



EKURHULENI METROPOLITAN MUNICIPALITY

POLICE SERVICES BY-LAWS

[COUNCIL RESOLUTION: PS 33/2002 dated 25 June 2002]
[Date of Commencement: 1 February 2004]

as amended by

[COUNCIL RESOLUTION: A – CP (01-2016) DATED 30 MARCH 2017]
[Date of Commencement: 17 MAY 2017]

By-law

To provide for the provision and regulation of traffic related matters; to provide for the regulation of taxis; to provide for the control and regulation of signs; to provide for the regulation of street trading; to provide for the control of parking grounds and meters as well as parking attendants and car watchers; all within the municipal area of the municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the Ekurhuleni Metropolitan Municipality, as follows:-

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Chapter I

1. Definitions

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

“**affix**” includes painting onto and “**affixed**” shall have a corresponding meaning;

“**animal**” includes any horse, mare, gelding, foal, bull, ox, cow, bullock, steer, heifer, calf, mule, ass, lamb, sheep, goat, swine, ostrich, cat or dog;

“**application to register**” means an application which is submitted by an organization to the Council for consent to operate and be registered as a parking attendant organisation within the Metropolitan area and which is made on the form (see annexure 10) that is obtainable from the Council and that materially corresponds to the form set out reflected in the Annexure in annexure 10;

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

“**arcade**” means a covered pedestrian thoroughfare, whether or not located at ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access;

“**arm**” means any arm as contemplated in the Firearms and Ammunition Act, Act 75 of 1969 as amended;

“**authorised emergency vehicle**” shall mean a vehicle of the Fire Department, South African Police Services, Metropolitan Police Services and duly registered ambulances;

“**authorised officer**” means -

- (1) Metropolitan Police Officer appointed under the South African Police Services Act, Act 68 of 1995;
- (2) A peace officer as contemplated in section 334 of the Criminal Procedure Act, Act 51 of 1977;
- (3) Any member of the South African Police Services as contemplated in the South African Police Services Act, Act 68 of 1995;

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

“**authorised person**” means a person nominated by an organisation and authorised by the Council;

“**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 has recognisable insignia identifying the person as a parking attendant and which is approved by the Council;

“**blind**” means a vertical screen attached to shop windows or verandas in order to keep sun and rain from shop fronts and sidewalks, and which may be rolled up when not in use;

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

“**building**” means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress there under, covering an area in excess of 4,6m² and having an internal height of more than 1,65m;

“**bus shelter displays**” means posters positioned as an integral part of a freestanding covered structure at a bus stop;

“**Business Act**” means the Business Act, Act 71 of 1991 as amended;

“**By-Law**” means a by-law as contemplated in Part B of Schedule 5 read with section 156 (1)(a) of the Constitution of the Republic of South Africa Act, Act 108 of 1996, Sections 76, 80A and Chapter VI of the National Road Traffic Act, Act 93 of 1996, as amended, Section 165 *bis* of the Local Government Ordinance, Ordinance 17 of 1939 and Application of the provisions of the Road Transportation Act, Act 74 of 1977;

“**cancel**” means to withdraw the authorisation granted by the Council to a holder of a permit in terms of this by-law, and *Acancellation@* has a corresponding meaning;

“**canopy**” means a structure in the nature of a roof projecting from the facade of a building and cantilevered from that building or anchored otherwise than by columns or posts;

“**charge determined by the Council**” means the appropriate charge set forth in a by-law made by the Council;

“**Chief Licensing Officer**” means the officer appointed as such by the Council and to whom any function, power or duty has been delegated in terms of Section 58 of the Local Government Ordinance (Administration and Elections), Ordinance 40 of 1960, as amended, and includes any other officer under his control as contemplated in Section 58 (4) of that Ordinance;

“**City Manager**” means the person duly appointed in terms of Sections 55 and 57 of the Municipal Structures Act, Act 32 of 2000;

“**clear height**” means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below such sign;

“**Chief: Metropolitan Police**” shall mean the Executive Head of the Council’s Municipal Police Services as contemplated in Section 64C of the South African Police Services Act, Act 68 of 1995 as amended;

“**composite sign**” means a sign linked to a standardized background of a specific size similar to a poster board on which logos or other tourist-related information can be attached;

“**contract**” means the contract approved by the Council for the operation of a parking attendant organisation;

“**Council**” means the Ekurhuleni Metropolitan Municipality as established in terms of Sect 12(1) read with Sect 14(2) of the Local Government Municipal Structures Act, Act 117 of 1998, as promulgated in notice no. 6768 of 2000, Gauteng Provincial Gazette no. 141, dated 1 October 2000 and includes the Executive Mayor, Mayoral Committee or any other authorised person, functionary or structure of the Council to whom has been delegated, the powers, functions and duties vesting in the Council in relation to this by-law and “**Metropolitan Council**” shall have the same meaning;

“**cut-outs/embellishments/add-on**” means letters, packages, figures or mechanical devices attached to the face of a sign which extend beyond the rectangular area for greater attention value, can provide a three dimensional effect;

“**day**” means the period between sunrise and sunset;

“**decal**” means a disc or other means of identification issued by the Council to a medical practitioner or the holder of a valid taxi permit;

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

“**demarcated space**” means a space within which a vehicle is to be parked in terms of this by-law, demarcated by means of one or more white lines upon the surface of a parking ground or a floor thereof;

“**demarcated stand or stop**” means the stand or stopping place for a taxi as contemplated in Chapter III of this by-law;

“**depth of a sign**” means the vertical distance between the uppermost and lowest edges of the sign;

“**designated facility**” means a facility referred to in Chapter III of this by-law;

“**direction sign**” means a type of guidance sign provided under the South African Road Traffic Sign System and used to indicate to the road user the direction to be taken in order that they may reach their intended destination;

“**Director**” means the head of the Council’s Directorate Public Safety, or any person authorised by the Council to act on his behalf;

“**display of a sign**” shall include the erection of any structure if such structure is intended solely or primarily for the support of such sign;

“**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**” shall have the meaning assigned to it by the National Road Traffic Act, Act 93 of 1996, as amended;

“**election**” means either Parliamentary, Provincial or Local elections and by-elections held from time to time;

“**erf**” means any piece of land registered in a deed registry, an erf, lot, plot, stand or agricultural holding;

