



uMNGENI MUNICIPALITY

TRAFFIC AND CRIME PREVENTION BY-LAWS

uMNGENI TRAFFIC POLICE

RA EVERTON

MANAGER: TRAFFIC & LICENSING

2014

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A BY-LAW of the uMngeni Municipality, in the Province of Kwazulu-Natal, to supplement the Road Traffic Act, 1996, to regulate vehicle and pedestrian traffic upon the streets of the uMngeni Municipality area of jurisdiction and preserve order therein.

THE COUNCIL OF THE TOWN OF uMNGENI, KWAZULU-NATAL, IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

PART 1 – GENERAL

1 TITLE

This By-Law may be cited as the “Traffic & Crime Enforcement 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 the 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 addition 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. This 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 an 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 a sign or marking for the purpose of loading and unloading bus passengers;
- 2.8 “**Town**” means the Town of Howick and includes all and any area within the jurisdiction of the uMngeni Municipality;
- 2.9 “**Town Engineer**” means the Engineer of the uMngeni Municipality, the Manager of Public Works 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, R.S.C., 1985, c. T-19, or any other Act enacted in its stead;
- 2.12 “**Disability**” means any person who has a physical impairment that substantially limits one 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.
- 2.12 “**Disabled Person’s Parking Area**” means all that 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;
- 2.13 “**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;
- 2.14 “**Double-park**” means the standing of a vehicle, whether occupied or not,
- 2.13.1 parallel to a vehicle parked beside the curb in a designated parking area,
or
- 2.13.2 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;
- 2.15 “**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;
- 2.16 “**Emergency Vehicle**” means any vehicle of the Fire Department, the uMngeni Traffic Police, any licensed ambulance, any military vehicle or any vehicle designated as an emergency vehicle by a competent authority, government department or the uMngeni Municipality;
- 2.17 “**Fire Lane**” means that area designated by a sign or a marking as a fire lane;
- 2.18 “**Heavy Vehicle**” means:
- 2.17.1 A vehicle with a gross weight registration exceeding ten thousand (10,000) kilograms, or
- 2.17.2 A vehicle, including any combination of motor vehicle, trailer, machinery, equipment and load, with a total weight exceeding ten thousand (10,000) kilograms;
- 2.19 “**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;
- 2.20 “**Intersection**” means that portion of the roadway where two (2) or more streets intersect;
- 2.21 “**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;
- 2.22 “**Lane Intersection**” means that area bounded by property lines, real or

projected, of a lane where it meets with the street;

- 2.23 “**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;
- 2.24 “**Marking**” means any pavement marking installed on the street for the guidance, regulation, warning, direction or prohibition of traffic;
- 2.25 “**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.
- 2.26 “**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;
- 2.27 “**Obstruction**” in relation to a road, means any motor vehicle or any other thing which blocks or is likely to block traffic flow;
- 2.28 “**Overnight**” means the period from 19h00 in the evening to 06h00 in the morning;
- 2.29 “**Parade**” means:
- 2.24.1 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
 - 2.24.2 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;
- 2.30 “**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;
- 2.31 “**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;
- 2.32 “**Pedestrian**” means any person on foot or confined to a wheelchair and shall include a baby carriage;
- 2.33 “**Pedestrian Crosswalk**” means:
- 1 that portion of a street designated by a sign or a marking for the use of pedestrians to cross a street;
 - 2 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;
 - 3 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
 - 4 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;

- 2.34 “**Person**” means any corporation, firm, partnership, association, registered company, unincorporated group of persons, natural person or other aggregation of the same;
- 2.35 “**Police Officer**” means a member of the uMngeni Traffic Police or a member of the South African Police Service or Traffic Warden appointed by the uMngeni Municipality;
- 2.36 “**Private Driveway**” means every road intended for private use and not open to the public for the purpose of vehicular traffic;
- 2.37 “**Public Place**” means—
- (a) a public road;
 - (b) any parking area, square, park, recreation ground, sports ground, open space, shopping centre, 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;
 - (c) a public transportation motor vehicle,
 - (d) but will not include public land that has been leased or otherwise alienated by the Town;
- 2.38 “**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;
- 2.39 “**Public Transport Vehicle**” means a motor vehicle conveying persons for reward and operating in terms of an operating licence issued in accordance with the provisions of the NLTTA.
- 2.40 “**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;
- 2.41 “**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;
- 2.42 “**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;

