



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

**Provincial Gazette  
Igazethi Yephondo  
Provinsiale Koerant**

**Vol. 14**

BISHO/  
KING WILLIAM'S TOWN, 30 NOVEMBER 2007

**No. 1803**  
(Extraordinary)

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## LOCAL AUTHORITY NOTICES

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No. 172

### NELSON MANDELA BAY METROPOLITAN MUNICIPALITY DISASTER MANAGEMENT BY-LAWS

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 and under Chapter 5 of the Disaster Management Act, 2002 (Act 57 of 2002), the Nelson Mandela Bay Metropolitan Municipality enacts as follows:-

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1. Definitions
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3. Implementation of disaster management framework and plan
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5. Issue of directions
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#### 1. Definitions

In this by-law, unless the context otherwise requires -

“Act” means the Disaster Management Act, 2003 (Act 57 of 2002);

“Council” means the Council of the Nelson Mandela Bay Metropolitan Municipality;

“municipality” means the Nelson Mandela Bay Metropolitan Municipality and includes any political structure, political office-bearer or duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee; and

any other word or expression that has the meaning assigned to it by the Act.

#### 2. Principles and objectives

The municipality, aware of its duty to the residents to prevent or reduce the risk of disasters, to mitigate the severity of disasters, to cultivate emergency preparedness within the community, and to rapidly and effectively respond to disasters and to promote post-disaster recovery, adopts these by-laws with the aim of fulfilling its duty in accordance with the principles underlying the Act.

#### 3. Implementation of disaster management framework and plan

The municipality, having established a framework for disaster management in accordance with section 42(1) of the Act, in this by-law implements such framework and the disaster management plan as prepared in accordance with section 53 of the Act.

#### 4. Council to act in accordance with regulations

Whenever a disastrous event, contemplated in section 49 of the Act, occurs or threatens to occur, the Disaster Management Centre, as established by section 43 of the Act, and the Council shall act in accordance with the disaster management plan and section 5 of these by-laws.

## **5. Issue of directions**

- (1) Whenever a local state of disaster has been declared by notice in the Provincial Gazette, and subject to the provisions of section 55(3) of the Act, Council may issue directives or authorise the issue of directions in terms of section 55(2) of the Act –
- (a) instructing all or part of the population to evacuate the disaster-stricken or threatened area by the means prescribed in the directions if such action is necessary for the preservation of life;
  - (b) prescribing the time within which the evacuation referred to in paragraph (a) must be completed;
  - (c) indicating the temporary shelters where evacuees or groups of evacuees are to be transported and housed, and the time for which they must be so housed;
  - (d) regulating traffic to, from or within the disaster-stricken or threatened area;
  - (e) regulating of the movement of persons and goods to, from or within the disaster-stricken or threatened area;
  - (f) controlling the occupancy of premises in the disaster-stricken or threatened area;
  - (g) relating to the identification, provision, control and use of temporary emergency accommodation;
  - (h) suspending or limiting the sale, dispensing or transportation of alcoholic beverages in, to or from the disaster-stricken or threatened area;
  - (i) establishing emergency procurement procedures; or
  - (j) any other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster.
- (2) The directions issued in terms of subsection (1) will be properly issued if they are issued according to the disaster management plan.

## **6. Offences and penalties**

A person who fails to comply with an oral or written instruction by the municipality, given in terms of the directions issued under section 5, commits an offence and is liable, on conviction, to a fine or imprisonment or to both a fine and imprisonment.

## **7. Short title and commencement**

- (1) This by-law may be cited as the Nelson Mandela Bay Metropolitan Municipality Disaster Management By-law.
- (2) Except for the directions issued in terms of section 5, this by-law commences on the date of publication thereof in the Provincial Gazette.
- (3) The directions issued under section 5 shall commence on the date when it is issued in terms of section 5(2).

**No. 173****NELSON MANDELA BAY METROPOLITAN MUNICIPALITY****BY-LAW RELATING TO FIRE SAFETY**

Under of section 156 of the Constitution of the Republic of South Africa, 1996 the Nelson Mandela Bay Metropolitan Municipality enacts as follows:-

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**CHAPTER 1  
DEFINITIONS, PURPOSE SCOPE AND APPLICATION**

**1. Definitions**

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

**“above-ground storage tank”** means a tank situated above ground for the storage of a flammable liquid;

**“automatic releasing hold-open device”** means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

**“boundary”** means any lateral or street boundary of a site;

**“building”** means:

- (a) any structure, whether of a temporary or permanent nature and irrespective of the

materials used in the construction thereof, erected or used for or in connection with:

- i) the accommodation or convenience of human beings or animals;
  - ii) the manufacture, processing, storage or sale of any goods;
  - iii) the rendering of any service;
  - iv) the destruction or treatment of combustible refuse or combustible waste; and
  - v) the cultivation or growing of any plant or crop.
- (b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
  - (c) any fuel pump or any tank used in connection therewith;
  - (d) any part of a building, including a building as defined in paragraph (a), (b) or (c); and
  - (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm-water disposal, electricity supply or other similar service in respect of the building;

**"bund wall"** means a containment wall surrounding an above-ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

**"chief fire officer"** means the person in charge of a Service, or the acting Chief Officer, as contemplated in the Fire Brigade Services Act, Act 99 of 1987;

**"combustible material"** means combustible refuse, combustible waste or any other material capable of igniting;

**"combustible refuse"** means combustible rubbish, litter or material that is discarded, refused, rejected or considered worthless;

**"combustible waste"** means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

**"Constitution"** means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

**"controlling authority"** means either a chief fire officer, a municipal manager or their respective delegates as contemplated in sections 3 and 4 of this By-law;

**"dangerous goods"** means commodities, substances and goods that are capable of posing a significant risk to health and safety or to property or the environment and that are listed in SANS 10228;

**"designated area"** shall mean a place designated as such in terms of Chapter 7;

**"division separating element"** means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 10400;

**"emergency evacuation plan"** means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

**"emergency route"** means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

**"emergency vehicle"** means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

**"entertainment and public assembly occupancy"** means a place where people gather to eat, drink, dance or participate in other recreation;

**"escape route"** means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

**"escape-route plan"** means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

**"escape door"** means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space, which leads to a street or public place;

**"Fire Brigade Services Act"** means the Fire Brigade Services Act, 1987 (Act 99 of 1987);

**“fire damper”** means an automatic damper and its assembly that complies with the requirements contained in SANS 193;

**“fire door”** means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

**“fireworks”** has the meaning assigned thereto in the Explosives Act, No. 26 of 1956, as amended and the Regulations framed in terms thereof, and includes any article or thing commonly recognized as a firework;

**“fire extinguisher”** means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

**“fire hazard”** means any situation, process, material or condition which may cause a fire, or explosion, or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

**“fire lanes”** means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

**“fire protection system”** means any device or system designed and installed to:

- (a) detect, control or extinguish a fire; or
- (b) alert occupants or the Fire Service, or both, to a fire,

but excludes portable and mobile fire extinguishers;

**“fire wall”** means a wall that is able to withstand the effects of fire for a specific period of time, as contemplated in the National Building Regulations (T1) read with SANS 10400;

**“flammable gas”** as contemplated in SANS 10228, means a gas that at 20°C and at a standard pressure of 101,3 kilopascals:

- (a) is ignitable when in a mixture of 13% or less (by volume) with air; or
- (b) has a flammable range with air of at least 12 percentage points, regardless of the lower flammable limit.

**“flammable liquid”** means a liquid or mixtures of liquids, or a liquid containing solids in solution, or in suspension that give off a flammable vapour at or below 60,5°C and also includes a liquid within the following danger groups as determined in SANS 10228:

DANGER GROUP BASED ON FLAMMABILITY		
1	2	3
DANGER GROUP	CLOSED CUP FLASH POINT	INITIAL BOILING POINT
I	-	≤35
II	<23	>35
III	≥23 ≤60,5	>35
IV	>60,5 100	>35

**“flammable substance”** means a flammable liquid or a flammable gas;

**“flammable store”** means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 49 of this By-law;

**“Hazardous Substances Act”** means the Hazardous Substances Act, 1973 (Act 15 of 1973);

**“Municipality”** means the Nelson Mandela Metropolitan Municipality, and includes any political structure, political office bearer or duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

**“Municipal Manager”** means a person appointed in terms of section 82 of the Municipal Structures Act;

**“Municipal Structures Act”** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**“National Building Regulations”** means the regulations promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and

- a) National Building Regulations (A2) means the provisions regulating the submission of building plans and particulars to the municipality;
- b) National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies;
- c) National Building Regulations (A21) means the provisions regulating the population of a building;
- d) National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building; and
- e) National Building Regulations (T2) means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

**“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act 93 of 1996);

**“non-combustible”** means a substance or material classified as non-combustible when tested in accordance with SANS 10177: Part 5;

**“occupancy”** means the particular use or type of use to which a building or portion thereof is normally put or intended to be put as provided for in the National Building Regulations (A20);

**“occupancy separating element”** means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 10400;

**“Occupational Health and Safety Act”** means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

**“operator”** means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

**“owner”** means:

- a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation, provided that such a person is not the owner mentioned in (b); and
- d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

**“peace officer”** shall have the meaning assigned thereto in the Criminal Procedure Act, 1997 (Act 51 of 1997), in respect of persons authorized by the Municipality to enforce the provisions of this By-law;

**“Person in charge”** means:

- a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilization of the installation, provided that such a person is not the person mentioned in (a), and
- d) in the event of the controlling authority being unable to determine the identity of a

person mentioned in (a), (b) and (c) any person who is in the opinion of the controlling authority deemed to be in charge of such premises, building or installation;

**“population”** means the population determined in accordance with the National Building Regulations (A21);

**“premises”** means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

**“public place”** means any square park, recreation ground or open space which:

- (a) is vested in the Municipality;
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General’s office and has been provided for or reserved for the use of the public or the owners of erven in such township;

**“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;

**“SANS Codes”** means South African National Standards (SANS) Codes of Practice and Specifications issued in terms of the Standards Act, 1993 (Act 29 of 1993);

**“service”** means a fire brigade service as defined in the Fire Brigade Services Act, 1987 (99 of 1987);

**“site”** means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

**“Standards Act”** means the Standards Act, 1993 (Act 29 of 1993);

**“State”** means:

- (a) any department of state or administration in the national, provincial or local sphere of government, or
- (b) any other functionary or institution:
  - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution, or
  - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

**“storage vessel”** means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act, 1993 (85 OF 1993);

**“summary abatement”** means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

**“tank”** for purposes of chapter 9 of this By-law, means a container mounted permanently, or temporarily on, or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

**“this By-law”** includes the Schedules attached to this By-law;

**“underground tank”** means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

**“vehicle”** means a vehicle as defined in the National Road Traffic Act, 1996 (93 OF 1996) and includes the following:

- (a) **“road tank vehicle”** means a tank truck, tank trailer or truck-tractor and tank-semi-trailer combination;
- (b) **“tank-semi-trailer”** means a vehicle with a tank mounted on it or built as an integral part of it and so constructed that the semi-trailer is drawn by a truck-tractor or another trailer, which, through a fifth wheel connection, forms part of the load rest on the towing vehicle;
- (c) **“tank trailer”** means a vehicle with a tank mounted on it or built as an integral

- part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;
- (d) **"tank truck"** means a single, self-propelled vehicle with a tank mounted on it;
  - (e) **"truck-tractor"** means a self-propelled vehicle used to pull a tank-semi-trailer; and
  - (f) any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter 9 of this By-law.

## **2. Purpose, scope and application of this by-law**

- (1) The purpose and scope of the By-law is -
  - (a) to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;
  - (b) to repeal all existing relevant By-laws of the Municipality; and
  - (c) to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the Municipality.
- (2) This By-law is applicable to all persons within the jurisdiction of the Municipality and includes both formal and informal sectors of the community and economy.

## **CHAPTER 2 ADMINISTRATIVE PROVISIONS**

### **3. Administration and enforcement**

- (1) The chief fire officer is responsible for the administration and enforcement of this By-law.
- (2) Where no chief fire officer has been appointed in terms of the Fire Brigade Services Act, the municipal manager is responsible for the administration and enforcement of this By-law.
- (3) Where there is no service established in the area of jurisdiction of the Municipality, the municipal manager is responsible for the administration and enforcement of this By-law.

### **4. Delegation**

- (1) A chief fire officer may delegate any power granted to him in terms of this By-law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A municipal manager may delegate any power granted to him in terms of this By-law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.

### **5. Enforcement provisions**

- (1) A controlling authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this By-law.
- (2) A controlling authority has the authority to summarily abate any condition which is in violation of any provision of this By-law and which presents an immediate fire hazard or other threatening danger.
- (3) A controlling authority must remedy any violation mentioned in subsection (2), by performing any act, and may also:
  - (a) call for the immediate evacuation of the premises;
  - (b) order the closure of the premises until such time as the violation has been rectified;
  - (c) order the cessation of any activity; and
  - (d) order the removal of the immediate threat.
- (4) Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.

### **6. Authority to investigate**

Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

### **7. Failure to comply with provisions**

(1) When a controlling authority finds that there is non-compliance with the provisions of this By-law, excluding the circumstances as provided for in section 5(2), a written notice, including the following, must be issued:

- (a) confirmation of the findings;
- (b) provisions of this By-law that are being contravened;
- (c) the remedial action required; and
- (d) the time within which the notice must be complied with.

(2) An order or notice issued under this By-law must be served either by personal delivery or registered mail upon a person who, in the opinion of the controlling authority, is deemed to be the appropriate person.

(3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice must be mailed, by registered mail, to the last known address of the owner, the person in charge of the premises, or both.

(4) Notwithstanding the provisions contained in subsection (1), a spot fine may be issued when a controlling authority finds that there is non-compliance with the provisions of this By-law.

### **8. Denial, suspension or revocation of an approval or a certificate**

A controlling authority may refuse, suspend or revoke an approval or a certificate required by this By-law for:

- (a) Failure to meet the provisions of this By-Law for the issuance of the approval or certificate; or
- (b) non-compliance with the provisions of the approval or certificate.

### **9. Records required**

The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

### **10. Charges**

(1) The Municipality may determine the fees payable by a person on whose behalf, the controlling authority rendered a service, as contemplated in section 10 of the Fire Brigade Services Act.

(2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service, as well as the issuing of permits, approvals, or certificates in accordance with the applicable local government legislation regulating the charging of fees.

### **11. Indemnity**

The Municipality, controlling authority or a member of a service is not liable for damage or loss as a result of bodily injury, loss of life, or loss of or damage to property, or financial loss, which is caused by, or arises out of, or in connection with anything done or performed in good faith in the exercise or performance of a power, function, or duty conferred, or imposed in terms of this By-law.

### **12. Reporting a fire hazard and other threatening danger**

An owner or the person in charge of premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this By-law, must immediately notify the controlling authority.

## **CHAPTER 3 FIRE PROTECTION OF BUILDINGS**

### **13. General**

The controlling authority in terms of section 4 (3) or section 6 (1) of this By-law must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

**14. Access for emergency vehicles**

- (1) When, in the opinion of the controlling authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations (T1), may be required to comply with the following:
- (a) An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
  - (b) A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
  - (c) Fire lanes must be provided for all premises which are set back more than forty-five (45) metres from a public road or exceed nine (9) metres in height and are set back over fifteen (15) metres from a public road.
  - (d) Fire lanes must be at least four (4) metres in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of four (4) metres above the fire lane must remain unobstructed.
  - (e) A cul-de-sac that is more than ninety (90) metres in length, must be provided with a minimum turning circle at the closed end of the road, capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

**15. Division and occupancy separating elements**

An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow flame, heat, or combustion products from penetrating into the adjacent compartment or structure.

**16. Fire doors and assemblies**

- (1) Subject to the provisions of SANS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.
- (3) A fire door and assembly may not be rendered less effective through the following actions:
- (a) altering the integrity, insulation or stability of a particular class of door;
  - (b) disconnecting the self-closing mechanism;
  - (c) wedging, blocking or obstructing the door so that it cannot close;
  - (d) painting the fusible link actuating mechanism of a door;
  - (e) disconnecting or rendering less effective an electric or electronic release mechanism; or
  - (f) any other action that renders a fire door or assembly less effective.

**17. Escape routes**

- (1) A component which forms part of an escape route, such as the feeder routes, access doors, emergency routes and escape doors, must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- (3) Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.

**18. Tents**

- (1) Prior to the erection and usage of a tent as an occupancy, contemplated in the National Building Regulations (A20), an applicant must:
- (a) Submit an application in terms of the National Building Regulations (A2) to the Municipality for the erection and usage of the tent; and
  - (b) submit an application in terms of the section 23(4) of this By-law to the controlling authority for a temporary population certificate.
- (2) The application submitted in terms of subsection (1)(a) must comply with the following:
- (a) The tent must be erected at least 4.5 metres from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it.
  - (b) Where tents are erected adjacent to one another, an unobstructed minimum distance of 4.5 metres must be provided between them and, where applicable, between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
  - (c) The requirements set out in the National Building Regulations (T1) must be complied with in the following instances:
    - (i) where the population of a tent exceeds twenty-five (25) people;
    - (ii) where a tent is occupied during the hours of darkness;
    - (iii) for seating arrangements and aisle dimensions; and
    - (iv) for the provisions of fire extinguishers.
  - (d) The population density of a tent must comply with the National Building Regulations (A21).
  - (e) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be out in a separate tent or an area to which the public does not have access.
  - (f) No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern, or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
  - (g) No open fire or flame is permitted within five (5) metres of a tent, stake, or guideline of a tent.
  - (h) Smoking is prohibited in a tent and a “**No Smoking**” sign must be prominently displayed at each entrance and must comply with SANS 1186: Part 1.
  - (i) Lighting and wiring installed in a tent must comply with the requirements set out in SANS 10142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in subsections (1) and (2), the controlling authority may request the applicant to fulfill additional requirements for the erection and usage of a tent.

**19. Thatched roof-construction**

All construction for thatched roofs with a span not exceeding 6 meter and supported by structural walls must comply with the requirements and methods set out in SANS 10407.

**CHAPTER 4  
FIRE SAFETY EQUIPMENT****20. Fire extinguishers**

- (1) Fire extinguishers must be provided and installed on premises as required by the controlling authority and in accordance with the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SANS 1475: Part 1, SANS 1571, SANS 1573 and SANS 10105: Part 1.
- (3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SANS 1475: Part 1, unless such a person is the holder of a

permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.

(4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of permit or certificate mentioned in subsection (3).

(5) When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.

(6) When, in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SANS 1475: Part 1 and SANS 1571.

(7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.

(8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

## **21. Testing and maintenance of fire-protection systems**

(1) A fire-protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

(2) A person may not test a fire-protection system before notifying the occupants of the premises concerned of the starting and completion times of the test and where applicable the parties who monitor the fire protection system.

(3) A fire-protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2), read in conjunction with a recognized national code or standard, and in the absence of a national code or standard, an applicable international code or standard must be used.

(4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.