“**equipment**” means a baton, whistle, identification card and a voucher approved by the Council;

“**Examiner of vehicles**” means an examiner of vehicles registered and appointed in terms of Chapter II of the National Road Traffic Act, Act 93 of 1996, as amended;

“**facility**” means a structure designed to permit the display and selling of foodstuff and goods and a receptacle for the disposal of litter;

“**flat sign**” means any sign which is affixed to any external wall of a building used for commercial, office, industrial or entertainment purposes, but excluding a parapet wall, balustrade or railing of a veranda or balcony of any such building, which at no point projects more than 300 mm from the surface of such a wall and which may consist of a panel of sheet of individual numbers, letters or symbols;

“**foodstuff**” means foodstuff as defined in Section 1 of the Foodstuff Cosmetics and Disinfectants Act, Act 54

of 1972;

“footpath” shall mean that portion or lateral extremities of the street which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“garden” means a garden or park to which the public has a right of access;

“goods” includes without detracting from the generality thereof goods, wares, water, sand, stone and merchandise of all kinds, including livestock;

“ground sign” means any sign detached from a building, other than an aerial sign;

“hawkers” means any person, agent or employee who carries on any trade or occupation for which a licence or permit is required in terms of the Business Act;

“illuminated sign” means a sign, the continuous or intermitted functioning of which depends upon it being illuminated;

“Inspector of licences” shall have the meaning as contemplated in the National Road Traffic Act, Act 93 of 1996, as amended;

“intersection” means an intersection as defined in Section 1 of the National Road Traffic Act, Act 93 of 1996, as amended;

“kerb line” shall mean the boundary between the roadway and the footpath, usually indicated by means of a raised kerb;

“litter” includes any container or other matter, which has been discarded, abandoned or left behind by a person trading or by his or her customers;

“Local Government Ordinance” means, to the extent that they have not been repealed by Schedule 1 of the Rationalisation of Local Government Affairs Act (Gauteng), Act 10 of 1998, the Local Government Ordinance, Ordinance 17 of 1993 as amended and the Local Government Ordinance (Administrations and Elections), Ordinance 40 of 1960 as amended;

“locality-bound sign” means a sign displayed on a specific site, premises or building and which refers to an activity, product, service or attraction located, rendered or provided on that premises or site or inside that building;

“main wall of a building” means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a veranda or a balcony;

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

“mechanical parking ground” means a parking ground or any part thereof where parking is controlled by the issue of tickets and where the parking of vehicles is effected or controlled wholly or partly by means of a mechanical device;

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

“Metropolitan area” means the area placed under the control and jurisdiction of the Council and “Municipal area” shall have a corresponding meaning;

“Minister” means the Minister of Transport;

“month” shall mean a calendar month;

“motor vehicle” means a motor vehicle as defined in Section 1 of the National Road Traffic Act, Act 93 of 1996, as amended;

“movable temporary sign” means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign;

“MPS” means the Metropolitan Police Services as established in terms of Section 64, Chapter 12 of the South African Police Services Act, Act 68 of 1995;

“national monument” means a building declared to be a national monument under the National Monuments Act, Act 28 of 1969;

“natural features” means relatively unspoiled areas outside urban areas such as natural parks, game reserve, nature reserves, marine reserves, wilderness areas and extensive agriculture and scenic corridors;

“night” means the period between sunset and sunrise;

“NRTA” means the National Road Traffic Act, Act 93 of 1996 as amended;

“operate on a public road” or any like expression, 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;

“open fire” means any way of making a fire, for whatever reason, where it constitutes a danger, nuisance or a disturbance to any other person in any public area;

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

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

- (1) The person who has the right to the use and enjoyment of a vehicle in terms of common laws or a contractual agreement with the titleholder of such vehicle;
- (2) Any person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and
- (3) Any person who is registered as such in accordance with Section 14 of the NRTA (*see infra*);

“park” in relation to a public open space see **“garden”**;

“park” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is

reasonably necessary for the actual-loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

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

“**parking meter ticket**” means a ticket issued by a parking meter after being put into operation as described in Chapter VI of the this by-law;

“**parking period**” means that period of parking in a demarcated parking place or demarcated space which is permitted by the insertion into a parking meter controlling such parking place of such coin as the Council may determine in terms of section 80 b of the Local Government Ordinance, 17 of 1939.

“**parking ground**” means any area of land or any building set aside by the Council 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 the period of time measured in hours or part thereof on any one day during which vehicles are permitted to park in a parking ground as prescribed by Council;

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

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

“**Passenger Transport Working Group**” means the Passenger Transport Working Group contemplated in Chapter III of this by-law;

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

“**pavement**” means a sidewalk as defined in Section 1 of the NRTA (*see infra*);

“**pedestrian**” shall mean any person afoot;

“**permit**” in relation to Chapters V and VIII of this by-law means a document in which the Council authorises the holder to operate as a parking attendant and which contains the information reflected in Annexure 12 of this by-law;

“**poster and notices**” means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, the local government or similar body or to a referendum;

“**pound**” means any area or place set aside by the Council for the custody of vehicles;

“**prescribed**” means determined by the Council by special resolution from time to time;

“**prohibited area**” means any place declared or to be declared under Section 6A(2) of the Business Act by resolution of the Council to be an area in which street trading may be prohibited;

“**projected sign**” means a sign, whether stationary or actuated, attached to a protruding from the facade of a building;

“**property**” in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or structure used or intended to be used in connection with such business, and include goods in which he or she trades;

“**province**” means the Province of Gauteng established in terms of Section 103 of the Constitution of the Republic of South Africa, 1996;

“**public road**” means a public road as defined in Section 1 of the NRTA;

“**public place**” means any foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space and includes any public road;

“**public building**” means any building where the public has unrestricted access;

“**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;

“**rank permit**” in relation to Chapter III, of this by-law means a rank permit granted by the Council in terms of this by-law;

“**Registering Authority**” means a registering authority appointed under Section 3 of the NRTA (*see infra*);

“**residential area**” means that portion of the area of a local authority, which has by actual survey been subdivided into erven or is surrounded by surveyed erven, and includes the public road abutting thereon;

“**residential purposes**” means the use of a building as a dwelling house, two or more dwelling-units, a hostel, a boarding house and a residential club;