- 2.43 “**Sign**” means any sign, signal, marking or other device installed for the guidance, regulation, warning, direction or prohibition of traffic, parking, standing or stopping;
- 2.44 “**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) kilometres per hour or that normally travels or is used at a speed of less than forty (40) kilometres per hour;
- 2.45 “**Stop**” means:
- 2.37.1 when required, a complete cessation from movement; or
- 2.37.2 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;
- 2.46 “**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:
- 2.38.1 a parking lot, whether privately or publicly owned; or
- 2.38.2 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;
- 2.47 “**Street Entertainer**” means a person who mimes, plays a musical instruments for entertainment or engages in other performing or visual arts;
- 2.48 “**Taxi**” means a motor vehicle licensed by the Town to provide passenger service to the public;
- 2.49 “**Traffic**” means the movement of pedestrians, vehicles or animals on any street;
- 2.48 “**Traffic Control System**” means a illuminated device whether manually, electrically or mechanically operated for the purpose of directing, warning or regulating traffic;
- 2.50 “**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 Town 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 Town 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 Town Engineer during normal business hours.

5. **TEMPORARY STREET CLOSURES**

- 5.1 Notwithstanding any other provision in this By-Law, the Town 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 Town, 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 Town 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 Town 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 Town 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 Town 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

- 6.1 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 Town Engineer or by the uMngeni Traffic Police.

7 CROSSING NEW PAVEMENT MARKINGS 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 Town Engineer. The Town Engineer is hereby empowered to remove any prohibited sign, signal, marking or light without notice.
- 8.2 No person other than Council or the Town 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 uMngeni Traffic Police, Town Engineer or the Town 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 uMngeni Traffic Police, Town Engineer or the Town 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 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 uMngeni Traffic Police, Town Engineer or the Town 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 or obstruction to drivers or vehicles

10 **INTERFERENCE WITH SIGNS**

- 10.1 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 Town.

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 Town Engineer or other public authority having jurisdiction.
- 11.8 Subsection 11.7 shall not apply to maintenance vehicles of the Town in the case of public property or the Boards of Education in the case of school grounds.

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 authorised by the Council or person authorised 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 LOCATIONS**

- 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**

- 14.1 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, Town employee, or member of the Fire Department.

16 **DOUBLE-PARKING**

- 16.1 No person shall double-park a vehicle on any street.

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.

19 UNLICENSED VEHICLE PARKING ON THE STREET

19.1 No person shall park a vehicle on a street unless it displays license 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

20 PRIVATE PROPERTY

20.1 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

21.1 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.

21.2 No person shall park a vehicle or a vehicle connected to a 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.

21.3 This section does not apply to a construction trailer, implement or equipment owned by the Town.

22 ENGINE RUNNING

22.1 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.

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.
- 25.3 This section shall not apply to any person operating an emergency vehicle.

PART 4

DRIVING AND OPERATION OF VEHICLES

26 SPLASHING PEDESTRIANS

- 26.1 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

- 27.1 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.

28 ENTERING TRAFFIC

- 28.1 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.

29 ENTERING AN INTERSECTION

- 29.1 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.

30 TOWING VEHICLE

- 30.1 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.
- 30.2 No person shall tow any vehicle in contravention of the Act as amended from time to time.

