 months' salary;</li> <li>(b) issue a formal warning;</li> <li>(c) reprimand the Councillor;</li> <li>(d) request the MEC to suspend the Councillor for a certain period; and</li> <li>(e) request the MEC to remove the Councillor from office.</li> </ul> <p>Council may also consider instituting criminal proceedings.</p>
	Failing to remain silent when the Speaker or Chairperson speaks or rises during a meeting.	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> <li>a. fine the Councillor a minimum of 2 weeks' salary;</li> <li>b. issue a formal warning;</li> <li>c. reprimand the Councillor;</li> <li>d. request the MEC to suspend the Councillor for a certain period; and</li> <li>e. request the MEC to remove the Councillor from office.</li> </ul>
	Failing to obey any ruling, order or directive of the Speaker or Chairperson at any meeting of the Council or any Committee	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 2 weeks' salary;</li> <li>(b) issue a formal warning;</li> <li>(c) reprimand the Councillor;</li> <li>(d) request the MEC to suspend the Councillor for a certain period; and</li> <li>(e) request the MEC to remove the Councillor from office.</li> </ul>
	Failing to leave the Chamber or Committee room when ordered to do so by the Speaker or Chairperson.	<p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 2 weeks' salary;</li> <li>(b) issue a formal warning;</li> <li>(c) reprimand the Councillor;</li> <li>(d) request the MEC to suspend the Councillor for a certain period.</li> </ul>

# **MTUBATUBA LOCAL MUNICIPALITY**



## **TRAFFIC AND CRIME PREVENTION BY-LAWS**

**2018**

**INDEX**

<b>Section</b>	<b>Page no.</b>
<b>PART 1: GENERAL</b>	<b>5</b>
1. Title	5
2. Definitions	5-7
3. Interpretations	7
<b>PART 2: TRAFFIC CONTROL</b>	<b>7</b>
4. Erection of Permanent Signs	7-8
5. Temporary Street Closures	8
6. Obedience to Signs	8
7. Crossing New Pavement or a Fire Hose	8
8. Unauthorised Signs Prohibited	8
9. Distracting Devices	8
10. Interference with Signs	8
<b>PART 3: STOPPING, STANDING AND PARKING</b>	<b>8</b>
11. Method of Parking	8-9
12. Parking Limit Signs	9
13. No Parking Location	9
14. Parking Limits	9
15. Use of Space in Front of Fire Hydrant	9
16. 9Double Parking	10
17. Disabled Persons Vehicle Parking	10
18. Loading Zones	10
19. Unlicensed Vehicle Parking Vehicle Parking on the Street	10
20. Private Property	10
21. Maximum Dimensions of Parked Vehicle	10
22. Engine Running	10
23. Vehicle Repairs on the Street	10-11
24. Washing Vehicle	11
25. Parking in Fire Lane or in a Disabled Persons Parking Stall	11
<b>PART 4: DRIVING AND OPERATION OF VEHICLES</b>	<b>11</b>
26. Splashing of Pedestrians	11
27. U-Turns	11
28. Entering Traffic	11
29. Entering Intersection	11
30. Skipping a Stop Sign or a Red Light	11
31. Lights	11-12
32. Failing to Yield to a Pedestrian	12
33. Overtaking Across a Barrier Line	12
34. Wearing a Seat Belt	12
35. Driving too Close to the Car Ahead / Tailgating	12
36. Unsafe Lane Changes	12
37. Following the Instructions of all Signs, Traffic, Peace Officers and Traffic Wardens	12
38. Consideration for other Road Users	13
39. Licence Plates	13
40. Towing Vehicle	13
41. Vehicle Not to be Driven, Parked or Used on Public Property	13
42. Driver of Motor Vehicle to be Licensed	13-14
43. Motor Vehicle to be Licenced	14
44. Driver to have Operating Licence or Permit	14
45. Operating Licence or Driving Licence to be Produced on demand	14
46. Maximum Speed	14
47. Care in Opening Vehicle Doors	14
48. Damage to Street	14
49. Vehicle or Machine Without Tyres	15
<b>PART 5: OPERATION OF MOTORCYCLES &amp; DEVICES MOVED BY HUMAN POWER OR FORCE OF GRAVITY</b>	<b>15</b>
50. Operation of Bicycle	15

<b>PART 6: PEDESTRIANS AND RIGHTS DUTIES</b>	15
51. Inconveniencing Pedestrians	15
52. Hitchhiking	15
53. Pedestrian Right of Way	15
<b>PART 7: STREET AND SIDEWALK OBSTRUCTION</b>	15
54. Obstructing Sidewalk or Street	15
55. Diversion of Traffic for Parade	16
<b>PART 8: MOTOR VEHICLE ATTENDANTS &amp; COMMUNICATION DEVICES</b>	16
56. Motor Vehicle Attendants	16
57. Communication Devices	16-17
<b>PART 9: PLYING FOR HIRE AND RANKING REQUIREMENTS</b>	17
58. Parking and Plying for Hire	17
59. Rank Permit	17-18
60. Place of Validity of Rank Permit	18
61. Rank Permit to be Produced on Demand	18
62. Suspension or Withdrawal of Rank Permit	18-19
<b>PART 10: TAXIS AND TAXI DRIVERS</b>	19
63. General Provisions Relating to Taxis and Taxi Drivers	19
64. Presumptions	19
<b>PART 11: PUBLIC BUSES</b>	20
65. Establishment of Bus Rank	20
66. Bus Rank allocated according to destination of buses	20-21
67. Parking or standing time at loading bays	21
68. Parking of Buses prohibited in certain areas	21
69. Unauthorised use of ranks prohibited	21
70. Application for permits	21
71. Issue of permits	21-22
72. Power to refuse application for or to cancel permits	22
73. Permit to be in prescribed form	22
74. Permit and Owners details to be displayed	22
75. Expiry and renewal of Permit	22
76. Power to authorise substitution of vehicle	22
77. Preservation of Councils Rights	22-23
78. Drivers to Observe instruction and By-Laws	23
79. Queues	23
80. Bus Routes and Stopping Places	23-24
81. Right of Appeal to Council	24
<b>PART 12 HEAVY VEHICLES &amp; VEHICLES TRANSPORTING DANGEROUS GOODS</b>	24
82. Heavy Vehicle Routes	24-25
83. Dangerous Goods Transportation Routes	25
84. Signage Indicating Heavy Vehicle or Dangerous Goods Routes or Detours	25
85. Parking for Heavy Vehicles	25
86. Parking for Transporting Dangerous Goods	26
87. Permit for Excess Weight	26
88. Exemptions	26
<b>PART 13: RESTRICTED VEHICLES AND SLOW VEHICLES</b>	26
89. Restricted Vehicle	26
90. Restricted Vehicle Dimensions	26-27
91. Permit for Excess Dimensions	27
92. Farm Equipment Exemptions	27
93. Slow vehicles other than Farm Equipment	27
<b>PART 14: BUILDING, MOVING AND TEMPORARY STREET USE PERMIT</b>	28
94. Permit to Move Building	28



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95. Temporary Street Use Permit	28
<b>PART 15: DIRT, DEBRIS &amp; PUBLIC NUISANCE</b>	28
96. Dirt and Debris	28-29
97. Prohibited Behaviour	29
98. Noise Nuisance	29
<b>PART 16: PROCEDURES, VOLUNTARY PAYMENT AND PENALTIES</b>	29
99. Penalties	29
100. Contravention of By-Law	29-30
101. Chalking Tyres	30
102. Impoundment of Vehicles and Bicycles	30
103. Impoundment of Obstructions, Encumbrances or Encroachments	30
104. Voluntary Payment (By-Law Violation)	30-31
105. Voluntary Payment (Section 56 Summons-Criminal Procedure Act)	31
106. Additional Penalties	31
107. Prosecution for Damages	31
108. Application of this By-Law	31
<b>PART 17: REPEAL OF FORMER BY-LAW</b>	31
109. By-Laws Repealed	31
110. Short Title and Commencement	31

The Council of Mtubatuba Municipality has in terms of Section 156 of the Constitution, (Act No. 108 of 1996) read in conjunction with section 11 of the Local Government: Municipal Systems Act 2000 (Act No. 32) 2000) adopted the following By-Law.

## 1. TITLE

This By-Law is called as the “Traffic and Crime Prevention By-Law.”

## 2. DEFINITIONS

In this By-Law and in any resolution of the Council passed pursuant thereof, unless the context otherwise requires, the term or expression:

- 2.0 **“Animal”** means a domestic animal including a horse, cow, steer, bull, sheep, pig or any domestic beast of burden;
- 2.1 **“Act”** means the National Road Traffic Act 29/1996
- 2.2 **“Bicycle”** means a vehicle for carriage of persons, that is propelled by human power that has two (2) pendulum wheels and includes any device adapted from a bicycle by the additional of one (1) or more wheels;
- 2.3 **“Beg”** means any request made by a person for an immediate donation of money or some other thing of value or otherwise. definition does not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing any solicitation to any specific person other than in response to any enquiry;
- 2.4 **“Block”** means the portion of a street which lies between two (2) other streets neither of which is a lane and which both intersect the first named street;
- 2.5 **“Verge”** means the strip of land between the curb and sidewalk and between the sidewalk and the property line or, where there is no sidewalk, the strip of land between the curb and the property line;
- 2.6 **“Bus”** means any vehicle designed or adapted and used to carry more than sixteen (16) passengers operated by a public transport company or by any private company, company or organization.
- 2.7 **“Bus stop”** means that portion of a street designated by sign or marking for the purpose of loading and unloading bus passengers;
- 2.8 **“Municipality”** means Mtubatuba Local Municipality and includes any area within the jurisdiction of the Municipality;
- 2.9 **“Municipal Engineer”** means the Engineer of the Mtubatuba Local Municipality, the Manager of Public Works or Service Provider or any person acting or authorized to act on his behalf;
- 2.10 **“Curb”** means the dividing line of the street between that part of the street intended for use of vehicles and that intended for use by pedestrians whether marked with a curbstone or not;
- 2.11 **“Dangerous Goods”** shall have the same meaning as defined under the Transportation of Dangerous Goods Act, or any other Act enacted in its stead;
- 2.12 **“Disability”** means any person who has a physical impairment that substantially limits ones or more major life activities, has a record of such impairment; or is regarded as having such an impairment confirmed in writing by a registered medical practitioner.
- 2.13 **“Disabled Person’s Parking Area”** means all portion of any street, public place or shopping center parking lot that has been designated by a sign or other marking for the exclusive parking of disabled persons’ vehicles;
- 2.14 **“Disabled Person’s Vehicle”** means any vehicle which displays a special license plate or Disc depicting thereon the international symbol of the disabled issued by the “Association for the physically challenged” or other competent authority having the authority to issue such permit;
- 2.15 **“Double-park”** means the standing of a vehicle, whether occupied or not,
  - a) parallel to a vehicle parked beside the curb in a designated parking area, or
  - b) parking to the rear of any vehicle that is angle-parked at the curb in a designated angle-parking area for any reason other than delay due to traffic signs or traffic control signals;
- 2.16 **“Driver or Operator”** means any person who drives, operates, is in charge of or is in actual physical control of a vehicle including a driver, leader or rider of an animal;
- 2.17 **“Emergency Vehicle”** means any vehicle of the Fire Department, the Traffic Police, any licensed ambulance, any military vehicle or any vehicle designated as an emergency vehicle by a competent authority, government department or the Municipality;
- 2.18 **“Fire Lane”** means that area designated by a sign or a marking as a fire lane;
- 2.19 **“Heavy Vehicle” means:**
  - a) A vehicle with a gross weight registration exceeding ten thousand (10,000) kilograms, or
  - b) A vehicle, including any combination of motor vehicle, trailer, machinery, equipment and load, with a total weight exceeding ten thousand (10,000) kilograms
- 2.20 **“Holiday”** means any Day determined to be a public holiday, or by proclamation by the South African Government as a public holiday, and when any Holiday falls on a Sunday, the expression “holiday” includes the following day;
- 2.21 **“Intersection”** means that portion of the roadway where two (2) or more streets intersect;
- 2.22 **“Lane”** means that kind or type of a street intended primarily to give access to the rear of real property and intended primarily for the use of vehicles;
- 2.23 **“Lane Intersection”** means that area bounded by property lines, real or projected, of a lane where it meets with the street;
- 2.24 **“Loading Zone”** means that portion of a street adjacent to the curb designated by a sign or a marking for the exclusive use of vehicles loading or unloading of goods;

- 2.25 **"Marking"** means any pavement marking installed on the street for the guidance, regulation, warning, direction or prohibition of traffic;
- 2.26 **"Minibus"** means a vehicle designed or adapted solely or principally for the conveyance of more than nine (9), but not more than 16 persons, including the driver.
- 2.27 **"Motor Vehicle Attendant"** means a person who, at the request or with the consent of the person in charge of a motor vehicle, undertakes for reward to supervise or take care of such motor vehicle while it is parked in a public street;
- 2.28 **"Obstruction"** in relation to a road, means any motor vehicle or any other thing which blocks or is likely to block traffic flow;
- 2.29 **"Overnight"** means the period from 19h00 in the evening to 06h00 in the morning;
- 2.30 **"Parade" means:**
- any procession, group or body of pedestrians standing, marching or walking on any street or sidewalk and numbering twenty (20) or more except members of the armed forces; or
  - any group of vehicles numbering ten (10) or more and standing, moving or proceeding on any street except vehicles belonging to and under control of a members of the armed forces or funeral processions
- 2.31 **"Parking"** means the standing of a vehicle, whether occupied or not, on a street, otherwise than temporarily for the purpose and while actually engaged in loading or unloading or in abeyance to traffic regulations, signs or signals;
- 2.32 **"Parking Stall"** means a portion of a street or an area indicated by a sign, marking, meter or a physical barrier as a parking space for one (1) vehicle only;
- 2.33 **"Pedestrian"** means any person on foot or confined to a wheelchair and shall include a baby carriage;
- 2.34 **"Pedestrian Crosswalk" means:**
- that portion of a street designated by a sign or a marking for the use of pedestrians to cross a street;
  - a crosswalk that has been designated as a pedestrian crosswalk that has an overhead pedestrian crossing sign equipped with a red or yellow flashing signal;
  - where there is no sign, marking or flashing signal, that portion of a street within the prolongation of the lateral boundary lines of the adjacent or intersecting sidewalks at the end of a block; or
  - where there is no sign, marking, sidewalk, or flashing signal, that portion of the street measured five (5) metres back from the intersection and parallel across the roadway;
- 2.35 **"Person"** means any corporation, firm, partnership, association, registered company, unincorporated group of persons, natural person or other aggregation of the same;
- 2.36 **"Police Officer"** means a member of the Traffic Department of the municipality of or provincial or a member of the South African Police Service or Traffic Warden or Peace Officer or Service Provider staff appointed by the Municipality;
- 2.37 **"Private Driveway"** means every road intended for private use and not open to the public for the purpose of vehicular traffic;
- 2.38 **"Public Place" means**
- a public road;
  - any parking area, square, park, recreation ground, sports ground, open space, shopping centre, unused or vacant municipal land or cemetery which has—
    - in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
    - at any time been dedicated to the public;
  - a public transportation motor vehicle,
  - but will not include public land that has been leased or otherwise alienated by the municipality;
- 2.39 **"Public Road"** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) 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 includes-
- the verge of any such road, street or thoroughfare;
  - any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
  - any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;
- 2.40 **"Public Transport Vehicle"** means a motor vehicle conveying persons for reward and operating in terms of an operating license issued in accordance with the provisions of the NLTTA.
- 2.41 **"Road Construction Equipment"** means self-propelled or towed equipment used directly in road construction, but does not include a truck, trailer, semi-trailer unit or road construction equipment transported on a truck, trailer or semi-trailer unit;
- 2.42 **"Sidewalk"** means the actual sidewalk where constructed on or adjacent to a part of a street or that portion of a street intended primarily for use by pedestrians, or any structure in a park or other public place designed and intended for use by pedestrians;
- 2.43 **"Sidewalk Crossing"** means that part of a sidewalk permanently improved or designated for the passage of vehicular traffic whether intended for private or public use;

- 2.44 **“Sign”** means any sign, signal, marking or other device installed for the guidance, regulation, warning, direction or prohibition of traffic, parking, standing or stopping;
- 2.45 **“Slow-Moving Vehicle”** means any slow-moving vehicle or equipment, any animal-drawn vehicle or any other machinery designed for use at a speed of less than forty (40) kilometers per hour or that normally travels or is used at a speed of less than forty (40) kilometers per hour;
- 2.46 **“Stop”** means:
- a) when required, a complete cessation from movement (2 images taken at different times showing no movement); or
  - b) when prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control signal;
- 2.47 **“Street”** means a road, lane or other place designated and intended for or used by the general public for the passage of vehicles and pedestrians but does not include:
- a) a parking lot, whether privately or publicly owned; or
  - b) a provincial highway as designated pursuant to the provisions of The Road Traffic Act, 1996, or such Act as may be enacted in its stead from time to time;
- 2.48 **“Street Entertainer”** means a person who mimes, plays a musical instrument for entertainment or engages in other performing or visual arts;
- 2.49 **“Taxi”** means a motor vehicle licensed by the Municipality to provide passenger service to the public;
- 2.50 **“Traffic”** means the movement of pedestrians, vehicles or animals on any street;
- 2.51 **“Traffic Control System”** means an illuminated device whether manually, electrically or mechanically operated for the purpose of directing, warning or regulating traffic;
- 2.52 **“Vehicle”** means a “motor vehicle” as defined in The Road Traffic Act or any Act as may be passed in its stead from time to time and includes a device in, upon or by which a person or thing is or may be transported or drawn upon a street and includes special mobile machines and agricultural implements, and, for the purpose of parking and stopping restrictions, includes any portion of a vehicle but does not include a wheelchair.