“**restricted area**” means any place declared under Section 6A of the Business Act by resolution of the Council to be an area in which street trading may be restricted;

“**right of entry**” means the rights obtained in terms of Chapter III of this by-law;

“**road traffic sign**” means any road traffic sign as prescribed in Section 56, NRTA (*see infra*), the detailed dimensions and applications of which are controlled by the South Africa Road Traffic Sign Manual;

“**roadway**” means a roadway as defined in Section 1 of the NRTA (*see infra*);

“**rotating sign**” means a sign, which rotates on any axis;

“**running light sign**” means a sign or portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip;

“sell” in relation to any park or public road, means any act of selling or supplying goods coupled with the intention, at the time of such selling or supplying, to continue such activity business has a corresponding meaning;

“selling” means to display goods for sale by inviting others to come and buy the goods so displayed, including supply to, carry on a business, has a corresponding meaning, and also - exchange or hire, store, expose, offer or prepare for sale and sale has a corresponding meaning;

“services” includes the performance of any work or labour or the use of skill for the benefit of another for consideration or reward;

“sidewalk” means a sidewalk as defined in Section 1 of the NRTA (*see infra*) and include the median of a public road;

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

“sky sign” means any sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include a sign painted on a roof of a building;

“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 not longer that 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;

“street” means any street, road or thoroughfare shown on the general plan of a township, agricultural holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vests in the Council;

“sub-period” means a portion of a parking period for which a separate charge for parking is prescribed by council and in relation to a metered parking ground means the period of parking which is permitted on the insertion into a parking meter of such coin as prescribed;

“supermarket 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;

“tariffs” means fees approved by the Council in regards of the relevant legislation that should be applicable for the purpose of this by-law;

“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 Council for the exclusive use of taxis;

“taxi association” means a taxi association recognized as such by the Council and the Province;

“taxi operator” means the person responsible for the use of the taxi provided that in terms of Chapter VI of the NRTA (*see infra*), it shall mean the person who has been registered as the operator of such vehicle;

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

“taxi route” means a route determined by the Council from time to time;

“temporary sign” means a sign not permanently fixed and not intended to remain fixed in one position;

“tethered balloon” means a balloon or similar object, which is tied by means of a rope or other anchoring device to confine it to a spot;

“town engineer” shall mean the person appointed in the capacity of Town Engineer for the Council or his duly authorised deputy;

“toy vehicle” means a device designed, made or manufactured with the purpose for children to play with or to amuse themselves with, but excludes motorized vehicles designed to convey people, goods or both;

“trade” means selling of goods or the offering or rendering of services in a public road or public place and trading has a corresponding meaning;

“trailer” means a trailer as defined in Section 1, NRTA (*see infra*);

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

“tri-vision” means a display embellishment, which, through the use of a triangular louver construction, permits the display of three different copy messages in a predetermined sequence;

“vehicle” means a vehicle as defined in Section 1 NRTA (*see infra*);

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

“verge” means a verge as defined in Section 1 of the NRTA (*see infra*);

“voucher” means a document, approved by the Council and materially conforming to the layout specified in Annexure 13 to this by-law and containing the information reflected in the document, which is handed by a parking attendant to a driver informing the driver of the particulars of the attendant’s organisation and emergency telephone numbers and requesting a donation regarding the service;

“ward” means a portion of a public place or public road of the Council that has been demarcated by the Council to be allocated to an approved organisation for the purpose of providing a parking attendant service and **“zone”** shall have a corresponding meaning;

“waiting area” shall mean a place where vehicles, or vehicles of a particular class or description, for public transport may wait or stand;

“window signs” are signs, which are permanently painted on, or attached to, the window-glass of a building;

“zone” see **“ward”**.

Chapter II

Traffic

2. Parking

No person shall park a vehicle with a tare of 3 500 kg or more for a period exceeding one hour at any time after sunset and before sunrise on the roadway, verge or sidewalk of a street within a residential area.

3. Medical Practitioners

- (1) The Council may exempt any medical practitioner from the provisions of any by-law relating to the parking of a motor vehicle.
- (2) The exemption contemplated in subsection (1) shall apply only where: -
 - (a) The motor vehicle concerned is parked to enable such medical practitioner to perform his professional duties at any place other than his consulting room; and
 - (b) A decal (see Annexure 3) is issued by the Council under its stamp;
- (3) A medical practitioner to whom a decal as contemplated in subsection 3(2)(b) has been issued, shall immediately hand in such decal at the offices of the Council when the motor vehicle to which it relates is no longer used in the course of the medical practitioner=s professional duties and any abuse of such decal shall, notwithstanding any other recourse also result in the immediate withdrawal thereof.

4. Prohibition of certain actions

No person shall drive or ride on roller skates, skate boards or any other toy vehicle in any street without the written consent of the Council and on such conditions as may be determined by the Council.

5. Turn with combination vehicles

No person shall turn with any vehicle that draws a semi-trailer, trailer or combination of vehicles at any crossing for the purpose of driving in the opposite direction.

6. Cycles

No person shall ride a pedal cycle/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.

7. Holding on to moving vehicles

- (1) No person travelling upon any vehicle shall hold onto or attach himself or his vehicle to any other moving vehicle upon any street.
- (2) No driver of such moving vehicle mentioned in subsection (1) shall knowingly allow or permit any other person to hold onto or attach himself or his vehicle to his vehicle.

8. Riding on handlebars prohibited

It shall be unlawful for the operator of any cycle or motorcycle, when upon the street, to carry any other person upon the handlebars, frame or tank of any such vehicle, or for any person so to ride upon any such vehicle.

9. Loads on cycles

No person shall cause or permit to be used: -

- (1) Any cycle excluding a tricycle, to carry goods exceeding 50 kg in mass; or
- (2) Any tricycle to carry goods exceeding 110 kg in mass.

10. Public bus stands and stopping places

No person shall attempt to ascend or alight from any public bus except at such stands or stopping places as have been approved by the Council and no driver of a public bus shall allow such bus to stop for the purpose of picking up or allowing any passenger to alight, except at such stands or stopping places as have been approved by the Council.

11. Intending passengers to board at approved stands or stopping places only

Every driver of a public bus used on any approved route upon being signalled at any approved stand or stopping place by any person wanting to travel on such bus shall stop and pick up such person if he is not prohibited by any act from boarding such public bus.