(5) The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding and where the person in charge has received such notice, he must without delay inform the owner accordingly.

(6) The owner or person in charge of the premises must immediately notify the controlling authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the controlling authority as soon as the system is restored.

(7) The owner or person in charge of the premises must take all steps deemed necessary by the controlling authority to provide alternate equipment to maintain the level of safety within the premises.

## **22. Interference with and access to fire protection systems and fire extinguishers**

A person is not permitted to render less effective, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

## **23. Fire alarms and fire hydrants**

(1) Without compensation to the owner of the premises concerned, the controlling authority may cause:

- (a) a fire alarm;
- (b) a transmission instrument for calls of fire or other emergency; or

- (c) a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.
- (2) Without compensation to the owner of the premises, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.
- (3) The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- (4) An unauthorized person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, or other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker.
- (5) A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

## **CHAPTER 5 PUBLIC SAFETY**

### **24. Prevention and control of overcrowding**

- (1) Prior to the usage of a premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in the Schedule 2 of this By-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (4) A temporary population certificate is valid for a period not exceeding thirty (30) calendar days.
- (5) The controlling authority must refuse to issue a temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- (6) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, it must act in terms of sections 5(2) or 6(1) and section 7 of this By-law.
- (7) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (1).
- (8) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (9) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (10) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

### **25. Attendance of a service**

- (1) When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety, and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.

(2) When attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 10 of this By-law.

#### **26. Formulation of an emergency evacuation plan**

(1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of twenty-five (25) persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

(2) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

(3) The plan mentioned in subsection (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.

(4) The emergency evacuation plan must be tested in its entirety at a minimum of six monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.

(5) The register mentioned in subsection (4) must contain the following information:

- (a) the date and time of the test;
- (b) the number of participants;
- (c) the outcome of the test and any corrective actions required; and
- (d) the name and signature of the person supervising the test.

(6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.

(7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

#### **27. Displaying of escape-route plans**

(1) In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape-route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

(2) The displaying of escape-route plans for any other premises is subject to the approval of the controlling authority.

#### **28. Barricading of vacant buildings**

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorized person.

### **CHAPTER 6 HOUSEKEEPING**

#### **29. Combustible waste and refuse**

(1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.

(2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation, as determined by the controlling authority.

### **30. Dust**

The owner or person in charge of the premises or a portion thereof may not allow the accumulation of dust in quantities sufficient to create a fire or other threatening danger and must store or dispose of the dust as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of dust.

### **31. Combustible or flammable substances and sweeping compounds**

(1) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.

(2) The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

### **32. Accumulations in chimneys, flues and ducts**

The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

### **33. Sources of ignition**

(1) Smoking, the carrying of matches, the use of heating, or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.

(2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.

(3) An adequate distance, as deemed appropriate by the controlling authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.

(4) Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

### **34. Smoking**

(1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and **"No Smoking"** signs must be displayed, as directed by the controlling authority and the signs must comply with SANS 1186: Part 1.

(2) A person may not remove a **"No Smoking"** sign.

(3) A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.

(4) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.

(5) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.

### **35. Electrical fittings, equipment and appliances**

(1) A person may not cause or permit an electrical supply outlet to be overloaded.

(2) A person may not cause or permit an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

### **36. Flame-emitting devices**

A person may not cause or permit a flame-emitting device, such as a candle, lantern, or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

## CHAPTER 7

### FIRE HAZARDS

#### **37. Combustible material**

- (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used, or displayed, whether inside or outside the premises, any combustible material or a flammable substance in quantities or in a position, or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of the premises or erven may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

#### **38. Lighting of fires and burning of combustible material**

- (1) The lighting of fires and the disposal of combustible material by burning are prohibited.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger.
- (3) The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas so as to prevent a fire hazard or other threatening danger.
- (4) Before the owner or person in charge of a farm or small holding, or an organ of state controlling non-proclaimed residential areas may dispose of combustible material by burning, and before making an application in writing for approval from the controlling authority, prior approval must be obtained in terms of the applicable legislation set out in Schedule 3.

#### **39. Fireworks**

The provisions of the Fire Works By-law of the Nelson Mandela Bay Metropolitan Municipality will with the necessary changes apply to the discharge of fire works in the municipal area.

#### **40. Designated Areas**

The provisions of the Fire Works By-law of the Nelson Mandela Bay Metropolitan Municipality will with the necessary changes apply to the designation of areas in which the discharge of fireworks may be permitted.

## CHAPTER 8

### FLAMMABLE SUBSTANCES

#### **41. Application of this Chapter**

Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chapter regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

#### **42. Storage and use of a flammable substances**

- (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an above-ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1) in the presence of the controlling authority.
- (3) Notwithstanding subsection (2), the controlling authority may require an existing above-ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The controlling authority must be notified at least 48 hours prior to the pressure test.

- (5) Prior to the alteration of the premises that impacts on the fire safety of an existing above-ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.
- (6) Unless a flammable substance certificate has been obtained from the controlling authority, the owner or person in charge of premises may not store or use:
- (a) a flammable gas in excess of 19kg; or
  - (b) a flammable liquid of a danger group (i), (ii) or (iii) in excess of 200 litres.

#### **43. Application for a flammable substances certificate**

- (1) The owner or person in charge of premises, who requires a flammable substance certificate mentioned in section 41(6), must submit an application to the controlling authority as prescribed in the Schedule 2 of this By-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this By-law, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises, in writing, to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 41(6) and the issuing of the certificate.
- (4) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed or when section 41(5) applies.
- (5) If, at any time, the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of sections 5(2) or 6(1) and section 7 of this By-law.
- (6) Notwithstanding subsection (5), when in the opinion of the controlling authority, a flammable substance is stored or utilized for any process in a manner which is hazardous to life or property, or an installation is unauthorized, an order may be issued for the removal of the flammable substance or installation from the premises.
- (7) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.
- (8) A flammable substance certificate is valid only:
- (a) for the installation for which it was issued;
  - (b) for the state of the premises at the time of issue; and
  - (c) for the quantities stated on the certificate.
- (9) The flammable substance certificate must be available on the premises for inspection at all times.
- (10) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

#### **44. Permanent or temporary above-ground storage tank for a flammable liquid**

- (1) In this section, only a permanent or temporary above-ground tank used for the storage of flammable liquids is regulated.
- (2) A temporary above-ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with:
- (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40°C;
  - (b) to be on the premises for a period not exceeding six months;
  - (c) the entire installation must comply with SANS 0131: Part 2; and
  - (d) written application together with a plan must be forwarded to the controlling authority at least fourteen (14) days prior to the erection of the tank and prior written

permission must be obtained from the controlling authority for the erection of the tank.

- (3) Notwithstanding section 41(1), if a larger capacity above-ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).
- (4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognized codes.
- (5) The rated capacity of a permanent or temporary tank must provide sufficient spillage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- (6) A permanent or temporary tank must be erected at least 3.5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (7) A permanent or temporary tank must be located on firm, level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (8) A permanent or temporary tank must have a bund wall.
- (9) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.
- (11) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SANS 1186: Part 1.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SANS 10232: Part 1.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with an above-ground storage tank must comply with SANS 10108.

#### **45. Underground storage tank for a flammable liquid**

The design requirements and construction of an underground storage tank must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10400.

#### **46. Bulk storage depot for flammable substances**

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read with SANBS 089: Part 1.

#### **47. Small installations for liquefied petroleum gas**

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SANS 10087: Part 1.

#### **48. Bulk storage vessel for liquid petroleum gas**

The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10087: Part 3.

#### **49. Termination of the storage and use of flammable substances**

- (1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:
  - (a) within seven (7) days of the cessation, notify the controlling authority in writing thereof;
  - (b) within thirty (30) days of the cessation, remove the flammable substance from the installation and render it safe;
  - (c) within six (6) months of the cessation, remove the installation, including any

- associated pipe work, from the premises entirely, unless the controlling authority otherwise instructs; and
- (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven (7) days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

#### **50. Reporting accidents**

If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the controlling authority.

#### **51. Flammable stores**

- (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage, it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1), read in conjunction with SANS 10400:
- (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance;
- (b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5m<sup>2</sup> of wall area or part thereof, so that vapour cannot accumulate inside the store;
- (c) the airbricks must be covered both internally and externally with closely woven, non-corrodible wire gauze of at least 1 100 meshes per metre; and
- (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:
- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
- (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least one metre above roof height or at least 3.6 metres above ground level, whichever is the greater;
- (c) ducting material that is external to the store, but communicates with the remainder of the building must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store; and
- (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1), read in conjunction with SANS 10400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- (7) When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SANS 1253.
- (8) Notwithstanding the National Building Regulations (T1), read in conjunction with SANS 10400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduits and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.

- (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipe-work leading to the inside thereof, and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.
- (11) Racking or shelving erected in the flammable store must be of non-combustible material.
- (12) The flammable store must be identified by the words "Flammable Store – Bewaarplek vir Vlambare Vloeistowwe – Isitiro Indawo Yokugcina Izixhobo Ezithatha Lula Umhlo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
- (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
- (14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
- (15) Sufficient fire extinguishers, as determined by the controlling authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
- (16) Any hand tool used in the flammable store must be intrinsically safe.
- (17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the controlling authority has been notified in terms of the following procedure:
- (a) within seven (7) days of the cessation, notify the controlling authority in writing thereof;
  - (b) within thirty (30) days of the cessation, remove the flammable substance from the flammable store and render it safe; and
  - (c) within thirty (30) days of the cessation, remove all signage.
- (18) Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.

## **52. Container handling and storage**

- (1) All flammable substance containers must be kept closed when not in use.
- (2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.
- (3) Flammable liquid containers must be labeled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
- (4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
- (5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.
- (6) An empty flammable liquid container must be placed in a flammable store.
- (7) Where a flammable store is not available for the storage of empty flammable liquid containers, the controlling authority may permit such storage in the open, provided that:
- (a) The storage area must be in a position and of sufficient size which, in the opinion of the controlling authority, will not cause a fire hazard or other threatening danger.
  - (b) The storage area is well ventilated and enclosed by a wire mesh fence and:
    - (i) the fence supports are of steel or reinforced concrete;
    - (ii) has an outward opening gate that is kept locked when not in use; and
    - (iii) when the floor area exceeds 10m<sup>2</sup> an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key.
  - (c) The storage area is free of vegetation and has a non-combustible, firm, level base.
  - (d) A two-metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials.

- (e) When the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material.
  - (f) Open flames, welding, cutting operations and smoking are prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SANS 1186: Part 1.
  - (g) Firefighting equipment is installed as determined by the controlling authority.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

### **53. Spray rooms and booths**

A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations, promulgated in terms of the Occupational Health and Safety Act and also comply with the requirements of Schedule 2 (F).

### **54. Liquid petroleum gas containers**

- (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SANS 10087: Part 1 and SANS 10019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine (9) kilogram must be filled and stored in accordance with SANS 10087: Part 7.

## **CHAPTER 9 TRANSPORTATION OF DANGEROUS GOODS**

### **55. Dangerous goods certificate**

- (1) Notwithstanding anything contained in the National Road Traffic Act or any SANS Code, the operator of a roadworthy vehicle designed for the transportation of dangerous goods may not operate such a vehicle, unless he has obtained a dangerous goods certificate from the controlling authority.
- (2) An operator of a vehicle mentioned in subsection (1), must submit an application to the controlling authority as prescribed in Schedule 2 (D) of this By-law.
- (3) The controlling authority may request additional information from the applicant.
- (4) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SANS 10087: Part 4, SANS 10089: Part 1, SANS 10230, SANS 1398, SANS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with subsection (1), as well as the dangerous goods certificate.
- (5) A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- (6) If, at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 5(2) or 6(1) and section 7 of this By-law.
- (7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection (1), unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.
- (8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection (1), unless the operator meets the requirement in subsection (7).
- (9) A dangerous goods certificate is valid only:
  - (a) for the vehicle for which it was issued;
  - (b) for the state of the vehicle at the time of issue; and
  - (c) for the quantities stated on the certificate.

(10) The dangerous goods certificate must be available in the vehicle mentioned in subsection (1) for inspection at all times.

(11) The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

## **CHAPTER 10 GENERAL PROVISIONS**

### **56. State Bound**

This By-law binds the State and any person in the service of the State.

### **57. Offences and penalties**

(1) Any person who:

- (a) contravenes any of the provisions of this By-law or fails to comply therewith; or
- (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith, is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.

(2) The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.

(3) The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.

(4) Notwithstanding the penalties as prescribed in the Fire Brigade Services Act, a controlling authority may also impose an admission of guilt fine to anyone who contravenes these By-laws.

### **58. Appeal**

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

### **59. Repeal of laws and savings**

(1) The By-laws specified in Schedule 1 are hereby repealed to the extent indicated in the third column of Schedule 1.

(2) In the event of any conflict between the provisions of this By-law and the provisions in any other legislation, the provisions of this By-law will prevail.

(3) A certificate that was issued, a written notice that was served or any other enforcement act done in terms of a By-law repealed in subsection (1), within six months prior to the commencements of this By-law shall be deemed to be a certificate issued, a notice served or an enforcement act done by a controlling authority in terms of this By-law.

### **60. Short title and Commencement**

This By-law is called the Nelson Mandela Bay Metropolitan Municipality: Fire Safety By-law and comes into operation on the date of publication in the Provincial Gazette.

**SCHEDULE 1****REPEAL OF LAWS AND SAVINGS**

## 1. Port Elizabeth Municipality:

<b>Provincial Notice No. and Provincial Gazette No.</b>	<b>Title</b>	<b>Extent of repeal</b>
P.N. 396/1982	Standard By-law relating to Fire Brigade Services	The whole
P.N. 233/1997	Municipality of the City of Port Elizabeth, Fireworks By-Law	The whole

## 2. Uitenhage Municipality:

<b>Provincial Notice No. and Provincial Gazette No.</b>	<b>Title</b>	<b>Extent of repeal</b>
P.N. 516/1979	Uitenhage Municipality: Fire Brigade By-law	The whole
P.N. 59/1999	Uitenhage Municipality: Fireworks By-law	The whole
P.N. 242/1980	Uitenhage Municipality: By-law relating to flammable substances	The whole

## 3. Despatch Municipality:

<b>Provincial Notice No. and Provincial Gazette No.</b>	<b>Title</b>	<b>Extent of repeal</b>
P.N. 69/1998	Municipality of Despatch, Fireworks By-law	The whole

**SCHEDULE 2****FORMS**

- A. POPULATION CERTIFICATE
- B. FLAMMABLE SUBSTANCE CERTIFICATE APPLICATION
- C. FLAMMABLE SUBSTANCE CERTIFICATE
- D. DANGEROUS GOODS CERTIFICATE APPLICATION
- E. DANGEROUS GOODS CERTIFICATE
- F. CONSTRUCTION OF SPRAY BOOTHS

A. POPULATION CERTIFICATE

**NELSON MANDELA METROPOLITAN MUNICIPALITY  
FIRE & EMERGENCY SERVICES**

**APPLICATION FOR APPROVAL OF A ROOM FOR USE AS A PLACE OF ASSEMBLY OR  
CONGREGATION FOR PURPOSES OF RECREATION OR ENTERTAINMENT**

NAME OF OWNER: .....

POSTAL ADDRESS:.....  
.....  
.....

NAME BY WHICH ROOM IS COMMONLY KNOWN: .....

STREET ADDRESS OF PREMISES  
.....  
.....  
.....

.....  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

**FOR OFFICE USE ONLY**

CERTIFICATE AND ..... COPIES, ANNEXURE "A" AND ANNEXURE "B" RECEIVED BY:

NAME: .....

CAPACITY: .....

DATE: .....SIGNATURE: .....

1. TOTAL FLOOR AREA INCLUDING ANY STAGE OR PLATFORM: .....M<sup>2</sup>

2. NUMBER OF FIXED SEATS:.....

3. NUMBER OF EXIT DOORS: ..... TOTAL WIDTH: .....

4. MAXIMUM NUMBER OF PERSONS PERMITTED: .....

DATE APPROVED: .....

APPROVING OFFICER: .....

NUMBER OF CERTIFICATES ISSUED: .....

**CALCULATIONS**

1. FLOOR AREA           LENGTH (M) X BREADTH (M) = AREA M<sup>2</sup>

= ..... X ..... = .....

2. POPULATION           = NUMBER OF FIXED SEATS OR ONE (1) PER M<sup>2</sup> IF NO FIXED SEATS

3. NUMBER OF AVAILABLE EXITS (TOTAL) .....M. WIDTH OF DOORS ..... X 1.2 =

PROPORTION A

PROPORTION A + PROPORTION A1, A2, A3 ETC. = PROPORTION B

IF GROUND FLOOR           :     PROPORTION B X 100 = POPULATION A

..... X 100 = .....

IF ANY OTHER FLOOR :     ..... X 84 = .....

- |  |
|--|
| <p>4. UNITS OF EXIT WIDTH WIDTH OF DOOR .....MM<br/>                 TOTAL COMPLETE UNITS OF EXIT X 40 = .....</p> <p>5. AVERAGE POPULATION : A (OR A1) + B + 2 =<br/>                 ..... + ..... + 2 =</p> |
|--|

**B. APPLICATION FOR A FLAMMABLE SUBSTANCES CERTIFICATE**

**NELSON MANDELA METROPOLITAN MUNICIPALITY  
APPLICATION FOR PERMISSION TO STORE FLAMMABLE LIQUID**

*THIS FORM TO BE FILLED IN AND FORWARDED TO THE DIRECTOR: FIRE & EMERGENCY SERVICES,  
PO Box 579, PORT ELIZABETH, 6000*

**NAME OF APPLICANT**

.....  
*(If a firm, state name in full. If a company, state name of company and its secretary)*

**ADDRESS**

.....  
.....  
**LOCATION OF PREMISES FOR WHICH PERMISSION IS REQUIRED**

.....  
.....  
**PERMISSION IS REQUIRED FOR PETROL AND/OR PARAFFIN**

.....  
.....  
*(State which is required and maximum quantity in litres of each)*

**PURPOSE FOR WHICH THE FLAMMABLE LIQUID IS TO BE KEPT**

.....  
**SIGNATURE OF APPLICANT**

.....  
**CAPACITY**

**POSTAL ADDRESS**

.....  
**DATE** .....

C. FLAMMABLE SUBSTANCE CERTIFICATE

**NELSON MANDELA METROPOLITAN MUNICIPALITY**

**LICENCE TO STORE FLAMMABLE LIQUID**

PERMISSION IS HEREBY GRANTED TO .....

.....

OF .....

.....

TO STORE THE FOLLOWING .....

AT .....

*FROM THIS DATE UNTIL 31 DECEMBER . . . . ., SUBJECT TO THE FLAMMABLE LIQUID BEING STORED TO THE SATISFACTION OF THE AUTHORISED OFFICER IN COMPLIANCE WITH THE REGULATIONS FOR CONTROLLING AND REGULATING THE KEEPING, CONVEYANCE, STORAGE AND USE OF FLAMMABLE LIQUID.*

**THIS LICENCE MUST BE RENEWED ON OR BEFORE THIS 1<sup>ST</sup> DAY OF DECEMBER**

DATED THIS ..... DAY OF .....