### 3. INTERPRETATION

- 3.1 Wherever in this By-Law the expression “Vehicle”, “Vehicular” and “Vehicular Traffic” is used, it means and shall be held to include, for the purpose of prosecution under this By-Law, the driver or operator.
- 3.2 Any other words shall, insofar as they are not consistent with this By-Law, have the same meaning as in The Road Traffic Act, 1996, and amendments thereto.
- 3.3 Unless the context otherwise requires, words importing the singular number shall include the plural and vice versa; words importing the masculine gender shall include the feminine and neutral genders.

## PART 2

### TRAFFIC CONTROL

#### 4. ERECTION OF PERMANENT SIGNS

- 4.1 The Municipality Engineer is hereby authorized to erect and maintain signs for the purpose of controlling, warning, stopping, yielding, guiding, informing and directing traffic in conformity with the provisions of this By-Law.
- 4.2 The Municipality Engineer shall keep a register of the location of all permanent traffic control systems, signs, devices and zones where parking, stopping and speed limits are restricted by permanent signs and the register shall be open for inspection at the office of the Municipality Engineer during normal business hours.

#### 5. TEMPORARY STREET CLOSURES

- 5.1 Notwithstanding any other provision in this By-Law, the Municipality Engineer shall have the authority to temporarily close to vehicular traffic or restrict traffic, parking or stopping on any street for the purpose of:
- a) enabling work to be carried out by or on behalf of the municipality, including road maintenance, street cleaning snow removal or sewer or water line construction, repair or improvements;
  - b) facilitating the moving of any building, structure, machine or other object for which a permit has been issued pursuant to section 63 of this By-Law;
  - c) facilitating the construction, repair or demolition of a building, structure or other object for which a permit has been issued pursuant to section 64 of this By-Law;
  - d) facilitating public gatherings.
- 5.2 Notwithstanding any other provision of this By-Law, a Police Officer or a person authorized by the municipality to enforce this By-Law shall have the authority to temporarily close to vehicular traffic or restrict traffic, parking or stopping on any street to avoid traffic congestion, danger, accident, traffic signal malfunction or other emergency.

- 5.3 Where a street has been closed pursuant to subsection 5.1, the Municipality Engineer shall install such temporary stop, yield, parking or detour signs as may be required.
- 5.4 For the purpose of street repair and maintenance, the Municipality Engineer may move, for such distance as is necessary, any vehicle that is parking on any street or portion thereof which is roped off, barricaded or indicated by notice or sign as being closed.
- 5.5 No person shall drive, park or stop a vehicle or walk on any street or portion thereof that is roped off, barricaded or indicated by sign or notice as being closed.
- 5.6 Notwithstanding any other provisions of this By-Law, a Police Officer is hereby authorized to direct traffic in any manner he deems necessary to expedite traffic, safeguard pedestrians, prevent accidents or meet any unforeseen conditions, whether or not in conformity with this By-Law or The Road Traffic Act, in event of a fire, accident, traffic control system device malfunction or other emergency.
- 5.7 Notwithstanding any other provision of this By-Law, in the case of fire or other emergency and no Police Officer or Municipality Engineer is present, an officer of the Fire Department is authorized to direct traffic in such a manner as he deems necessary whether or not his directions are in conformity with the provisions of this By-Law or The Road Traffic Act.

## **6. OBEDIENCE TO SIGNS**

Unless otherwise directed by a Police Officer, pedestrians or drivers of vehicles shall comply with all permanent and temporary signs, traffic control systems and any marking, barrier or device that has been placed or is maintained by the authority of the council, the Municipality Engineer or by the Traffic Police.

## **7. CROSSING NEW PAVEMENT MARKING OR A FIRE HOSE**

- 7.1 Where a newly painted line on any street is indicated by sign, flag or other warning device, no person shall drive any vehicle or walk on or otherwise cross over such line.
- 7.2 No person operating a vehicle shall drive the vehicle across or stand a vehicle up on any fire equipment, including water hose, that is in use, intended to be used or was used by members of the Fire Department.

## **8. UNAUTHORIZED SIGNS PROHIBITED**

- 8.1 No person shall erect, maintain or install a sign, signal, marking or light on a street, sidewalk or verge except as authorized by Council or the municipality Engineer. The Municipality Engineer is hereby empowered to remove any prohibited sign, signal, marking or light without notice.
- 8.2 No person other than Council or the Municipality Engineer shall authorize the placing of any sign or notice regulating or prohibiting the parking of vehicles or buses or the movement of traffic on any street.

## **9. DISTRACTING DEVICES/ SIGNS/ DIRECTIONAL SIGNS OR NOTICE BOARDS**

- 9.1 No person shall install or keep installed any device which, in the opinion of the Traffic Police, municipality Engineer or the municipality council, is of such a nature or so positioned that it will distract the attention of a driver or operator of a vehicle and in so doing create a traffic hazard.
- 9.2 No person or owner of property or business or such like shall erect either temporarily or permanently any Sign or Notice Board which in the opinion of the Traffic Police, Municipality Engineer or the municipality, is of such a nature or so positioned that it will distract the attention of a driver or operator of a vehicle and in so doing create a traffic hazard or obstruction to drivers or vehicles.
- 9.3 No person or owner of property or business or such like shall erect either temporarily or permanently any Directional Sign subject to section 4, which in the opinion of the Traffic Police, Municipality Engineer or the municipality, is of such a nature or so positioned that it will distract the attention of a driver or operator of a vehicle and in so doing create a traffic hazard or obstruction to drivers or vehicles.

## **10. INTERFERENCE WITH SIGNS**

No person shall deface, damage, knock down, remove, obscure or interfere with any traffic sign, warning or direction sign, marker, traffic control signal or traffic light erected or maintained by the municipality.

## **PART 3**

### **STOPPING, STANDING AND PARKING**

#### **11. METHOD OF PARKING**

- 11.1 Subject to subsections 11.3, 11.4 and 11.5, the driver or operator of a vehicle shall not stop or park the vehicle on any street other than;
  - a) parallel with a curb, and with the left hand wheels of the vehicle within four hundred and fifty (450) millimeters of the edge of the curb;
  - b) facing the vehicle in the same direction as the ongoing traffic.
- 11.2 Notwithstanding subsection 11.1 where the vehicle is a motorcycle, the driver or operator shall park the vehicle with the rear or front wheel within four hundred and fifty (450) millimeters of the curb.

- 11.3 In designated angle-parking areas other than right-angle parking areas on a street, the driver or operator shall park the vehicle on any street at an angle with the right curb of between forty (40) and sixty (60) degrees.
- 11.4 Where the parking spaces are designated at right-angles to the curb, the driver or operator of the vehicle shall park the vehicle in the parking space at an angle with a curb of ninety (90) degrees.
- 11.5 On a one-way street, the driver or operator of the vehicle may park with the right side of the vehicle towards the curb on the right-hand side of the street providing the right-hand wheels of the vehicle are within four hundred and fifty (450) millimeters of the edge of the curb.
- 11.6 If the vehicle is left unattended while parked on a street having a perceptible grade, the motor shall be stopped, the brake set thereon and the front wheels of such vehicle shall be turned toward the nearest curb of such street or parking area in such manner as to prevent the vehicle from rolling forward or backward as the case may be.
- 11.7 No person shall park a vehicle on any public property other than a street including any ditch, park, playground or school ground except as authorized by the municipality Engineer or other public authority having jurisdiction.
- 11.8 Subsection 11.7 shall not apply to maintenance vehicles of the municipality in the case of public property or the Boards of Education in the case of school grounds. Any Traffic Officer or Police Officer or peace officer or other person authorized by the Municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **12. PARKING LIMIT SIGNS**

- 12.1 Except as otherwise provided for under this Part or any other Act or in the absence of any appropriate signs;
  - a) no person shall park a vehicle on a street for a longer time than allowed by signs thereat,
  - b) no person shall park a vehicle on any street, verge or open space to advertise the sale of vehicles,
  - c) no person may park a vehicle on any street, verge or open space in such a manner so as to advertise or promote any business or sales provided that;
    - i. such promotion or advertising is authorized by the Council or person authorized to approve same and,
    - ii. the manner in which the promotion or advertising is done does not cause any obstruction or distraction to business or traffic flow.

## **13. NO PARKING LOCATION**

- 13.1 The driver or operator of a vehicle shall not park the vehicle
  - a) on a street or part of a street designated as a no parking area by the appropriate signs;
  - b) in any lane to load or unload passengers or goods;
  - c) within ten (10) metres of a street intersection;
  - d) within three (3) metres of a lane intersection;
  - e) within two (2) metres of any sidewalk crossing;
  - f) within five (5) metres of any railway track;
  - g) within five (5) metres of a fire station driveway;
  - h) within six (6) metres of a crosswalk.
  - i) within fifteen (15) metres of a stop sign or traffic signal.

## **14. PARKING LIMITS**

Except as otherwise indicated by a sign or otherwise provided for in this By-Law, no person shall park a vehicle on any street for a continuous period exceeding forty-eight (48) hours.

## **15. USE OF SPACE IN FRONT OF FIRE HYDRANT**

- 15.1 The driver or operator of a vehicle shall not park within five (5) metres of any fire hydrant or, where the fire hydrant is not located at the curb, within five (5) metres of the point of the curb nearest the hydrant unless the operator remains at the wheel of the vehicle and is at all times ready to move the vehicle upon request by a Police Officer, municipality employee, or member of the Fire Department.
- 15.2 Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **16. DOUBLE-PARKING**

- 16.1 No person shall double-park a vehicle on any street.
- 16.2 Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **17. DISABLED PERSON'S VEHICLE PARKING**

- 17.1 A disabled person's vehicle may be parked in any space designated as a Disabled Parking provided such parking is in accordance with the assigned time limit for the space in which the Disabled Parking is situated.

- 17.2 No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a valid designated parking permit.
- 17.3 No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle that is conveying a disabled person to whom a valid permit has been issued.
- 17.4 Any person who contravenes subsection 17.2 and 17.3 commits an offence.

## **18. LOADING ZONES**

- 18.1 The street area adjacent to the curb designated by a sign or marking as a "loading zone" shall be used by a driver or operator of a vehicle in accordance with the time limits and directions set out on the sign.
- 18.2 A goods vehicle may park in an area designated as a "loading zone" for such period as necessary for the Loading or Off-Loading of goods to or from a place of business reasonably close to such "loading zone" provided that;
- a) the owner or operator of such goods vehicle parks for the period that is deemed reasonably necessary for the loading or off-loading of goods; and
  - b) includes a vehicle engaged in the loading or off-loading of goods within a reasonable period deemed necessary to complete such loading or off-loading.
- 18.3 The owner or operator of a vehicle, excluding a goods vehicle, shall at all times whilst loading or off-loading ensure that he or she is present at the vehicle for the duration of such Loading or off-loading. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **19. UNLICENSED VEHICLE PARKING ON THE STREET**

- 19.1 No person shall park a vehicle on a street unless it displays licence plates with a current and valid licence disc pertaining to such vehicle attached to the lower left hand corner of the windscreen or a registration permit as issued and displayed in the manner prescribed in the National Road Traffic Act or any Act passed in their stead.
- 19.2 Section 19.1 shall not apply to any vehicle as specified in terms of Regulation 20 of Act 93/1996. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **20. PRIVATE PROPERTY**

The driver or operator of a vehicle shall not park the vehicle on or in any private parking space or on any private property except with the express consent of the owner, occupant or permittee of the private parking space or the private property.

## **21. MAXIMUM DIMENSIONS OF PARKED VEHICLE**

1. No person shall park a vehicle or a vehicle connected to a trailer, implement or any other equipment on a street that has angle-parking or in any metered area where the vehicle exceeds:
  - a) a length of six (6) metres;
  - b) a height of four (4) metres; or
  - c) a width of two point five (2.5) metres.
2. No Person shall park a vehicle or a vehicle connected to trailer, implement, or any other equipment that has an overall length of more than six (6) metres on a street in any residential district for more than one (1) hour at any time.
3. This section does not apply to a construction trailer, implement or equipment owned by the municipality.
4. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **22. ENGINE RUNNING**

No person shall permit or allow any vehicle in his charge or control to stop in any public parking stall or street with the engine running unless;

- a) the vehicle is securely locked and the emergency brake is on provided that, and such parking or stopping is beyond the control of the driver or operator,
- b) the vehicle is occupied by or under the control of the driver, operator or another responsible person.

## **23. VEHICLE REPAIR ON THE STREET**

- 23.1 Except for making emergency repairs, no person shall stop or park any vehicle on any street, verge, public open space or parking stall for the purpose of servicing, maintaining, or repairing such vehicle.
- 23.2 No person shall leave any vehicle for more than three (3) hours on any street or parking stall when that vehicle has been placed on a jack or blocks.
- 23.3 For the purposes of this By-Law an Emergency Repair means to ensure that in the event of an incident to a vehicle beyond the control of the driver, basic measures are undertaken to either remove the vehicle or make the vehicle safe for removal to the nearest place of repair within a period of three (3) hours.

**24. WASHING VEHICLE**

- 24.1 No person shall wash any vehicle on any street or on or in any parking stall except in a residential area and then only in such a manner as not to constitute a nuisance.
- 24.2 No person shall wash any vehicle on any public open space or on or near any municipal owned property.

**25. PARKING IN FIRE LANE OR IN A DISABLED PERSON'S PARKING STALL**

- 25.1 No person shall park a vehicle anywhere within an area designated as a fire lane.
- 25.2 No person shall park a vehicle, other than a disabled person's vehicle, anywhere within a disabled person's parking stall provided that; (a) A sticker or token issued by the "Association for Disabled Persons" is attached to the windscreen in a clear and unobstructed manner. This section shall not apply to any person operating an emergency vehicle.
- 25.3 Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**PART 4****DRIVING AND OPERATION OF VEHICLES****26. SPLASHING PEDESTRIANS**

When water, mud or slush is lying on a street, the driver or operator of a vehicle shall drive on the street in a manner so as not to splash any pedestrian who is using the sidewalk or pedestrian crosswalk.

**27. U-TURNS**

1. No driver or operator of a vehicle shall turn the vehicle on a street so as to proceed in the opposite direction except at an unsignalized median opening or at an unsignalized intersection of streets, neither of which is a lane or a driveway, provided that such turn is not otherwise prohibited.
2. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**28. ENTERING TRAFFIC**

1. The driver or operator of a vehicle shall, before entering any street or lane from a private driveway, street, lane or from the curb, yield the right of way to traffic approaching from the sidewalk and street, and shall not proceed until it is safe to do so.
2. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**29. ENTERING AN INTERSECTION**

- i. Notwithstanding any traffic signal indication to proceed, the driver or operator of a vehicle shall not enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the driver's or operator's vehicle without obstructing the passage of traffic.
- ii. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**30. SKIPPING A STOP SIGN OR A RED LIGHT**

1. No person shall disregard a Stop Sign
2. No person shall disregard a Red light
3. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**31. LIGHTS**

1. No person shall be Driving without lights.
2. Fail to dip lights.
3. Use lamps with insufficient brilliance on motor vehicle.
4. No or too few headlamps fitted to motor vehicle.
5. No headlamp fitted to motor cycle.
6. No dipped beam.
7. Main beams not properly adjusted or maintained.
8. No dipping device to extinguish main beams.
9. Dipped beam incorrectly projected.
10. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.