31 VEHICLE NOT TO BE DRIVEN, PARKED OR USED ON PUBLIC PROPERTY

- 31.1 No person shall drive, park or use a vehicle on any sidewalk or verge unless the driver or operator has written permission of the Town Engineer, with such permission only to be granted by the Town 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.
- 31.2 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 Town Engineer or other public authority having jurisdiction.
- 31.3 This section shall not apply to maintenance vehicles of the Town in the case of public property or the Boards of Education in the case of school grounds.

32 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.

33 MOTOR VEHICLE TO BE LICENSED

- (1) Subject to the provisions of the Act, every motor vehicle in the Town 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.

34. DRIVER TO HAVE OPERATING LICENCE OR PERMIT

- (1) 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.

35 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 may call on any vehicle driven on a public road to stop and may demand that he or she—
 - (a) produce the operating licence; and
 - (b) give his or her full name and address 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.

36 MAXIMUM SPEED

- 36.1 No person shall drive or operate any vehicle on a street at a speed greater than the speed permitted by the posted signs.

- 36.2 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.

37 CARE IN OPENING VEHICLE DOORS

- 37.1 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.
- 37.2 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.

38 DAMAGE TO STREET

- 38.1 No person shall use a vehicle on a street if the vehicle could cause damage to the surface of the street.
- 38.2 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.

39 VEHICLE OR MACHINE WITHOUT TYRES

- 39.1 No person shall drive, propel or move any vehicle, tractor or other similar machine having contact with the road surface by motorised 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

40 OPERATION OF BICYCLE

- 40.1 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.

40.2 No person shall operate a motorcycle or bicycle:

- (a) in a reckless or negligent manner;
- (b) without keeping at least one (1) hand on the handlebars at all times;
- (c) while riding abreast of another cyclist or motorcyclist except for the purpose of passing on the right side;
- (d) while performing or attempting to perform any trick - riding or acrobatic performance thereon;
- (e) while carrying a load
 - (i) weighing more than twenty (20) kilograms;
 - (ii) of a greater width than that of the bicycle or motorcycle; or
 - (iii) that obstructs the clear vision of the cyclist or motorcyclist in any direction when seated unless the bicycle or motorcycle is equipped with a proper carrier mounted behind the operator.

40.3 No person shall place a bicycle in a reclining position on any street, sidewalk or public place.

PART 6

PEDESTRIAN'S RIGHTS AND DUTIES

41 INCONVENIENCING PEDESTRIAN

- 41.1 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.
- 41.2 No person shall skateboard on a street or sidewalk or other public place within the restricted areas outlined in the Central Business District.

42 HITCHHIKING

- 42.1 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.

- 42.2 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
- 42.3 No person shall, by foot, cross the National Freeway unless such crossing was for an emergency purpose.

43 PEDESTRIAN RIGHT OF WAY

- 43.1 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.

PART 7

STREET AND SIDEWALK OBSTRUCTION

44 OBSTRUCTING SIDEWALK OR STREET

- 44.1 No person shall obstruct the free passage of traffic on any sidewalk or street without first securing a permit from the Town Engineer.
- 44.2 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.

45 DIVERSION OF TRAFFIC FOR PARADE

- 45.1 The Town Engineer, in conjunction with the uMngeni 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.
- 45.2 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.
- 45.3 Except with permission in writing by the Council 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.
- 45.4 No person shall leave any vehicle on any street that has been cleared or is about

to be cleared for a parade.

PART 8

46. 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 the may 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.

COMMUNICATION DEVICES

47. 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 (a), 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
 - (c) follow all procedures contained in any policy of the Municipality dealing with the confiscation and impoundment of property.

PART 9

PLYING FOR HIRE AND RANKING REQUIREMENTS

48 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.

49 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).
- (2) No person shall be issued with a rank permit, unless he or she provides—
 - (a) in the case of an existing vehicle:
 - (i) a certified copy of the operating licence
 - (ii) professional public driving permit
 - (iii) certified copy of vehicle particulars (vehicle registration discs), and a,
 - (iv) copy of the Registration document
 - (v) proof of address
 - (vi) a certified copy of the vehicles certificate of roadworthiness
 - (vii) an identification document and appropriate driving licence
 - (viii) original letter of approval from the relevant association.
 - (ix) 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
- (iii) certified copy of vehicle particulars
- (iv) proof of address
- (vi) an identification document and appropriate driving licence
- (viii) original letter of approval from the relevant association.
- (ix) associations approved route description

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.