.....  
**BUSINESS UNIT MANAGER**

## D. APPLICATION FOR A DANGEROUS GOODS CERTIFICATE

<b>FOR OFFICIAL USE ONLY</b>		<b>NELSON MANDELA METROPOLITAN MUNICIPALITY</b>	
APPLICATION NO.: .....			
FILE NO.: .....			
<b>DANGEROUS GOODS CERTIFICATE APPLICATION</b>			
Application for a dangerous goods certificate in terms of Section 54(2) of the Fire Safety By-Law			
<b>ADDRESS OF OPERATOR</b>			
NAME OF OPERATOR:			
TRADING AS:			
ERF NO.:			
STREET ADDRESS:			
SUBURB:			
CITY:		CODE:	
<b>LOCATION OF VEHICLE</b>			
ERF NO.:			
STREET ADDRESS:			
SUBURB:			
CITY:		CODE:	
<b>DETAILS OF VEHICLE FOR WHICH A CERTIFICATE OF REGISTRATION IS REQUIRED</b>			
TYPE OR CLASS OF VEHICLE:			
REGISTRATION NO.:			
TARE:			
LOAD:			
MAKE:			
NUMBER OF TANKS:			
CAPACITY OF TANKS:			
YEAR OF MANUFACTURE OF TANK:			
ENGINE NO.: (IF APPLICABLE)			
CHASSIS NO.:			
QUANTITY OF FLAMMABLE SUBSTANCE TO BE CONVEYED:			
FLAMMABLE LIQUID:			
FLAMMABLE GAS:			
REMARKS:			
OPERATOR (SIGNATURE):			
ADDRESS:		PRINT NAME:	
TELEPHONE NO.:			
FOR CONTROLLING AUTHORITY (SIGNATURE):			

**FOR OFFICIAL USE ONLY**

A CERTIFICATE FEE OF R ..... IS PAYABLE TO THE NELSON MANDELA METROPOLITAN MUNICIPALITY IN RESPECT OF THIS APPLICATION AND THE SUBSEQUENT INSPECTION.

SIGNATURE OF RECEIVING OFFICIAL: ..... DATE: .....

NAME OF RECEIVING OFFICIAL: ..... DESIGNATION: .....

**E. DANGEROUS GOODS CERTIFICATE**

<b>FOR OFFICIAL USE ONLY</b>	<b>NELSON MANDELA METROPOLITAN MUNICIPALITY</b>
APPLICATION NO.: .....	
FILE NO.: .....	
<b>DANGEROUS GOODS CERTIFICATE</b> Dangerous goods certificate in terms of Section 54(1) of the Fire Safety By-Law	
THIS IS TO CERTIFY THAT THE VEHICLE, PARTICULARS OF WHICH ARE GIVEN BELOW, HAS BEEN EXAMINED AND FOUND TO COMPLY WITH THE RELEVANT SECTIONS SANS 10087: PART 4, SANS 10089: PART 1, SANS 1398 AND SANS 1518 FOR THE CONVEYANCE OF FLAMMABLE LIQUIDS OR LIQUEFIED FLAMMABLE GAS IN TANKS EACH WITH A TOTAL CAPACITY OF ..... LITRES WITHIN THE LIMITS OF THE MUNICIPAL AREA AND SUBJECT TO ALL APPLICABLE LEGISLATION.	
<b>DETAILS OF OPERATOR</b>	
NAME OF OPERATOR:	
TRADING AS:	
STREET ADDRESS:	
SUBURB:	
CITY:	CODE:
<b>DETAILS OF VEHICLE</b>	
TYPE OR CLASS OF VEHICLE:	
REGISTRATION NO.:	
TARE:	
LOAD:	
MAKE:	
NUMBER OF TANKS:	
CAPACITY OF TANKS:	
YEAR OF MANUFACTURE OF TANK:	
ENGINE NO.: (IF APPLICABLE)	
CHASSIS NO.:	
QUANTITY OF FLAMMABLE SUBSTANCE TO BE CONVEYED:	
FLAMMABLE LIQUID:	
FLAMMABLE GAS:	
THIS CERTIFICATE OF REGISTRATION IS NOT A WARRANTY OF FITNESS OF THE VEHICLE HEREIN DESCRIBED AND ANY OPERATOR, DRIVER OR PERSON INTERESTED SHOULD SATISFY THEMSELVES AS TO THE ROADWORTHINESS, CONSTRUCTION AND CONDITION OF THE AFOREMENTIONED VEHICLE.	
THIS CERTIFICATE IS ISSUED BY THE NELSON MANDELA METROPOLITAN MUNICIPALITY AND IS VALID UNTIL .....	
DATE OF RENEWAL .....	
DATE OF EXPIRY .....	
CONTROLLING AUTHORITY (SIGNATURE) .....	DATE OF ISSUE
.....	
NAME OF ISSUING OFFICIAL (PRINT NAME) .....	DESIGNATION
.....	

## F. CONSTRUCTION OF SPRAY BOOTHS

**NELSON MANDELA METROPOLITAN MUNICIPALITY****SPRAY BOOTH CONSTRUCTION**

WALLS	225mm Brickwork.
ROOF	Reinforced concrete.
FLOOR	Concrete or other impervious material.
DOORS (A)	Constructed of 50mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be hung on Tee hinges bolted to the door.
(B)	Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap or not less than 50mm.
NOTE	Where the floor area exceeds 18 sq. metres, 2 doors must be provided.
WINDOWS	Metal frames with no opening sections glazed with wire-woven glass not exceeding 460mm x 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the Director: Fire and Emergency Services.
NOTE	The Factory Inspector requires natural light to the extent of 20% of the floor area.
VENTILATION	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the centre line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating one (1) metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at four (4) metre centres or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
NOTE	If the ducting is external to the Spray Booth and in communication with the Workshop etc., it must be protected by either 110mm brick or 50mm asbestos cement lagging.
VENTILATION INLETS	The wall opposite the exhaust fans to be honeycombed with airbricks installed from 100mm above floor level to a height of not less than two (2) metres.

**MINIMUM NO. OF SIZE OF ROOM****AIRBRICKS**

40	Up to but not exceeding 140 cubic metres.
65	Up to but not exceeding 280 cubic metres.
90	Up to but not exceeding 470 cubic metres.
150	Up to but not exceeding 650 cubic metres.

NOTE: Metal filters with metal swarf elements may only be used in an all metal installation, in lieu of Airbricks.

ELECTRICAL WORK DANGER NOTICE	All electrical work must be of flame-proof construction. "DANGER – NO SMOKING" notices in 150mm-high white letters on a red background to be provided above the doors outside the Spray Booth.
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**SCHEDULE 3****APPLICABLE LEGISLATION**

With reference to section 37(4):

<b>TITLE</b>	<b>NUMBER</b>
National Environmental Management: Air Quality Act, 2004	Act 39 of 2004
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

**SCHEDULE 4****SANS CODES OF PRACTICE AND SPECIFICATIONS**

<b>SANS CODE</b>	<b>TITLE</b>
SANS 10019	Portable metal containers for compressed gas basic design, manufacture, use and maintenance.
SANS 10087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litre and a combined water capacity not exceeding 3 000 litre per installation.
SANS 10087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5 000 litres.
SANS 10087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 10087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9kg.
SANS 10089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 10105: Part 1	The classification, use and control of firefighting equipment, Part 1: Portable fire extinguishers.
SANS 10108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SANS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SANS 10142	The wiring of premises.
SANS 10177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SANS 193	Fire dampers.
SANS 10228	The identification and classification of dangerous substances and goods.

<b>SANS CODE</b>	<b>TITLE</b>
SANS 10230	Transportation of dangerous goods - Inspection requirements for road vehicles.
SANS 10232 : Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SANS 10400	The application of the National Building Regulations.
SANS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SANS 1253	Fire doors and fire shutters.
SANS 1398	Road tank vehicles for flammable liquids.
SANS 1475: Part 1	The production of reconditioned firefighting equipment, Part 1: Portable rechargeable fire extinguishers.
SANS 1518	Transportation of dangerous goods – Design requirements for road tankers.
SANS 1571	Transportable rechargeable fire extinguishers.
SANS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.

**A. Population Certificate Application**

<b>For official use only</b>						<b>NELSON MANDELA METROPOLITAN MUNICIPALITY</b>					
Permanent / Temporary (Delete which is not applicable)											
Application No. _____											
File No. _____											
<b>Population Certificate Application</b>											
Application for a Population Certificate is made in terms of Section 23(1) of the Fire Safety By-law.											
Name of applicant:						Telephone No.					
						Cell No.					
Name of business:						Telephone No.					
						Cell No.					
Type of business, e.g. bar, nightclub etc:											
Erf No:											
On what floor of the building is the venue situated i.e. ground, 1 <sup>st</sup> etc?											
Street address:											
Suburb:						Code					
<b>Details of Premises</b>											
How many floors does the building have?						<i>How many floors are occupied by the venue for which this application is being made?</i>					
Square metres of usable area per floor of venue Indicate a separate square meterage for each floor occupied by the venue in the blocks below						Expected Population					
						Number of exits per floor Indicate exits per floor separately in the blocks below					
Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )
<ol style="list-style-type: none"> <li>1) The controlling authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations.</li> <li>2) The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate.</li> <li>3) The certificate is valid only for the premises for which it is issued and is not transferable.</li> <li>4) If the occupancy or ownership of the premises changes, the owner or person in charge must apply for a new certificate.</li> </ol>											
Signature of applicant											
Print Name											
Date											
Address											
For Controlling Authority: (Signature)											

<i>Print Name</i>	
<i>Date</i>	
<i>A certificate fee of R_____ is payable to <b>NELSON MANDELA METROPOLITAN MUNICIPALITY</b> in respect of this application and the subsequent inspection.</i>	

**B. Population Certificate**

<b>For Official use only</b>						<b>NELSON MANDELA METROPOLITAN MUNICIPALITY</b>					
Permanent / Temporary (Delete which is not applicable)											
Application No. _____ File No. _____											
<b>Population Certificate</b> This population certificate is issued in terms of Section 23 of the Fire Safety By-law.											
Name of certificated owner:						Telephone No.					
						Cell No.					
Name of certificated business:						Telephone No.					
						Cell No.					
Occupancy:											
Erf No:											
The venue is situated on the _____						floor of the premises (ground, 1 <sup>st</sup> , 2 <sup>nd</sup> ect)					
Street address:											
Suburb:											
<b>Details of Premises</b>											
Number of floors in the building						Number of floors occupied by the venue					
						A. Number of exits per floor					
Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )
						Maximum population per floor					
						Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )	Floor ( )
1) The certificate is issued in terms of Section 23 of the Fire Safety By-law and is valid only for the premises for which it was issued. 2) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate. 3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued.											
For controlling authority (signature)											
Print name											
Date											





**D. Flammable Substance Certificate**

<p><b>For official use only</b></p> <p>Application No. _____</p> <p>File No. _____</p> <p>Certificate No. _____</p>	<p><b>NELSON MANDELA METROPOLITAN MUNICIPALITY</b></p>
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**Flammable Substance Certificate**

Permission for the storage and use of flammable substances in terms of Section 41(6) of the Fire Safety By-law

Name of applicant:	_____	
Trading as:	_____	
Type of business, e.g. shop:	_____	
ERF No.	_____	
Street address:	_____	
Suburb:	_____	Code

**In terms of Section 37(6) of the Fire Safety By-law the above-mentioned premises are certified to store and/or use the following flammable substances**

Manner of storage Each installation/tank or flammable store must be individually itemised	Itemised quantity of products e.g. 1x23 m <sup>3</sup> tank, 2x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG

**See reverse side for additional information**

This certificate is issued by NELSON MANDELA METROPOLITAN MUNICIPALITY and is valid until \_\_\_\_\_

Date of Renewal \_\_\_\_\_

Date of Expiry \_\_\_\_\_

For controlling authority (signature) \_\_\_\_\_ Date of issue \_\_\_\_\_

Name of issuing official (Print Name) \_\_\_\_\_ Designation. \_\_\_\_\_



**E. Dangerous Goods Certificate Application**

<b>For official use only</b>		<b>NELSON MANDELA METROPOLITAN MUNICIPALITY</b>	
Application No. _____			
File No. _____			
<b>Dangerous Goods Certificate Application in respect of flammable materials.</b>			
Application for a dangerous goods certificate in terms of The National Road Traffic Act (No. 93 of 1996)			
<b>Address of operator</b>			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
<b>Location of vehicle</b>			
ERF No.			
Street address:			
Suburb:		Code	
City			
<b>B. Details of vehicle for which a certificate of registration is required</b>			
Type or class of vehicle			
Vehicle Registration No.			
Dangerous Goods Registration number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid (l)			
Flammable gas (kg)			
Flammable solid (kg)			
Remarks:			
Operator (signature)			
Address:		Print name:	
Telephone No:		Fax No:	
For controlling authority: (signature)			

**For official use only**

A certificate fee is payable to the Nelson Mandela Metropolitan Municipality in respect of this application and the subsequent inspection.

**Signature of receiving official** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name of receiving official:** \_\_\_\_\_ **Designation :** \_\_\_\_\_

**F. Dangerous Goods Certificate**

<p><b>For official use only</b></p> <p>Application No. File No.</p>	<p><b>NELSON MANDELA METROPOLITAN MUNICIPALITY</b></p>
<p><b>Dangerous Goods Certificate in respect of flammable materials.</b>                  Dangerous goods certificate issued in terms of The National Road Traffic Act (No. 93 of 1996)</p>	
<p>This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections of S.A.B.S 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.</p>	
<p><b>Details of Operator</b></p>	
Name of Operator _____	
Trading as: _____	
Street Address _____	
Suburb _____	Code _____
City _____	
<p><b>Details of Vehicle</b></p>	
Type or class of vehicle _____	
Registration No. _____	
Dangerous Goods Registration Number _____	
Tare _____	
Load _____	
Make _____	
Number of tanks _____	
Capacity of tanks _____	
Year of manufacture _____	
Engine No. (if applicable) _____	
Chassis No. _____	
Quantity of flammable substance to be conveyed _____	
Flammable liquid (l) _____	
Flammable gas (kg) _____	
Flammable solid (kg) _____	
<p>This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.</p>	
<p>This certificate is issued by the Nelson Mandela Metropolitan Municipality and is valid until _____</p>	
Date of Renewal _____	
Date of Expiry _____	
Controlling Authority (Signature) _____	Date of issue _____
Name of issuing official (Print name) _____	Designation. _____

**No. 174**

**NELSON MANDELA BAY METROPOLITAN MUNICIPALITY  
BY-LAWS FOR ROADS, TRAFFIC AND SAFETY**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Nelson Mandela Bay Metropolitan Municipality enacts as follows:-

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#### 1. Definitions

(1) In these by-laws, unless the context otherwise indicates:

**“animal”** means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal, or reptile which is in captivity or under the control of a person, or insects, such as, but not limited to, bees which are kept or are under control of a person;

**“approved”** means approved by the municipality and **“approval”** has a corresponding meaning;

**“authorised officer”** means an inspector of licences, examiner of vehicles, examiner for driver’s licences, traffic warden or a traffic officer, and includes any other person whom the Minister, by regulation, has declared to be an authorised officer; of the municipality;

**“authorized official”** means any employee of the municipality who is acting within the scope of his or her duties on behalf of the municipality and who is in uniform or with distinctive badge and appointment certificate of office;

**“authorised person”** means a person nominated by an organization and authorised by the municipality;

**“balcony”** means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure, supported by columns or cantilevered out and accessible from an upper-floor door or window;

**“bib”** or **“jacket”** means a garment which fits around the chest of a person, which garment has a recognizable insignia identifying the person as a parking attendant and which is approved by the municipality;

**“bridge”** means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

**“bus”** means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 35 seated persons, excluding the driver, and includes a bus train;

**“bus facility”** means a stand or demarcated stopping place where passengers may board or alight from a bus for which a permit has been issued;

**“bus train”** means a bus which:

- (a) consists of two sections that connect to form a unit;
- (b) can swivel in a horizontal plane at the connections between such sections;
- (c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and
- (d) has a continuous passageway over its length;

**“caravan”** means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

**“cart”** means a cart other than the type described as a “soap box” cart and which is used for the transport of any goods or persons and which is pulled or pushed by any person or number of persons;

**“Chief Traffic Officer”** means the municipality’s Chief Traffic Officer to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

**“combined parking meter”** means an appliance in which more than one parking meter is contained;

**“dealer”** means a person who, for gain, carries on the business selling, buying, exchanging or garaging vehicles;

**“decal”** means a colour-coded sticker or other means of identification issued by the municipality to the holder of a taxi permit;

**“demarcated parking bay”** means a place referred to in section 80A of the National Road Traffic Act, 1996 (Act 93 of 1996), as a space laid out and marked in a public road or public place, the time and occupation by which a vehicle is intended to be recorded by a parking meter;

**“demarcated stopping place or stand”** means the stand for a bus as contemplated in section 134;

**“donation”** means any amount of money that a driver gives to a parking attendant on a voluntary basis for services rendered by the parking attendant;

**“driver”** has the meaning assigned to it by the National Road Traffic Act, 1996 (Act 93 of 1996);

**“examiner of vehicles”** means an examiner of vehicles registered and appointed in terms of Chapter 11 of the National Road Traffic Act, 1996 (Act 93 of 1996);

**“firearm”** means a firearm, as contemplated in the Firearms Control Act, 2000 (Act 60 of 2000);

**“footpath”** means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

**“goods vehicle”** means a motor vehicle other than a motor car or bus, designed or adapted for the conveyance of goods on a public road and includes a truck, tractor, motor cycle or motor tricycle;

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

**“holding area”**, in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

**“marshal”** means a person who arranges passenger and vehicle-related procedures at taxi facilities;

**“mechanically controlled parking ground”** means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens on the insertion of money into a vending machine;

**“metered parking bay”** means a parking bay in respect of which a parking meter has been installed;

**“metered parking ground”** means a parking ground or any part thereof where parking is controlled by means of a parking meter or meters;

**“metered taxi”** means a motor car designed for conveying not more than five people, including the driver, which must be fitted with a taximeter, as contemplated in Chapter 4;

**“midi-bus”** means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry from 19 to 35 seated persons, excluding the driver;

**“mini-bus”** means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry from nine to 18 seated persons, excluding the driver;

**“Minister”** means the Minister of Transport;

**“motor car”** means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrocycle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), designed or lawfully adapted by a registered manufacturer in compliance with the Act to carry not more than eight persons, excluding the driver;

**“motor vehicle”** means any self-propelled vehicle and includes-

- (a) a trailer; and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor, but does not include-
  - (i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
  - (ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

**“municipality”** means the Nelson Mandela Bay Metropolitan Municipality, and includes any political structure, political office bearer, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

**“operate”**, in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

**“operator”** means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), being a person carrying on the business of a public passenger road transport service;