**32. FAILING TO YIELD TO PEDESTRIAN**

- i. No person shall disregard a pedestrian wanting to cross the road. The driver shall come to stop and allow the pedestrian to cross safely before proceeding when safe to do so.
- ii. No person shall disregard the scholar stop or traffic warden request to stop.
- iii. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**33. OVERTAKING ACROSS BARRIER LINE**

1. No person shall pass another vehicle in a no passing zone
2. Disregard No Overtaking Line. (1 Line)
3. Disregard No Overtaking Line. (2 Lines)
4. Driving on, over, across or within dividing space - FREEWAY
5. Driving on, over, across or within dividing space.
6. Passing on shoulders or verge of road.
7. Passing a vehicle at an unsafe place. (Summit, Blind Rise or Curve).
8. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**34. WEARING A SEAT BELT**

1. No person shall drive a vehicle without the use of a seat belt
2. Use a vehicle of which the seatbelts were removed for repairs.
3. Seat belts not in good working order.
4. Adult in motor vehicle not wearing seat belt or which is not properly adjusted.
5. Occupied seat without seat belt whilst seat with belt was not occupied.
6. Driver failing to ensure that a passenger under 14 years is wearing a seat belt.
7. No seat belt available on front passenger seat, but child not seated on rear seat.
8. Seatbelts not complying with SABS 1080 requirements.
9. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**35. DRIVING TOO CLOSE TO THE CAR AHEAD / TAILGATING**

1. No person shall drive in manner that is too close to the car ahead which will not allow for safe stopping following too closely.
2. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**36. UNSAFE LANE CHANGES**

1. No person shall weave in and out of traffic in a dangerous manner, without looking out for other drivers, at the last minute.
2. Cutting in after passing.
3. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**37. FOLLOW THE INSTRUCTION OF ALL SIGNS, TRAFFIC OFFICERS, PEACE OFFICERS AND TRAFFIC WARDENS**

- i. No person shall fail to proceed on command of a SIGN, TRAFFIC OFFICER, PEACE OFFICER, TRAFFIC WARDENS or directed by a Traffic Sign to do as instructed.
- ii. No person shall fail to comply with instruction of a SIGN, TRAFFIC OFFICER, PEACE OFFICER, TRAFFIC WARDENS or directed by a Traffic Sign to do as instructed.
- iii. No person shall hinder or obstruct or interfere with a SIGN, TRAFFIC OFFICER, PEACE OFFICER and or TRAFFIC WARDENS
- iv. No person shall threaten / suggest use of violence injures / damage to property of a SIGN, TRAFFIC OFFICER, PEACE OFFICER and or TRAFFIC WARDENS
- v. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**38. CONSIDERATION FOR OTHER ROAD USERS**

1. No person shall drive without reasonable consideration for other road users.
2. No person shall drive in the right lane and hold up traffic.

3. Disregard Keep Left
4. Disregard Minimum Speed
5. Failing to keep left upon becoming aware that other traffic wishes to pass.
6. Fail to vacate right lane of freeway upon signal of other vehicle wanting to pass.
7. Encroaching on the right half of roadway thereby obstructing or endangering oncoming traffic when passing.
8. Passing a stationary bus without due care for persons leaving or approaching such bus.
9. Drive a vehicle on the shoulder of the road.
10. Obstructing or endangering other traffic when turning from one lane into or across another lane.
11. Failing to indicate when changing lanes.
12. Stopping within a tunnel or subway or on a bridge or within six metres of such tunnel, subway or bridge.
13. Stopping in contravention of a road traffic sign. (TOTAL).
14. Stopping so as to constitute a danger or an obstruction to other traffic.
15. Reversing a vehicle for an unnecessarily long distance or when not safe to do so.
16. Pulling away from a stationary position interfering with other traffic or when not safe to do so.
17. Permitting person/animal to occupy roof, step or running board of vehicle in motion.
18. Causing or allowing engine to run in such a manner that it emits smoke or fumes.
19. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

### 39. LICENCE PLATES

1. No person will use / display or manufacture a number plate which did not comply with the prescribed specifications.
2. No person will use / drive a vehicle without a number plate.
3. Fail to display number plate on motor vehicle. (Both)
4. Fail to display number plate on motor vehicle. (One Plate)
5. Registration plate not complying with SABS 1116 standards. (Height/Width of letters and figures).
6. Operating motor vehicle illegally displaying a Number Plate that is not applicable to such vehicle.
7. Operating motor vehicle with Number plate - Concealed, obscured or illegible. (Per number plate)
8. Operating motor vehicle with design, ornamentation, figure or letter on front of Number plate. (Per number plate)
9. Front and rear number plates not the same. (Licence Number, Colour, Loco, Letter Type).
10. No number plate on Motor Cycle, Motor Tricycle, Quadricycle or Trailer.
11. Any Traffic Officer or Police Officer or peace officer or other person authorised by the Municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

### 40. TOWING VEHICLE

- i. No person shall tow a vehicle on a street in an unsafe manner or with an unsafe tow rope, tow chain or other connecting device or in such a manner that is deemed to be unsafe in the opinion of any Police Officer.
- ii. No person shall tow any vehicle in contravention of the Act as amended from time to time.
- iii. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

### 41. VEHICLE NOT TO BE DRIVEN, PARKED OR USED ON PUBLIC PROPERTY

- 41.1 No person shall drive, park or use a vehicle on any sidewalk or verge unless the driver or operator has written permission of the Municipality Engineer, with such permission only to be granted by the Municipality Engineer if precautions will be taken to protect the sidewalk or verge against damage and that the use of the sidewalk or verge by the vehicle will not unduly obstruct traffic.
- 41.2 No person shall drive any vehicle on or across any public property other than a street or lane, including any ditch, park, playground or school ground except as authorized by this By-Law or indicated by signs erected by the Municipality Engineer or other public authority having jurisdiction.
- 41.3 This section shall not apply to maintenance vehicles of the Municipality in the case of public property or the Boards of Education in the case of school grounds.  
Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

### 42. DRIVER OF MOTOR VEHICLE TO BE LICENSED

- 1) No person shall drive a motor vehicle on a public road-
  - a) except under the authority and in accordance with the conditions of a licence issued to him or her in terms of the Act or of any document deemed to be a licence for the purposes of the Act; and
  - b) unless he or she keeps such licence or document or any other prescribed authorisation with him or her in the motor vehicle.
- 2) Owner failing to notify Appropriate Registering Authority of permanent address within 21 days of change.

- 3) Owner failing to notify appropriate registering authority of change of name or identification number within 21 days of change.
- 4) Change of title holder, fail to complete forms, notify Appropriate Registration Authority and handed over Registration Certificate to new title holder.
- 5) Change of Owner; fail to notify Appropriate Registration Authority of Sale or disposal of motor vehicle.

#### **43. MOTOR VEHICLE TO BE LICENSED**

Subject to the provisions of the Act, every motor vehicle in the Municipality shall, whether or not it is operated on a public road, be licenced by the owner of such motor vehicle, in accordance with the provisions of the Act, with the relevant licensing authority.

#### **44. DRIVER TO HAVE OPERATING LICENCE PERMIT**

Subject to the provisions of section 32 of the Act, no person shall drive a motor vehicle of a class prescribed in terms of the Act on a public road except-

- a) in accordance with the conditions of a permit issued to him or her in accordance with the provisions of the Act; and
- b) if he or she keeps such permit with him or her in the motor vehicle, provided that this subsection shall not apply to the holder of a learner's licence who drives such motor vehicle whilst he or she is accompanied by a person registered as a driver in respect of that class of vehicle.

#### **45. OPERATING LICENCE OR DRIVING LICENCE TO BE PRODUCED ON DEMAND**

1. The holder of a licence must-
  - a) maintain the operating licence or driving licence in a good and legible condition; and
  - b) keep the operating licence or driving licence in the motor vehicle to which it relates at all relevant times when the vehicle is being operated.
2. A Traffic Officer / Police Officer / Peace Officer / Service provider may call on any vehicle driven on a public road to stop and may demand that he or she-
  - a) produce the operating licence/ drivers licence; and
  - b) give his or her full name and address and contact details and in the case of a public motor vehicle, also the name and address of the owner of such public motor vehicle.
3. A driver referred to in subsection (2) may not-
  - a) operate a public transport service without a valid operating licence; or
  - b) allow the operating licence to be used for a vehicle other than that specified in such operating licence.
4. The Traffic Officer / Police Officer / Peace Officer / Service provider may detain the vehicle for no longer than four (4) hours until such time as the driver / owner contact details can be verified.

#### **46. MAXIMUM SPEED**

1. No person shall drive or operate any vehicle on a street at a speed greater than the speed permitted by the posted signs.
2. No person shall drive or operate any vehicle at a speed greater than twenty (20) kilometers per hour on any lane, cemetery or public parking lot unless otherwise indicated by appropriate signs displaying such.
3. Any Traffic Officer or Police Officer or peace officer or other person authorised by the Municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

#### **47. CARE IN OPENING VEHICLE DOORS**

- 1 No person shall open or leave open the door of a vehicle that is next to moving traffic unless it is safe to do so.
- 2 No person shall leave open the door of a vehicle on the side adjacent to moving traffic for a period of time longer than is necessary to load or unload passengers.

#### **48. DAMAGE TO STREET**

1. No person shall use a vehicle on a street if the vehicle could cause damage to the surface of the street.
2. No person shall use any equipment, device or any instrument or such like if it will or is likely to cause damage to the surface of such street or roadway provided that, the use of such equipment, device or instrument cannot be avoided, then the responsible person or owner of such equipment, device or instrument shall ensure that any damage to the surface of such street or roadway is repaired to its previous state.

#### **49. VEHICLE OR MACHINE WITHOUT TYRES**

No person shall drive, propel or move any vehicle, tractor or other similar machine having contact with the road surface by motorized tracks, including a crawling crane upon, along or across any paved street without a permit.

**PART 5****OPERATION OF MOTORCYCLES AND DEVICES MOVED BY HUMAN POWER OR FORCE OF GRAVITY****50. OPERATION OF BICYCLE**

1. No person except the Police Bicycle Patrol unit shall operate a bicycle:-
  - a) on any sidewalk, footpath or verge except in an area as permitted;
  - b) between sunset and sunrise unless the bicycle is equipped with a reflector that is visible to an approaching motorist from the rear and a lighted headlamp which is similarly visible from the front at a distance of one hundred (100) metres;
  - c) on any street without his feet on the pedals of such bicycle;
  - d) while carrying a passenger except upon:
    - i. a tandem bicycle; or
    - ii. a bicycle equipped with a passenger carrier mounted behind the operator and the passenger is seated in the proper seat provided.
2. No person shall place a bicycle in a reclining position on any street, sidewalk or public place.

**PART 6****PEDESTRIAN'S RIGHTS AND DUTIES****51. INCONVENIENCE PEDESTRIAN**

1. No person shall race, run, crowd, ride a human powered device or jostle other pedestrians on a street or sidewalk so as to create discomfort or confusion for other pedestrians.
2. No person shall skateboard on a street or sidewalk or other public place within the restricted areas outlined in the Central Business District.
3. Any Traffic Officer or Police Officer or peace officer or other person authorised by the Municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**52. HITCHHIKING**

1. No person standing or walking on a street or verge shall solicit a ride by words or by any action from a driver or operator of a moving vehicle.
2. No person standing or walking on the National Freeway within the jurisdiction of this authority shall solicit a ride or by any action from a driver or operator of a moving vehicle
3. No person shall, by foot, cross the National Freeway unless such crossing was for an emergency purpose.
4. Any Traffic Officer or Police Officer or peace officer or other person authorised by the Municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**53. PEDESTRIAN RIGHT OF WAY**

1. When a driver or operator of a vehicle on a street approaches an intersection or a pedestrian crosswalk where:
  - a) a Police Officer is not on duty; or
  - b) a traffic control system is not in operation; and a pedestrian clearly demonstrates to the driver or operator his intention to cross the street or has actually proceeded into the street, the driver or operator shall stop the vehicle and yield the right of way to the pedestrian.
2. Driver overtaking stationary vehicle at pedestrian crossing.
3. Any Traffic Officer or Police Officer or peace officer or other person authorised by the Municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**PART 7****STREET AND SIDEWALK OBSTRUCTION****54. OBSTRUCTING SIDEWALK OR STREET**

1. No person shall obstruct the free passage of traffic on any sidewalk or street without first securing a permit from the Municipality Engineer.
2. Section 44.1 shall not be construed as prohibiting the gathering of individuals on any street for a lawful purpose so long as the proceedings thereat are peaceable and orderly, and sufficient space is left both on the sidewalks and street to accommodate the traffic on the sidewalks and streets.
3. Any Traffic Officer or Police Officer or peace officer or other person authorized by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**55. DIVERSION OF TRAFFIC FOR PARADE**

1. The Municipality Engineer, in conjunction with the Traffic Police, is hereby empowered to barricade whatever streets they deem necessary for the passage of any parade and to divert traffic to other streets.
2. During any parade, all pedestrians not taking part therein shall be restricted to the use of the sidewalk and shall not cross through or in any way obstruct or interfere with the parade.
3. Except with permission in writing by the municipality or a person authorised therefore, all parades must proceed on the left side of the street and shall not interfere with traffic proceeding from the opposite direction.
4. No person shall leave any vehicle on any street that has been cleared or is about to be cleared for a parade.
5. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **PART 8**

### **56. MOTOR VEHICLE ATTENDANTS**

1. No person shall act as motor vehicle attendant within the Municipality, except under authority of a written permit granted by the Manager: Traffic & Licensing, which permit may be granted, subject to such conditions as he may determine, or refuse.
2. Every permit granted in terms of subsection (1) hereof shall, unless cancelled or suspended in terms of subsection (6) & (7) hereof, be valid until the 31st December of the year of issue.
3. No person authorised in terms of this By-Law to act as a motor vehicle attendant shall demand any payment for his services in connection with any one motor vehicle.
4. Every motor vehicle attendant shall, upon demand by any authorised official or a member of the public who engages or proposes to engage his services, produce the permit issued to him in terms of subsection (1) hereof.
5. A permit granted in terms of subsection (1) hereof may be revoked or suspended by the Manager: Traffic & Licensing 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 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 authorised official or member of the South African Police Service (SAPS).
6. An applicant who wishes to be registered as a Motor Vehicle Parking attendant shall first comply and submit the following documentation together with a written application, and
  - a) Certified copy of Identity Book
  - b) Fingerprint Clearance certificate
  - c) Proof of address
7. No person under the age of 18 shall act as a motor vehicle attendant.
8. Be a paid up member of Street Eyes
9. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **COMMUNICATION DEVICES**

### **57. PROHIBITION ON USE OF COMMUNICATION DEVICE WHILE DRIVING**

1. Subject to any other law, no person shall drive a motor vehicle on a public road-
  - a) while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;
  - b) while using or operating a cellular or mobile telephone or other communication device unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used, to enable such driver to use or operate such telephone or communication device without holding it in the manner contemplated in paragraph and remains so affixed while being used or operated
2. For the purposes of this section-
  - a) the word "headgear" includes a device which is specially designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such a manner that he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted to or attached to one or both ears of the driver; and
  - b) the phrases "cellular or mobile telephone or any other communication device" and "cellular or mobile telephone or other communication device", excludes land mobile radio transmission and reception equipment operating in the frequency band 2 megahertz to 500 megahertz that is affixed to the vehicle or is part of the fixture in the vehicle.

3. Subject to subsections (1) and (4), an authorised officer may, in the public interest and safety of the public, confiscate and impound a hand held communication device.
4. The authorised officer must, when confiscating any hand held communication device-
  - a) inform the owner of such communication device of the reasons of confiscating and impounding;
  - b) issue a receipt to the owner of such hand held communication device, stating the place at which such device may be claimed; and
5. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **PART 9**

### **PLYING FOR HIRE AND RANKING REQUIREMENTS**

#### **58. PARKING AND PLYING FOR HIRE**

1. Subject to subsection (2), a driver of a public transport vehicle who plies for hire or picks up or drops off passengers may park such public transport vehicle at a rank or any parking place demarcated for such public transport vehicles.
2. Despite subsection (1), the Municipality may, in emergencies or at recreational and other similar functions, set aside temporary public transport facilities identified by the authorised officer as suitable for the parking and stopping of public transport vehicles.
3. No driver of a public transport vehicle may park such vehicle at a stopping place or any other place not demarcated for such public transport vehicles.
4. No driver of a public transport vehicle may, except with the written authorisation of the relevant operating licensing authority, may deviate from the allocated route and take short cuts through community roads for the purpose of plying for hire or driving to pick up or drop off passengers.
5. No driver of a public transport vehicle may, stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.
6. A prospective passenger of a public transport vehicle may, only enter or alight from a bus at a stopping place designated by the Council.