- (3) 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.
- (4) The rank permit referred to in subsection (1) is valid for a period of 12 months from the date it was issued.
- (5) 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.
- (6) 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
- (7) The authorised official may issue one (1) rank permit for each public transport vehicle.
- (8) 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.
- (9) 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.
- (10) No person may forge, imitate, deface, mutilate, alter or make a mark upon, a rank permit.

46 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
- (5) whilst any rank permit which has ceased to be valid is affixed to such public transport vehicle.

47 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.

48 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

49 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.
- (2) No driver of a taxi shall -
 - (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
- (3) 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.

- (4) 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.

50 PRESUMPTIONS

- (1) Whenever any person 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.

The driver of a taxi shall, until the contrary is proved, be deemed to be the proprietor thereof.

- (3) 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.
- (4) 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.
- (5) 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 endeavouring to further the interests of the corporate body.

PART 11

PUBLIC BUSESSES

51 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) (a) 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. 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. 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.

- (b) 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.
- (c) 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.
- (d) 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. 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.
- (e) 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.

- (f) 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.
- (3) 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.
- (4) 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.

52

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.

53

PARKING OR STANDING TIME AT LOADING BAYS

- (1) 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.

54

PARKING OF BUSES PROHIBITED IN CERTAIN AREAS

- (1) 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.

55

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.

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.

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.

58

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 permit 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.

59

PERMIT TO BE IN 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.

60

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 therefore, 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.

61 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 49
- (3) Applications for renewal made after 31 December aforesaid shall be treated as applications for new permits.

62 POWER TO THE CHIEF TRAFFIC OFFICER TO AUTHORISE SUBSTITUTION OF VEHICLE

- (1) 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.

63 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.

64

DRIVERS TO OBSERVE BY-LAWS AND INSTRUCTIONS OF TRAFFIC OFFICERS / TRAFFIC WARDENS

- (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 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.

65

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.

66

BUS ROUTE AND STOPPING PLACES

- (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.

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.

- (4) 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.
- (5) 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
- (6) 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.

- 66.1 (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.
- (2) No person shall tout, importune or solicit for passengers for any bus by loitering or calling out or in any other manner whatsoever.
- (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.

67 **RIGHT TO APPEAL TO COUNCIL**

- (1) 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

68 **HEAVY VEHICLE ROUTES**

68.1 No person shall operate a heavy vehicle on any street except:

- (a) upon the streets set out in a register kept by the Town 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 Town.

68.2 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 Town to immediately proceed to the Town weigh-scale and there allow the vehicle to be weighed for the purpose of determining whether the vehicle is a heavy vehicle.

69 **DANGEROUS GOODS TRANSPORTATION ROUTES**

1. The streets set out in a register kept by the Town 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 proceeding to or from the business premises of the owner, driver or operator of the vehicle, provided that the driver or operator proceeds by the most direct route to or from the business premises, 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 Town.
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:
5. when delivering heating fuel to a single family dwelling unit; or
6. when loading or unloading the vehicle on a property immediately adjacent to and with direct access to the dangerous goods transportation route.
7. 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.

70

SIGNAGE INDICATING HEAVY VEHICLE OR DANGEROUS GOODS ROUTES OR DETOURS

1. The Town Engineer shall cause to be made, established and maintained sufficient signs indicating heavy vehicle routes and dangerous goods routes through the Town.
2. If a heavy vehicle route or dangerous goods route or any portion thereof is, in the opinion of the Town Engineer, temporarily impassable or if, for any other reason, the Town 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 Town 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.