**“organization”** means a group of people, company, association or body representing parking attendants that operates a parking attendant service in certain geographical areas as approved by the municipality;

**“owner”** in relation to a vehicle, means -

- (a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;
- (b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and
- (c) a person who is registered as such in accordance with Section 14 of the National Road Traffic Act, 1996 (Act 93 of 1996);

**“park”** means to keep a motor vehicle, whether occupied or not, stationary for longer than is reasonably necessary to actually load or unload people or goods, but does not include keeping a vehicle stationary owing to a cause beyond the control of the person in charge of the vehicle;

**“parking attendant”** means a person in the employ of an organization to render a parking attendant service to drivers in a public place or on a public road, and includes a car watcher;

**“parking bay”** means a demarcated area within which a vehicle is to be parked in terms of these by-laws, demarcated as such upon the surface of a parking ground or a floor thereof;

**“parking ground”** means any area of land or any building set aside by the municipality as a parking ground or garage for the parking of vehicles therein by members of the public, whether or not charges are prescribed by this by-law for the use thereof;

**“parking meter”** means a device commissioned in terms of this by-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or not;

**“parking period”** means that period including a period reflected on a parking meter on any one day during which a vehicle is permitted to park in a parking ground or parking bay or as indicated by a road traffic sign;

**“particulars”** means any form of information of a person or business and includes the name, surname, company name, residential, business or e-mail address, telephone, cellular or fax number, or any other such information;

**“passenger”** means any person in or on a vehicle, but does not include the driver or the conductor;

**“passenger-carrying motor vehicle”** means a taxi or a bus used or designed to convey passengers for reward;

**“pay-and-display machine”** means a machine installed at a pay-and-display parking ground for the sale of coupons;

**“pay-and-display parking ground”** means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated inside the parking ground;

**“prescribed”** means determined by resolution of the municipality, and in relation to a fee, means as set out in the tariff policy of the municipality;

**“prescribed coin”** means a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act 78 of 1964), of the denomination indicated on the parking meter concerned;

**“public place”** means any square, park, recreation ground, sports ground, sanitary lane or open space which has:

- (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used by the public without interruption for a period of at least 30 years, or
- (d) at any time been declared or rendered such by the municipality or other competent authority;

**“public road”** means any road, street, cycle path, thoroughfare or any other place, and includes:

- (a) the verge of any such public road;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such public road;
- (d) any other object belonging to such public road, which has at any time been -
  - (i) dedicated to the public;
  - (ii) used without interruption by the public for a period of at least 30 years;
  - (iii) declared or rendered such by the municipality or other competent authority; or
  - (iv) constructed by a local authority;
- (e) any land, with or without buildings or structures thereon, which is shown as a public road on :
  - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon; or

- (bb) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's office, unless such land is on such plan or diagram described as a private public road;

**“regulation”** means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

**“rank”**, in relation to a taxi, means a place upon a public road where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

**“security officer”** means a security officer, as defined in the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);

**“security service provider”** means a security service provider, as defined in the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);

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

**“sidewalk”** means that portion of a public road between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

**“skateboard”** means a device, which includes mainly a flat object mounted on wheels, which is designed in such a manner as to provide room for only one person to stand or squat and is as such propelled by means of either human power or gravitation or both;

**“special parking place”** means a rank or stand established by the municipality on a public road within the municipality for the parking or standing of passenger-carrying motor vehicles;

**“sporting event”** means any sporting contest, including, but not limited to, any foot, skateboard, wind-driven object, cycle, motor, boat, horse or other animal race, and any other sporting contest, competition, tournament or game, whether usually attended by the public or not, and whether an entrance fee is charged or not;

**“stand”**, in relation to a bus, means the place where a bus route starts or ends;

**“stop”** in relation to a taxi stopping on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

**“stopping place”**, in relation to -

(a) a taxi, means the place designated by the municipality where a taxi may stop to pick up or drop off passengers; and

(b) a bus, means a demarcated stop where a bus may stop to pick up or drop off passengers;

**“tare”**, in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of:

(a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;

(b) anything which is a permanent part of the structure of such vehicle;

(c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and

- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of -
- (i) fuel; and
  - (ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

**“taxi”** means a motor vehicle which plies for hire, is operated for reward, and includes-

- (a) a mini-bus, a midi-bus, motor tricycle or motor quadrocycle; and
- (b) a metered taxi;

**“taxi association”** means a taxi association recognized as such by the municipality and the Eastern Cape Province;

**“taxi facility”** means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the municipality for the exclusive use of taxis;

**“taxi operator”** means the person responsible for the use of the taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered as the operator of such vehicle;

**“taxi rank”** means a taxi facility identified by the municipality as a place where taxis stand to await passengers;

**“temporary taxi facility”** means a taxi facility contemplated in section 100(2);

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

**“tri-cycle”** means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

**“token”** in respect of a trolley, means a sign on which the name or trade name and the address of the owner appears;

**“trolley”** means any push trolley or push cart which is placed at the disposal of the public as buyers by any business undertaking or shop and which is used by the public to convey their purchases;

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

**“veranda”** means a structure in the nature of a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts;

**“watercourse”** means a watercourse, as defined in section 1 of the National Water Act, 1998 (Act 36 of 1998).

**“work”** means any work as defined in the operational manual, as contemplated in section 17;

(2) In these by-laws, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning, unless the context otherwise indicates.

## 2. Principles and objectives

The Nelson Mandela Metropolitan Municipality, acting under the Constitution and relevant legislation, and being aware of its duty to control the use of roads, parking grounds, and to control motor vehicle attendants, taxis and buses within the area under its jurisdiction so as to provide a safe environment for all people within the municipal area, adopts these by-laws with the aim of controlling the use of roads and parking grounds within the area under its jurisdiction.

# CHAPTER 1: GENERAL PROVISIONS RELATING TO USE OF ROADS

## Part 1: Pedestrians

### 3. Duties of pedestrians

- (1) Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.
- (2) Where a traffic-control light signal ("robot"), which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.
- (3) Where no pedestrian signals are operating at an intersection, but such intersection is controlled by a traffic-control light signal, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of the traffic-control light signal is displayed in the direction opposite to that in which he or she is proceeding.
- (4) Where a traffic-control light signal, which embodies pedestrian signals, are operating at a pedestrian crossing elsewhere than at an intersection, a pedestrian may only commence to cross the roadway in the pedestrian crossing when the green light of the pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.
- (5) A pedestrian, when crossing the roadway within a demarcated pedestrian crossing, whether at an intersection or otherwise, must walk on the left of the pedestrian crossing.
- (6) No person or persons may -
  - (a) sit or lie on a sidewalk, footpath or public road; or
  - (b) stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public.
- (7) No pedestrian may carelessly, negligently or recklessly disregard, or endanger his or her own safety, or the safety of a person or vehicle using a public road.
- (8) A person who contravenes a provision of this section commits an offence.

## Part 2: Traffic lanes

### 4. Use of traffic lanes

- (1) Where a roadway has been demarcated into traffic lanes, the driver of a vehicle -
  - (a) must drive so as to be entirely within a single traffic lane; and

- (b) may not cause or permit his or her vehicle to encroach over a lane line which demarcates a traffic lane, except when moving from one lane into or across another.
- (2) Except when overtaking another vehicle proceeding in the same direction, or when making a right-hand turn at an intersection, or into a private driveway, the following vehicles must be driven in the left-hand traffic lane available for traffic or as close as practicable to the left edge of the roadway:
  - (a) a vehicle proceeding along a public road, which is demarcated into traffic lanes, at less than the normal speed of traffic at the time and place and under the conditions then existing;
  - (b) an animal-drawn vehicle;
  - (c) a bicycle; and
  - (d) a heavy motor vehicle.
- (3) No person may turn any vehicle that draws a semi-trailer, trailer or combination of vehicles at any crossing for the purpose of driving in the opposite direction.
- (4) A person who contravenes a provision of this section commits an offence.

### **5. Vehicle not to be driven on a sidewalk or footpath**

- (1) A person may not drive, draw or propel a vehicle, excluding a perambulator or invalid's chair, upon a footpath or sidewalk designed for use by pedestrians, except when it is necessary to do so to cross (by the shortest route) a footpath or sidewalk for the purpose of entering or leaving property abutting thereon.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

## **Part 3: Parking**

### **6. Control of parking**

- (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised official may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.
- (2) A person who disregards an instruction of a police officer commits an offence.

### **7. Parking in a loading zone**

- (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone -
  - (a) between the hours of 07:00 and 17:00 on Mondays to Fridays, except where such day is a Public Holiday;
  - (b) between the hours of 07:00 to 12:00 on Saturdays, except where such day is a Public Holiday; or
  - (c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.

(2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.

(3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously and only while the vehicle is being actually loaded or unloaded.

(4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised official, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.

(5) A person who contravenes a provision of this section commits an offence.

#### **8. Parking at a bus stop**

(1) No person who operates or who is in charge of a vehicle on a public road may, in the case of a vehicle other than a bus, allow the vehicle to remain stationary in a bus stop between the hours of 06:00 and 18:00.

(2) A person who contravenes subsection (1) commits an offence.

#### **9. Parking in a public road**

(1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.

(2) No person may, without the written consent of the municipality, park a heavy motor vehicle designed, adapted or used for the conveyance of goods, between the hours of 21:00 and 06:00 anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.

(3) Application for consent must be made on the form provided for this purpose by the municipality.

(4) A person who contravenes a provision of this section commits an offence.

#### **10. Parking upon a traffic island**

(1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised official.

(2) A person who parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised official commits an offence.

#### **11. Parking by a dealer**

(1) No dealer may park or allow to be parked in a public road within the municipal area, in the course of the dealer's business carried on by him or her, a vehicle which -

(a) has been placed in his or her custody;

(b) is under his or her control; or

(c) is in his or her possession for the purpose of sale, exchange or garaging.

- (2) Subsection (1) does not apply if at the time the vehicle is:
  - (a) being used for demonstration or testing purposes; or
  - (b) in the course of being delivered to the owner or purchaser thereof.
- (3) A dealer who contravenes a provision of subsection (1) commits an offence.

## **12. Parking of a repaired vehicle**

- (1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or place within the municipal area any vehicle that is in an obvious state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

## **13. Parking of heavy vehicles and caravans**

- (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area -
  - (a) a motor vehicle with a tare exceeding 3500 kg;
  - (b) a trailer;
  - (c) a semi-trailer, or
  - (d) a caravan.
- (2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.
- (3) A person who contravenes a provision of subsection (1) commits an offence.

## **14. Exemption of medical practitioners and nurses from parking restrictions**

- (1)
  - (a) Registered general medical practitioners and registered nurses to whom a badge has been issued in terms of subsection (3)(a) are exempt from the provisions of any law, subject to paragraph (b), relating to parking in force in the municipality when using, on *bona fide* professional domiciliary visit, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) issued to him or her by the municipality.
  - (b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.
- (2)
  - (a) The badge must be a windscreen sticker badge displaying on the face thereof -
    - (i) a serial number; and
    - (ii) the name of the person to whom it is issued.
  - (b) The badge must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.

- (3) (a) Written application for the issue of a badge must be made to the municipality and if the municipality approves the application, it must issue a badge bearing a registered serial number to the applicant.
- (b) The municipality must keep a register in which it records the serial number allocated by it of the badge, the issue of which has been authorised by it, and the name of the holder.
- (c) The municipality may issue a duplicate badge.
- (d) Where the municipality has reason to believe that any holder of a badge is abusing a privilege conferred by the badge, it may withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.
- (4) Application for a badge must be made on a form provided for this purpose by the municipality.
- (5) A person who displays a forged badge or a badge which was not issued by the municipality commits an offence.

#### **Part 4: Obstruction on and work in public roads and public places, and water discharged onto public road**

##### **15. Obstruction**

No person may deposit, or cause to be deposited, or leave, or cause to be left sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on a portion of a public road, sidewalk or footpath, unless it is deposited within an enclosure in respect of which the written consent of the municipality has first been obtained.

##### **16. Work in public roads or public places**

- (1) No person may undertake work in any public road, or public place, or on property belonging to the municipality without prior permission being obtained in terms of the operational manual as contemplated in section 17.
- (2) A person who contravenes subsection (1) commits an offence.

##### **17. Norms, standards and guidelines**

- (1) The municipality may determine and publish norms, standards and guidelines which describe appropriate measures for work in public roads, public places or other property belonging to the municipality, and such norms standards and guidelines must be kept in the form of an operational manual.
- (2) The norms, standards and guidelines contemplated in subsection (1) may differentiate between communities, geographical areas and different kinds of premises.

##### **18. Discharge of water on public a road**

- (1) No person may, without prior written permission of the municipality -
- (a) lead or discharge water on, over or across a public road; or

- (b) by any means whatever, raise the level of water in a river, dam or watercourse so as to cause interference with or endanger a public road .
- (2) (a) A person who wishes to perform an action, as contemplated in subsection (1), must submit to the municipality an application which contains full technical details of the proposed action, and the municipality may refuse or grant permission.
  - (b) Should the municipality refuse permission, it must supply the person with the written reasons for the refusal.
  - (c) Should the municipality grant the permission, it may do so subject to such conditions, requirements or specifications which it may determine in each individual case.
- (3) The municipality may, subject to any law which may be applicable and after obtaining permission of the owner and the occupier of the land concerned, if any:
  - (a) deviate a watercourse, stream or river if the deviation is necessary for:
    - (i) the protection of a public road or structure related to a public road; or
    - (ii) the construction of a structure connected with or belonging to a public road; and
  - (b) divert stormwater from or under a public road onto private property other than land containing buildings, other structures or improvements.
- (4) The municipality must compensate the owner or occupier of the land for damage caused as a result of acting under subsection (3), with an amount agreed upon between the Municipality and the owner or occupier.
- (5) Application for permission must be made on a form provided for this purpose by the municipality.
- (6) A person who contravenes subsection (1) or a condition, requirement or specification imposed or determined by the municipality in terms of subsection (2)(c) commits an offence.

## **19. Overflow of water into public roads and public places**

- (1) No person may cause or allow any water other than rainwater to flow into a public road or public place.
- (2) A person who contravenes subsection (1) commits an offence.

## **Part 5: Escorting of abnormal vehicles, events, processions, and shows**

### **20. Escort of abnormal vehicles**

- (1) Escort, by traffic officers, of a vehicle that is abnormally large, or that transports unsafe loads will be provided by the municipality on application.
- (2) Subject to section 24, escort tariffs are charged per hour or part thereof per authorized officer and are calculated from the time as stipulated on the prescribed form until completion of the escort, provided that 30 minutes before commencement and 30 minutes after completion are included.
- (3) Escorts will only be supplied if all the requirements of the National Road Traffic

Act, 1996 (Act 93 of 1996) are compiled with.

(4) Application for escorting by traffic officers in terms of subsection (1) must be submitted to the municipality on a form provided for this purpose by the municipality at least 14 days prior to date on which the escorting is required.

## **21. Races and sporting events**

(1) No person may hold a race or sporting event on any public road without the prior written permission of the municipality, and an application for permission to hold such a race or sporting event must be submitted in writing by the organiser of the race or sporting event to the municipality on the form prescribed by it at least 60 days prior to the envisaged event.

(2) Assistance by traffic officers will be provided by the municipality on application, as contemplated in subsection (1).

(3) The person contemplated in subsection (1) must pay to the municipality the required tariffs and deposit as contemplated in section 24 for the costs to be incurred during the race or sports event

(3) A person who holds a race or sporting event in contravention of subsection (1) commits an offence.

## **22. Processions and gatherings**

(1) Subject to the provisions of subsection (7), no person may hold, organise, initiate or control a procession or gathering in a public road or public place, or dance, or sing, or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such public road or public place, or use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections (2) and (3).

(2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any public road or public place must apply to the municipality for permission on a form provided for this purpose by the municipality, which application must reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out; however, persons who intend participating actively in a procession, or gathering in any public road need not apply to the municipality for permission thereto and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the municipality.

(3) An application made in terms of subsection (2) must contain the following:

- (a) full details of the name, address and occupation of the applicant;
- (b) full details of the public road or public place where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend; and

- (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- (4) Any application submitted in accordance with subsection (2) shall be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not likely to be in conflict with the interests of public peace, good order or safety, the municipality may grant permission for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.
- (5) The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (1), if the performance or carrying out of such action or actions is or are in conflict with the interests of public peace, good order or safety.
- (6) The municipality may withdraw any permission granted in terms of subsection (4), if, as a result of further information, the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.
- (7) The provisions of this section do not apply to:
  - (a) wedding or funeral processions; and
  - (b) a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993), in which case the provisions of the Act will be applicable.
- (8) Assistance by traffic officers will be provided by the municipality on application, as contemplated in subsection (2).
- (9) The person contemplated in subsection (2) must pay, where applicable, to the municipality the required tariffs and deposit, as contemplated in section 24, for the costs to be incurred during the race or sports event

### **23. Control of amusement shows and devices**

- (1) No person may set up or use in any public road or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –
  - (a) except with the written permission of the municipality first having been obtained and subject to such conditions as may be determined by the municipality;
  - (b) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
  - (c) if it is in any way dangerous or unsafe for public use.
- (2) An application for permission to act in terms of subsection (1) must be submitted in writing by the owner or organiser of the circus, whirligig, roundabout or other side-show or device to the municipality on the form provided for this purpose by the municipality at least 60 days prior to the date on which the circus, whirligig, roundabout or other side-show or device will be set up.

- (3) Assistance by traffic officers will be provided by the municipality on application, as contemplated in subsection (2).
- (4) The person contemplated in subsection (2) must pay, where applicable, to the municipality the required tariffs and deposit as contemplated in section 24 for the costs to be incurred during the duration of the circus, whirligig, roundabout or other side-show or device.
- (5) An authorised official of the municipality must, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.
- (6) A person who contravenes subsection (1) commits an offence.

#### **24. Tariffs for assistance with racing events, sporting events, processions and other gatherings in general**

- (1) The payment of deposits and tariffs to the municipality are subject to the following:
  - (a) the municipality may determine the estimated tariffs, and a deposit equal to these tariffs in respect, must be paid in cash or by bank-guaranteed cheque at the date of application as contemplated in section 20(4), 21(1) or (2), 22(2) or (8), or 23(3) or (4);
  - (b) any mutual adjustment must be made after conclusion of the sporting event, procession or gathering, or the setting up of the circus, whirligig, roundabout or other side-show or device, as soon as the actual costs have been determined by the municipality;
  - (c) the municipality may, at its sole discretion, exempt an applicant from the payment of the tariffs and the deposit upon written reasons being provided to the municipality prior to the commencement of the escorting, race or sporting event, procession or gathering, or the set up of the circus, whirligig, roundabout or other side-show or device. However, in the event that the municipality is unable to grant exemption for whatever reason prior to the commencement of the escorting, race or sporting event, procession or gathering, or the set up of the circus, whirligig, roundabout, or other side-show, or device the applicant must pay the tariffs, which shall, if exemption is granted thereafter, be refunded to the applicant;
  - (d) the municipality may approve the appointment of marshals and prescribe their responsibilities and attire to perform functions on public roads or public places; and
  - (e) the municipality shall prescribe the minimum number of marshals required to assist at a race or sporting event, procession or gathering, or the set up of the circus, whirligig, roundabout or other side-show, or device, racing event, sporting event, procession and a gathering in general.
- (2) Subsection (1) does not apply to a funeral procession.