#### **59. RANK PERMIT**

1. No person shall operate a public transport vehicle at a rank unless a rank permit in respect of such vehicle has been issued to him or her in terms of subsection (5).
  - a) In the case of an existing vehicle:
    - i. a certified copy of the operating licence (ii) professional public driving permit
    - ii. certified copy of vehicle particulars (vehicle registration discs), and a,
    - iii. copy of the Registration document
    - iv. proof of address
    - v. a certified copy of the vehicles certificate of roadworthiness
    - vi. an identification document and appropriate driving licence
    - vii. original letter of approval from the relevant association.
    - viii. approved route description
  - b) In the case of a new vehicle:
    - i. copy of pro-forma invoice or proof of purchase (ii) professional public driving permit
    - ii. certified copy of vehicle particulars
    - iii. proof of address
    - iv. an identification document and appropriate driving licence
    - v. original letter of approval from the relevant association.
    - vi. associations approved route description
    - vii. An applicant for a new rank permit or the renewal of an expired operating licence may be issued with a letter recommending approval of such application and on production of a certified copy of the Operating Licence, the applicant will be issued with a Rank Permit.
2. No person may be issued with a rank permit if the applicant has any outstanding warrants for non – payment of traffic fines or any current outstanding traffic prosecutions or fines.
3. The rank permit referred to in subsection (1) is valid for a period of 12 months from the date it was issued.
4. The authorised official shall, subject to subsections (2) and (3), issue in respect of a ranking public transport vehicle, a rank permit specifying-
  - a) the rank at which the rank permit applies;
  - b) the period for which such rank permit is granted;
  - c) the registration number allotted to the vehicle concerned;

- d) the make of such vehicle;
  - e) in respect of metered taxis, the number of the taxi-meter approved for use in such vehicle;
  - f) the operating license number of the vehicle; and
  - g) the routes for which such vehicle has authority to ply for hire.
5. An application for approval for a rank permit must be submitted to the authorised official-
    - a) by the owner; and
    - b) an application form as amended from time to time by the Municipality
  6. The authorised official may issue one (1) rank permit for each public transport vehicle.
  7. Subject to section 77 of the National Land Transport Act, 2009 (Act No. 5 of 2009), the owner in respect of which a rank permit has been issued shall, in writing, advise the authorised official of-
    - (a) any change in his or her address during the operating period in which such rank permit was issued;
    - (b) his disposing of or otherwise ceasing to be the owner of such vehicle during such period;
    - (c) the name and address of the person to whom it was disposed of; and
    - (d) the case of his or her ceasing to be the owner, within 7 days of such event.
  8. The owner shall pay to the Municipality a charge which shall be fixed by the Council from time to time for the use of each rank permit issued in terms of this section.
  9. No person may forge, imitate, deface, mutilate, alter or make a mark upon, a rank permit.

#### **60. PLACE OF VALIDITY OF RANK PERMIT**

- 1) No person shall, except with the written consent of an authorised officer, ply for hire with a public transport vehicle from any place other than the route, rank or other place specified on the rank permit issued in terms of section 5 in respect of such vehicle.
- 2) No person shall-
  - a) affix a rank permit to any vehicle other than the vehicle in respect of which it was issued; or
  - b) ply for hire with a public transport vehicle-
    - i. unless the rank permit issued in respect of such public transport vehicle for the current year is affixed to the left hand side of the windscreen thereof so that its face is clearly visible from outside;
    - ii. whilst any rank permit other than the rank permit issued in respect of such public transport vehicle for the current year is affixed thereto; or
- 3) whilst any rank permit which has ceased to be valid is affixed to such public transport vehicle.

#### **61. RANK PERMIT TO BE PRODUCED ON DEMAND**

1. The holder of a rank permit issued in terms of this By-law must-
  - (a) maintain such rank permit in a good and legible condition; and
  - (b) keep and display it in the motor vehicle to which it relates at all relevant times when such vehicle is being operated as a public transport vehicle.
2. Any authorised officer of the Municipality may call upon the driver of any public transport vehicle to stop and may demand from him or her-
  - (a) to produce the rank permit required under the provisions of this By-law; and
  - (b) to supply his or her full name and address and also the name and address of the owner or operator of such public transport service.
3. No driver referred to in subsection (2) may, when called upon to do so by any authorised officer-
  - (a) refuse to stop;
  - (b) refuse to supply his or her full name and address;
  - (c) refuse to supply the correct name and address of the owner or operator of the vehicle in his or her charge;
  - (d) refuse to produce a rank permit; or
  - (e) give a false name or address.

#### **62. SUSPENSION OR WITHDRAWAL OF A RANK PERMIT**

1. Where the holder of a rank permit has been found guilty of contravening this By-law, and irrespective of whether any other penalty by a court of law has been imposed, the Municipality may, subject to sub-section ( 5 ), after all the circumstances of the case have been taken into consideration, act in terms of subsection (2).
2. The Municipality may, after taking all the circumstances of the case into consideration, suspend a rank permit for a period determined by the authorised officer or withdraw the rank permit if-
  - (a) the owner of the public transport vehicle-
    - i. does not comply with an instruction issued in terms of this By-law; or
    - ii. does not maintain the public transport vehicle at all times in a sanitary state and in a roadworthy condition; and
    - iii. has outstanding arrest warrants for the non-payment of traffic fines;

- (b) an authorised officer inspects the public transport vehicle and finds that such vehicle-
  - i. is constructed in such a way or is in such a condition that the public transport vehicle is unsafe for the number of passengers that it is authorised to carry; or
  - ii. does not comply with the conditions specified in this By-law or the Act.
- 3. No person may use or allow a vehicle to be used as a public transport vehicle at a public transport facility if the rank permit of such public transport vehicle has been suspended or withdrawn, or has expired.
- 4. If an operating licence has been suspended, cancelled or withdrawn by the relevant licensing authority, the rank permit issued by the Municipality is automatically suspended, cancelled or withdrawn, as the case may be.
- 5. Where on appeal by the holder of an operating licence to the relevant authority the suspension, cancellation or withdrawal of an operating licence is reversed, the Municipality may re-issue a rank permit subject to certain specified conditions.

## **PART 10**

### **63. GENERAL PROVISIONS RELATING TO TAXIS (Minibus/ Metered Taxi) AND TAXI DRIVERS**

- 1. No person shall ply for hire with a taxi which is not roadworthy, clean and of a neat and presentable appearance.
  - a) conduct himself in a disorderly manner;
  - b) canvass for fares;
  - c) stand or wait with his taxi in a public street or public place when not hired except in the area, taxi rank or other place specified in the permit issued in respect of his taxi, for the current year;
  - d) after being hired –
    - i. allow any person other than the person who has hired his taxi to be conveyed therein except on the directions or with the permission of the latter;
    - ii. drive to his destination by any but the most direct route unless he or she is directed to the contrary by the person who has hired his taxi;
    - iii. in any way delay in complying with or fail to comply with his obligations under the agreement concluded with the person who has hired his taxi;
  - e) when plying for hire, cause or permit his taxi to stand or remain in such a position that it will obstruct or hinder passengers wishing to enter or leave any other vehicle; or
  - f) prevent or attempt to prevent the driver of any other taxi from lawfully obtaining or conveying passengers
- 2. A driver of a taxi shall, immediately after conveying any passenger, search his taxi for any goods which may have been left therein by such passenger and shall cause any such goods found by him to be handed in at the nearest police station without unreasonable delay.
- 3. The owner's details and address of such Taxi shall be displayed on the right side door of the vehicle in a clear and legible manner.
- 4. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

### **64. PRESUMPTION**

- 1. Whenever any person is or goods are conveyed by taxi for hire or reward in contravention of any provisions of this chapter, it shall be presumed, until the contrary is proved, that the proprietor of such taxi caused or permitted such person or goods to be so conveyed.
- 2. If in any prosecution under this chapter, it is proved that a person has conveyed passengers or goods in a motor vehicle on a public road it shall be presumed, until the contrary is proved, that he or she so conveyed such passengers or goods for hire or reward.
- 3. The driver of a taxi shall, until the contrary is proved, be deemed to be the proprietor thereof.
- 4. Where in any prosecution in terms of the common law relating to the driving of a motor vehicle on a public road, or in terms of this By-Law, it is necessary to prove who was the driver of such vehicle, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
- 5. Whenever a vehicle is parked in contravention of any provision of this By-Law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
- 6. For the purpose of Subsections (3) and (4) and Section 86(1)(b) it shall be presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked, as contemplated in those subsections, or used as contemplated in that section by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his duties as such director or servant or in furthering or endeavoring to further the interests of the corporate body.

## **PART 11**

### **PUBLIC BUSES**

#### **65. ESTABLISHMENT OF BUS RANKS**



1. The ranks (hereinafter referred to as bus ranks) on the portions of public roads and places open to the public and on the area of land prescribed by Council shall be established as special parking places for the parking of public busses and which are authorised to use such bus ranks by a permit issued in terms of these by-laws. Such bus ranks shall be indicated by traffic signs and markings erected and marked in accordance with the relevant provisions of the National Road Traffic Act.
2. The Chief Traffic Officer shall demarcate and cause to be set aside in such bus rank, in the manner hereinafter provided, a specific area or areas subdivided into spaces each sufficient to accommodate at least one bus (hereinafter referred to in these by-laws as "loading bays"), to be used exclusively for the purpose of accommodating public busses only while passengers are allowed to board or alight.
3. The area or areas so set aside in such rank shall not be less than that which is sufficient to accommodate the number of busses at one time, prescribed by the Chief Traffic Officer; provided, however, that each bus service for which the bus rank concerned is reserved in terms hereof shall be allocated the right to use at least one loading bay in such bus rank either separately or in conjunction with other services for which the rank is so reserved.
4. The number of loading bays to be allocated to any particular service shall be decided by the Chief Traffic Officer with due regard to the total number of bays available in the bus rank, and the number of vehicles operated by the owner or owners of the service concerned.
5. Any area remaining in any bus rank after the loading bays have been demarcated, and after provision has been made for purpose ancillary to the bus rank, including provision for the convenience and accommodation of intending passengers, and the entry and exit of vehicles and pedestrians, shall be made available and demarcated by the Chief Traffic Officer for the purpose of setting down passengers and parking busses whilst not engaged in picking up or loading passengers. Such parking areas may, but need not necessarily be subdivided and such subdivisions may be allocated for the use of specific services in the manner provided in paragraph (a) hereof.
6. The subdivision of loading or parking areas into bays in terms of the preceding paragraph shall be effected by means of parking lines or other demarcations painted or otherwise clearly indicated on the surface of the traffic-way and such bays may be numbered or otherwise identified. The allocation or reservation of loading bays may be effected by means of signs, notices or other suitable markings showing the outer terminal points or descriptive names of the service or services for which they have been reserved.
7. Whenever he or she considers it reasonably necessary to do so, in order to ensure the fair and equitable distribution between the various permit holders of the accommodation available in any parking area demarcated in terms of paragraph (b) hereof, the Chief Traffic Officer may by notice erected at or near the entrances to such parking area stipulate the maximum continuous period which in no case shall be more than eight hours in any one day during which a bus may be parked thereon.
8. Whenever any vehicle has been so parked and allowed to stand within such parking area for any continuous period not exceeding that so stipulated, it shall not again be parked in such parking area until an interval of at least thirty minutes has elapsed.
9. The setting aside and demarcation of portions of a bus rank as loading bays or parking areas shall be effected by means of sign or notice boards, erected at or near the entrances to such loading bays or parking areas, or by means of parking lines painted or otherwise clearly indicated on the traffic-way, and any reference in these by-laws to a bus rank shall unless the context otherwise clearly indicates, include any loading bay or parking area.
10. In setting aside or demarcating loading bays, parking areas or any other area necessary for purposes ancillary to the use of a bus rank or in stipulating the maximum continuous parking periods in any parking area, the Chief Traffic Officer shall endeavour to ensure that the fullest and most effective use is made of such bus ranks in the interests of both the permit holders and passengers and he or she shall have due regard to the proper regulation of vehicular and pedestrian traffic at or near any bus rank.
11. ) Council may close temporarily any bus rank or any portion thereof, established under these by-laws but, if necessary, shall establish elsewhere another permanent or temporary rank in lieu thereof.
12. In cases of emergency, the powers conferred by sub-section (3) to close the bus rank temporarily may be exercised by the Chief Traffic Officer or his authorised representative.

#### **66. BUS RANK ALLOCATED ACCORDING TO DESTINATION OF BUSES**

- 1) The bus ranks established in terms of section 17 shall be for the exclusive use of busses lawfully operating on the routes having the destination or outer terminal points detailed in respect of such rank by Council: Provided, however, that where any bus in respect of which a permit to use a bus rank is sought is authorised by the Motor Carrier Certificate issued in respect thereof to operate to a destination or outer terminal point other than that prescribed by Council, the Chief Traffic Officer shall issue a permit authorising such vehicle to use the bus rank most conveniently situated for the route concerned.
- 2) The provisions of this by-law shall not derogate from the authority conferred on the Chief Traffic Officer by section 50.21 to allocate to or require any services or bus for which the bus rank concerned is reserved in terms of sub-section (1), to use any particular loading bay or any parking area or subdivision thereof which may be demarcated in any bus rank or specified in the permit issued in respect of any bus.

#### **67. PARKING OR STANDING TIME AT LOADING BAYS**

No bus shall be parked or allowed to stand upon any portion of a bus rank set aside as a loading bay for a longer period than fifteen minutes at any one time, and where any such vehicle has been so parked or allowed to stand upon such loading bay for any continuous period not exceeding fifteen minutes it shall not again be parked or allowed to stand upon such loading bay or any portion thereof, until an interval of at least thirty minutes shall have elapsed.

#### **68. PARKING OF BUSES PROHIBITED IN CERTAIN AREAS**

Except in the case of public busses permitted to do so under these by-laws, at a bus rank established by Council, no person shall park or cause or permit to be parked any bus upon any public road within the Municipality save in any bus rank duly established in terms of these by-laws or any amendment thereof; provided that this provision shall not apply to a bus which is immobilised through mechanical defects; provided further that no person shall without the written consent of Council permit public busses not owned or operated by him to park on any private property within the Municipality, save for the normal repairing or servicing of busses by licensed motor garages.

#### **69. UNAUTHORISED USE OF BUS RANKS PROHIBITED**

- 1) No person shall cause or permit –
  - a) any vehicle of a class other than a public bus to park or stand upon any bus rank;
  - b) any public bus to park or stand upon any bus rank unless in possession of a permit to do so, issued in respect of such a bus in terms of these by-laws; provided that this prohibition shall not apply to any lawfully substituted bus.
- 2) No person in control of any public bus which is authorised by a current permit to use any particular loading bay, parking area or subdivision thereof in any bus rank shall cause or permit such vehicle –
  - a) to park or stand upon or use any loading bay or parking area or portion or subdivision thereof other than that allocated in respect of such vehicle in terms of such permit, or in terms of sections 50.15 and 50.16 as the case may be;
  - b) to park or stand upon or in any way occupy any loading bay for a continuous period longer than fifteen minutes;
  - c) to again park or stand upon or occupy any loading bay until an interval of thirty minutes shall have elapsed after such bus has been moved from the loading bay;
  - d) to park or stand upon any bus rank or portion thereof which is temporarily closed in terms of these by-laws;
  - e) to remain unattended at any loading bay.
- 3) No person shall remove, damage or mutilate or in any way interfere with any signs or notices which may be erected or affixed in any bus rank by the Chief Traffic Officer in terms of these by-laws.

#### **70. APPLICATION FOR PERMITS**

1. Application for a permit to use any bus rank or ranks shall be made in writing by the owner of the public bus or busses in respect of which the permit is sought and shall be addressed to the Chief Traffic Officer.
2. With effect from the date of operation of these by-laws, the applicant shall lodge with his application a receipt from the Chief Financial Officer for the sum prescribed by Council in respect of each bus for which a permit is sought. If any application is refused in accordance with the provisions of section 57 the amount deposited by the applicant shall be refunded to him. If any application is granted, the amount so deposited shall be retained by the Chief Financial Officer as and for the fee payable by the applicant for the use of the rank authorised by the permit provided, however, that, where a permit is sought for a period which is less than 12 months the amount payable shall be one quarter of the aforesaid sum for each completed three months of the year ending on 31 December following.
3. The provisions of sub-section (2) shall *mutatis mutandis* apply to an application for the renewal of an existing permit.

#### **71. ISSUE OF PERMITS**

1. Subject to the provisions of sub-section (2) and of section 58, the Chief Traffic Officer may in granting any application –
  - a) impose conditions restricting any bus in respect of which a permit is issued to a particular loading bay or parking area or subdivision thereof which may be demarcated as before provided in the bus rank concerned;
  - b) impose conditions limiting the hours during which any bus rank or subdivision thereof may be used by the vehicle when not actually engaged in transporting passengers in terms of any road carrier permit;
  - c) impose conditions specifying the number of vehicles which may use any portion of any one bus rank or any subdivision of such bus rank;
  - d) impose any other conditions which the Chief Traffic Officer may deem reasonable to ensure a fair allocation of the available accommodation of any bus rank between the various applicants or for avoiding obstructions and congestion of vehicles and passengers or to ensure the proper regulation of traffic at or near the bus rank concerned
2. In deciding to impose any conditions, the Chief Traffic Officer shall have regard
  - a) to the number of public busses which can conveniently be accommodated in the bus rank set aside by Council for the use of vehicles to which the application relates, authorised by the road carrier permit to operate on the routes having the destination or outer termini detailed by Council;

- b) to any specified timetable referred to in the road carrier permit issued in respect of such vehicle and in accordance with which such vehicle must be operated;
- c) to the length of time during which the applicant for a permit has been engaged in the business of transporting passengers for reward by bus;
- d) to the conditions of the relevant road carrier permit issued in respect of such motor vehicle;
- e) any other factor which may be relevant to the object of ensuring the fullest and most effective use being made of the bus rank concerned, with due regard to the convenience of passengers and the regulations of vehicular and pedestrian traffic at or near such rank.