71

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 Town Engineer shall keep a register of such areas.
2. The Town Engineer shall ensure that appropriate and sufficient signage is displayed at all entrances to Town 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 Town 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

72

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.

73

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 Town Engineer to exceed the maximum vehicle gross weight fixed by this By-Law. The driver or operator of the vehicle shall notify the Town Engineer and shall provide him with proof of financial responsibility as provided for. The Town 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 Town Engineer in the permit, and the driver or operator shall then use only such streets as are designated by the Town 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 Town 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 Town utilities.
6. The Town 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 Town 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 Town Engineer.

EXEMPTIONS TO THIS PART

74.1 This Part shall not apply to:

- (a) Road construction equipment or road maintenance equipment in the service of the Town 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****75 RESTRICTED VEHICLES**

1. 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 in section 76.0.

76 RESTRICTED VEHICLE DIMENSIONS

1. Subject to Regulations 221 – 230 of the Road Traffic Act 93/1996 and Regulation 220 RTA 93/1996 (vehicles exempt)
 - (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

76.2 Rear Vision Mirror Dimensions

- (a) 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.

76.3 Tie-Down Device Dimensions

- (a) 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.

77

PERMIT FOR EXCESS DIMENSIONS

- 77.1 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 Town Engineer to exceed the restricted vehicle dimensions fixed by this By-Law. The driver or operator of the vehicle shall notify the Town Engineer and shall provide him with proof of financial responsibility. The Town 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 Town Engineer in the permit, and the driver or operator shall then use only such streets as are designated by the Town Engineer.
- 77.2 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.
- 77.3 The fee for a permit shall be the sum as prescribed in the Municipal Tariffs as amended from time to time.
- 77.4 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.
- 77.5 The Town 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 Town utilities or disrupt traffic.
- 77.6 The Town Engineer or other official duly authorized may:
- 77.6.1 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 organisation/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.
- 77.6.2 place terms within the permit restricting the days and hours that the permit for moving the said vehicle, equipment or machinery.
- 77.7 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 Town Engineer.

78 FARM EQUIPMENT EXEMPTIONS

78.1 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 traveled 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.

78.2 Time Restrictions for Transporting Farm Equipment

- (a) Notwithstanding subsection 78.1, a person shall not operate or move any farm equipment or any vehicle pulling farm equipment on a street between 7:00 a.m. to 9:00 a.m. and 16:00 p.m. to 18:00 p.m., excluding Saturdays, Sundays and Public Holidays.

79 SLOW VEHICLES OTHER THAN FARM EQUIPMENT

79.1 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.

79.2 No person shall operate a slow-moving vehicle on any street between the hours of 7:00 a.m. and 9:00 a.m. or 16:00 p.m. and 18:00 p.m. Monday to Friday inclusive, excluding public holidays.

79.3 Notwithstanding subsection 79.1 and 79.2, a slow-moving vehicle may be operated at night between the hours of 6:00 p.m. and 7:00 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.

PART 14

BUILDING, MOVING AND TEMPORARY STREET USE PERMITS

80 PERMIT TO MOVE BUILDING

80.1 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 Town Engineer.

80.2 The Town 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.

81

TEMPORARY STREET USE PERMIT

81.1 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.

81.2 The Town Engineer shall have authority to issue a temporary street use permit on a form provided by the Town, 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:

81.3 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;

81.4 the issuance of any required building or demolition permits from the Town to the applicant;

81.5 the issuance of any other permits as required

81.6 execution of an agreement by the applicant to bear all costs of signing, barricading and damage to property;

81.7 receipt of a fee as established by resolution of Council; and

81.8 satisfying himself that the temporary street use will not unduly interfere with traffic or endanger public safety.

81.9 The Town 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, DEBRI and PUBLIC NUISANCE

82 REMOVAL OF DIRT AND DEBRIS

- 82.1 All persons within the Town 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.
- 82.2 In default of any person complying with subsection 85.1 and in addition to any other remedy available to the Town for non-compliance with this By-Law, the Town may clear the sidewalk and the cost thereof shall be paid to the Town upon demand and failing payment such cost shall be charged against the property as a special assessment.
- 82.3 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.
- 82.4 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.
- 82.5 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 Town.