12. Public bus to stop on request

Every driver of a public bus having been requested by any passenger to stop his bus shall do so at the next approved stopping place to enable such passenger to alight.

13. Traffic signals

- (1) To assist in the control of traffic, the Council may erect and employ traffic signals, signs and safety zones.
- (2) No pedestrian, driver of a vehicle or rider of any animal or cycle shall disobey the signals of any mechanically, manually or electrically controlled traffic signal or the direction of any traffic signal or mark upon any street, unless otherwise directed by an authorised officer or an authorized official.

14. Traffic notices and signs

- (1) All notices and signs placed by the Council in or upon any street in terms of any by-law for the regulation and control of traffic and/or prohibition, restriction, regulation and control of parking shall be obeyed by all persons using such street.
- (2) All notices and signs in any street relating to the regulation and control of traffic and the prohibition, restriction, regulation and control of parking shall be deemed, until the contrary is shown, to be the notices and signs of the Council.
- (3) No person other than a duly authorized agent or servant of the Council shall place in or upon any street any notice or sign affecting or intended to affect the movement of traffic, and/or the parking of vehicles in or upon any street,
- (4) No person shall remove, mutilate, obscure or in any manner damage or interfere with any traffic notice, traffic sign or traffic signal placed by the Council in or upon any street under the authority of any law, and any person contravening this section shall be liable, in addition to any penalty which may be imposed under this by-law, to repay to the Council the cost of repairing and/or replacing such notice, sign or signal or removing any obscuration there from.

15. Sledges, etc. on streets

No person shall draw, haul, roll or propel any sledge, timber, stone, safe, cash, tank, barrel, tub or other material or article along any street otherwise than on a wheeled vehicle or on rollers of a diameter and construction as will not destroy, injure or disturb the road surface. And no person shall use or suffer to be used any shoe, chain, drag, brake, skid or other instrument for the purpose of retarding the descent of any vehicle, or which will in any way tend to destroy, injure or disturb the surface of any road.

16. Injury to persons

No person being the driver or having the care of any vehicle, or being in charge of or riding any animal in any street, shall by any negligence or misconduct injure or endanger, or be the cause of any injury or danger to any person, animal or thing whatsoever.

17. Games, throwing stones, etc.

- (1) No person shall use roller or other skates, or roll any hoop, or fly any kite, throw stones, or use any bow and arrow or catapult, or by any means discharge any missile upon, over, or across any street.
- (2) No person shall play cricket or football or any game, or indulge in any pastime whatsoever in or upon any street, except on such places as the Council may set apart for the purpose of any particular game, sport or pastime.

18. Prevention of obstruction during public processions

- (1) On any occasion of public rejoicing, or on the occurrence of public processions, public meetings or any other event calculated to cause exceptional congestion in streets, all persons in or upon such streets shall obey the directions of the police and the duly authorised officials as the route or routes to be followed by vehicles, animals and pedestrians and as to any other matter which may be necessary for the avoidance or prevention or removal of obstruction in such streets.
- (2) All persons shall obey the directions of any authorised officer or duly authorised official for the keeping of order and the prevention of obstruction in the immediate neighbourhood of the Courts of Law, places of

worship, railway stations, theatres and other places of public resort.

19. Closing of streets

No person shall enter or use any street, road, thoroughfare, square or other public place, garden, park or other enclosed space lawfully closed by the Council for the purpose of such entry or use.

20. Street collections

- (1) No person shall organise, hold, assist or be concerned in any collection of money or attempt to collect any money in the streets of the metropolitan area, whether for a charitable object or otherwise, without first obtaining consent in writing of the Council. Any such consent shall be a special privilege in the discretion of the Council.
- (2) Any person desirous of obtaining such consent as aforesaid shall make application in writing to the Council, and shall in such application set forth: -
 - (a) *Control:*
The name and address, and description of himself and of any other person or persons being in full age who is or are jointly with him to be responsible for the organisation, conduct and control of any such street collection.
 - (b) *Hours of Street collection:*
The day on which and the hours between which the collection is to be taken or made.
 - (c) *Places of street collection:*
The portion or portions of the municipality wherein it is proposed to make the said collection.
 - (d) *Objects:*
The object or objects for which the collection is to be made or the funds from the proceeds of the collection.
 - (e) *Amount to be handed over:*
Whether the entire amount collected is to be handed over without deduction of any kind whatsoever.
 - (f) *Age restriction:*
No child under the age of sixteen years shall be employed or engaged in any street collection. The person or persons who have obtained the written consent of the Council to any street collection shall be responsible for the due observance of this section with regard to such collection.
 - (g) *Collecting Hours:*
No person who has received the Council's written consent to hold a street collection shall collect or cause or allow to be collected any money in any street or from house to house before 7a.m., or after 6p.m., except in cases where these hours have been extended by written consent of the Council.
 - (h) *Collection boxes:*
 - (i) The Council may supply collection boxes for the use of collectors in street collections and may make it a condition of any permission which it may deem fit to grant under this by-law that only collection boxes supplied by it and no others may be used in street collections.
 - (ii) Where the Council supplies such collection boxes and makes a condition as aforesaid, it shall be an offence for any person to collect in any authorised street collection except by the use of such collection boxes supplied by the Council.
 - (iii) All collection boxes issued by the Council for the purposes of any collection shall be returned to the offices of the Council within forty-eight hours after the collection has been held and any person who fails so to do shall be guilty of an offence. The person or persons who have obtained the consent of the Council to hold the collection shall make any damage to or loss of collection boxes good, and failure to do so shall constitute an offence under this by-law.
 - (iv) Where collection boxes are supplied by the Council under the provisions of this section they shall be sealed by the Council with a distinctive seal before issue.

21. Ropes across street

No person shall without the consent of the Council in writing, place any rope, wire, pole, banner, advertisement or any other device across any street or hang or place anything whatsoever thereon.

22. Defacing, marking or painting streets

No person shall without the consent of the Council in writing, except in the execution of his duty in any way deface, mark or paint any Council property, road traffic signs, street or part thereof.

23. Escort of abnormal vehicles

- (1) Escort of vehicles that are abnormally large, or transport unsafe loads will be provided by Council against payment of the tariffs as determined by the Council and only after a deposit equal to the amount estimated by the Council to be the tariffs for such an escort is paid to the Council in cash or by way of bank-guaranteed

cheques.