#### **72. POWER TO REFUSE APPLICATION FOR OR TO CANCEL PERMITS**

1. No permit shall be granted or renewed unless the applicant is the holder of a valid road carrier permit in respect of the vehicle concerned authorising the conveyance of passengers over the relative route. Any permit or renewal shall be suspended or cancelled *ipso facto* if the road carrier permits in respect of the vehicle to which the permit relates is suspended, withdrawn, cancelled or not renewed.
2. The cancellation or suspension of a permit in terms of this by-law shall not entitle the holder to any refund in respect of the fee paid by him.

#### **73. PERMIT TO BE ON PRESCRIBED FORM**

1. Whenever an application for a permit is granted, the Chief Traffic Officer shall forthwith issue to the applicant a permit substantially in a form prescribed by the Chief Traffic Officer, in respect of each public bus for which application for the right to use a bus rank was made. A permit shall be valid only for the period stated thereon.
2. A permit issued in terms of these by-laws shall specify the bus rank or ranks to which it relates and shall entitle the holder to use any loading bay and any available accommodation in any parking area set aside or demarcated in the bus rank to which his permit relates, or which may be specified in the permit as being allocated to him subject to the conditions endorsed thereon and to the provisions of these by-laws.
3. Council shall in no way be liable for the loss or damage to any vehicle or any accessory or contents of such vehicle which has been parked in any bus rank.

#### **74. PERMIT TO BE CARRIED ON VEHICLE TO WHICH IT RELATES, AND OWNER'S NAME AND ADDRESS TO BE DISPLAYED**

1. A permit so issued shall at all times be carried in or upon the public bus to which it relates or in or upon any bus which is lawfully substituted therefor, and the driver thereof shall exhibit it to a traffic officer, police officer, or any authorised official upon demand. Failure to exhibit such permit on demand shall be an offence.
2. The owner of any public bus shall cause his name and address to be legibly, permanently and conspicuously affixed on the side or sides of the vehicle. Such name and address shall be painted in block letters at least 25 mm in height, and the colour of the letters shall be in contrast with the colour of the vehicle.

#### **75. EXPIRY AND RENEWAL OF PERMIT**

1. A permit issued in terms of these by-laws shall expire on 31 December in each year.
2. Applications for the renewal of any permit for the following year shall be made to the Chief Traffic Officer not later than 31 December in each year, in the same manner as provided in section 59
3. Applications for renewal made after 31 December aforesaid shall be treated as applications for new permits.

#### **76. POWER TO THE CHIEF TRAFFIC OFFICER TO AUTHORISE SUBSTITUTION OF VEHICLE**

If at any time a public bus to which a permit relates is under repair or if for any other reason the owner thereof so desires, the Chief Traffic Officer may, by endorsement upon the permit, authorise the substitution of another vehicle therefore either temporarily or for the duration of the permit; provided however, that in cases of urgency the Chief Traffic Officer may grant such authority verbally in which case the owner shall produce the relevant permit for endorsement within 48 hours of such verbal authority having been granted; provided further than when a substituted vehicle is to be used for less than 24 hours such endorsement shall not be necessary.

#### **77. PRESERVATION OF COUNCIL'S RIGHTS**

1. No rights possessed by the holder of any permit under these by-laws or under such permit shall operate to debar Council from permanently or temporarily closing or removing any bus rank established hereunder, or from amending these by-laws.
2. In the event of it being deemed necessary by Council for any reason –
  - a) to establish any new permanent bus rank either in substitution for any existing bus rank or addition thereto; or
  - b) to alter or modify any of the routes prescribed by Council or to authorise any additional routes;
 Council may, with the consent of the local Road Transportation Board and pending the promulgation of the necessary amendments to these by-laws, issue a temporary permit authorising the holder to operate to and from any such new rank or along such altered or additional route as the case may be.

**78. DRIVERS TO OBSERVE BY-LAWS AND INSTRUCTIONS OF TRAFFIC OFFICERS/ TRAFFIC WARDENS/ PEACE OFFICERS**

1. The driver or the other person in control of any public bus shall exercise the rights conferred by the permit authorising such vehicle to use any bus rank with due regard to the rights and convenience of other vehicles authorised to use the bus rank and their passengers and shall, in addition to observing the requirements of these by-laws obey all lawful instruction or signals given by any traffic officer.
2. For the purpose of these by-laws all Traffic Officers / Traffic Wardens / Peace officers / Service Provider staff are hereby authorised to give such instructions or signals which may be necessary to avoid obstructions and congestion of vehicles or passengers and for the proper regulation of traffic at or near the bus rank.

**79. QUEUES**

1. At any bus rank or bus stop established in terms of these by-laws Council may erect or cause to be erected queue signs consisting of a notice board indicating the position and manner in which persons waiting to board a bus shall stand and form a queue which sign may or may not be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.
2. Persons intending to board any vehicle at any bus rank or other bus stop at which queue signs have been erected shall form a queue at and from the point from which it is indicated that such vehicles will leave.
3. Persons forming any such queue shall take and give precedence according to the time of their arrival.
4. No person shall board any vehicle at any bus rank at which queue signs have been erected except from a queue (unless there are no other persons waiting to board the vehicle) and no person shall take any place in a queue in front of any person already in that queue.
5. Where no queue sign has been erected persons waiting at or near any bus rank or any bus stop for the purpose of boarding a bus shall form themselves in a queue not exceeding two abreast, or in single file when required thereto by a traffic officer or police officer.
6. Every person standing in any queue or boarding or attempting to board any bus at any bus rank or bus stop where a queue has assembled or a queue sign has been erected shall comply with all instructions given by any traffic officer or any police officer as may be necessary for the proper control of the queue or for the prevention or obstruction to vehicular or pedestrian traffic.
7. No person shall board any bus at any bus rank or bus stop until all persons wishing to alight there-from shall have had reasonable opportunity to do so.
8. It shall be an offence for any person to enter or attempt to enter any bus which contains the total number of passengers which it is authorised to carry after being warned by the conductor or driver not to do so.
9. Any person who fails to comply with any provision of this by-law or who refuses to obey the lawful instructions of any traffic officer or any police officer or who behaves in a riotous or indecent manner or who is intoxicated, may be removed from a queue or from the vicinity of the bus rank or bus stop by any traffic officer or by any police officer.
10. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**80. BUS ROUTE AND STOPPING PLACES I**

1. No person shall drive any public bus along any route within the Municipality except along routes as prescribed by Council resolution.
  2. Council may by resolution prescribe bus stops on any routes along which public busses are permitted to travel. Such bus stops shall be denoted by a notice marked "Bus Stop".
  3. The driver of any public bus being used on any route within the Municipality for the purpose of conveying passengers shall, unless such bus is at the time carrying the maximum number of passengers which it is lawfully entitled to carry, stop the said bus upon being hailed at any appointed bus rank or bus stop by any person desirous of travelling by such bus and shall take up such intending passenger provided that the said passenger is not excluded by any law from being a passenger in the said bus or in contravention of any condition which may have been imposed by the local Road Transportation Board.
  4. The provisions of this by-law shall not apply to any public bus displaying a notice or notices stating that the said bus is an express, limited stop or special bus, until such bus reaches the destination stated in such notice or notices, whereupon the provisions of this section shall *mutatis mutandis* apply to such public bus.
  5. The driver of any public bus upon being requested by any passenger in the said public bus to stop shall stop at the next appointed bus rank or bus stop for the purpose of allowing the said passenger to alight.
  6. The driver of any vehicle other than a public bus shall not allow such vehicle to stop at any bus stop prescribed in section 50.28
  7. The driver of a public bus shall not at any time allow such public bus to remain unattended at any stopping place or stand situate on any bus-route within the Municipality.
- 7.1 No driver or person in charge of any bus shall –

- a) pick up or set down passengers or allow any passenger or intending passenger to board or leave such bus except at a bus rank established in terms of these by-laws or at a bus stop designated in accordance with the provisions of these by-laws or any other law.
  - b) stop his vehicle at a bus stop for a longer time than is necessary for setting down or picking up passengers.
- 7.2 No person shall tout, importune or solicit for passengers for any bus by loitering or calling out or in any other manner whatsoever.
- 7.3 No person shall board or attempt to board, leave or attempt to leave any bus at any point along the route on which it is travelling other than at a designated bus stop.
- 7.4 Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **81. RIGHT TO APPEAL TO COUNCIL II**

Any bus owner, operator or driver who is aggrieved by any decision given by the Chief Traffic Officer under these by-laws shall have a right to appeal to Council.

## **PART 12**

### **HEAVY VEHICLES AND VEHICLES TRANSPORTING DANGEROUS GOODS**

#### **82. HEAVY VEHICLE ROUTES**

1. No person shall operate a heavy vehicle on any street except:
  - a) upon the streets set out in a register kept by the Municipality Engineer whereby certain streets are established as heavy vehicle routes;
  - b) while such heavy vehicle is making collection or delivery, provided that the driver or operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest heavy vehicle route;
  - c) while such heavy vehicle is proceeding to or from the business premises of the owner, driver or operator of the heavy vehicle, provided that the driver or operator proceeds by the most direct route to or from the business premises, to or from the nearest heavy vehicle route;
  - d) while such heavy vehicle is proceeding to or from a garage for the purpose of repairs, servicing or refueling, provided that the driver or operator proceeds by the most direct route to or from the garage, as the case may be, to or from the nearest heavy vehicle route;
  - e) while such heavy vehicle is engaged in work and in the service of the municipality
2. No driver or operator of a vehicle shall fail to comply with the request of a Police Officer or a person authorized to enforce this By-Law by the municipality to immediately proceed to the Municipality weigh-scale and there allow the vehicle to be weighed for the purpose of determining whether the vehicle is a heavy vehicle.
3. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

#### **83. DANGEROUS GOODS TRANSPORTATION ROUTES**

1. The streets set out in a register kept by the Municipality Engineer are hereby established as dangerous goods transportation routes.
2. No person shall operate a vehicle transporting or designed to transport dangerous goods in bulk other than on a dangerous goods transportation route except while such vehicle:
  - a) is making collection or delivery, provided that the driver or operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest dangerous goods transportation route;
  - b) is making collection or delivery, provided that the driver or operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest dangerous goods transportation route;
  - c) is proceeding to or from a garage for the purpose of repairs, servicing or refueling, provided that the driver or operator proceeds by the most direct route to or from the garage, as the case may be, to or from the nearest dangerous goods transportation route;
  - d) is engaged in work and in the service of the Municipality.
3. Where the vehicle is proceeding pursuant to 69.2, and where there is no dangerous goods transportation route, the vehicle shall travel on the heavy vehicle route except where necessary to reach a permitted destination.
4. No person shall load or deliver dangerous goods from a vehicle transporting those goods in bulk between the hours of 7:00 a.m. to 9:00 a.m. and 16:00 p.m. to 19:00 p.m. except:
  - (i) when delivering heating fuel to a single family dwelling unit; or
  - (ii) when loading or unloading the vehicle on a property immediately adjacent to and with direct access to the dangerous goods transportation route.
5. Notwithstanding subsections 69.4, 69.5 and 69.6, this section shall not apply:

- a) to the transportation of dangerous goods of a weight measure less than two hundred (200) kilograms or liquid measure less than two hundred and fifty (250) litres;
  - b) to fuel in the fuel tank of the vehicle transporting or designed to transport dangerous goods, provided that the fuel is carried in permanently mounted tanks with a direct line to the fuel system of the vehicle.
6. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

#### **84. SIGNAGE INDICATING HEAVY VEHICLE OR DANGEROUS GOODS ROUTES OR DETOURS**

1. The Municipality Engineer shall cause to be made, established and maintained sufficient signs indicating heavy vehicle routes and dangerous goods routes through the Municipality.
2. If a heavy vehicle route or dangerous goods route or any portion thereof is, in the opinion of the Municipality Engineer, temporarily impassable or if, for any other reason, the Municipality Engineer decides that a heavy vehicle route or a dangerous goods route or any portion thereof shall be temporarily closed, he may establish a temporary heavy vehicle route or dangerous goods route or any portion thereof by way of a detour.
3. Where the Municipality Engineer has established a temporary heavy vehicle route or dangerous goods route pursuant to subsection 70.2, the detour shall be marked by proper signs sufficient to indicate to drivers or operators of heavy vehicles or vehicles transporting or designed to transport dangerous goods in bulk and such detours shall, for the purpose of this By-Law, be the heavy vehicle route or the dangerous goods route until the temporarily closed route or routes are reopened to heavy vehicles or vehicles transporting or designed to transport dangerous goods in bulk.

#### **85. PARKING FOR HEAVY VEHICLES**

1. A driver or operator of a heavy vehicle shall not park the vehicle on any street except where designated as "truck parking only" and as designated by the appropriate signs. The Municipality Engineer shall keep a register of such areas.
2. The Municipality Engineer shall ensure that appropriate and sufficient signage is displayed at all entrances to Municipality and where necessary indicating where such "truck parking only" areas are located, if any or alternatively, appropriate signage indicating that there are "No Truck Parking" areas.
3. Such signage as indicated in subsection 71.2 shall be positioned in a place or area so as to prevent vehicles from entering such areas, on the outskirts of Municipality limits.
4. A Police Officer may have any heavy vehicle who fails to comply with subsection 71.2 removed by an appropriate breakdown vehicle to any pound or designated yard for safekeeping.
5. Any vehicle removed and impounded shall remain in the custody of such authority until such time as all fees and necessary costs incurred are settled and paid for before being released.
6. No Heavy Motor Vehicle may be stopped or parked in any residential areas between the hours of 19h00 and 06h00 the following day unless such vehicle was engaged in the removal or delivery of goods for which the driver can produce documented proof thereof
7. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.
  - a. No heavy motor vehicle may park so as to constitute a danger or obstruction
  - b. No heavy motor vehicle may park on the sidewalk. (Except hawkers' cart).
  - c. No heavy motor vehicle may Park in a manner as to obstruct any private or public entrance to a public road.

#### **86. PARKING FOR VEHICLES TRANSPORTING DANGEROUS GOODS**

1. No person shall park a vehicle transporting or designed to transport dangerous goods in bulk within one hundred and fifty (150) metres of any residence, educational institution or place of public assembly.
2. Notwithstanding subsection 72.1, a vehicle carrying or transporting dangerous goods may be parked within one hundred and fifty (150) metres of any residence, educational institution or place of assembly for such period of time only as is necessary to unload the contents provided that:
  - a) it is not possible for the contents to be unloaded from any other area; and
  - b) the vehicle and unloading procedure are under constant supervision during the entire period of time that the vehicle is parked.
3. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

#### **87. PERMIT FOR EXCESS WEIGHT**

1. Where a vehicle or combination of vehicles, equipment, or machinery exceeds the maximum vehicle gross weight, the operator of the vehicle or combination of vehicles, equipment or machinery shall not operate or move the same on the street unless the operator has a valid permit issued by the Municipality Engineer to exceed the maximum vehicle gross weight fixed by this By-Law. The driver or operator of the vehicle shall notify the Municipality Engineer and shall provide him with proof of financial responsibility as provided for. The Municipality Engineer, upon being satisfied that the vehicle or combination of vehicles, equipment or machinery can be operated or moved upon the street without the

likelihood of damage to the street or other property, shall issue a permit allowing the vehicle or combination of vehicles, equipment or machinery to use such streets as are designated by the Municipality Engineer in the permit, and the driver or operator shall then use only such streets as are designated by the Municipality Engineer.

2. In applying for a permit, the driver or operator of the vehicle or combination of vehicles, equipment or machinery shall specify the make, description and weight of the engine, vehicle or machine, the route intended to be followed and the type of tires found on the same.
3. The fee for a permit shall be the sum as prescribed in the Municipal Tariffs as amended from time to time.
4. A permit issued under this section shall expire two (2) months after the date of issue or at such earlier date as specified on the permit.
5. The Municipality Engineer may refuse to issue a permit, if, in his opinion, moving the said vehicle, equipment or machinery would damage the street, sidewalk or other Municipality utilities.
6. The Municipality Engineer or other official duly authorized may require such precautions to be observed as he may deem requisite including the laying down of planks to protect any paved street and he may appoint a suitable person to accompany such vehicle or combination of vehicles, equipment or machinery with the authority to see that such precautions are duly observed.
7. The Municipality Engineer shall have the authority to refuse all permits for or to prevent such vehicle, equipment or machinery from passing over bituminous pavement in hot weather during such hours as the heat or the sun may render such pavements liable to damage from heavy vehicles.
8. The application number for the permit must be given by the operator of the vehicle, equipment or machinery upon request by a Police Officer or the Municipality Engineer.