83 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—
- (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;
- (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 things of value; or

- (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 uMngeni 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 Town 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 Town 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 Town, provided that this shall not apply to cultural initiation ceremonies or informal settlements already established at the time of promulgation of these by-laws.

NOISE NUISANCE

- (1) 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

85 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:
 - 85.1.1 Two Thousand (R2,000.00) Rands in the case of an individual;
 - 85.1.2 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.

86 CONTRAVENTION OF BY-LAW

- (1) When a Police Officer or other person authorised by the Town 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. 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
 - (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.
- (2) No person, other than a Police Officer or person authorized by the Town to enforce this By-Law, shall place a Prosecution Notice on any vehicle.
 - (3) No person, other than the owner or operator of the vehicle, shall remove a Prosecution Notice from a vehicle.
 - (4) Only the Manger – Traffic & Licensing may cancel any Prosecution Notice where that Prosecution Notice was issued improperly or in error.
 - (5) The penalty for breach of any provision of this By-Law shall be those set out in Schedule “A” of this By-Law.
 - (6) 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 judge 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.

87 CHALKING TYRES

- (1) Any Police Officer or other person authorised by the Town with the enforcement of this By-Law may place an erasable chalk mark on the tread face or side of a tire of any vehicle parked or stopped.

88 IMPOUNDMENT OF VEHICLE AND BICYCLES

- (1) Any Police Officer or any other person authorized by the uMngeni Municipality or the Town 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 Town compound or any other place authorized by the uMngeni Municipality or the Town 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 Town 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.

89 IMPOUNDMENT OF OBSTRUCTIONS, ENCUMBRANCES OR ENCROACHMENTS

- (1) 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 Town 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.

90 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 Town will accept voluntary payment in an amount as set by Schedule "A" of this By-Law.
If payment is made within ten (10) days of the issue date of the Prosecution Notice the payment set out in Schedule "A" shall be reduced by Fifty (R50.00) Rand.
- (2) If the alleged contravention is one for which the Town 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 ten (10) days from the date of issue of the Prosecution Notice, produce and present the Prosecution Notice and prescribed payment to the Town Treasurer during normal business hours except on Saturdays, Sundays, Statutory or Public holidays.
- (3) Subject to 90(2), where the Town 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.
- (4) 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.

91 VOLUNTARY PAYMENT (Summary Offence Procedures Act)

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

92 ADDITIONAL PENALTIES

- (1) 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.

93 PROSECUTION FOR DAMAGES

- (1) Nothing in this By-Law shall be construed to curtail or abridge the right of the Town 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.

94 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

REPEAL OF FORMER BY-LAW

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

EFFECTIVE DATE

- 96 This By-Law shall come into force and effect upon its approval by the uMngeni Municipality

Dated: _____

SCHEDULE "A" - By-Law No. _____

VOLUNTARY PAYMENT

Second and Third Offense in any 30 day period = Full Amount

First Offence Only

(in any 30 Day Period)

Additional Offense or More in any 30 day period = R100.00

(R50.00 reduction if paid within 10 days)

Section By-Law Description

	FINE AMOUNT	IF PAID WITHIN 30 DAYS
Fail to comply with direction of Traffic Control systems, markings, barrier or device to wit:	R300.00	R250.00
Crossed a newly painted road marking	R200.00	R150.00
Drove vehicle across fire department water hose or equipment	R500.00	R450.00
Erected signs without approval	R500.00	R450.00
Damage to council property	NAG	
Fail to park within 450mm from curb	R200.00	R150.00
Park facing wrong way	R400.00	R350.00
Fail to set brake, turn wheels to curb on a hill	R500.00	R450.00
Parking on public property	R300.00	R250.00
Park beyond the time limit posted on signs	R250.00	R200.00
Park where "No Parking" signs are posted	R300.00	R250.00
Park in lane other than to load or unload passengers or Goods	R500.00	R450.00
Park within 10m of a street intersection	R250.00	R200.00
Park within 3m of lane intersection	R250.00	R200.00
Park within 2m of a sidewalk crossing	R250.00	R200.00
Park within 5m of any railway tracks	R250.00	R200.00
Park within 5m of a fire station driveway	R250.00	R200.00
Park within 6m of a crosswalk	R250.00	R200.00
Park within 15m of a stop sign or traffic signal	R250.00	R200.00