#### **Part 6: Animals, animal-drawn vehicles and push or pull carts**

**25. Animals, animal-drawn vehicles and push or pull carts on public roads**

- (1) No person may drive or cause to be driven an animal-drawn vehicle along or through public roads during the hours when it would be required of motor vehicles to have their lights switched on.
- (2) No person may drive or cause to be driven an animal-drawn vehicle along public roads with a gradient of 20° or more.
- (3) No person may push or pull any cart along or through public roads during the hours when it would be required of motor vehicles to have their lights switched on or along public roads with a gradient of 20° or more.
- (4) No person may on a public road shoe, clean, dress, train, break-in or turn loose an animal.
- (5) No person who owns or who is in charge of an animal which is on a public road, may leave the animal on the public road if the animal is severely injured, feeble, emaciated, diseased or dying, except for the purpose of seeking assistance for the removal of the animal.
- (6) No person who owns or who is in charge of livestock may allow the livestock to be at large on a public road within the municipal area of the municipality, and an authorised official may take any such livestock to a place designated by the municipality.
- (7) No owner of an animal or person -
  - (a) in charge of any wild or ferocious animal may allow such animal at any time to be insufficiently attended or at large in any public road or public place or may keep any such animal in such a manner as to be a danger or annoyance to the public;
  - (b) may allow, permit or cause any animal to graze or stray in or about any public road or public place; or
  - (c) may in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal.
- (8) No person may -
  - (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a public road or public place;
  - (b) drive or be in control of an animal-drawn vehicle in a public road or public place if he or she is under 16 years of age; or
  - (c) if he or she is in control of an animal-drawn vehicle in a public road, allow a person under 16 years of age to drive or be in control of such vehicle.
- (9) A person who contravenes a provision of this section commits an offence, and a person who contravenes subsection (6) is liable, in addition to payment of the penalty, to pay to the municipality the cost incurred by it through the authorised official acting in accordance with subsection (6).

**Part 7: Collections and handbills****26. Collections and distribution of handbills**

- (1) No person may without the prior written permission of the municipality, and subject to such conditions determined by the municipality -

- (a) collect or attempt to collect money in a public road or public place or organise or in any way assist in the organisation of such collection;
  - (b) collect from door to door, beg or solicit or accept alms; or
  - (c) distribute a handbill or similar advertising material, or cause it to be distributed in any public road or public place, or place any handbill or similar advertising material, or cause it to be placed on or in any vehicle.
- (2) An application for permission in terms of subsection (1) must contain the following information and declarations:
- (a) the name, address and a recent photograph of the applicant and any other person being in full age who is or are singularly or jointly responsible for the organisation, conduct and control of any such activity as contemplated in subsection (1)(a) to (c);
  - (b) the day on which and the hours between which the activity contemplated in paragraph (a) is to be undertaken;
  - (c) the portion or portions of the municipality wherein the activity contemplated in paragraph (a) is to be undertaken;
  - (d) the object or objects for which the activity contemplated in paragraph (a) is to be undertaken or any funds, where applicable, from the proceeds of the activity are to be applied;
  - (e) whether the entire amount of funds contemplated in paragraph (d) is to be handed over without deduction of any kind whatsoever;
  - (f) that no child under the age of 16 years will be employed or engaged in activity contemplated in paragraph (a);
  - (g) that no the activity contemplated in paragraph (a) is to be undertaken before 7:00 and after 18:00, unless prior written approval for the extension of these hours have been granted by the municipality; and
  - (h) if the activity relates to an activity contemplated in subsection (1)(a), proof that the organisation or person intending to hold the public road collection is authorised to collect a contribution in terms of the Non-profit Organisations Act, 1997 (Act 71 of 1997), or the Fund Raising Act, 1978 (Act 107 of 1978), as the case may be.
- (3) An application fee as determined by the municipality may be levied in respect of any application in terms of subsection 1(c).
- (4) Every organisation or person holding a public road collection is entitled to use its, his or her own identifiable collection boxes and if any organisation or person does not possess any boxes, the municipality's collection boxes may be used upon payment of the prescribed fee.
- (5) An organisation or person who contravenes subsection (1) or a condition contemplated in subsection (1), commits an offence.

## Part 8: Trolleys

### 27. Trolleys

- (1) The owner of a trolley must affix an identifying token in a conspicuous position on the trolley.

(2) The owner or the person who controls or has the supervision over a trolley, or who offers it to be used by a person, or who uses it for any purpose whatsoever, may not leave or abandon it or permit it to be left or abandoned on a public road.

(3) A trolley that has been left or abandoned on a public road may be removed, or caused to be removed, by an authorised official and be placed under the care of the official in charge of a municipal store which was established by the municipality for the purpose.

(4) The official in charge of the store must store a trolley which has been placed under his or her care at the municipal store, and the municipality must publish once every month a notice in two newspapers circulating within the municipal area, which states -

- (a) the name of the owner of the trolley, if known;
- (b) the number of trolleys of the owner being so stored;
- (c) that the trolley may be claimed by the owner from the municipality on payment of the prescribed fee for storage and on proof of ownership; and
- (d) that a trolley that has not been claimed after a period of three months from the date of publication of the notice, may be sold by the municipality by public auction.

(5) The proceeds of the public auction in terms of subsection (4)(d) is revenue in favour of the municipality for the following costs incurred by the municipality to defray expenses:

- (a) the removal of such supermarket trolley;
- (b) the keeping of the supermarket trolley in custody;
- (c) the endeavour to trace the owner; and
- (d) the cost of the public auction,

and the remainder, if any, will be refunded to the owner of the supermarket trolley.

(6) The municipality is not liable for the theft, damage to or loss of any trolley while the trolley is stored in the municipal store or when sold by public auction.

(7) A person who contravenes subsection (1) or (2) commits an offence.

## **Part 9: Wires and fencing**

### **28. Barbed wire, dangerous and electrical fencing**

(1) No person may erect or cause or permit to be erected along a public road or public place, or may have along a public road or public place, an electrified fence, electrified railing or other electrified barrier, unless -

- (a) the electrified fence, electrified railing or other electrified barrier is erected on top of a wall which may not be less than two metres high and built of brick, cement, concrete or similar material;
- (b) the electrified fence, electrified railing, or other electrified barrier is designed and installed in accordance with a standard issued in terms of the Standards Act, 1993 (Act 29 of 1993); and

- (c) the person has obtained the prior written consent of the municipality in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).
- (2) (a) A person who wishes to erect an electrified fence, electrified railing or other electrified barrier as contemplated in subsection (1), must submit to the municipality an application for permission, which application contains full technical details of the proposed electrified fence, electrified railing or other electrified barrier, and the municipality may refuse or grant the permission.
- (b) Should the municipality refuse permission, it must supply the person in writing with the reasons for the refusal.
- (c) Should the municipality grant the permission, it may do so subject to conditions, requirements or specifications which it may determine in each individual case.
- (3) Subsections (1) and (2) apply to an owner or occupier of an agricultural holding or farm land as well.
- (4) No owner or occupier of land may erect, or cause, or permit to be erected along a public road or public place a barbed-wire fence, railing, paling, wall or other barrier which, by reason of -
- (a) spikes or other sharp or pointed protrusions; or
- (b) the nature of its construction or design,
- is or may become a danger to a member of the public using the public road or public place.
- (5) Subsection (4) does not apply to an owner or occupier of an agricultural holding or farm land.
- (6) Application for permission must be made on a form provided for this purpose by the municipality.
- (7) A person who erects or causes or permits to be erected along a public road or public place, or who has along a public road or public place, an electrified fence, electrified railing or other electrified barrier without having first obtained the prior written consent of the municipality in terms of subsection (1)(c), or who does not comply with any specifications or conditions prescribed or imposed in terms of subsection (2)(c) or who contravenes subsection (4) commits an offence.

### **Part 10: Miscellaneous prohibitions**

#### **29. Cleaning, repairing and cleanliness of public road**

- (1) No person may clean any part of a vehicle, or wash, dry or paint any article or object on any public road.
- (2) No person may repair any part of a vehicle on any public road, except when minor repairs necessitated by a temporary or sudden stoppage of the vehicle need to be done for the purpose of setting the vehicle in motion.
- (3) No person may spill, drop or place or permit to be spilled, dropped or placed, on any public road any matter or substance that may interfere with the cleanliness of the

public road, or cause or is likely to cause annoyance, danger or accident to a person, animal, vehicle or other traffic using the public road.

(4) A person who performs an action contemplated in subsection (3) must immediately remove or cause to be removed the matter or substance from the road, and if the person fails to remove the matter or substance, the municipality may remove the matter or substance and recover the cost of removal from the person.

(5) A person who contravenes a provision of this section commits an offence.

### **30. Loitering and queuing on public road**

(1) No person may -

- (a) lie or sit so as to obstruct traffic on a public road;
- (b) loiter, or walk, or otherwise act on a public road in a manner that may obstruct traffic; or
- (c) stand or congregate, except when forming part of a queue, on a public road within 20 metres of the entrance to a place of public entertainment so as to obstruct traffic or a person proceeding to, attending at, or departing from the place of entertainment.

(2) A person performing any of the prohibited acts mentioned in subsection (1) must, upon instruction by an authorised official, discontinue to do so.

(3) A person who contravenes subsection (1) or who fails to comply with an instruction by an authorised official commits an offence.

### **31. Poison in public roads or public places**

(1) No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, may use, set or cast poison in any public road or public place.

(2) A person who contravenes subsection (1) commits an offence.

### **32. Skating, games, and nuisances**

(1) No person may, except with the written permission of the municipality first having been obtained -

- (a) skate on roller skates or a skate board or a similar device in or on a public road or public place or in or upon an area where skating is prohibited by an applicable road traffic sign; or
- (b) roll any hoop, or fly any kite, throw or hit stones or balls, or use any bow and arrow or catapult, or by any means discharge any missile upon, over, or across any public road.

(2) No person may -

- (a) play cricket, or football, or any game, or indulge in any pastime whatsoever in or upon any public road, except on such places as the municipality may set apart for the purposes of a particular game, sport or pastime; or
- (b) do anything in a public road or public place which may endanger the life or safety of any person, animal or thing or create a nuisance, obstruction or annoyance to the public.

(3) Application for permission in terms of subsection (1) must be made on the form provided for this purpose by the municipality.

(4) A person who contravenes a provision of subsection (1) or (2) commits an offence.

### **33. Advertisements visible from public road**

(1) Subject to the municipality's regulations pertaining to the display of advertising signs, no person may display any advertisement, placard, poster or bill in a public road except with the written permission of the municipality and subject to such conditions as may be determined by the municipality.

(2) A person who contravenes a provision of subsection (1) commits an offence.

### **34. Trees**

(1) No person may:

(a) plant a tree or shrub in a public road or public place, cut down a tree or a shrub in a public road, or public place, or remove it there from, except with the written permission of the municipality;

(b) climb, break or damage a tree growing in a public road or public place; or

(c) in any way mark or paint any tree growing in a public road or public place or, subject to the municipality's regulations pertaining to the display of advertising signs, attach any advertisement thereto.

(2) Any tree or shrub planted in a public road or public place is the property of the municipality.

(3) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a public road or public place, the municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.

(4) A person who contravenes a provision of subsection (1), or who fails to comply with a notice issued in terms of subsection (3) commits an offence.

(5) If any person fails to comply with a notice in terms of subsection (3), the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

### **35. Dumping of waste**

(1) Subject to the municipality's waste management by-laws, no person, except with the written permission of the municipality and subject to such conditions as may be determined by the municipality, may –

(a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any public road or public place; or

(b) permit any such objects or substances to be dumped or placed in a public road or public place from premises owned or occupied by him or her.

(2) A person who contravenes a provision of subsection (1) commits an offence.

**36. Article placed in building facing public road**

- (1) No person may place in a building or other part of a building near a public road an article which, if it were to fall, is likely to cause injury or damage to a person or property, without taking all reasonable steps against it falling onto the public road.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**37. Outspanning in public roads**

- (1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or unloaded.
- (2) A person who contravenes subsection (1) commits an offence.

**38. Openings and doors on public roads**

- (1) No person may leave open –
  - (a) any entrance from a public road; or
  - (b) any vault, cellar, basement, or underground room without a sufficient fence or handrail to prevent persons from falling into such vault or leave any door or other covering on such vault in a defective condition.
- (2) No person may leave any manhole or opening in an unsafe condition.
- (3) No person may open or remove any manhole cover without the written authority of the municipality or unless such opening or removal is in the executing of his duty.
- (4) A person who contravenes a provision of this section commits an offence.

**39. Miscellaneous prohibitions**

- (1) No person may, in a public road or public place –
  - (a) sing an obscene or profane song;
  - (b) use profane, foul, indecent or obscene language;
  - (c) use threatening, abusive or insulting words, or make gestures, or behave in a manner with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned;
  - (d) erect a tent or place a chair or any article for the purpose of a funeral, party or any other event without the prior written permission of the municipality;
  - (e) use, or drive, or cause, or permit to be used or driven a cart of the type known as a "soap box cart" or any other cart of the like nature, otherwise than in the course of or for the purpose of business. However the municipality may permit the use of a cart in connection with an organised sports event, game, or race;
  - (f) operate a motor vehicle in such a manner as to cause excess noise which can be avoided by the exercise of reasonable care on his or her part;

- (g) or place on, under or across a public road or public place a rope, wire or pole, or hang or place anything whatsoever thereon without the prior written permission of the municipality;
- (h) when travelling on a public road upon a pedal cycle, motor cycle, coaster or similar device, cling to or attach himself or herself or the pedal cycle, motor cycle, coaster or similar device to any other moving vehicle;
- (i) appear unclothed or appear without being clothed in such a manner as decency demands.
- (j) or in view of a public road, urinate, excrete, behave in an indecent manner by exposing his or her person, or make use of an indecent gesture or commit, solicit or provoke a person to commit a riotous, disorderly or indecent act;
- (k) operate a rickshaw or similar carriage;
- (l) ride on a pedal cycle or tri-cycle at night without being clearly visible from a distance of not less than 50m and such cycle must be equipped with a lamp emitting white light to the front and a lamp emitting red light to the back of such cycle;
- (m) use or permit to be used –
  - (i) any cycle excluding a tricycle, to carry goods exceeding 50kg in mass; or
  - (ii) any tricycle to carry goods exceeding 110kg in mass;
- (n) carry any other person upon the handlebars, frame or tank of a cycle or motorcycle, or ride in above manner upon any such vehicle.
- (o) carry or convey through the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand, unless –
  - (i) it is properly covered; and
  - (ii) it is conveyed in such type of container or in such a manner as will not allow any offensive liquids or parts of the load to be spilt in the public road or public place;
- (p) dry or spread washing on a fence on the boundary fence;
- (q) beat or shake any carpet, rug or mat, except doormats shaken or beaten before 08:00 in the morning;
- (r) carry any large bundle, or basket, or any pointed or edged tools not properly protected, or any ladder, plank or pole, or any bag of soot, lime or other offensive substance, or other package or thing calculated to obstruct, inconvenience, or annoy pedestrians upon any footpath, except for the purpose of loading or unloading any vehicle or when necessarily crossing the footpath;
- (s) deface, damage or in any way interfere with any notice board, road traffic sign, public road name board or other similar sign or any hoarding which has been erected in a public road or public place by or with the permission of the municipality;
- (t) sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some other stand duly allocated by the municipality;

- (u) erect any shelter;
  - (v) wash or dry clothes, blankets or any other domestic articles;
  - (w) fight or act in a riotous manner;
  - (x) discharge a firearm, airgun or air-pistol;
  - (y) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
  - (z) solicit or importune any person for the purpose of prostitution or immorality;
  - (aa) engage in gambling;
  - (bb) use intoxicating liquor or drugs;
  - (cc) wash himself or herself; or
  - (dd) spit.
- (2) Application for permission in terms of subsection (1)(d), (e) and (g) must be made on the form provided for this purpose by the municipality.
- (3) A person who contravenes a provision of subsection (1) commits an offence.

#### **Part 11: Closure and constructions and naming of public roads, numbering of premises, and direction of traffic**

##### **40. Closure of public roads and public places**

- (1) No person may, without the approval of the municipality, close or barricade any public road or public place or restrict access thereto.
- (2) The municipality may permanently close or divert any public road or public place or part thereof or restrict access to any public road or public place.
- (3) When the municipality decides to act in terms of subsection (2), it must give notice of such intention in terms of its communication policy, and in the absence of such policy, the municipality must give notice of its intention in a local newspaper in at least two official languages.
- (4) Any objection against the intended action must be delivered in writing to the municipality within 30 days from the date of notification in terms of subsection (3).
- (5) The municipality may, without complying with the provisions of subsection (3):
- (a) temporarily close a public road or public place:
    - (i) for the purpose of or pending the construction, reconstruction, maintenance or repair of such public road or public place;
    - (ii) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such public road or public place –
      - (aa) if such public road or public place is dangerous to traffic;
      - (bb) by reason of any emergency or public event which requires special measures for the control of traffic or special provision for the accommodation of crowds; or
    - (iii) for any other reason which renders the temporary closing of such public road necessary; and

- (b) temporarily divert a public road which has been closed in terms of paragraph (a).
- (6) The municipality may in its discretion, for general information, place a notice of such temporary closure in terms of subsection (5) in a local newspaper.
- (7) Application for permission in terms of subsection (1)(d), (e) and (g) must be made on the form provided for this purpose by the municipality.
- (8) A person who contravenes subsection (1) commits an offence.

#### **41. Construction, maintenance, naming and declaration of public roads and public places**

- (1) The municipality may -
  - (a) make, construct, reconstruct, alter and maintain a public road or public place; and
  - (b) name and re-name public roads or public places.
- (2) The municipality may -
  - (a) declare any land or portion of land under its control to public road, or any public road or portion thereof to be a public place;
  - (b) declare any private public road or portion thereof to be a public road, or any place or portion thereof to be a public place.
- (3) When the municipality decides to act in terms of subsection (1), it must give notice of such intention in terms of its communication policy, and in the absence of such policy, the municipality must give notice of its intention in a local newspaper in at least two official languages.
- (4) Any objection against the intended action must be delivered in writing to the municipality within 30 days from the date of notification in terms of subsection (3)

#### **42. Numbering of premises**

- (1) The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the municipality must be displayed, and the owner of such premises must, within 30 days of the date of such notice, display the allocated number on the premises.
- (2) A number displayed as contemplated by subsection (1) must -
  - (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent public road; and
  - (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.
- (3) The municipality may allocate and re-allocate numbers to properties abutting on public roads and public places.
- (4) A person who contravenes a provision of subsection (1) or (2) commits an offence.