#### **88. EXEMPTIONS TO THIS PART**

This Part shall not apply to:

- a) Road construction equipment or road maintenance equipment in the service of the municipality that is moved on a street within the limits of the construction area;
- b) Motor vehicles designed specifically to convey garbage;
- c) Buses;
- d) Emergency vehicles.

### **PART 13**

#### **RESTRICTED VEHICLES AND SLOW VEHICLES**

##### **89. RESTRICTED VEHICLES**

Subject to the height of the clearance of any sign, subway or bridge from the street, no person shall operate or move on any street any vehicle or combination of vehicles in excess of the dimensions prescribed.

##### **90. RESTRICTED VEHICLE DIMENSION**

1. Subject to Regulations 221 – 230 of the Road Traffic Act 93/1996 and Regulation 220 RTA 93/1996 (vehicles except)
  - a) articulated motor vehicles not to exceed 18.5 meters
  - b) drawing vehicle and semi-trailer not to exceed 18.5 meters
  - c) other combinations of motor vehicles not to exceed 22 meters
  - d) vehicles greater than 12000kg GVM maximum width 2.6m
  - e) vehicles less than 12000kg GVM maximum width 2.5m excluding any Bull Bar provided that such Bull Bar does not protrude more than 300mm to the front
2. Rear Vision Mirror Dimensions  
A rear vision mirror on the side of the vehicle or combination of vehicles may extend an additional three hundred (300) millimetres past the width dimensions prescribed in subsection 76.1.
3. Tie-Down Device Dimensions  
A tie-down device on the side of a vehicle or combination of vehicles may extend an additional one hundred (100) millimetres past the width dimensions prescribed in subsection 76.1.
4. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

##### **91. PERMIT FOR EXCESS DIMENSIONS**

1. Where a vehicle or combination of vehicles, equipment, or machinery exceeds the restricted vehicle dimensions prescribed in section 76.1, the operator of the vehicle or combination of vehicles, equipment or machinery shall not operate or move the same on the street unless the operator has a valid permit issued by the Municipality Engineer to exceed the restricted vehicle dimensions fixed by this By-Law.
2. The driver or operator of the vehicle shall notify the Municipality Engineer and shall provide him with proof of financial responsibility. The Municipality Engineer, upon being satisfied that the vehicle or combination of vehicles, equipment

or machinery can be operated or moved upon the street without the likelihood of damage to the street or other property, may issue a permit allowing the vehicle or combination of vehicles, equipment or machinery to use such streets as are designated by the Municipality Engineer in the permit, and the driver or operator shall then use only such streets as are designated by the Municipality Engineer.

3. In applying for a permit, the driver or operator of the vehicle or combination of vehicles, equipment or machinery shall specify the make, description and weight of the engine, vehicle or machine, the route intended to be followed and the type of tires found on the same.
4. The fee for a permit shall be the sum as prescribed in the Municipal Tariffs as amended from time to time.
5. A permit issued under this section shall expire two (2) months after the date of issue or at such earlier date as specified on the permit.
6. The Municipality Engineer may refuse to issue a permit, if in his opinion, moving the said vehicle, equipment or machinery would damage the street, sidewalk or other Municipality utilities or disrupt traffic.
7. The Municipality Engineer or other official duly authorized may:
  - 7.1 require such precautions to be observed as he may deem requisite including:
    - a) the use of pilot cars in conformity with the Escort Vehicle Equipment;
    - b) the issuance of any permits as required by any other organization/s which may be affected thereby
    - c) the appointment of a suitable person to accompany the restricted vehicle, equipment or machinery to ensure that such precautions are duly observed;
    - d) the execution of an agreement by the applicant to bear all costs and liability for any damage that may occur by moving the vehicle, equipment or machinery.
  - 7.2 place terms within the permit restricting the days and hours that the permit for moving the said vehicle, equipment or machinery.
  - 7.3 The application number for the permit must be given by the operator of the vehicle, equipment or machinery upon request by a Police Officer or the Municipality Engineer.

## **92. FARM EQUIPMENT EXEMPTIONS**

1. Subsections 77.6.1, 77.6.2 and section 77.7 do not apply to any farm equipment, farm machinery, granary or grain bin being towed or that is self-propelled between sunrise and sunset on a street except:
  - a) where it extends or protrudes to the right of a center line of the main travelled portion of the street; or
  - b) where it extends or protrudes in the extreme right driving lane of the main travelled portion of a street which has been designated as a one-way street unless the extension or protrusion results from overtaking and passing a vehicle proceeding in the same direction or from an obstruction or closure of the portion of the street to the right of the center line by a vehicle or other object and the roadway upon which the extension or protrusion is to occur is free from obstruction and the movement can be made safely.
2. Time Restrictions for Transporting Farm Equipment  
Notwithstanding subsection 78.1, a person shall not operate or move any farm equipment or any vehicle pulling farm equipment on a street between 6:00 a.m. to 10:00 a.m. and 15:00 p.m. to 17:00 p.m., excluding Saturdays, Sundays and Public Holidays.

## **93. SLOW VEHICLES OTHER THAN FARM EQUIPMENT**

1. Unless otherwise directed by traffic signs or signals or by a Police Officer, the driver or operator of any slow-moving vehicle other than farm equipment shall drive such vehicle as closely as possible to the Left-Hand side of the street.
2. No person shall operate a slow-moving vehicle on any street between the hours of 6:00 a.m. and 10:00 a.m. or 15:00 p.m. and 17:00 p.m. Monday to Friday inclusive, excluding public holidays.
3. Notwithstanding subsection 79.1 and 79.2, a slow-moving vehicle may be operated at night between the hours of 7:00 p.m. and 6:00 a.m. provided that the vehicle is preceded and followed by a pilot car or is equipped with lights to the front and the rear and a rotating/flashing warning light.
4. Any Traffic Officer or Police Officer or peace officer or other person authorised by the municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

## **PART 14**

### **BUILDING, MOVING AND TEMPORARY STREET USE PERMITS**

#### **94. PERMIT TO MOVE BUILDING**

1. No person shall move a building, object, contrivance or structure the dimensions of which, including the vehicle and trailer, exceed:
  - a) a width of three point seven (3.7) metres;
  - b) a length of twenty-four point four (24.4) metres; or
  - c) a height of four point two (4.2) metres; over a street without first obtaining a moving permit and then only in compliance with the terms of that permit from the Municipality Engineer.



2. The Municipality Engineer shall have authority to issue a moving permit for the moving of a building, object, contrivance or structure over a street upon:
  - a) receipt of an application in writing for a moving permit not less than seventy-two (72) hours before the commencement of the move and giving full particulars of the move;
  - b) the issuance of any other permit to move a building, object, contrivance or structure as required.
  - c) receipt of an agreement or deposit by the applicant to bear all costs for signing, barricading, pole removal and damage to property.

#### **95. TEMPORARY STREET USE PERMIT**

1. No person shall cause or allow anything to encroach upon a street, sidewalk or verge because of the construction, repair or demolition of a building, structure or other object without first obtaining:
  - a) a temporary street use permit and then only in compliance with the terms of the temporary street use permit; or
  - b) a permit approved by Council.
2. The Municipality Engineer shall have authority to issue a temporary street use permit on a form provided by the Municipality, for temporary street use of a street, sidewalk or verge for up to three (3) weeks during the construction, repair or demolition of a building, structure or other object upon:
  3. receipt of an application in writing for a temporary street use permit not less than seventy-two (72) hours before the commencement of the construction, repair or demolition and giving full particulars of the proposed temporary street use;
  4. the issuance of any required building or demolition permits from the Municipality to the applicant;
  5. the issuance of any other permits as required
  6. execution of an agreement by the applicant to bear all costs of signing, barricading and damage to property;
  7. receipt of a fee as established by resolution of Council; and
  8. satisfying himself that the temporary street use will not unduly interfere with traffic or endanger public safety.
9. The Municipality Engineer may suspend or revoke a temporary street use permit where the applicant fails to abide by any condition of the permit or where the temporary street use unduly interferes with traffic or endangers public safety.

### **PART 15**

#### **DIRT, DEBRIS AND PUBLIC NUISANCE**

##### **96. REMOVAL OF DIRT AND DEBRIS**

1. All persons within the Municipality shall remove or cause to be removed and cleared away any dirt, debris or other materials from any sidewalk adjoining the property owned or occupied by them, such removal to be completed within twenty-four (24) hours of the time when the dirt, debris or other obstruction was formed or deposited thereon.
2. In default of any person complying with subsection 85.1 and in addition to any other remedy available to the Municipality for non-compliance with this By-Law, the Municipality may clear the sidewalk and the cost thereof shall be paid to the Municipality upon demand and failing payment such cost shall be charged against the property as a special assessment.
3. No person shall remove dirt, debris or other materials from any sidewalk by causing such material to be placed upon any other portion of any street or other public place adjacent to such property.
4. No person shall remove any dirt, debris or material causing an obstruction from a sidewalk by causing it to be placed upon the roadway adjacent to such sidewalk except to the extent that the removal of dirt or debris to private property is impractical.
5. No person shall place, or permit to be placed, any dirt, debris or other material removed from private property onto any street or other public places of the municipality.

##### **97. PROHIBITED BEHAVIOUR**

1. No person, excluding a Peace Officer or any other Official or person acting in terms of the law, shall-
  - a) when in a public place—
  - b) approach or follow a person individually or as part of a group of two or more persons, in a manner or with conduct, words or gestures intended to or likely to influence or to cause a person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other inflict things of value; or
    - i. intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle; or
    - ii. intentionally touch or cause physical contact with another person, or his or her property, without that person's consent;
  - c) continue to beg from a person or closely follow a person after the person has given a negative response to such begging.
2. Any person who blocks, occupies or reserves a public parking space, or begs, stands, sits or lies in a public place shall immediately cease to do so when directed by a Peace Officer or member of the Protection Services Department.
3. No person shall in a public place—
  - (a) use abusive or threatening language;
  - (b) fight or act in a riotous or physically threatening manner;
  - (c) urinate or defecate, except in a toilet;

- (d) bath or wash himself or herself, except
  - i. in a bath or shower; or
  - ii. as part of a cultural initiation ceremony in an area where such a ceremony is taking place;
- (e) spit;
- (f) perform any sexual act;
- (g) appear in the nude or expose his or her genitalia, except where designated by the Municipality as areas where nudity is permitted, provided that this shall not apply to children below the age of seven;
- (h) consume any liquor or drugs;
- (i) be drunk or be under the influence of drugs;
- (j) solicit or importune any person for the purpose of prostitution or immorality;
- (k) engage in gambling;
- (l) start or keep a fire, except an official or person duly authorised to do so or acting in terms of the law or in an area designated by the Municipality to do so; or
- (m) sleep overnight or camp overnight or erect any shelter, unless in an area designated for this purpose by, or with the written consent of the Municipality, provided that this shall not apply to cultural initiation ceremonies or informal settlements already established at the time of promulgation of these by-laws.

#### **98. NOISE NUISANCE**

No person shall in a public place-

- a) cause or permit to be caused a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound; or
- b) permit noise from a private residence or business to be audible in a public place,
- c) subject to Council approval or person authorised to grant such approval, permit amplified sound for the purposes of loudspeaker announcements for public meetings or due to the actions of street entertainers

### **PART 16**

#### **PROCEDURES, VOLUNTARY PAYMENTS AND PENALTIES**

##### **99. PENALTIES**

- 1. Except where otherwise specified in this By-Law, any person who contravenes any provision of this By-Law is guilty of an offence punishable on summary conviction by a fine in an amount not exceeding:
  - 1.1 Five Thousand (R5,000.00) Rands in the case of an individual;
  - 1.2 Five Thousand (R5,000.00) Rands in the case of a corporation.
- 2. In default of payment by an individual, by imprisonment for a term of not more than sixty (60) days unless the fine is paid sooner.

##### **100. CONTRAVENTION OF BY-LAW**

- 1. When a Police Officer or other person authorised by the Municipality to enforce this By-Law has reason to believe that a person or vehicle has contravened any provision of this By-Law, that Police Officer or other person authorised to enforce this By-Law may issue a Prosecution Notice to the person.
- 2. Service of the Prosecution Notice may be made by anyone of the following methods, and if so made shall be deemed to be effective service for the purposes of this By-Law:
  - a) in the case of an individual:
    - i. by delivering it personally to the individual
    - ii. by placing the Prosecution Notice on the vehicle in respect of which an offence is alleged to have been committed
    - iii. by sending it by registered mail at the individual's last known address
    - iv. by sending it by email / fax / normal mail / SMS / WhatsApp/ BBM / Phone call / Face Book/ and other electronic means at the individual's last known address
  - b) in the case of a corporation:
    - i. by delivering it personally to the driver of the vehicle in respect of which an offence is alleged to have been committed
    - ii. by placing the Prosecution Notice on the vehicle in respect of which an offence is alleged to have been committed
    - iii. by sending it by registered mail to the registered office of the corporation
    - iv. by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business.

- v. by sending it by email / fax / normal mail / SMS / WhatsApp/ BBM / Phone call / Face Book/ and other electronic means to the registered office of the corporation
- 3. No person, other than a Police Officer or person authorized by the Municipality to enforce this By-Law, shall place a Prosecution Notice on any vehicle.
- 4. No person, other than the owner or operator of the vehicle, shall remove a Prosecution Notice from a vehicle.
- 5. Only the Manager – Traffic & Licensing may cancel any Prosecution Notice where that Prosecution Notice was issued improperly or in error.
- 6. The penalty for breach of any provision of this By-Law shall be those set out in Schedule “A” of this By-Law.
- 7. Notwithstanding any other provisions of this By-Law, the registered owner of any vehicle shall be liable for a violation of any provision of this By-Law, as well as the person who committed the breach, unless the registered owner proves to the satisfaction of the judicial officer or justice of the peace trying the case that, at the time of the breach, the vehicle had been stolen from him or taken, without his consent express or implied, out of his possession or out of the possession of a person entrusted by him with its care.

#### **101. CHALKING TYRES**

- 1. Any Police Officer or other person authorised by the municipality with the enforcement of this By-Law may place an erasable chalk mark on the tread face or side of a tyre of any vehicle parked or stopped.
- 2. Any Police Officer or other person authorised by the Municipality with the enforcement of this By-Law may use camera images to prove the time period the vehicle has parked or stopped.

#### **102. IMPOUNDMENT OF VEHICLE BICYCLES**

- 1. Any Police Officer or any other person authorized by the Municipality or the Municipality Engineer may move, remove, cause to be moved or be removed any vehicle or bicycle that is unlawfully parked, placed, left or kept on any street, public parking place, other public place or public property in order to enforce this By-Law.
- 2. Any vehicle or bicycle removed pursuant to subsection 88.1:
  - a) shall be impounded and stored at the Municipality compound or any other place authorized by the Municipality or the Municipality Engineer at the cost of the owner for a period of thirty (30) days after the date of removal of the vehicle or bicycle; and
  - b) shall be released to the owner on payment of the costs of removal, impoundment and storage and any outstanding fines within thirty (30) days after the date of the removal of the vehicle or bicycle.
- 3. If the vehicle or bicycle is not redeemed within thirty (30) days, pursuant to subsection 88.2
  - (a) the vehicle or bicycle shall be dealt with as lost or unclaimed personal property;
  - (b) the Municipality shall have the right to recover from the owner of the vehicle or bicycle the costs of removal, impoundment and storage, including the actual cost of advertising, by:
    - (i) action in a court of competent jurisdiction;
    - (ii) sale of the vehicle or bicycle at public auction;
    - (iii) private sale of the vehicle or bicycle where the vehicle or bicycle cannot be disposed of at a public auction.

#### **103. IMPOUNDMENT OF OBSTRUCTIONS, ENCUMBRANCES OR ENCROACHMENT**

Where an obstruction, encumbrance or encroachment is created or left on any street, verge or sidewalk, any Police Officer or other person authorized by the Municipality may remove or cause the removal of that obstruction, encumbrance or encroachment at the cost of the person who caused the same and may destroy or otherwise dispose of the same in the manner provided therefore.