- (2) Escort tariffs will be charged per hour or part thereof per authorised officer and will be 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 be included.
- (3) Escorts will only be supplied if all the requirements of the NRTA are complied with.

24. Charges for assistance with racing events, sporting events, processions and other gatherings in general

- (1) Application for permission for assistance of traffic officers during racing events, sporting events, processions and other gatherings in general shall be submitted in writing on the prescribed form at least fourteen (14) days prior to the event to the Council, except funeral processions.
- (2) The tariffs, as determined by the Council from time to time, shall be payable for the assistance mentioned in subsection (1) above: provided that: -
 - (a) The Council shall determine the estimated tariffs and a deposit equal to these tariffs in respect of such assistance will be paid in cash or by bank-guaranteed cheque at least forty-eight hours prior to the commencement of such assistance;
 - (b) Any mutual adjustment shall be made after conclusion of the event as soon as the actual costs have been determined by the Council;
 - (c) The Council may in its sole discretion exempt an applicant from the payment of the tariffs and the deposit upon written reasons being provided to the Council prior to the commencement of the event. In the event that the Council is unable to grant exemption for whatever reason prior to the commencement of the event the applicant shall pay the tariffs, which shall, if exemption is granted thereafter, be refunded to the applicant.
- (3) The Council may also approve the appointment of marshals and prescribe their responsibilities and attire to perform functions on public roads.
- (4) The Council shall also prescribe the minimum number of marshal's required to assist at road races, processions, etc.

25. Supermarket trolleys

- (1) No person who is the owner of supermarket trolleys or who controls or has the supervision over a supermarket trolley or who uses it or offers it to be used by any person, or who uses it for any purpose whatsoever, shall leave or permit it to be left in any street or public place except in specially provided parking areas/places.
- (2) Any supermarket trolley, which has been left in a street or any public place, may be removed, or caused, to be removed by any authorised official and shall be impounded.
- (3) The supermarket trolleys impounded may be claimed by the owner under the following conditions: -
 - (a) If the owner is traced by the Council and fails to recover such supermarket trolley and to pay the expenses incurred by the Council within 14 days after being requested to do so, such trolley may be sold by the Council by public auction,
 - (b) After a lapse of one month from the date of impoundment whereby the owner cannot be traced, the supermarket trolley may be sold by the Council by public auction,
 - (c) The proceeds of the public auction shall be revenue in favour of the Council for the following costs incurred by the Council to defray expenses and the remainder, if any, will be refunded to the owner of the supermarket trolley: -
 - (i) The removal of such supermarket trolley;
 - (ii) The keeping of the supermarket trolley in custody for a period not exceeding four months whereby a prescribed storage fee is levied;
 - (iii) The endeavour to trace the owner; and
 - (iv) The cost of the public auction.
 - (d) Satisfactory proof of ownership must be provided to the Council.
- (4) The Council shall not be liable for any loss or damages as a result of theft, damages to or loss of any supermarket trolley, or the selling thereof.

26. Shoeing, cleaning and repairing in streets

- (1) No person shall in any street shoe, or ferry any animal (except in the case of accident, or clean, dress, train, break or turn loose any cattle.
- (2) No person or his agent shall clean or repair any vehicle (except in the case of accident when repair on the spot is necessary), or wash, clean, dry or bleach any article or thing whatsoever.

27. Control of animals

- (1) No person shall drive or cause any animal to be driven in a street except when drawing a carriage or vehicle: Provided that the Council may grant permission to the driving of animals in certain streets on such

conditions as it may deem fit.

- (2) No person shall in or along any street: -
 - (a) Train or break in an animal;
 - (b) Allow an animal, which is his property or under his control, to be let loose or to wander uncontrolled;
 - (c) Leave an animal which is hurt, weak, sick or dying, except to obtain assistance to remove such animal; or
 - (d) By making noises, gestures, and gesticulations or in any other way frighten or irritate an animal.
 - (e) Drive or use or cause to be driven or used for any purpose whatsoever in any street any animal which is so diseased or injured or in such a physical condition that it is unfit to do any work or is causing or likely to cause an obstruction to traffic or injury to health or be offensive or a nuisance to any person
- (3) For the purposes of this section, the word "animal" does not include a dog or a cat.
- (4) No person shall in any street control, by reins only, a team of more than six animals and no person shall drive any team of animals, controlled by reins, in such a manner as not to have such team, with or without a vehicle, at all times under proper control and unless he has at least one hand on such reins.
- (5) No person shall drive or cause or allow to be driven any livestock at any time through any street in which the driving of livestock is permitted, unless such stock shall be accompanied by the following attendants: -
 - (a) For the first twenty (20), or portion thereof of large stock: 2 attendants, and for each additional twenty (20) or portion thereof: 1 attendant,
 - (b) For the first fifty (50) or portion thereof of small stock: 2 attendants, and for each additional fifty (50), or portion thereof: 1 attendant.

28. Keeping of animals

- (1) No person shall keep any animal or bird, which disturbs the public peace.
- (2) No person shall without a permit issued by the Council keep any wild or dangerous animal, reptile or insect which has an inherent propensity to attack human beings or animals or the keeping of which is likely to become a nuisance or injurious to the health of or is fraught with danger to any person.
- (3) Any animal, reptile or insect, the keeping of which is prohibited in terms of subsection (2) may if found at large, be removed by any authorised officer or authorised official and may recovered the cost of so doing from any such person.
- (4) Any such animal as is referred to in subsection (2) of this section found at large or apparently abandoned within the metropolitan area may be destroyed by the authorised officer or authorised official without any further warrant than this by-law and the Council shall cause such animal to be removed and buried and the owner or the person who last had the animal in captivity shall be liable, in addition to any penalty under this by-law, to pay to the Council a reasonable sum to defray the cost of destruction and removal and burial of such animal and shall be liable to prosecution.
- (5) No person being the owner or having the charge or control of any animal whatsoever, whether domesticated or not, shall allow or permit such animal to cause any annoyance, offence or inconvenience to any person in any street or cause any obstruction or inconvenience to traffic generally.

29. Uncovered carcasses, etc.

No person shall carry or convey through or along any street the carcass of any animal or any offal unless the same be properly covered.