### **CHAPTER 2: PARKING METERS**

#### **43. The municipality may install parking meters**

- (1) The municipality may, by resolution, install or cause to be installed in a public road or place in the municipal area –
  - (a) a parking meter at a demarcated parking bay; or
  - (b) a combined parking meter at demarcated parking bays.
- (2) The municipality must install a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay or bays in respect of which it is installed.
- (3) A parking meter must –
  - (a) clearly indicate the time allowed for parking in the parking bay;
  - (b) clearly indicate the prescribed coin or coins which may be deposited in the appropriate slot of the meter;
  - (c) clearly display a notice which indicates that no parking may take place in the parking bay if the meter is out of order; and
  - (d) be fitted with an easily visible device (the "indicator") which must indicate clearly, as the case may be –
    - (i) the time allowed for parking when the prescribed coin has been inserted;
    - (ii) that the time allowed for parking has expired; or
    - (iii) that the parking meter has not been set in operation
- (4) In the instance where a parking meter is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter.
- (5) In the instance where a meter is out of order, an authorised official may securely place over the meter a hood carrying in legible letters the words: "Out of order. Do not park in this bay".

#### **44. Method of parking**

- (1) No driver or person in charge of a vehicle may park the vehicle –
  - (a) in a metered parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a metered parking bay;
  - (b) in a metered parking bay which is already occupied by another vehicle; or
  - (c) in a metered parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
- (2) A person who contravenes the provisions of subsection (1) commits an offence.

#### **45. Payment for parking**

- (1) (a) When a vehicle is parked in a metered parking bay, the driver or person in charge of the vehicle must immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her

vehicle in the bay, and must set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter, and a driver or person in charge of a vehicle who fails to do so, commits an offence.

- (b) On completion of the actions prescribed in paragraph (a), the metered parking bay may be lawfully occupied by the vehicle during the period which is indicated on the parking meter, but no longer, however, a driver or person in charge of a vehicle may, without payment, park the vehicle during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use.

(2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may again, when the authorised period of parking has expired, immediately set the parking meter in operation as set out in subsection (1)(a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.

(3) No person may, either with or without the insertion of a fresh coin in the parking meter, leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, commits an offence.

(4) Subject to the provisions of section 17, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a metered parking bay while the indicator of the parking meter shows that –

- (a) the time has expired; or
- (b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter,

and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

(5) Where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if –

- (a) the indicator shows that –
  - (i) the time has expired;
  - (ii) the parking meter has not been set in operation; or
- (b) a hood has been placed over the parking meter as envisaged in section 27(5), no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay,

and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

**46. The municipality may prevent parking at a parking bay**

An officer authorised by the municipality to display road traffic signs may, whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating "No Stopping" or "No Parking" at a parking bay or bays, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay or bays –

- (a) while the sign is so placed or erected; or
  - (b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign,
- and a person who contravenes a provisions of this section commits an offence.

**47. Tampering with a parking meter**

(1) No person may misuse a parking meter or interfere, or tamper, or attempt to misuse, interfere or tamper with the working operation or mechanism of a parking meter.

(2) No person may, without authority from the municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking meter.

(3) No person may paint, write upon or disfigure a parking meter.

(4) A person who contravenes a provision of this section commits an offence.

**48. Prescribed coin only to be deposited**

(1) No person may deposit or cause to be deposited in a parking meter anything whatever other than the prescribed coin or coins.

(2) A person who contravenes subsection (1) commits an offence.

**49. Unlawful operation of a parking meter**

(1) No person may operate or attempt to operate a parking meter by any means other than as prescribed in these by-laws.

(2) A person who contravenes subsection (1) commits an offence.

**50. Unlawful parking**

(1) No person may cause, allow, permit or suffer any vehicle to be parked in a metered parking bay, except as permitted by the provisions of these by-laws.

(2) Where any vehicle is found to have been parked in contravention of these by-laws, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.

(3) A person who contravenes subsection (1) commits an offence.

## 51. Exemptions

(1) Notwithstanding any other provision in these by-laws, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:

- (a) a vehicle used as an ambulance and being at the time used on urgent ambulance service;
- (b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in carrying out its duties; and
- (c) a vehicle used by a member of the South African Police Service and being at the time used in connection with the execution of urgent police duties.

(2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, or regulations, or by-laws made thereunder, a metered parking bay may be occupied without charge on –

- (a) Sundays and Public Holidays;
- (b) Saturdays after 13h00; and
- (c) any other day of the week during the period from 17h00 to 08h00 on the following day.

## CHAPTER 3: PARKING GROUNDS

### Part 1: General provisions

#### 52. The municipality not liable for loss or damage

The municipality is not liable for the loss of or damage howsoever caused, to any vehicle, or any accessories or contents of a vehicle which has been parked in a parking ground.

#### 53. Interference with an attendant

(1) No person may obstruct, hinder or in any manner interfere with an authorised official who is the attendant of the parking grounds in the exercise of his or her duties under these by-laws.

(2) A person who contravenes a provision of subsection (1) commits an offence.

#### 54. Payment of prescribed fee

(1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee.

(2) The municipality may in respect of a parking ground controlled by the issue of coupons, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.

(3) The municipality may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the municipality, to park the vehicle in a parking ground specified, if space in the parking ground is available.

(4) A coupon issued under subsection (2) or (3) –

- (a) may not, without the prior written consent of the municipality –

- (i) be transferred to any other person; or
  - (ii) be used in respect of any vehicle other than the specified vehicle;  
and
- (b) must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle.
- (5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the municipality.
- (6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a coupon was issued in terms of subsection (2) has elapsed, or who contravenes a provision of subsection (4) commits an offence.

### **55. Trading**

- (1) No person may upon a parking ground carry on any business, trade or calling or perform any act in connection therewith.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

### **56. Observance of signs**

- (1) A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

### **57. Parking and removal of vehicle**

- (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.
- (2) Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle –
- (a) in a place on the parking ground which is not a demarcated parking bay, unless instructed to do so by the authorised attendant at the parking ground;
  - (b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;  
or
  - (c) in a parking bay which is already occupied by another vehicle.
- (3) No person may park a vehicle on a sidewalk or a roadway within a parking ground.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.

(5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.

(6) A person who contravenes a provision of this section commits an offence.

#### **58. Abandoned vehicle**

(1) The municipality may remove, to the municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.

(2) The municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the municipality may, subject to the provisions of subsection (3), sell the vehicle at a public auction.

(3) The municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the municipality all prescribed fees payable in terms of these by-laws and the applicable costs in terms of subsection (4).

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:

- (a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);
- (b) the costs of removing the vehicle;
- (c) the costs of publishing the notice of the auction;
- (d) the costs of effecting the sale of the vehicle; and
- (e) the costs, calculated at a rate determined by the municipality, of keeping the vehicle in the pound,

and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.

(5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the municipality.

(6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

#### **59. Damage to notices**

(1) No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, notice-board, sign or other thing placed by the municipality on a parking ground.

(2) A person who contravenes a provision of subsection (1) commits an offence.

**60. Negligent and dangerous driving**

- (1) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**61. Entering or remaining in parking ground**

- (1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, or lawfully removing from the parking ground a vehicle, in respect of which he or she has paid the prescribed parking fee, however this section does not apply to a person in the company of a person who is parking or removing a vehicle.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**62. Tampering with vehicle**

- (1) No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**63. Defacing coupon**

- (1) No person may in a parking ground with intent to defraud the municipality forge, imitate, deface, mutilate, alter or make a mark upon a parking coupon issued in terms of these by-laws.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**64. Defective vehicle**

- (1) No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to be or remain in a parking ground.
- (2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be affected, or removed within a reasonable time.
- (3) A person who contravenes a provision of subsection (1) or subsection (2) commits an offence.

**65. Cleaning of vehicle**

- (1) No person may clean or wash a vehicle in a parking ground.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**66. Refusal of admission**

- (1) An authorised official may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.
- (2) A person who disregards an authorised official's refusal of admission commits an offence.

**67. Parking hours and classes of vehicles**

- (1) The municipality may, subject to the provisions of these by-laws, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.
- (2) The municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.
- (3) The municipality may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.
- (4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the municipality from time to time.
- (5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.
- (6) No person may, unless he or she is the holder of a parking coupon issued in terms of these by-laws authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.
- (7) A person who contravenes a provision of subsection (4), (5) or (6) commits an offence.

**68. Reservation by the municipality**

- (1) The municipality may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the municipality or vehicles used by members of its staff on the business of the municipality.
- (2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the municipality or for members of the municipality's staff commits an offence.

**Part 2: Mechanically controlled parking ground****69. Parking of a vehicle in a mechanically controlled parking ground**

- (1) A person who –
  - (a) wishes to park a vehicle;
  - (b) causes or permits a vehicle to be parked; or
  - (c) allows a vehicle to be parked,in a mechanically controlled parking ground must, when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on the parking coupon vending machine, obtain a parking coupon which is issued by the machine.
- (2) A person contemplated in subsection (1) may not park a vehicle –
  - (a) except in a parking bay and in compliance with such directions as may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official;
  - (b) after an authorised official has indicated to the person that the parking ground is full; or
  - (c) after the expiry of the parking period indicated on the parking coupon.
- (3) A parking coupon obtained in terms of subsection (1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period.
- (4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes a provision of subsection (2) or (3) commits an offence.

#### **70. Removal of a vehicle from a mechanically controlled parking ground**

- (1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless –
  - (a) he or she has produced to the authorised official a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and
  - (b) he or she has paid to the authorised official the prescribed parking fee.
- (2) If a person fails to produce a coupon authorising him or her to park in the mechanically controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged accordingly.
- (3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official –
  - (a) must require the person to complete and sign an indemnity form as supplied by the municipality, which form has the effect of indemnifying the municipality against claims of whatever nature by a person relating to the removal of that vehicle; and
  - (b) may require the person to furnish such security as may be determined by the municipality.

(4) Subsection (1)(a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised official on demand.

(5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the municipality is payable for the next parking period.

(6) A person who contravenes a provision of subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised official in terms of subsection (3)(a) or (b) commits an offence.

### **Part 3: Pay-and-display parking ground**

#### **71. Parking of a vehicle in a pay-and-display parking ground**

(1) A person who –

- (a) wishes to park a vehicle;
- (b) causes or permits a vehicle to be parked; or
- (c) allows a vehicle to be parked,

in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.

(2) The following must be indicated on the parking coupon vending machine:

- (a) the period during which a vehicle may be parked in the pay-and-display parking ground; and
- (b) the coin or other prescribed object to be inserted in respect of the parking period into the pay and display machine.

(3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.

(4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.

(5) No person may park a vehicle, cause, permit, or allow a vehicle to be parked in a pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.

(6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.

- (7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.
- (8) A person who contravenes a provision of subsection (3), (4) or (5) commits an offence.

## **72. Miscellaneous offences in respect of a pay-and-display parking ground**

A person commits an offence if he or she –

- (a) inserts or attempts to insert into a parking coupon vending machine –
- (i) a counterfeit coin;
  - (ii) where another kind of object is to be used, a false object;
  - (iii) a coin which is not South African currency; or
  - (iv) any object which is not meant to be inserted into the parking coupon vending machine;
- (b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or
- (c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

## **CHAPTER 4: PARKING ATTENDANTS**

### **73. Prohibition**

- (1) No person may act as, operate as or falsely hold himself or herself out to be a parking attendant on any public road or in any public place of the municipality –
- (a) if he or she is not registered as a security officer in terms of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001); and
  - (b) without the written permission of the municipality.
- (2) No organization may organize the guarding of vehicles in public places or on public roads of the municipality through parking attendants without being registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001) and unless registered by the municipality as a parking attendant organization.

### **74. Registration of person or organisation by the municipality**

- (1) Before any organization can be registered with the municipality, the organization must submit, together with its application for registration on a form supplied by the municipality, proof of indemnity or of public liability insurance regarding the actions of its parking attendants.
- (2) The municipality shall consider each application for registration and may register a person or an organisation or refuse to register a person or an organisation.

(3) The municipality, on receipt of an application for registration, may call for documentary or other proof of the capacity of the organization to provide parking attendants, including information regarding the finances of the organization.

(4) When approving a person or an organization's application for registration regarding a specified geographic area, the municipality must issue a permit prescribing the geographic areas within which the organization may operate and the period of time for which it is granted, and the permit issued is valid for a period not exceeding 12 months from the date of issue.

#### **75. Conditions**

(1) Subject to the provisions of section 76 all persons and organizations must adopt and sign the Code of Conduct for Parking Attendants as supplied by the municipality.

(2) A person or an organization must keep detailed attendance and duty records reflecting the following in respect of him or herself or of its parking attendants:

- (a) name of parking attendant;
- (b) time at which the parking attendant goes on and off duty;
- (c) place of assignment of the parking attendant; and
- (d) incidents and occurrences.

#### **76. Registration fee payable**

The municipality may levy a registration tariff, the amount of which is determined by municipality and fixed in the registration, as a requirement for the registration of parking attendants.

#### **77. Garments and identification of parking attendants**

(1) Upon registration and subject to the payment of a registration tariff, the municipality will issue to the parking attendants:

- (a) A bib or jacket; and
- (b) an identification card,

and a parking attendant must, before undertaking any duties, equip himself or herself with the such bib or jacket and identification card.

(2) Every parking attendant must, while on duty and presenting himself or herself as available for service, be neatly dressed in a bib or jacket, and must ensure that the identification card is visibly displayed.

#### **78. Conduct of organisations**

(1) An organization must –

- (a) register with the municipality;
- (b) train parking attendants;
- (c) supervise its parking attendants, preferably by means of direct radio contact with the organization's control office;
- (d) ensure that bibs or jackets and identification cards are in a good condition;
- (e) resolve all parking disputes or differences that may arise in the assigned areas of the parking attendants;

- (f) instruct all parking attendants under contract to comply with the Policies and Code of Conduct;
  - (g) ensure that the organization's officials make themselves available to attend meetings with the municipality as when requested to do; and
  - (h) establish a liaison forum with the SAPS and the Safety and Security Business Unit.
- (2) No organization may permit a person who has his or her permit cancelled or suspended to act as a parking attendant.

#### **79. Conduct of parking attendants**

- (1) No parking attendant may, when on duty:
- (a) tamper with, activate or operate a parking meter;
  - (b) wash, or clean, or offer to wash or clean a car on a public road or in a public place;
  - (c) interfere with the movement of traffic or pedestrians;
  - (d) demand a donation or fee for guarding a driver's vehicle;
  - (e) fail to obey a lawful order from an authorized officer or an authorized official;
  - (f) harass or threaten a driver, or damage a vehicle in any way;
  - (g) involve himself or herself in any form of criminal activity;
  - (h) be under the influence of alcohol, or any narcotic substance, or consume, or use any alcohol or narcotic substance;
  - (i) be untidily dressed;
  - (j) refuse to produce proof of his or her identity when requested to do so by an authorised officer or authorised official of a person who requires it for his or her information relating to the service rendered;
  - (k) behave abusively towards a member of the public;
  - (l) insert money into a parking meter; or
  - (m) inform or threaten the driver or person in charge of a motor vehicle that such vehicle will or may be damaged or stolen unless it is left in his care or under his supervision or unless that parking attendant is remunerated for his services
  - (n) act as a parking attendant or hold himself or herself out to be available to act as a parking attendant at any place other than the place allocated to him or her in writing by a registered organization and in accordance with the provision of this by-law.
- (2) No parking attendant may refuse to subject himself or herself to a security check as prescribed by the Private Security Industry Regulation Act, Act 56 of 2001.

#### **80. Cancellation or suspension of registration**

- (1) The municipality may suspend registration on the grounds that a person or organization has allegedly committed an offence in terms of this by-law.

- (2) The municipality may instruct an organization to immediately suspend the services of a parking attendant, or the municipality may suspend the services of a parking attendant who does not belong to an organization, who:
- (a) tampers with, or activates, or operates a parking meter;
  - (b) fails to observe or carry out the lawful instructions of an authorised person or an authorised officer;
  - (c) is intoxicated while performing his or her duties as parking attendant;
  - (d) cleans or washes any motor vehicle on a public road or in a public place;
  - (e) offers to clean or wash any motor vehicle on a public road or in a public place;
  - (f) interferes with the movement of vehicular traffic or the parking or vehicles;
  - (g) interferes with the movement of pedestrians;
  - (h) through intimidation, demands a donation or fee for guarding a vehicle;
  - (i) damages or threatens to damage a vehicle in any way for not receiving a donation or fee; or
  - (j) fails to produce the permit or an identification card on request.
  - (k) behaves abusively towards a member of the public;
  - (l) inserts money into a parking meter; or
  - (m) informs or threatens the driver or person in charge of a motor vehicle that such vehicle will or may be damaged or stolen unless it is left in his or her care or under his or her supervision or unless that parking attendant is remunerated for his or her services

### **81. Vicarious responsibility and liability of organization**

When a person who is a member of an organization acts illegally as a parking attendant or commits any other offence in terms of this Chapter, the directors of that organization are equally responsible and liable for the offence.

## **CHAPTER 5: TAXIS AND BUSES**

### **Part 1: Special parking places for taxis, permits and decals**

### **82. Establishment of, and taxi rank permits for, special parking places for taxis**

- (1) The municipality, acting in terms of section 53 of the Passenger Transportation (Interim Provisions) Act, 1999 (EC) (Act 11 of 1999), may establish special parking places in the municipality for use by or the parking of a taxi belonging to a person to whom a permit to use the parking place or park a taxi rank permit has been issued by the municipality as provided for in section 84.
- (2) A taxi rank permit may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.
- (3) If no space is available in a special parking place at any particular time for the parking of a taxi by a taxi rank permit holder or for a taxi to which the taxi rank permit

relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 103, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

(4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a taxi rank permit, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

### **83. Application for a taxi rank permit**

(1) An application for the granting of a taxi rank permit referred to in section 82 must be lodged with the municipality on the particular form obtainable from the municipality and must be accompanied by the fee contemplated in section 82(4).

(2) The applicant must answer all questions in the application form and in all other respects fully comply with all the requirements of the form.

(3) The municipality may refuse a taxi rank permit, subject to Section 84(6) of the National Road Traffic Act, 1996 (Act 93 of 1996), and the provisions of this by-law, on the grounds that there is insufficient ranking space in the municipal area.

(4) A person who knowingly supplies incorrect information in the form contemplated in subsection (2) commits an offence.

### **84. Issuing of a taxi rank permit**

(1) Where an application for a taxi rank permit is granted, the taxi rank permit must, subject to subsections (2) and (3), be issued in a form determined by the municipality provided that the prescribed fee contemplated in section 83(1) had been paid.