#### **104. VOLUNTARY PAYMENT (By-Law Violation)**

- 1. Where a Prosecution has been issued pursuant to section 86, the Prosecution Notice shall indicate whether the offense is one for which the Municipality will accept voluntary payment in an amount as set by Schedule “A” of this By-Law.
- 2. If payment is made within thirty-two (32) days of the issue date of the Prosecution Notice the payment set out in Schedule “A” shall be reduced by Fifty percent.
- 3. If the alleged contravention is one for which the Municipality will accept a voluntary payment in an amount as prescribed in Schedule “A”, the recipient of a Prosecution Notice desiring to make a voluntary payment shall, within thirty-two (32) days from the date of issue of the Prosecution Notice, produce and present the Prosecution Notice and prescribed payment to the Municipality Treasurer during normal business hours except on Saturdays, Sundays, Statutory or Public holidays.
- 4. Subject to 90(2), where the Municipality Treasurer receives voluntary payment of the prescribed amount, the person or owner of the vehicle receiving the Prosecution Notice shall not be liable for prosecution for the alleged contravention.
- 5. Nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of this By-Law.

#### **105. VOLUNTARY PAYMENT (Summary Offence Procedures Act)**

Where a Prosecution Notice (Sec. 341, 54 or 56) has been issued pursuant to the Road Traffic Act and Regulations, a voluntary payment can be made to the Local Court in the amount set on the Notice.

#### **106. ADDITIONAL PENALTIES**

The owner, driver or operator of a vehicle that is unlawfully placed, parked or kept on any street, parking place or other public place where the length of time parking is allowed is controlled is subject to an additional Prosecution Notice each time the allowed time has elapsed.

#### **107. PROSECUTION FOR DAMAGES**

Nothing in this By-Law shall be construed to curtail or abridge the right of the Municipality to prosecute an action for damages by reason of damage suffered to any municipal property resulting from the contravention of any of the provisions of this By-Law.

#### **108. APPLICATION OF THIS BY-LAW**

1. The headings throughout this By-Law are for convenience only and are not intended to be used to construe the intent of this By-Law or any part hereof, or to modify, amplify, or aid in the interpretation or meaning of the provisions of this By-Law.
2. If a court of competent jurisdiction should declare any section or subsection of this By-Law to be invalid, such section or subsection shall not be construed as having persuaded the Council to pass the remainder of the By-Law, and it is hereby declared that the remainder of this By-Law shall be valid and remain in force.
3. In the prosecution of an alleged contravention of any of the provisions of this By-Law, the onus of proof that the action giving rise to the charge was previously authorized shall lie upon the person charged.

#### **PART 17**

##### **109. REPEAL OF FORMER BY-LAW**

The By-Laws relating to Traffic for the Mtubatuba Local Municipality, are hereby repealed and replaced by these by-laws, which are to become effective on promulgation hereof.

##### **110. SHORT TITLE AND COMMENCEMENT**

This By-Law is called **Mtubatuba Traffic and Crime Prevention By-Laws, 2018** and takes effect on the date of publication in the Provincial Gazette.

**SCHEDULE "A"****VOLUNTARY PAYMENT****First Offence Only 50% reduction if paid within 32 days**

Second and third offence in any 30 day period = Full Amount

Additional Offence or more in any 30 day period = R5 000.00

**Section By-Law Description**

6.1 Fail to comply with direction of Traffic Control systems, markings, barrier or device:	R2 000.00
7.1 Crossed a newly painted road marking	R1 000.00
7.2 Drove vehicle across fire department water hose or equipment	R1 000.00
8.1 Erected signs without approval	R1 000.00
9 Distracting devices / signs or notice boards	R1 000.00
10 Damage to council or enforcement Service Provider property	NAG
11a Fail to park within 450mm from curb	R500.00
11b Park facing wrong way	R1 000.00
11.6 Fail to set brake, turn wheels to curb on a hill	R500.00
11.7 Parking on public property	R500.00
12 Park beyond the time limit posted on signs	R1 000.00
13 Park where "No Parking" signs are posted	R1 000.00
13 Park in lane other than to load or unload passengers or Goods	R500.00
13 Park within 10m of a street intersection	R500.00
13 Park within 3m of lane intersection	R500.00
13 Park within 2m of a sidewalk crossing	R500.00
13 Park within 5m of any railway tracks	R500.00
13 Park within 5m of a fire station driveway	R500.00
13 Park within 6m of a crosswalk	R500.00
13 Park within 15m of a stop sign or traffic signal	R500.00
13 Parking continuously on street for over 48 hours	R2 000.00
13 Park within 5m of a fire hydrant	R500.00
16 Double- park on street	R1 000.00
17 Disabled persons parking	R2 000.00
18 Park in loading zone when not loading or unloading goods or Passengers	R500.00
19 Park unlicensed vehicle on street	R2 000.00
19 Park a vehicle on street without a licence plate	R2 000.00
20 Parking on private property without consent	R1 000.00
21 Park vehicle over 6m in length, in metered parking stall	R1 000.00
21 Park vehicle over 4m in height, in metered parking stall	R1 000.00
21 Park vehicle over 2.5m in width, in metered parking stall	R1 000.00
21 Park vehicle over 6m in length, on street or publicly owned parking lot in any residential district for more than 1 hour	R1 000.00
22 Park in parking stall engine running unattended and unlocked	R1 000.00
23 Repairing or servicing a vehicle parked on a street or public parking	R1 000.00
23.2 Vehicle on street over 3 hours on jack or blocks	R1 000.00
24 Washing a vehicle parked in parking stall	R1 000.00
25 Park in a fire lane	R2 000.00
25 Unauthorized parking in disabled zone	R2 000.00
26 Drove in a manner so as to splash pedestrians	R1 000.00
27 U-Turns	R2 000.00
28 Entering Traffic	R1 000.00
29 Entering an Intersection	R1 000.00
30 Skipping a Stop Sign or a Red Light	R5 000.00
31 Lights	R1 000.00
32 Failing to Yield to a Pedestrian	R3 000.00
33 Overtaking across a Barrier Line	R5 000.00
34 Wearing a Seat Belt	R3 000.00
35 Driving too close to the car ahead / tailgating	R3 000.00
36 Unsafe Lane Changes	R3 000.00
37 Follow the instructions of all signs, traffic, peace officers and traffic wardens	R2 000.00

38 Consideration for other road users	R5 000.00
39 Licence Plates	R3 000.00
40 Towing vehicle	R1 000.00
41 Vehicle not to be driven, parked, or used on public property	R1 000.00
42 Driver of Motor Vehicle to be Licensed	R5 000.00
43 Motor vehicle to be Licensed	R5 000.00
44 Driver to have operating Licence of Permit	R3 000.00
45 Operating licence or driving licence to be produced on demand	R1 000.00
46 Maximum Speed	R5 000.00
47 Care in opening vehicle doors	R1 000.00
48 Damage to Street	R3 000.00
49 Vehicle or Machine without tyres	R1 000.00
50 Ride bicycle on a sidewalk footpath or verge	R500.00
50 Ride bicycle at night without light or reflector	R500.00
50 Ride bicycle without feet on the pedals	R500.00
50 Ride bicycle with passenger - other than exceptions	R500.00
50 Ride bicycle or motorcycle without 1 hand on handlebars	R500.00
50 Trick riding bicycle or motorcycle	R1 000.00
50 Bicycle carry load over size or weight - other than exceptions	R1 000.00
50 Fail to leave bicycle in upright position	R1 000.00
50 Bicycle not identified	R1 000.00
51 Ride roller skates, skate boards - jostle other pedestrians	R1 000.00
51 Ride skate boards on sidewalk - Central Business District	R1 000.00
52 Hitchhiking	R1 000.00
53 Pedestrian Right of Way	R3 000.00
54 Park obstructing traffic	R3 000.00
55 Vehicle left on street cleared for parade	R1 000.00
56 Motor Vehicle Attendants	R1 000.00
57 Held or used a cell phone while vehicle was in motion without a hands free kit	R5 000.00
58 Parking and Plying for hire	R1 000.00
59 Rank Permit	R1 000.00
60 Place of Validity of Rank Permit	R1 000.00
61 Rank Permit to be Produced on Demand	R1 000.00
62 Suspension or Withdrawal of a Rank Permit	R1 000.00
63 General Provisions Relating to Taxis	R1 000.00
64 Presumptions	R1 000.00
65 Public Busses	R1 000.00
66 Bus Rank	R1 000.00
67 Parking or standing time at loading bays	R1 000.00
68 Parking of Busses Prohibited in Certain Areas	R1 000.00
69 Unauthorised use of Bus Ranks	R1 000.00
70 Applications for Permits	R1 000.00
71 Issue of Permits	R1 000.00
72 Power to refuse	R1 000.00
73 Permit prescribed form	R1 000.00
74 Permit to be carried on vehicle	R1 000.00
75 Expiry and Renewal of Permit	R1 000.00
76 Substitution of Vehicle	R1 000.00
77 Council Rights	R1 000.00
78 Drivers to Observe By Laws	R5 000.00
79 Queues	R1 000.00
80 Bus Route	R5 000.00
82 Heavy Vehicle Route	R5 000.00
83 Dangerous Goods Transportation Routes	R5 000.00
84 Signage	R1 000.00
85 Parking for Heavy Vehicles	R5 000.00
86 Parking for Vehicles Transporting Dangerous Goods	R5 000.00
87 Permits for Excess Weight	R3 000.00
89 Restricted Vehicles	R3 000.00
90 Restricted Vehicles Dimensions	R3 000.00
91 Permit for Excess Dimensions	R3 000.00
92 Farm Equipment Exemptions	R1 000.00

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93 Slow Vehicles	R5 000.00
94 Permit to move building	R1 000.00
95 Temporary Street use permit	R1 000.00
96 Dirt and Debris	R5 000.00
97 Prohibited Behaviour	R5 000.00
101 Chalking Tyres	R3 000.00
102 Impoundment of Vehicles and Bicycles	R2 000.00
103 Impoundment of Obstructions, encumbrances or Encroachments	R2 000.00

## NUISANCES AND BEHAVIOUR IN PUBLIC PLACES BY-LAW, 2018

**To provide for measures for preventing, minimising or managing public nuisances; to prohibit certain activities or conduct in public places; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.**

### PREAMBLE:

**WHEREAS**, the Municipality has competence in terms of the section 156 (2) of the Constitution of the Republic of South Africa to make and administer By-laws for the effective administration of the matters which it has the right to administer;

**WHEREAS**, the Municipality has competence in terms of Part B of Schedule 5 of the Constitution relating to such matters as the control of public nuisances, municipal roads, public places, and traffic and parking;

**AND WHEREAS**, there is a need to develop legislation to deal with the prevention or minimisation of public nuisances and to regulate behaviour in public places;

**NOW THEREFORE**, the Municipal Council of Mtubatuba Municipality, acting in terms of section 156 read with Schedule 5 (Part B) of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

### TABLE OF CONTENTS

#### CHAPTER 1 INTERPRETATIONS

Section	Page no.
1. Definitions	3-4
2. Interpretation of By-law	4

#### CHAPTER 2 OBJECTS OF BY-LAW

3. Objects of By-law	4
----------------------	---

#### CHAPTER 3 APPLICATION

4. Application of By-law	4
--------------------------	---

#### CHAPTER 4 PROHIBITED CONDUCT

5. General prohibition and nuisance behaviour	4-5
6. Vegetation	5
7. Hanging items on fences, walls, balconies or verandas	5
8. Noise	5-6
9. Litter	6
10. Conduct regarding motor-vehicles	6
11. Skating, rollerskating and other dangerous acts	6
12. Obstructing, blocking or disturbing of traffic and pedestrians	6
13. Excavation in public places	6
14. Weed-killers, herbicides, pesticides and other poisons	6
15. Municipal property	6-7
16. Nuisance arising from the use of premises	7



**CHAPTER 5  
GENERAL POWERS OF THE MUNICIPALITY**

17. Goods and services offered for sale	7
18. Designated areas	7
19. Restricted access	7

**CHAPTER 6  
ENFORCEMENT**

20. Powers of authorised officials	7-8
------------------------------------	-----

**CHAPTER 7  
OFFENCES AND PENALTIES**

21. Offences	8
22. Penalties	8

**CHAPTER 8  
GENERAL PROVISIONS**

23. Appeals	8
24. Repeals	8
25. Delegations	8-9
26. Short title and commencement	9

## CHAPTER 1

### INTERPRETATIONS

#### 1. Definitions

In this By-law, unless the context otherwise indicates –

**"authorised official"** means a person authorised to implement the provisions of this By-law, including but not limited to–

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) municipal or Protection Services; and
- (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

**"head of Health"** means the official of the Municipality in charge of or responsible for the department of the Municipality dealing with matters relating to Public Health;

**"motor-vehicle"** means any self-propelled vehicle having an engine or motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such engine or motor for the purposes of transportation on any road of one or more persons or any material, item, substance or object, and includes a trailer, motor-bike, quad-bike or earth-moving or earth-working vehicle, but excludes any vehicle which is controlled by a pedestrian, or any vehicle with a mass not exceeding 230 kilograms which is specially designed and constructed solely for mobility of any person suffering from some physical defect or disability;

**"municipal council" or "council"** means the Mtubatuba Municipal Council, a municipal council referred to in section 157(1) of the Constitution;

**"municipality"** means Mtubatuba Municipality;

**"municipal manager"** means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipality; and includes any person acting in that capacity.

**"nuisance"** means any conduct or behaviour by any person or the use, keeping, producing, by-producing, harbouring or conveying, as the case may be, of any item, substance, matter, material, equipment, tool, vegetation or animal or causing or creating any situation or condition in or on private property or in a public place or anywhere in the Municipality which causes damage, annoyance, inconvenience or discomfort to the public or to any person, in the exercise of rights common to all or of any person;

**"overnight"** means the period from 20h00 in the evening to 06h00 in the morning;

**"public place"** means –

- (a) a public road;
- (b) any parking area, square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has –
  - i. in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
  - ii. at any time been dedicated to the public;
  - iii. been used without interruption by the public for a period of at least thirty years expiring after 31 December 1959; or
  - iv. at any time been declared or rendered as such by the Municipality or other competent authority; or
- (c) a public transportation motor-vehicle;
- (d) but will not include public land that has been leased or otherwise alienated by the Municipality;

**"public road"** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) 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 includes –

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

**"public transportation motor-vehicle"** includes any train, bus, minibus or motor- vehicle travelling on land, water or in the air, conveying members of the public at a fee; and

**"waste"** means any substance, whether or not that substance can be reduced, re- used, recycled and recovered—

- (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (b) which the generator has no further use of for the purposes of production;
- (c) that must be treated or disposed of; or
- (d) that is identified as a waste by the Minister by notice in the *Gazette*, and includes waste generated by the mining, medical or other sector, but –
  - (i) a by-product is not considered waste; and
  - (ii) any portion of waste, once re-used, recycled and recovered, ceases to be waste.

## 2. Interpretation of By-law

If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

## CHAPTER 2 OBJECTS OF BY-LAW

### 3. Objects of By-law

The objects of this By-law are to provide—

- (a) measures to regulate and control conduct or behaviour which causes or is likely to cause discomfort, annoyance or inconvenience to the public or users of any public place, so as ensure that any such discomfort, annoyance or inconvenience is avoided, and where total avoidance is impossible or impractical, is minimised and managed;
- (b) certain conduct or behaviour within a public place in order to prevent nuisance; and
- (c) penalties for breach of its provisions.

## CHAPTER 3 APPLICATION

### 4. Application of By-law

This By-law applies to all areas which fall under the jurisdiction of Mtubatuba Municipality and is binding on all persons to the extent applicable.

## CHAPTER 4 PROHIBITED CONDUCT

### 5. General prohibition and nuisance behaviour

- (1) No person may in a public place—
  - (a) act in a manner which is dangerous to life or which may damage property;
  - (b) unlawfully enter a public place to which access has been restricted in terms of this By-Law or any other law;
  - (c) cause a nuisance;
  - (d) hold a gathering in contravention of the Regulation of Gatherings Act, 1993 (No. 205 of 1993); or
  - (e) behave in an indecent, offensive or objectionable manner.
- (2) No person may in a public place –
  - (a) use abusive, threatening or foul language;
  - (b) fight or act in a riotous or physically threatening manner;
  - (c) urinate or defecate, except in a toilet;
  - (d) bath or wash himself or herself, except-
    - i. in a bath or shower; or
    - ii. as part of a religious or cultural ceremony in an area where such ceremony is lawfully taking place. Provided no nuisance is caused thereby;
  - (e) spit
  - (f) perform any sexual act;
  - (g) appear in the nude or expose his or her genitalia;
  - (h) consume any liquor or be in a state of intoxication;
  - (i) use any drugs or be under the influence of drugs;
  - (j) solicit or importune any person for the purpose of prostitution, human trafficking or other illegal business;
  - (k) engage in gambling;

- (l) start or keep a fire unless for the purposes of making a braai in an area where such activity is permitted, unless that person is authorised to make and keep such fire by the Municipality or in terms of law;
  - (m) other than a peace officer or other official or person acting in terms of the law, deposit, pack, unpack or leave any goods or articles in a public place, or cause any goods or articles to be deposited, packed, unpacked or left in a public place, other than for a reasonable period during the course of the loading, off-loading or removal of such goods or articles;
  - (n) carry or convey through a public road any object, item, material or substance which, owing to its smell, noise, vibration, size or anything to do with its nature character or owing to the manner of its conveyance, is such that it causes or is likely to cause a nuisance, which includes but not limited to a carcass of an animal, any garbage, night-soil, refuse, litter, rubbish or manure, unless carried or conveyed in a manner allowed by law and which does not cause a greater level of discomfort, inconvenience or annoyance than that allowed by any such law;
  - (o) discharge fireworks except in accordance with the By-law of the Municipality dealing with fire and other applicable law;
  - (p) smoke in areas not designated for smoking; or
  - (q) in any way cause a nuisance in public place.
- (3) The Municipality may erect signage indicating prohibited or permissible conduct in a public place for the purposes of section 5.