30. Gambling

- (1) No person shall gamble or play any game of chance or pretended game of chance for money, or any other stakes in any street, or in any public vehicle standing or plying on any street.
- (2) No person shall frequent or use any street, or any vehicle standing or plying on any street on behalf of himself or any other person, for the purpose of bookmaking or wagering or betting or agreeing to bet or wager with any person or receiving or settling or paying bets.

31. Barbed wire

- (1) No owner or occupier of land shall along any street or public place erect or cause, permit or cause to be erected or shall have along such street or public place, any barbed-wire fence or any railing, paling, wall, electrical fencing or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public lawfully using such street or public place.
- (2) The Council may by notice, in writing, require the owner or occupier of land on which a fence, railing, paling, wall, electric fencing or other barrier which exists in contravention of subsection (1) to remove it within such reasonable period as the notice may specify, and for every day or part thereof after the expiry of the period so specified, during which the notice is not complied with, the said owner or occupier shall on conviction be liable to a fine as stipulated in this by-law.

- (3) The Council may immediately after the expiry of a notice as referred to in subsection (2), proceed to remove such fence, railing, paling, wall or other barrier and may recover the cost of so doing from such person.

32. Sidewalks

- (1) No person shall place upon, off-load on, or transport across the roadway or sidewalk in any street any materials or goods unless he shall have taken precautions to protect the surface of such roadway or sidewalk from damage by means of boards or planks not less than 5 cm in thickness placed thereon.
- (2) No person shall erect any barriers, poles, chains or any other obstructions on any sidewalks without prior written approval from the Council and the barriers, poles, chains or any other obstructions erected, may not in any way impede the normal pedestrian traffic flow.

33. Littering and spillage

No person shall spill, drop or place, or permit to be spilled, dropped or placed, in or on any street, any fruit rind, or fruit or any glass or sharp substance or nails, metal, building or lining, sawdust packing, paper, stable, house or trade refuse, stone, brick or other building materials, or any matter or thing that may interfere with the cleanliness of such street, or cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such street, without causing the same to be immediately removed from such street, and in the event of his failing to do so, the Council may, by its servants remove the same and, in addition to any penalty for the breach of this section, recover from him the expenses of such removal in the same manner as any penalties for breaches of the Council's by-laws are recoverable.

34. Display of articles/clothing

- (1) No person shall hang out any article of wearing apparel or any household, domestic or other linen, or any other fabric, for the purpose of drying or airing the same, from any window or on the wall or veranda of any building facing on the street frontage and erected in areas zoned for "General Business" and "General Residential" under the Council's Town-Planning scheme.
- (2) No person shall place any article likely to cause injury or damage to any person or property in any window or other substructure near any street without sufficiently safeguarding it against falling into the street.

35. Carpet shaking

No person shall at any time beat or shake any carpet, rug, or mat in any street, except doormats shaken or beaten before the hour of eight (8) in the morning.

36. Bundles, etc., on footpaths

No person shall 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.

37. Openings and doors on streets

- (1) No person shall leave open any entrance from the street, or any vault, cellar, basement, or underground room without a sufficient fence or handrail to prevent persons from falling there into, or have or leave any door or other covering thereto in a defective condition.
- (2) No person shall leave a manhole/opening in an unsafe condition.

38. Excavations and wells

- (1) No person shall without the written consent of the Council, make or cause to be made any hole, trench, pit or excavation in any street or remove any soil, metal, or macadam there from.
- (2) The Council may order any person on whose premises any such unprotected well or other excavation exists to fence, fill in, or cover over the same and, failing compliance with such order, the Council may do the necessary work and recover the cost thereof from such owner

39. Removal of soil, sand, etc.

No person shall take, remove or carry away or cause or allow to be taken, removed, or carried away any sand, soil or other material forming part of or being upon any street, stand, erf, or other place within the metropolitan area which shall be vested in or be the property of the Council, except by permission in writing from the Council first had and obtained and subject to such conditions as may be imposed by the terms of such permission.

40. Sweeping premises adjoining streets

The occupier of premises adjoining any streets shall not cause or permit any part thereof or of the sidewalk abutting thereon to be swept unless and until the same shall have been adequately sprinkled to prevent the raising of dust to the annoyance or inconvenience of the public by such sweeping, nor shall he cause or permit any dirt or refuse swept up to be thrown or in any way deposited in or upon any street, any contravention of this section by any servant or representative of the occupier shall be deemed to be a contravention by the occupier.

41. Opening in kerbing

- (1) Any person desirous of obtaining an opening in the kerbing and/or guttering of any street in order to provide access for vehicles to the premises abutting thereon shall make application in writing therefore to the Municipal Manager stating the name of the street and number of the stand or erf to which access is desired.
- (2) The Council shall thereupon cause an inspection to be made of the site of the opening applied for and shall decide upon the form of opening and the style and the material for its construction and shall assess the cost thereof; and shall submit such cost in writing to the applicant; and upon payment by the said applicant of a fee equal to the said cost, the Council shall provide the said opening.
- (3) The payment of such fee shall however in no manner entitle the applicant to any claim, lien, or other title whatsoever to, in, upon, or under the said opening.
- (4) The sole right of constructing, altering or closing of any opening in the kerbing and/or guttering shall be vested in the Council.

42. Disturbance of the peace

- (1) No Person shall unduly or without just cause, fire or discharge any firearm, airgun or air pistol within the Metropolitan area.
- (2) No person shall discharge fireworks without the prior written consent of the Council, and such written consent shall hereafter be called a "Fireworks permit". Such "Fireworks permit" will be readily available at the event and produced on request by an authorised officer. Any person failing to do so shall be guilty of an offence.
- (3) Provided that subsection (1) shall not apply in the event of formal target practice at a recognised shooting range.
- (4) No person shall without the consent of the Council in writing, play or permit the playing of any music, or use or permit the use of any loudspeaker or public address or other audible device on or adjacent to or which may be heard in any street or public place.
- (5) No person shall disturb the public peace in a street or public place, or on private premises by making noises or causing them to be made by shouting, quarrelling, fighting, singing or playing any type of musical or noise-creating instrument or by means of a radio, loudspeaker or similar device, or by riotous, violent or immoral behaviour.
- (6) No person shall at any time sound any warning device on any vehicles in such a manner as to produce a shrieking, raucous or offensive noise; Provided, however, that where in the case of emergency the driver of a vehicle acts with the object of avoiding an accident, the use of such warning device shall not constitute an offence.