(2) The municipality shall not issue a taxi rank permit until the applicant provides the municipality with –

(a) a valid Certificate of Road Worthiness in respect of the motor vehicle concerned as required in terms of Regulation 138 of the Regulations in terms of the National Road Traffic Act, 1996 (Act 93 of 1996);

(b) a valid public road carrier permit issued under the Road Transportation Act, 1977 (Act 74 of 1977), authorizing the road transportation to be undertaken;

(c) proof of registration and licensing of the motor vehicle concerned in terms of Section 14 of the National Road Traffic Act, 1996 (Act 93 of 1996);

(d) a valid identification document or a valid temporary identity document issued by the Department of Home Affairs, of the owner or the operator thereof, however, in the event of a temporary identification document, it must be accompanied with a passport photo of the owner or the operator thereof; and

(e) a letter of recommendation from the relevant taxi association.

(3) Such taxi rank permit shall be issued in terms of the conditions determined by the municipality.

- (4) The municipality may determine the fees for the issue of a taxi rank permit and such fees may be different for different facilities.
- (5) A taxi rank permit not collected within three months lapses, unless a written extension of time has been requested and granted by the municipality.
- (6) Any taxi rank permit issued contrary to the provisions of this by-law in an unlawful manner with or without the knowledge of the applicant, is void and the holder thereof must on demand by the municipality forthwith deliver such taxi rank permit to the municipality.
- (7) The municipality is not obliged to issue a taxi rank permit, even if the applicant has a valid operating licence or public road carrier permit.
- (8) No taxi rank permit will be issued unless the provisions of this section have been complied with.
- (9) A person who issues a taxi rank permit in a manner contemplated in subsection (6) commits an offence.

#### **85. Renewing of a taxi rank permit**

- (1) A taxi rank permit is valid for one year from the date of issue and must be renewed annually.
- (2) An application for the renewal of a taxi rank permit must be made before the taxi rank permit expires.
- (3) After a person applying to renew a taxi rank permit has submitted a duly completed application form to the municipality, together with the documents referred to in section 84(2) in respect of the motor vehicle, the taxi rank permit shall be renewed on payment of the prescribed fee, and subject to the good conduct of the person.
- (4) A person who knowingly supplies incorrect information in the form contemplated in subsection (3) commits an offence.

#### **86. Temporary substitution of a taxi rank permit**

- (1) Subject to subsection (2), a taxi rank permit issued in terms of section 84 for a motor vehicle does not authorise the taxi rank permit holder to park any other motor vehicle as a taxi under that taxi rank permit.
- (2) If the taxi to which a taxi rank permit relates has become defective or has been temporarily withdrawn from service owing to an accident, the taxi rank permit holder may substitute any other vehicle of the same passenger-carrying capacity for that taxi for a maximum period of seven days, on condition that, whenever such other vehicle uses the taxi facilities, the taxi rank permit holder must ensure that –
- (a) the taxi rank permit relating to the defective taxi is always kept in such other vehicle; and
  - (b) a decal is always displayed on the other vehicle as required by section 88(3).
- (3) A person who contravenes a provision of subsection (2) commits an offence.

#### **87. Transfer of a taxi rank permit**

- (1) If –
- (a) the taxi rank permit holder dies;

- (b) the taxi rank permit holder's estate is provisionally or finally sequestrated;
- (c) the taxi rank permit holder is a company or a close corporation which is being liquidated; or
- (d) the taxi rank permit holder becomes in any way incapable in law of carrying on business,

the executor, trustee, liquidator or curator of property, as the case may be, may, on payment of the prescribed transfer fee, carry on the business undertaking for the unexpired period of the taxi rank permit.

(2) No taxi rank permit may, subject to subsection (1), be transferred by the taxi rank permit holder to another person, and a taxi rank permit holder who does so commits an offence.

### **88. Issue, display and duplication of decals**

(1) A decal containing the particulars of the taxi rank permit is issued with every taxi rank permit, and must immediately be affixed to the taxi concerned as contemplated in subsection (3).

- (2) (a) A taxi rank permit holder may apply to use additional taxi facilities.
- (b) An additional decal or more decals may be issued to the taxi rank permit holder to identify additional taxi facilities allocated to that taxi rank permit holder.

(3) On obtaining a decal or decals in terms of subsection (1) or (2), the taxi rank permit holder must immediately –

- (a) where the taxi concerned is fitted with a clear windscreen, affix the decal in a conspicuous place on the left-hand front inside of the windscreen in an upright position, with the printed side facing to the front in such a way that the particulars on the decal are clearly legible to any person standing on the left front side of the taxi; and
- (b) where the taxi is fitted with a tinted or smoked glass windscreen, display the decal in a watertight holder in a conspicuous place on the left-hand front outside of the windscreen in such a way that the particulars on the decal are clearly legible to any person standing on the left front side of the taxi.

(4) The taxi rank permit holder must ensure that the decal or decals are kept displayed at all relevant times as contemplated in subsection (3).

- (5) (a) If a taxi rank permit holder –
  - (i) satisfies the municipality by affidavit that the taxi rank permit or a decal has been lost or destroyed; or
  - (ii) produces a taxi rank permit or decal that has been damaged to the extent that the letters and figures on it are no longer clearly legible, the municipality must, after the taxi rank permit holder has applied for a duplicate permit or decal on a form and has paid the prescribed fee, issue him or her with a duplicate that is clearly endorsed 'DUPLICATE'.

- (b) The taxi rank permit holder must immediately affix the duplicate decal to the vehicle concerned in accordance with subsection (3).
- (6) If a taxi is being operated without a decal, it is presumed that the taxi rank permit holder does not have a valid taxi rank permit until he or she proves to an authorised officer that he or she does have such a taxi rank permit or has applied for a duplicate decal.
- (7) A person commits an offence if he or she –
  - (a) unless he or she is authorised to do so, produces or duplicates a taxi rank permit or decal;
  - (b) affixes an unauthorised decal onto a taxi;
  - (c) operates a taxi on which a decal is in any way concealed, or obscured, or has become illegible, unless such concealment, obscurity or illegibility is temporary owing to a cause beyond the control of the person who operates the taxi; or
  - (d) contravenes subsection (4).

#### **89. Payment of a taxi rank permit fees**

- (1) The taxi rank permit fee payable for a taxi rank permit issued for less than one full year is reduced *pro rata* to the number of months out of 12 months of the taxi rank permit's validity.
- (2) All taxi rank permit fees and moneys must be paid at the relevant municipal office as determined by the municipality.
- (3)
  - (a) The payment of any amount in terms of these by-laws does not absolve a person from criminal liability arising from his or her failure to obtain a taxi rank permit.
  - (b) The conviction of a person for an offence under these by-laws does not relieve him or her of the liability to pay the fees in terms of these by-laws.

#### **90. Amendment of particulars of a taxi rank permit**

- (1) If the information contained in a taxi rank permit or decal is incorrect, the municipality may, notwithstanding anything to the contrary in these by-laws –
  - (a) notify the taxi rank permit holder concerned;
  - (b) require him or her to give a satisfactory explanation; and
  - (c) require him or her to return the taxi rank permit or decal for amendment not later than ten days after the date of notification.
- (2) If it comes to the notice of the taxi rank permit holder that the particulars on a taxi rank permit or decal are incorrect because they have changed or are incorrect for any other reason, the taxi rank permit holder must submit the taxi rank permit or decal to the municipality for amendment within ten days of this coming to his or her notice, however, a taxi rank permit holder may not, subject to subsection (3), substitute a different motor vehicle for the motor vehicle to which the taxi rank permit relates.
- (3) When a taxi rank permit or decal is surrendered for it to be amended in terms of this section, the municipality shall provide the taxi rank permit holder with a temporary

taxi rank permit or decal, which is valid until the amended taxi rank permit or decal is returned to the taxi rank permit holder.

(4) A person who contravenes subsection (1)(c) or (2) commits an offence.

#### **91. Outstanding payments**

All outstanding payments must be paid before a taxi rank permit is issued.

#### **92. A taxi rank permit for partnership**

(1) A taxi rank permit issued to a partnership must specify the full name of each of the partners and the type of business that is being carried on.

(2) If a member of a partnership ceases to be a partner for any reason whatsoever during the year for which the taxi rank permit is valid, the remaining partner or partners may, on submitting proof that a new partnership has come into existence and on payment of the prescribed transfer fee, carry on the business or undertaking for the unexpired period of the taxi rank permit.

(3) A partner contemplated in subsection (2) who does not submit proof, commits an offence.

#### **93. A taxi rank permit to be produced on demand**

(1) The holder of a taxi rank permit in terms of this by-law must:

- (a) maintain such taxi rank permit in a good and legible condition; and
- (b) keep it in the motor vehicle to which it relates at all relevant times when such vehicle is being operated as a taxi.

(2) Any authorised official of the municipality may call upon the driver of any taxi to stop and may demand from him –

- (a) to produce the taxi rank permit required under the provisions of this by-law; and
- (b) to supply his full name and address and also the name and address of the owner or operator of such taxi.

(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 taxi rank permit; or
- (e) give a false name or address.

(4) A person who contravenes subsection (1) or (3) or who fails to supply the information contemplated in subsection (2) commits an offence.

#### **94. Suspension or withdrawal of a taxi rank permit**

(1) Where the owner, taxi rank permit holder or person in charge of a taxi has been found guilty of contravening these by-laws, and irrespective of whether any other penalty by a court of law has been imposed, the municipality may, subject to the

provisions of section 95 and 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 the taxi rank permit for a taxi for a period or withdraw the taxi rank permit if –

- (a) the owner of the taxi does not –
    - (i) comply with an instruction issued in terms of these by-laws; or
    - (ii) maintain the taxi at all times in a clean state and in sound running condition and repair; or
  - (b) an authorised officer inspects the taxi and finds that the taxi –
    - (i) is constructed in such a way or is in such a condition that the taxi is unsafe for the number of passengers that it is authorised to carry; or
    - (ii) does not comply with the conditions specified in these by-laws or the Act or regulations.
- (3) No person may use a vehicle as a taxi at a taxi facility or allow one to be used as a taxi at a taxi facility if the vehicle's taxi rank permit has been suspended or withdrawn.
- (4) A person who contravenes subsection (3) commits an offence.

#### **95. Procedure for proposed suspension or withdrawal of a taxi rank permit**

- (1) A taxi rank permit may not be suspended or withdrawn unless:
- (a) the municipality has given the taxi rank permit holder and any taxi association of which the taxi rank permit holder is a member, at least 14 days written notice by certified mail of the municipality's intention to suspend or withdraw the taxi rank permit, and such a notice must give –
    - (i) the reasons for the proposed action and an adequate statement setting out the nature of the action;
    - (ii) the gist of the matter which could be prejudicial to the taxi rank permit holder, together with an invitation to make representation on the matter;
    - (iii) an address for the submission of a representation as contemplated in subsection (2); and
    - (iv) the date, time and place of a hearing, which may not be less than 28 days from the date of the notice, to consider the suspension or withdrawal, and an indication that the taxi rank permit holder may submit representations and appear at the hearing; and
  - (b) the taxi rank permit holder is given an opportunity to, either personally or through his or her duly authorised representative, appear at a hearing and to make representations, before the municipality or a committee of the municipality.
- (2) If a taxi rank permit holder who has received a notice referred to in subsection (1) wishes to appear and to oppose the proposed action, he or she must, within 14 days of receiving the notice or within a further period that the municipality may allow, submit representations in writing by hand or by certified mail to the address indicated in the notice.

(3) After the hearing referred to in subsection (1), the municipality must give a ruling on whether or not to suspend or withdraw the taxi rank permit and must give the taxi rank permit holder its reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

(4) A record of the proceedings at the hearing referred to in subsection (1) must include -

- (a) the evidence given, if any;
- (b) any objection made to any evidence received or submitted; and
- (c) the ruling given at the hearing.

#### **96. Change of address**

(1) The holder of a taxi rank permit must give notice to the municipality in writing of any change of address within 14 working days thereof by pre-paid registered post, telefax or hand delivery.

(2) A person who contravenes subsection (1) commits an offence.

#### **97. Amendment of the particulars on a taxi rank permit**

(1) If the particulars reflected on a taxi rank permit are incorrect by virtue of a change in such particulars or for any other reason, the holder of such taxi rank permit must submit the taxi rank permit to the municipality for the amendment thereof.

(2) A person who contravenes subsection (1) commits an offence.

### **Part 2: Taxi associations, taxi forums, and taxi facilities**

#### **98. Taxi forums**

(1) The municipality may establish a taxi forum to make recommendations to it on matters relevant to the taxi industry in general.

(2) A taxi association may become a member of the taxi forum.

#### **99. Classes of taxi facilities**

The municipality may designate any taxi facility in the municipality as -

- (a) a special parking place, such as a taxi rank or a stand;
- (b) a taxi stopping place; or
- (c) a taxi holding area.

#### **100. Taxi parking**

(1) A driver may, subject to subsection (2) -

- (a) park a taxi at a special parking place or taxi holding area only; or
- (b) ply for hire, or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.

(2) In emergencies or at recreational and other similar functions, the municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.

(3) A person who contravenes a provision of subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

#### **101. Use of taxi ranks**

- (1) A driver –
  - (a) may, subject to subsection (3), park a taxi at the taxi rank specified on the taxi permit concerned, if space is available; and
  - (b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 82.
- (2) The driver must, when plying for hire at a taxi rank, do so in a queue and must –
  - (a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
  - (b) move his or her taxi forward as the queue moves forward.
- (3) When plying for hire at a taxi rank, a driver –
  - (a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;
  - (b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and
  - (c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.
- (4) No person may park or stop a taxi which is not in good working order as required by the Act or the regulations, in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park or stop any vehicle in a taxi rank except a taxi for which a taxi permit and decal, specifying the rank, have been issued for the year in question, as contemplated in Part 1 to this Chapter.
- (6) A person who contravenes a provision of this section commits an offence.

#### **102. Prohibition on parking of a taxi at stopping place**

No taxi driver may park a taxi at a stopping place, and a taxi driver who does so, commits an offence.

#### **103. Regulation and control of taxi facilities**

- (1) Subject to subsections (2) and (3), a recognised taxi association may appoint marshals at taxi facilities to perform the duties set out in subsections (4) and (5), however, if a taxi facility or a portion of it has been allocated exclusively to a particular taxi association, only that association may appoint marshals in respect of that particular taxi facility or portion of it.
- (2) In the case of a dispute about which taxi association is entitled to appoint a marshal or marshals at a particular taxi facility, the taxi forum must decide on the issue.
- (3) The duties of a marshal regarding passengers are:

- (a) to regulate the queuing of passengers according to the appropriate priority and route destination systems;
  - (b) to ensure the orderly loading of passengers into appropriate vehicles;
  - (c) to control the appropriate number of passengers per vehicle to prevent overloading and to ensure a higher level of service to passengers and equal opportunities for drivers;
  - (d) to direct passengers and to provide information about the activities of the taxis operating at that facility or other taxi facilities; and
  - (e) to inform drivers about expected passenger demand and any other related matters.
- (4) The duties of a marshal regarding taxis are –
- (a) to control the arrival of taxis at taxi facilities and specifically at loading areas in accordance with the provisions of sections 82 and 101;
  - (b) to allow only taxi permit holders in respect of taxi facilities in and out of the facilities;
  - (c) to coordinate the movement of taxis between loading and holding areas;
  - (d) to control taxi departures according to loading patterns; and
  - (e) to direct taxis to a holding area and to redirect them to a rank.
- (6) The municipality may, after consultation with the taxi forum, lay down a code of conduct for marshals at taxi facilities and amend the code from time to time.
- (7) No person may act as a marshal at a taxi facility unless the taxi association concerned has appointed him or her in writing.
- (8) A person who contravenes subsection (7) commits an offence.

#### **104. Servicing and washing taxis at taxi facilities**

- (1) No person may repair or maintain any motor vehicle in any way whatsoever at a taxi facility.
- (2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.
- (3) A person who contravenes a provision of this section commits an offence.

### **Part 3: General use and operation of taxis**

#### **105. Preventing engagement of a taxi**

- (1) No person may, by using force, intimidation, threats or by any other means, prevent or try to prevent –
  - (a) any person from obtaining or engaging a taxi; or
  - (b) the driver of a taxi from taking on passengers.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

#### **106. Conveying dangerous or offensive articles in taxis**

- (1) A person who is in charge of any person or thing may not knowingly convey that other person or thing or allow that other person or thing to be conveyed in a taxi, whether or not the taxi has been engaged, if that other person or thing –

- (a) is not permitted to be conveyed in terms of an existing law; or
  - (b) has obviously been exposed to or contaminated by an infectious or contagious disease as contemplated in the Act or the regulations.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**107. Disinfecting a taxi after conveying passengers with infectious or contagious diseases**

- (1) The owner, driver or person in charge of a taxi must take immediate steps to have the taxi disinfected as soon as it has come to his or her knowledge that there has been conveyed in the taxi –
- (a) a passenger suffering from an obvious infectious or contagious disease;
  - (b) the body of a person who has died of an obvious infectious or contagious disease; or
  - (c) anything that has been exposed to or contaminated with the infection of an obvious infectious or contagious disease.
- (2) The owner, driver or other person in charge of the taxi may not convey any passengers in the taxi until the taxi has been disinfected.
- (3) The owner, driver or other person in charge of a taxi must notify, and carry out all instructions of a municipal official with regard to the disinfection of a taxi referred to in subsection (1).
- (4) No person suffering from a contagious disease may enter any taxi.
- (5) A person who contravenes a provision of this section commits an offence.

**108. Boarding and alighting of taxis**

- (1) No person may board a taxi until all persons desiring to alight from the taxi have done so.
- (2) No person may insist on boarding a taxi which contains the total number of passengers which it is authorized to carry.
- (3) No person may board or alight or attempt to board or alight from any taxi whilst the taxi is in motion.
- (4) A person who contravenes a provision of this section commits an offence.

**109. Queues at facilities**

- (1) At any established taxi rank facility, the municipality may erect or cause to be erected a queue sign that consists of a notice board indicating the location and the manner in which persons waiting to enter a taxi will stop and form a queue, and such a sign may 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) All passengers intending to enter any taxi at an established ranking facility or stopping place must queue from the point at which it is indicated that such vehicle will leave.
- (3) Where no queue sign has been erected, passengers waiting to enter a taxi, must form themselves into a queue not exceeding two abreast, or in a single file when required to so by an approved taxi marshal or authorised official of the municipality.

- (4) A passenger may only enter a taxi when he or she gets to the front of the queue.
- (5) Every passenger queuing must comply with all the instructions given by an approved taxi marshal, authorised officer or authorised official when on duty.
- (6) A person who contravenes subsection (2), (3), (4) or (5) commits an offence.

#### **110. Payment of fares**

- (1) A passenger must pay the determined fare for the journey on request.
- (2) A person who contravenes subsection (1) commits an offence.

#### **111. Rights and duties of passengers when a taxi becomes defective**

- (1) If a taxi becomes defective or, for any reason whatsoever, is unable to proceed, the passengers must, at the request of the driver, alight from the defective taxi and should the passengers have already paid their fares, they are entitled to a refund to the amount of their fares so paid.
- (2) Upon agreement with the driver of the defective taxi, passengers are allowed to travel with the next available taxi for the remainder of the distance in respect of their paid fares, at the cost of the defective taxi's owner.
- (3) A driver who refuses to refund a passenger, as contemplated in subsection (1), or who refuses to allow a passenger to travel in the manner as contemplated in subsection (2) commits an offence.