Parking continuously on street for over 48 hours	R250.00	R200.00
Park within 5m of a fire hydrant	R200.00	R150.00
Double-park on street	R250.00	R200.00
Park in loading zone when not loading or unloading goods or Passengers	R300.00	R250.00
Park unlicensed vehicle on street	R600.00	R550.00
Parking on private property without consent	R250.00	R200.00
Park vehicle over 6m in length, in metered parking stall	R250.00	R200.00
Park vehicle over 4m in height, in metered parking stall	R250.00	R200.00
Park vehicle over 2.5m in width, in metered parking stall	R250.00	R200.00
Park vehicle over 6m in length, on street or publicly owned parking lot in any residential district for more than 1 hour	R300.00	R250.00
Park in parking stall engine running unattended and Unlocked	R250.00	R200.00
Repairing or servicing a vehicle parked on a street or public Parking	R500.00	R450.00
Vehicle on street over 3 hours on jack or blocks	R250.00	R200.00
Washing a vehicle parked in parking stall	R250.00	R200.00
Park in a fire lane	R300.00	R250.00
Unauthorized parking in disabled zone	R500.00	R450.00
Parked at an expired meter	R250.00	R200.00
Parked on a street for a time longer than allowed by the meter	R250.00	R200.00
Drove in a manner so as to splash pedestrians	R200.00	R150.00
Park in metered stall - not wholly within 1 stall	R200.00	R150.00
Park on a sidewalk or verge	R300.00	R350.00
Ride bicycle on a sidewalk footpath or verge	R200.00	R150.00
Ride bicycle at night without light or reflector	R200.00	R150.00
Ride bicycle without feet on the pedals	R200.00	R150.00
Ride bicycle with passenger - other than exceptions	R200.00	R150.00

Ride bicycle or motorcycle without 1 hand on handlebars	R200.00	R150.00
Trick riding bicycle or motorcycle	R250.00	R200.00
Bicycle carry load over size or weight - other than exceptions	R200.00	R150.00
Fail to leave bicycle in upright position	R100.00	R50.00
Bicycle not identified		
Ride roller skates, skate boards - jostle other pedestrians	R200.00	R150.00
Ride skate boards on sidewalk - Central Business District	R200.00	R150.00
Hitchhiking	R150.00	R100.00
Park obstructing traffic	R300.00	R250.00
Vehicle left on street cleared for parade	R200.00	R40.00
More than 2 taxicabs at a taxi stand	R250.00	R150.00
Stop or park in a bus stop or taxi stand	R200.00	R150.00
Park bus on the street - other than bus stop	R250.00	R200.00
Off truck route - other than exceptions	R300.00	R250.00
Off dangerous goods route - other than exceptions	R500.00	R450.00
Park truck over 9000 kg in a location other than authorized	R500.00	R450.00
Slow moving vehicle on street between 7:00 am and 9:00 am or 4:00 pm and 6:00 pm	R250.00	R200.00
Person other than police officer placing a Violation Notice on a vehicle	R1000.00	
Person other than the owner or operator removing a Violation Notice	R200.00	R150.00

Schedule "B"

Permits Issued by UMngeni Municipality

Veteran's Permit - No Fee

Government Officials (in office) Permit – No Fee

Residential Area Permit – No Fee

Temporary Waiver of Two-Hour Parking Limitation Permit – No Fee

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