43. Indecency

- (1) No person shall expose to view, sell or distribute or offer for sale or distribution any indecent or obscene book, pamphlet or postcard, photograph, placard, poster, handbill, picture, drawing or representation, nor exhibit any show which is of an obscene, indecent, objectionable or undesirable, nature or is suggestive of indecency, or which may prejudicially effect public morals, peace, safety, good manner or decorum, in any street or place which is visible to the public.
- (2) No person shall in, or in view of, any street, or in any public place, behave in an indecent manner or make use of any indecent gestures, or commit or solicit, or provoke any person to commit any riotous, disorderly or indecent act.
- (3) No person shall sing any obscene or profane song, or use any profane, foul, indecent or obscene language, or write, paint, draw, or in any way make any indecent or obscene figures, writings, drawings or representations in any street or public place or within view or hearing of any person therein, without prior approval of the Council and the written approval must be readily available.
- (4) No person shall urinate or defecate in any street or public place.

44. Cleanliness of streets and public places

- (1) No person shall spill, drop or place or permit to be spilled, dropped or placed in or on any street or public place any matter or substance that may interfere with the cleanliness of such street or public place, or

cause anyone, danger or accident to persons, animals, vehicles or other traffic using such street, without removing it or causing it to be removed from such street forthwith.

- (2) No person shall spit in or upon any street or public place.

45. Trees

- (1) No person shall plant any tree or shrub in any street, sidewalk or public place without prior written permission from the Council.
- (2) No person shall allow any tree or shrub, which is his or her property to impede on any other property or Councils property.
- (3) The Council may in respect of any tree or shrub planted in contravention with subsection (1) or subsection (2) give the owner of the property adjacent the street or sidewalk on which it was planted written notice to remove or to trim/prune/lop-off such tree or shrubs within such reasonable period as the notice may stipulate.
- (4) Should the person to whom notice has been given in terms of subsection (3) fail to remove or to trim/prune/lop-off the tree or scrub within the stipulated time or the Council not be able to identify the person responsible for the planting of such tree or scrub, the Council may without liability for the cost of such tree or shrub remove the tree or shrub.
- (5) No person shall in a public place climb upon, or break or damage or in any way mark or paint on any tree, and no person shall without the consent of the Council in writing, lop, top, cut down or remove any such tree save as provided for in other legislation, regulations and by-laws.

Chapter III

Taxis

46. The establishment of Special parking places

- (1) The Council shall establish special parking places within the municipal area for the use of or parking of a taxi belonging to a person to whom a permit as contemplated in section 48 has been issued authorizing him to do so.
- (2) A permit may be issued allocating special parking places to particular persons or motor vehicles for their exclusive use only.
- (3) No person shall, except by virtue of a permit, use or cause or permit a taxi to be used on any special parking place within the Metropolitan area, regardless whether such person has obtained a similar permit from any other Local Authority or Council.
- (4) Should there be no space available in a special parking place or a stopping place at any given time, for the parking of a taxi that is authorised to do so, in terms of a valid rank permit, the taxi concerned shall be parked at a taxi holding area specified by a duly appointed marshal as contemplated in Section 64(1) until such time that the marshal or any other duly appointed marshal, summons and permits the taxi to park at the special parking place or stopping place.

47. Application for a rank permit

- (1) An application for the granting of a rank permit shall be lodged with Council on the form prescribed by the Council from time to time.
- (2) The applicant shall furnish clear answers to all questions contained in the application form and shall in all other respects fully comply with all the requirements thereof.

48. Issuing of a rank permit

- (1) No permit shall be issued until the applicant produces: -
 - (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 NRTA,
 - (b) A valid public road carrier permit issued under the Road Transportation Act, Act 74 of 1977, authorizing the road transportation proposed to be undertaken;
 - (c) Proof of registration and licensing of the motor vehicle concerned in terms of Section 14 of the NRTA,
 - (d) A valid identification document or a valid temporary identity document issued by the Department of Internal Affairs, of the owner or the operator thereof. Provided, that in the event of a temporary identification document, it shall be accompanied with a passport photo of the owner or the operator thereof, and
 - (e) A letter of recommendation from the relevant taxi association;
- (2) Where an application for a permit has been granted, it shall be issued on the prescribed form (see annexure 2), provided that the prescribed tariffs have been paid.
- (3) Such permit shall be issued in terms of the conditions determined by the Council.
- (4) The Council may, from time to time, by special resolution, determine the tariffs for the issue of a rank

permit and such tariffs may be different for different facilities.

- (5) A rank permit not collected within 3 (three) months lapses, unless a written extension of time has been requested and granted by the Council.
- (6) No permit shall be issued unless the provisions of this section have been complied with.
- (7) Any permit issued contrary to the provisions of this by-law in an unlawful manner with or without the knowledge of the applicant, shall be void and the holder thereof shall on demand by the Council forthwith deliver such permit to the Council.

49. Period of validity

A rank permit issued in terms of this by-law shall be valid for a period of 12 months from the date of issue thereof subject to the provisions of Section 48.

50. Refusal to grant rank permit

The Council may refuse a rank permit, subject to Section 88 (6) of the NRTA and the provisions of this by-law, on the grounds that there is insufficient ranking space in the municipal area.

51. Renewal of a rank permit

- (1) A permit issued in terms of this by-law shall be valid from the date of issuance thereof and shall be renewed annually (see annexure 3).
- (2) An application for the renewal of a permit shall be made at least 30 days, but not later than 14-days, prior to the date of the expiry thereof.
- (3) The applicant for the renewal of a permit shall submit a duly completed and legible application form to the office of the Council, together with the documents referred to in section 48 in respect of the motor vehicle and shall upon payment of the prescribed tariff and subject to the good conduct of the applicant be renewed.
- (4) The Council shall issue an acknowledgement of receipt to the applicant upon receipt of the application for the renewal of the rank permit.