#### **112. Animals**

- (1) No passenger may enter a taxi with any animals other than a guide dog assisting a blind person.
- (2) A person who contravenes subsection (1) commits an offence.

#### **113. Actions prohibited on a taxi**

- (1) The following actions are prohibited on a taxi:
  - (a) smoking;
  - (b) playing offensive or excessively loud music;
  - (c) using obscene or offensive language;
  - (d) committing an offensive act;
  - (e) interfering with the comfort of any passenger;
  - (f) damaging any taxi or the fittings thereof;
  - (g) interfering with the equipment of the taxi in any way;
  - (h) forcibly causing the driver to deviate from his route;
  - (i) endangering the life of another person; and
  - (j) interfering with the actions of the driver.
- (2) A person who contravenes a provision of subsection (1) commits an offence and shall, in addition to incurring the penalty provided for in this by-law, forfeit his or her fare and be removed from the taxi immediately.

#### **114. Behaviour prohibited at a taxi rank**

A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this by-law and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised officer or authorised official of the municipality.

### **Part 4: Metered taxis**

#### **115 Taximeters and display of identification**

- (1) No person operating a motor vehicle contemplated in paragraph (b) of the definition of "taxi" shall be issued with a taxi permit, contemplated in section 82, for a metered taxi unless and until a taximeter has been fitted to the vehicle.
- (2) No taximeter may be used until it has been tested and sealed by an examiner of vehicles.
- (3) No person may operate a metered taxi or allow one to be operated unless it is fitted with a tested and sealed taximeter that is in working order.
- (4) No person may seal a taximeter unless it registers a fare in accordance with the tariff published by the municipality.
- (5) The use of a separate indicator to indicate to the passenger the charge for extras is permitted on condition that this indicator is part of the taximeter.
- (6) No person may operate a metered taxi unless the taxi permit contemplated in subsection (1) is visibly displayed together with the operator's coloured photograph and printed initials, surname and identity number on laminated paper with dimensions of not less than 140mm X 200mm.
- (7) A person who contravenes a provision of this section commits an offence.

#### **116. Metered fares**

- (1) The fares to be charged in respect of metered taxis must be in accordance with the tariff published by the municipality.
- (2) No driver of a metered taxi may charge, demand or attempt to obtain from a passenger a fare lower or higher than the tariff published by the municipality.
- (3) A person who contravenes a provision of this section commits an offence.

#### **117. Tariffs to be displayed on taxis**

- (1) The driver of a metered taxi must affix a sign on the left front door of the taxi so that the tariffs are plainly visible to the passenger, and this sign must show in legible characters –
  - (a) the appropriate tariff of fares;
  - (b) the number of passengers the metered taxi is permitted to carry;
  - (c) the registration number of the metered taxi; and
  - (d) the relevant portion of the taxi permit (decal) reference number.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

#### **118. Position of meter**

- (1) The taximeter must be –

- (a) fitted on the inside of the taxi in such a position that the recorded fare is plainly visible at all times by a passenger occupying the rear seat; and
  - (b) illuminated after dark.
- (2) The driver of a metered taxi who contravenes a provision of subsection (1) commits an offence.

### 119. Operation of meter

- (1) Except as provided for in sections 120 and 121, the taximeter must be operated electronically or mechanically either solely from the gearbox or left front wheel of the taxi or from another portion of the mechanism of the taxi that the municipality may approve.
- (2) The driver of a metered taxi must ensure that the taximeter correctly indicates to the passenger the fare that may be charged by the driver in accordance with the tariff published by the municipality.
- (3) The driver of a metered taxi who operates a taxi, the taximeter of which does not comply with subsection (1), or who contravenes subsection (2) commits an offence.

### 120. Meter indicators

- (1) The owner of a metered taxi must ensure that –
- (a) the taximeter has an indicator which –
    - (i) is incorporated in the taximeter or attached to it;
    - (ii) has the words “For hire” on it when the taxi is available for hire; and
    - (iii) may be hand-operated;
  - (b) the indicator of a taximeter has a –
    - (i) “Pay” or “For hire” position, denoting that the taximeter is not in operation;
    - (ii) “Hired” or recording position, denoting the recording by the taximeter of the fare by a combination of time and distance; and
    - (iii) “Time not recording” position or light, denoting that the clock mechanism is not recording.
- (2) An owner of a metered taxi who does not comply with a provision of subsection (1) commits an offence.

### 121. Starting of meter

- (1) The driver of a metered taxi must –
- (a) on arrival at the passenger’s departure point, and not sooner, start the taximeter in the “Hired” position and, on termination of the hiring, immediately stop the taximeter from recording; and
  - (b) stop the taximeter from recording for the duration of a stoppage if the stoppage is not caused by traffic congestion, or by the action of the passenger, or at the request of the passenger.
- (2) A driver who contravenes a provision of subsection (1) commits an offence.

**122. Taxi called but not engaged**

- (1) A person who calls for or summons a metered taxi and who, on its arrival, fails to engage it, must pay the fare at the tariff published by the municipality for the distance from the stand, rank or place from which the metered taxi had been despatched to the place to which the person had called or summoned the metered taxi.
- (2) If a metered taxi is kept waiting through no fault of the driver before the driver is told that the taxi's services are not required, the person who called for or summoned the taxi must, in addition to the normal fare, pay the driver waiting at the tariff published by the municipality.
- (3) A person who does not pay the driver as contemplated in subsection (1) and (2) commits an offence.

**123. Meter seals to be kept intact**

- (1) The owner of a metered taxi must, at all times, keep intact and undamaged all seals that were affixed to a taximeter by an examiner of vehicles or an approved organisation.
- (2) If the seal or seals of a taximeter are accidentally broken or defaced, the driver of the taxi must immediately, before the taxi is used as a passenger-carrying vehicle, apply to the Chief Traffic Officer or an organisation approved by the municipality to replace or renew the seal or seals.
- (3) A person who contravenes a provision of this section commits an offence.

**124. Meter tolerances**

The tolerance to be allowed on all taximeters when tested is as follows:

- (a) Road Test: No tolerance in deficiency or over-registration is allowed, but if the vehicle's tyres are obviously worn, a tolerance in deficiency of 10 meters per kilometre and a tolerance in excess of 50 meters per kilometre are allowed.
- (b) Time Test: A tolerance in deficiency of one second per minute and a tolerance in excess of two seconds per minute are allowed.

**125. Interference with meter prohibited**

- (1) No person may, so as to cause the taximeter to register anything other than the true fare chargeable by the driver in accordance with the tariffs published by the municipality –
  - (a) destroy, break or tamper with the seal affixed to a taximeter by the examiner of vehicles or by an organisation approved by the municipality;  
or
  - (b) adjust or interfere or tamper with a taximeter or a connection of a taximeter, or any tyre or fitting of a taxi.
- (2) No driver or owner of a taxi may allow the taxi to be used as a passenger-carrying vehicle if –
  - (a) the taximeter affixed to it does not register the true fare; or
  - (b) the tyres fitted to the taxi are not the same size as those which were on the vehicle when the taximeter was tested and sealed.

- (3) The driver or owner of a metered taxi –
- (a) must ensure that the taxi is fitted with a speedometer and an odometer, both of which are in good and proper working order, and that the odometer, subject to the provisions of subsection (1), reflects the true distance travelled; and
  - (b) may not operate or allow the taxi to be operated unless the speedometer fitted to it works properly.
- (5) A person who contravenes subsection (1), or a driver or owner who contravenes subsection (2) or (3) commits an offence.

#### **126. Meters liable to be tested at any time**

- (1) An authorised officer may by written notice instruct the owner or driver of a metered taxi to present the taxi concerned to an examiner of vehicles for examination and testing of the taximeter at a time and place specified in the notice.
- (2) An owner or driver who does not comply with an instruction as contemplated in subsection (1) commits an offence.

#### **127. Charge for testing meters**

The prescribed fees must be paid to the municipality for every taximeter tested by the municipality in terms of section 126.

#### **128. Meters may be condemned**

- (1) If a taximeter affixed to a metered taxi is found not to be in order and not working satisfactorily, an examiner of vehicles may condemn the taximeter and remove the seal or mark placed on it in terms of section 123.
- (2) No person may use a condemned taximeter in a taxi until the taximeter has been retested, approved and sealed by an examiner of vehicles, and a person who does so commits an offence.

#### **129. Taxi signs for metered taxis**

- (1) A metered taxi that is operated within the municipality must be fitted with an illuminated roof sign in accordance with the requirements set out in the Schedule to these by-laws.
- (2) The illuminated roof sign must be properly maintained at all times.
- (3) A person who operates a metered taxi in contravention of subsection (1) or who fails to maintain a roof as contemplated in subsection (2) commits an offence.

### **Part 5: Bus facilities and permits, and operation of buses**

#### **130. Establishment of bus facilities**

The provisions of section 82(1),(2) and (3) apply, with the necessary changes, to buses, and “special parking places” must, in relation to buses, be read as “demarcated stopping places or stands for buses” as contemplated in section 133.

**131. Application and issue of bus permits, fees, display of decals, suspension and withdrawal of permit**

(1) The provisions of sections 83, 84, 85, 86, 89, 90, 91, 92, 94 and 95 apply, with the necessary changes, to buses.

(2) Except for the buses provided for in subsection (3), a bus may not use a public transport facility within the municipal area, unless the bus displays the necessary decal.

(3) A bus operator who transports passengers for reward and who owns more than 20 buses, but who uses fewer than 20 buses within the municipality for transporting passengers, must pay the permit fees due to the municipality for his or her buses according to the following formula:

The bus operator's maximum number of buses which on any day of the year is used for the above purposes, train buses excluded (for which individual permits and decals need to be obtained), multiplied by the prescribed permit fee payable per bus.

(4) The permit fees for the number of buses referred to in the formula in subsection (3) are determined according to that bus of the operator which is certified to carry the largest number of passengers and which is normally used within the municipality, and the permit issued for these permit fees is not linked to any specific bus.

(5) The bus operator must –

(a) provide an audited certificate of the number of buses referred to in the formula above, together with his or her application to the Chief Traffic Officer; and

(b) each year after that, provide an audited certificate, together with any other documents that the Chief Traffic Officer may reasonably demand.

(6) The owner of a bus who uses or allows to be used a bus in contravention of subsection (2) commits an offence.

**132. General use and operation of buses**

The provisions of sections 105 to 107 apply, with the necessary changes, to buses.

**133. Distinguishing of demarcated stops and stands for buses**

Each demarcated stopping place or stand must be distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the stopping place or stand.

**134. Duty of driver to stop**

(1) If a bus operating on a bus route for the purpose of conveying passengers is carrying less than the maximum number of passengers that the bus is lawfully entitled to carry, and the driver of the bus sees a person waiting at a demarcated stopping place, apparently intending to get on the bus, the driver must, subject to subsection (2), stop the bus at the stopping place, as close as possible to the kerb or edge of the public road, in order to enable the person to get on.

- (2) The driver of a bus that has a notice that it is an “express”, “limited stop” or “special vehicle” is not required to stop until reaching the destination specified by the notice.
- (3) No driver of a bus may stop the bus to pick up a passenger at a place that is not a demarcated stopping place or stand.
- (4) A conductor (if there is one) of a bus may not allow a person to get on a bus, and no person may get on a bus, at any place that is not a demarcated stopping place or stand.
- (5) The driver of a bus who contravenes subsection (1), (3) or (4) and a person who contravenes subsection (4) commit an offence.

### **135. Boarding and alighting from bus and passing of a school bus**

- (1) The provisions of section 108(3), (4) and (5) apply, with the necessary changes, where a passenger intends to board or alight from a bus.
- (2) The operator of a vehicle may not pass a school bus that has stopped to load or offload learners and must remain stationary behind such bus until the bus continues its journey, unless the bus has stopped in a demarcated place, leaving the road open for travel.
- (3) Any person who contravenes a provision of this section commits an offence.

### **136. Parking at stopping places for buses and destination signs**

- (1) No driver or person in charge of a bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.
- (2) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.
- (3) A driver or a person in charge of a bus who contravenes a provision of this section commits an offence.

## **Part 6: Enforcement**

### **137. Permit to be produced on demand**

- (1) The holder of a permit must –
  - (a) maintain the permit in a good and legible condition; and
  - (b) keep the permit in the motor vehicle to which it relates at all relevant times when the vehicle is being operated as a taxi or bus.
- (2) A traffic officer may call on the driver of a taxi or bus to stop and may demand that he or she –
  - (a) produce the permit; and
  - (b) give his or her full name and address and also the name and address of the owner of the taxi or bus.
- (3) A driver referred to in subsection (2) commits an offence if he or she –
  - (a) fails or refuses to stop;
  - (b) fails or refuses to give his or her full name and address;

- (c) fails or refuses to give the correct name and address of the owner of the vehicle in his or her charge;
- (d) gives a false name or address; or
- (e) fails or refuses to produce a permit.

**138. Unauthorised handing over or abandonment of bus or taxi**

- (1) No driver of a taxi or bus may -
  - (a) abandon his or her vehicle; or
  - (b) allow any other person to drive the taxi or bus under his or her control without the consent of the holder of the public road transportation permit concerned.
- (2) A driver who contravenes a provision of subsection (1) commits an offence.

**139. Enforcement of right of entry**

- (1) An authorised officer may, in enforcing the provisions of this Chapter, at any reasonable time and without prior notice -
  - (a) enter a taxi or bus facility to inspect the facility; and
  - (b) make enquires from a person connected with the facility.
- (2) A person who interferes with an officer in the exercise of his or her power as contemplated in subsection (1) commits an offence.

**Part 7: Miscellaneous provisions**

**140. Change of address of permit holder**

- (1) If the permit holder changes his or her address during the currency of the permit, he or she must notify the municipality in writing of the new address not later than seven days after the change of address, and this notice must be delivered by hand, facsimile machine or certified mail.
- (2) A permit holder who contravenes a provision of subsection (1) commits an offence.

**141. Property left in passenger-carrying vehicles**

- (1) The driver of a passenger-carrying vehicle must carefully examine the vehicle after a trip, and if a passenger has left behind any property in the vehicle, the driver must -
  - (a) deliver that property to the person who left it behind; or
  - (b) if he or she is unable to deliver that property to the person who left it behind, take the property, as soon as possible, to the lost property office of his or her employer or to the nearest police station and deposit it with the officer on duty and obtain a receipt for it.
- (2) A driver who contravenes a provision of subsection (1) commits an offence.

## CHAPTER 6: MISCELLANEOUS PROVISIONS

### 142. Obeying and interfering with an officer

- (1) An authorised official may direct all traffic by means of visible or audible signals, and no person may disobey such signals.
- (2) No person may obstruct, hinder, abuse, or interfere with any authorised official in the exercise of the powers in terms of these by-laws.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

### 143. Appeal

- (1) A person whose rights are affected by a decision made under these by-laws may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The Municipal Manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by –
  - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or
  - (b) the Municipal Manager, the Executive Mayoral Committee is the appeal authority;
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

### 144. Compliance notices and the recovery of costs

- (1) Notwithstanding any other provisions of this by-law, the municipality may –
  - (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
  - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.

- (2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

### 145. Presumptions

- (1) For the purpose of these by-laws, the person in whose name a vehicle which is parked in a parking ground is licensed, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.

- (2) A motor vehicle that is found on a taxi or bus facility or that has stopped at a taxi or bus facility is presumed to be plying for hire, unless the contrary is proved.
- (3) (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of these by-laws it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
- (b) Whenever a vehicle is parked in contravention of any provision of these by-laws, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
- (c) For the purposes of these by-laws it is 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 by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.
- (4) In any prosecution in terms of these by-laws, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is *prima facie* proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.
- (5) Any motor vehicle which is found on a taxi facility or which has stopped at a taxi facility will be presumed to be plying for hire, unless the contrary is proved.
- (6) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.
- (7) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this by-law, be admissible in evidence and *prima facie* proof that it is such receipt, transmission report or acknowledgement.

#### **146. Penalties**

A person who has committed an offence in terms of these by-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

#### **147. Saving and transitional provision**

A person on whose premises any fence contemplated in section 28(1) is erected, is allowed a period of 12 calendar months from the date of commencement of these by-laws to make the necessary structural arrangements to comply with section 28(1).

**148. Repeal of by-laws**

The following by-laws, and any other provision in any other by-law that is inconsistent with the provisions of these by-laws are hereby revoked:

**(1) Port Elizabeth Municipality:**

<b>Provincial Notice No.</b>	<b>Title</b>	<b>Extent of repeal</b>
P.N. 562/1987	Standard by-law relating to streets	The whole
P.N. 88/1960	Standard by-law relating to traffic	The whole
P.N. 708/2001	By-law relating to the control of parking attendants	The whole

**(2) Uitenhage Municipality:**

<b>Provincial Notice No.</b>	<b>Title</b>	<b>Extent of repeal</b>
P.N. 666/1971	By-law relating to the parking of heavy vehicles and caravans	The whole
P.N. 978/1966	By-law relating to motor vehicles conveying goods	The whole
P.N. 718/1966	Bus by-law	The whole
P.N. 60/1966	By-law relating to fees for parking	The whole
P.N. 129/1957	By-law relating to taxis	The whole
P.N. 497/1931	By-law relating to the closure of certain roads	The whole
P.N. 564/1930	Additional streets by-law	The whole

**(3) Despatch Municipality:**

<b>Provincial Notice No.</b>	<b>Title</b>	<b>Extent of repeal</b>
P.N. 305/1980	Parking meters by-law	The whole
P.N. 18/1970	By-law relating to motor vehicles conveying goods	The whole
P.N. 622/1958	By-law relating to taxis	The whole

**149. Short title and commencement**

These by-laws are called the Nelson Mandela Bay Metropolitan Municipality By-laws for Roads, Traffic and Safety, and come into operation upon publication in the Provincial Gazette.

**SCHEDULE 1**  
**(Section 129(1))**

**SPECIFICATION FOR ROOF SIGNS FOR TAXIS IN TERMS OF SECTION 129(1)**

1. The roof sign must be double-sided, and illuminated on both sides, and be capable of being fitted to a vehicle either by being bolted or riveted to the roof or fixed by brackets to the guttering of the vehicle.
  2. The roof sign must be fitted in such a position that it is visible to both following and oncoming traffic in all types of weather conditions and must be uniformly illuminated in such a way that identification under all normal conditions is possible.
  3. The roof sign must be illuminated during hire.
  4. The roof sign must be constructed of 3mm acrylic sheeting, silk-screen printed on the inside with an acrylic-based silk screen paint. The outer measurements of the roof sign must not be more than 400mm in length, 200 mm in height and 200mm in depth.
  5. The roof sign must have on it the word "Taxi" in 75mm high black letters, the relevant portion of the permit reference number and the operator's contact telephone number in 50mm high black figures on a white background.
  6. All lettering on the sign must appear in bold type and must be at least 10mm wide, and the letter style must be DIN "A".
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