#### **6. Vegetation**

- (1) No person may allow any tree or other growth on any premises under his or her control to—
- (a) interfere with—
    - i. any public service infrastructure; or
    - ii. communal services infrastructure such as, but not limited to, overhead wires, stormwater drainage or sewage system; or
  - (b) become a source of annoyance, danger, inconvenience or discomfort to persons using a public road.
- (2) The Municipality may by written notice direct the owner, occupier or person in control of premises contemplated in subsection (1) to prune or remove such tree or growth to the extent and within the period specified in such notice.
- (3) If the person contemplated in subsection (2) fails to take measures contemplated in the notice issued in terms of that subsection, the Municipality may act and recover costs from that person.
- (4) No person other than a duly authorised official of the Municipality may—
- (a) plant a tree or plant in a public place, or in any way cut down a tree or shrub in a public place or remove it therefrom, except with the written permission of the Municipality;
  - (b) climb, break or damage a tree growing in a public place; or
  - (c) in any way mark or paint any tree growing in a public place or attach any advertisement or notice thereto.

#### **7. Hanging of items on fences, walls, balconies or verandas**

- No person may dry, spread or hang washing, bedding, carpet, rags, or any other item —
- (a) in a public place;
  - (b) over a fence or wall which borders the verge of a public road;
  - (c) on premises in such a manner that it is visible from a public road; or
  - (d) on a balcony or veranda in such a manner that it is visible from a public road.

#### **8. Noise**

- (1) No person may in a public place cause or permit to be caused any disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound, except where such noise or sound is emanating from —
- (a) an authorised public meeting, gathering, congregation or event; or
  - (b) an emergency or rescue announcement, which noise or sound is normally associated with such meeting, gathering, congregation, event or situation and in accordance with the conditions of authorisation of any such meeting, gathering, congregation, event or situation.
- (2) No person may permit noise or sound from a private residence or business premises in his or her control to be audible to users, except for authorised commercial entertainment establishments on suitably zoned premises where noise or sound is normally associated with the normal use of such place and in accordance with the conditions of authorisation of that business.

- (3) No person may place or position any loudspeaker or any sound equipment at, near or outside the entrance or door of any premises for the purposes of using that loudspeaker or sound equipment to –
  - (a) make any public announcements;
  - (b) invite or lure customers or any persons into that premises or other premises; or
  - (c) entertain any person who is in a public place.
- (4) No driver or person in control of a motor-vehicle may permit any amplified sound or noise to emanate from the motor-vehicle such that it is audible at a distance of more than 50 meters.
- (5) No person may blow, or cause to be blown, a hooter of a motor-vehicle in a public place in such a manner or frequency that it creates a nuisance, unless the blowing of a hooter is necessary to alert any pedestrian or any user of another motor-vehicle of any danger or to alert any user of a motor-vehicle to any act or to desist from an act which is connected with the flow of traffic or parking of motor-vehicles.
- (6) No person may rev the engine of a stationary motor-vehicle in such a way that it causes nuisance in a public place, provided that a person may rev an engine for the purposes of repairing such motor-vehicle which has broken down in or near a public place.

#### **9. Litter**

- (1) No person may within a public place, deposit, dump or discard any waste –
  - (a) in a manner that detracts from the cleanliness of such public place or which causes a nuisance; and
  - (b) anywhere other than in a receptacle provided by the Municipality for that purpose.
- (2) No person may permit waste or litter from a private residence or business premises to be discarded, dumped, stored, kept or disposed of in such a manner that such waste or litter causes a nuisance.

#### **10. Conduct regarding motor-vehicles**

- (1) No person may in a public place –
  - (a) wash or clean any motor-vehicle, except in an area designated by the Municipality for that purpose; or
  - (b) effect any repairs to a motor-vehicle or boat, except where repairs are necessary for the purpose of removing such motor-vehicle from the place where it was involved in an accident or had a breakdown.
- (2) No person may in a public place –
  - (a) sleep in a stationary motor-vehicle except in an emergency, or where such person is the driver of a public transportation motor-vehicle, is guarding a motor-vehicle, or is in a designated rest area; or
  - (b) reside in a motor-vehicle for longer than 24 hours, unless that person sleeps for the purposes of resting after a long journey using that vehicle, provided that an authorised official may at any time direct that person to move the vehicle away from such place or to desist from sleeping or residing on the vehicle.

#### **11. Skating, rollerskating and other dangerous acts**

- (1) No person may on a public place skate on roller-skates or a skate-board or similar device except where permitted by the Municipality;
- (2) No person may in a public place do anything which may endanger the life or safety of any person or animal, including but not limited to shooting with a bow and arrow or catapult, or throwing a stone, stick or other projectile in, onto or across a public place: Provided that shooting with a pellet gun or similar object which is intended solely for recreational purposes is not prohibited if it is discharged safely.

#### **12. Obstructing, blocking or disturbing of traffic and pedestrians**

- (1) No person may
  - (a) in a public place, intentionally block or interfere with the safe or free passage of a pedestrian or motor-vehicle, unless to the extent authorised by law; or
  - (b) approach any pedestrian or a person inside a motor-vehicle on any public road or public road intersection or any other public place for the purposes of begging from such pedestrian or person in a motor-vehicle.
- (2) Any person, who unlawfully blocks, occupies or reserves a public parking space, or begs, stands, sits, lies in a public place, or does anything which hinders or disturbs the flow of pedestrian or road traffic must immediately cease to do so when directed by an authorised official.

#### **13. Excavation in public places**

- (1) No person may make or cause to be made an excavation, a pit, trench or hole in a public place –
  - (a) except with the written permission of the Municipality; and
  - (b) otherwise than in accordance with the requirements prescribed by the Municipality or authorised in terms of the applicable By-law of the Municipality or any other law.

- (2) The provisions of subsection (1) do not prevent a person from erecting an umbrella or any other similar object in a public place: Provided that the manner in which it is erected does not result in damage to the vegetation or anything forming part of the public place concerned.

#### **14. Weed-killers, herbicides, pesticides and other poisons**

No person other than an authorised official or an authorised person who administers legally approved weed killers, herbicides, poisons or pesticides may set or cast poison in any public place.

#### **15. Municipal property**

- (1) No person, unless authorised by the Municipality or in terms of any other law, may within a public place—
- (a) deface, damage, destroy or remove any property or part thereof which is affixed, placed or erected in or on a public place;
  - (b) paint or draw graffiti or other form of art or hobby on any property which forms part of a public place;
  - (c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage;
  - (d) affix or place on any municipal property, or distribute, any printed matter; or
  - (e) plug, tamper with, or in any way damage any plumbing, electrical, heating or other fixtures or installations.
- (2) The provisions of subsection (1) do not apply to any person who is employed or authorised by the Municipality for the purposes of fixing, repairs, demolishing, renovations or any such service for or on behalf of the Municipality.

#### **16. Nuisance arising from the use of a premises**

No occupier or owner of a premises may use or allow such premises to be used in a manner which creates or is likely to create a nuisance.

### **CHAPTER 5 GENERAL POWERS OF THE MUNICIPALITY**

#### **17. Goods and services offered for sale**

- (1) The Municipality may, in terms of the By-law of the Municipality dealing specifically with informal trade, designate areas within public places, where marketing, display or offering for sale of any goods or services is prohibited or controlled in order to, amongst other reasons as contemplated in such By-law, constrain nuisances.
- (2) Subsection (1) does not apply to the selling of newspapers at intersections or to the sale of goods by non-governmental organisations or developmental organisations who may apply for exemption for all their traders.
- (3) Notwithstanding subsection (1), the Municipality may, in terms of the By-laws contemplated in subsection (1), issue permits for the sale of goods or services, and in so doing, the Municipality may limit the number of permits for an area and stipulate such conditions as it may from time to time prescribe.

#### **18. Designated areas**

The Municipality may in relation to any public place, to the extent empowered by law—

- (a) designate a public place or part thereof for a specific function or use at designated times or at all times, and prohibit certain activities or conduct in respect of any such public place;
- (b) develop any public place in the interest of the public;
- (c) erect, construct, establish or demolish municipal property; and
- (d) exercise any other power reasonably necessary for the discharge of its obligations in terms of this By-law relating to the management of public places or otherwise in terms of any other law.

#### **19. Restricted access**

- (1) The Municipality may, by appropriate signage, restrict access to any part of a public place for a specified period of time to—
- (a) protect any aspect of the environment within a public place;
  - (b) reduce vandalism and the destruction of property;
  - (c) improve the administration of a public place;
  - (d) develop a public place;
  - (e) enable a special event which has been permitted in terms of this By-law or any other law to proceed; or
  - (f) undertake any activity which the Municipality reasonably considers necessary or appropriate to achieve the purposes of this By-law.

### **CHAPTER 6 ENFORCEMENT**

#### **20. Powers of authorised official**

- (1) The authorised official may, in respect of premises, at all reasonable times enter any premises on which a nuisance in terms of this By-law occurs or is alleged to occur or to have occurred and–
  - (a) inspect or monitor the premises;
  - (b) question the person in control of premises;
  - (c) serve any compliance notice to the person in control;
  - (d) take photos of any items used in the premises to cause a nuisance; and
  - (e) take samples or other evidence in respect of any nuisance caused.
- (2) A duly authorised official may, in respect of a nuisance caused or alleged to be caused in a public place, instructs a person to cease an act or conduct which causes such nuisance, with immediate effect.
- (3) If it appears to the authorised official that it is not possible for the offending person to comply with his or her instructions forthwith, the enforcement officer must issue a warning notice in the form prescribed by the Municipality, instructing the offending person to cease an act or conduct causing nuisance within a reasonable time period.
- (4) When issuing a warning notice the authorised official must procure the signature of the offending person confirming receipt of a warning notice.
- (5) The authorised official must inform the offending person that–
  - (a) a signature of the offending party in terms of subsection (3) does not on its own constitute an admission of guilt; and
  - (b) it is an offence in terms of this By-law to refuse to sign a warning issued by an authorised official.

## **CHAPTER 7 OFFENCES AND PENALTIES**

### **21. Offences**

- (1) A person commits an offence if he or she–
  - (a) contravenes any provision of this By-law;
  - (b) contravenes any conditions, restrictions or prohibitions imposed in terms of this By-law;
  - (c) fails to comply with the terms of any notice or signage displayed in terms of this By-law;
  - (d) obstructs, hinders, or in any manner interferes with an authorised official who is acting or entitled to act in terms of this By-law; or
  - (e) fails to obey any lawful instruction or direction given to him or her in terms of this By-law.
- (2) A person is guilty of a continuing offence if he or she continues with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence.

### **22. Penalties**

- (1) Any person who is convicted of an offence under this By-law is be liable to a fine of an amount not exceeding R10 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.
- (2) In the case of a continuing offence, an additional fine of an amount not exceeding R100 or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

## **CHAPTER 8 GENERAL PROVISIONS**

### **23. Appeals**

- (1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons thereof to the municipal manager within 21 (twenty-one) days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority.
- (3) The appeal authority must commence with an appeal within 6 (six) weeks and decide the appeal within a reasonable period.
- (4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.
- (5) The appeal authority must furnish written reasons for its decision on all appeal matters.
- (6) All appeals lodged are done so in terms section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.

- (7) Where a conviction has been affirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process and not in terms of subsections (1) to (5).

#### **24. Repeals**

Any existing By-laws regarding this By-law are hereby repealed.

#### **25. Delegations**

- (1) Subject to the Constitution and applicable national and provincial laws, any –
- (a) power, excluding a power referred to in section 160(2) of the Constitution;
  - (b) function; or
  - (c) duty conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councilor, or staff member, to an entity within, or a staff member employed by the Municipality.
- (2) The delegation in terms of sub-section (1) must be effected in accordance with the system of delegation adopted by the council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.
- (3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain the following information –
- (a) entity or person issuing the delegation or sub-delegation;
  - (b) recipient of the delegation or sub-delegation; and
  - (c) conditions attached to the delegation or sub-delegation.

#### **26. Short title and commencement**

This By-Law is called **Nuisances and Behaviour in Public Places By-law, 2018** and takes effect on the date of publication in the Provincial Gazette.





treasury

Department:

Treasury

PROVINCE OF KWAZULU-NATAL

## Call for Applications for Persons to serve as members of the Municipal Bid Appeals Tribunal

The KwaZulu Natal is in the process appointing Municipal Bid Appeal Tribunal, which consider objections against supply chain management related decisions made by municipalities within the province of KwaZulu Natal. Municipal Bid Appeals Tribunal to coincide with the areas of jurisdiction of each district municipality and serves all the local municipalities within that district.

The Municipal Bid Appeals Tribunal have been established in terms of the Municipal Finance Management Act (56 of 2003) and its related Municipal Supply Chain Management Regulations (2005). The tribunal consists of chairperson, deputy chairperson, and not fewer than three (3) but more than five (5) member.

**REQUIREMENTS:** • Be a South African citizen • Knowledge of with any other requirements prescribed by National legislation, In particular the Municipal Finance Management Act 53 of 2003, PPPFA • be in possession of a tertiary qualification in SCM, Law or Commerce • be of good standing.

Preference will be given to applicants with experience in the public sector, in particular municipal governance; applicants based within proposed area of jurisdiction of a tribunal; and applicants whose appointment will enhance the representivity of tribunals.

**DISQUALIFICATION:** The following persons are not eligible for appointment as a member of a tribunal: • an employee of any organ of state • a member of Parliament • the National Council of Provinces • Provincial Legislature • or any Municipal Council • a person who is not qualified for appointment as a director of a company; a person who is disentitled in law to hold the office of trustee; and a person who has been convicted of a criminal offence committed after 27 April 1994 and sentenced in imprisonment without the option of a fine.

**TERMS AND CONDITIONS:** Appointment will be on part time basis for a period of three (3) years, but subject to a possible further term not exceeding three (3) years. The employment conditions and remuneration of members shall be determined by the MEC for Finance. Applicants should send detailed Curriculum Vitae which should include the following information: identity number, gender and race, telephone number, telefax and email address, qualifications/field of study, current and past services on any tribunal or board experience, knowledge and skills, and the names of two contactable referees. Applications that do not comply with these instructions will not be considered.

**Enquiries: Mrs L Naidoo (033) 897 4477**

**closing date: 14 June 2019**

**Applications, quoting MBAT must be forwarded to: Mrs Lorraine Naidoo, KZN Provincial Treasury, 145 Chief Albert Luthuli Rd, P.O. Box 3613 PIETERMARITZBURG, 3201, or email: [lorraine.aidoo@kzntreasury.gov.za](mailto:lorraine.aidoo@kzntreasury.gov.za).**

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**MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS**

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**MUNICIPAL NOTICE 56 OF 2019**

**NQUTHU MUNICIPALITY**  
**UMASIPALA WASE NQUTHU**  
Private Bag X5521, NQUTHU, 3135  
Tel: +27(0)34 271 6100, Fax: +27(0) 34 271 6111

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**NOTICE NO. SR/10/2019/V****PUBLIC NOTICE CALLING FOR INSPECTION OF  
SUPPLEMENTARY VALUATION ROLL NO.10 01 JULY 2018 TO 31 MARCH  
2019 AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of section 49 (1) (a) (i) read together with section 78 (1) (2) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), hereinafter referred to as the "Act", that the supplementary valuation roll for the financial years 2018/19 is open for public inspection at Revenue Collection Office No.10, Municipal Library and website [www.nquthu.gov.za](http://www.nquthu.gov.za) from 09 May 2019 to 10 June 2019 during normal office hours.

An invitation is hereby made in terms of Section 49(1)(a)(ii) read with section 78(2) of the Municipal Property Rate Act that any owner of a property or other person who so desires may lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the supplementary valuation roll within the abovementioned period.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act an objection must be in relation to a specific individual property and not against the valuation roll as such.

The form for the lodging of objection is obtainable at the following address: Lot 83/10 Mdlalose Street Nquthu 3135 or website [www.nquthu.gov.za](http://www.nquthu.gov.za). The completed forms must be returned to the following address on or before the expiry date as stated above:

Municipal Manager  
Nquthu Municipality  
Private Bag x 5521  
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