52. Temporary substitution of vehicle

- (1) Subject to subsection (2), a rank permit issued to the holder thereof, shall in terms of this by-law, only apply to a motor vehicle in respect of which it was issued.
- (2) The holder of a rank permit may in terms of this by-law substitute the motor vehicle in respect of which such rank permit has been issued with another vehicle for a fixed period not exceeding 21 days, after the date of substitution thereof, should the motor vehicle in respect of which the rank permit has been issued, become defective or, due to an accident, has been temporarily withdrawn from service, provided that the holder of the permit shall apply in writing for temporary approval of the substitution of the motor vehicle to the Council which will answer in writing, once approved.
- (3) The holder of the permit shall at all times while taxi facilities are being utilized by the substitute vehicle, ensure that the relevant permit is kept in and the decal displayed on the substitute vehicle as required by this by-law.

53. Transfer to rank permit

- (1) No rank permit issued in terms of this by-law, shall be transferable from the holder to another person.
- (2) In the event where the permit holder dies or if his estate is provisionally or finally sequestrated, or where the holder is a company or a close corporation which is in the course of liquidation, or if the holder becomes in any way incapable in law of carrying on business, the executor, trustee, liquidator or *curator bonis* as the case may be, may on payment of a prescribed transfer tariff, carry on business not exceeding one year to enable recommencement of the relevant services.

54. Issuance, display and duplication of rank permit

- (1) A decal shall be issued simultaneously with every permit, incorporating the particulars of the permit in accordance with the prescribed form and shall immediately be affixed to the taxi concerned.
- (2) The holder of a rank permit may apply for the use of additional taxi facilities, which shall be determined by the Council.
- (3) One or more additional decals may be issued to the permit holder to denote additional taxi facilities allotted to that holder, as the case may be.
- (4) Additional denoting referred to in subsection (3) may be added to the decal in print.
- (5) If the holder of a permit or decal satisfies the Council by affidavit that it has been lost or destroyed, or if such holder produces a permit or decal that has been damaged to the extent, that the letters and figures

thereon are no longer clearly legible, the Council shall, upon application by such holder in accordance with the prescribed form, and upon payment of the prescribed tariff, issue him with a duplicate thereof clearly endorsed **DUPLICATE**.

- (6) The holder shall affix the duplicate decal forthwith to the vehicle concerned.
- (7) In the event of a taxi being operated without a decal or a valid decal, it shall be presumed that the holder is not in possession of a valid permit, until such time that the holder proves to an authorized official of the Council that he is in possession of a valid permit or that he has re-applied for a permit or a duplicate decal.
- (8) No person shall, during the period of validity of a permit issued in respect of any taxi, use or cause or allow such taxi to be used if the permit issued in respect thereof has been defaced, concealed or removed.
- (9) No person shall display a permit of which the period of validity has expired on a taxi or display a permit which does not correlate to such taxi

55. Payment of fees for rank permit

- (1) The tariff payable in respect of a permit issued for a period less than one full year shall be reduced on a pro-rata basis, for every month out of 12 months of its validity.
- (2) The payment of any tariff in terms of this by-law shall not absolve any person from criminal liability arising from his failure to obtain a permit nor shall the fact that a person has been convicted of an offence under this by-law relieve him from the liability to pay the appropriate tariffs in terms of this by-law.
- (3) Any amount due by a person in terms of the provisions of this by-law, shall be a debt due and payable to the Council and may be recovered by the Council in any competent Court of Law.
- (4) All tariffs and monies shall be paid at the Council or at such other places as may be determined by the Council, from time to time.

56. Amendment of the particulars of a rank permit

- (1) In the event where the information contained in a permit or decal is incorrect, the Council may, notwithstanding anything to the contrary herein contained, notify the holder concerned thereof and require him to give a satisfactory explanation and return such permit or decal for amendment not later than ten (10) working days after the date of such notification.
- (2) Where it comes to the notice of the holder of a permit or decal that the particulars contained thereon, are incorrect by virtue of a change in such particulars or for any other reason, such holder shall submit the permit or decal to the Council within ten (10) working days of such fact coming to his notice for the amendment thereof, provided that a holder shall subject to section 52, not substitute a different motor vehicle for the motor vehicle to which the permit relates.
- (3) Where a permit or decal has been surrendered, so as to be amended in terms of this section, the Council shall provide the holder with a temporary permit or decal, as the case may be, which shall be valid until the amended permit or decal has been returned to the holder.

57. Rank permit issued in the name of a partnership

- (1) Any permit issued to a partnership shall specify the full name of each of the partners and the style under which the business is being carried on.
- (2) If a change in the composition of a partnership is occasioned by the admission or by the death or withdrawal of a partner, the current rank permit granted to such partnership shall continue for the unexpired period thereof.

58. Dishonoured cheques

Where an applicant for a rank permit pays the prescribed tariffs by cheque and the cheque is dishonoured on presentation, such permit shall be void from the date on which it was issued, and the applicant shall on demand of the Council forthwith deliver such permit and any decals which relate thereto.

59. Taxi Associations

Taxi Associations, which are recognized by the Council in terms of guidelines, laid down by the Province, may become members of the local body (Taxi Liaison Committee) that was established by the Council to make recommendations to it concerning matters relevant to the taxi industry in general.

60. Designation of taxi facilities

The Council may designate any taxi facility or area on a public road as: -

- (1) A special parking place, or

- (2) A taxi stopping place, or
- (3) A taxi holding area, in accordance with the procedure prescribed under Section 65 (B)(15) of the Local Government Ordinance, Ordinance 17 of 1939, as amended.
- (4) The Council shall prominently display at the offices of the Council a list and description of all the designated taxi facilities.
- (5) The Council may after consultation with the local Taxi Liaison Committee set aside any taxi facility for the exclusive use of taxi operators which operate on a certain route or in a certain area between certain points, or for the exclusive use of members of a particular association.

61. The parking of taxis

- (1) No driver shall, subject to subsection (2): -
 - (a) Park a taxi, except at a special parking place or holding area, or
 - (b) Ply for hire, load or offload passengers, except at a special parking place or a taxi-stopping place.
- (2) In emergency situations or at recreational and other similar functions the Council may set aside temporary taxi facilities suitably identified by the Council.

62. Parking of taxis at Shopping places

No driver of any taxi is allowed to park such taxi at a shopping place.

63. Utilization of Taxi Ranks

- (1) Subject to subsection (3), a driver may park at the taxi rank specified on the permit concerned, if there is space available.
- (2) If there is no space available, the driver shall remove and park the taxi at a taxi holding area.
- (3) The driver shall, when plying for hire at a taxi rank, do so in a queue and shall: -
 - (a) Place his taxi in the first vacant place available in such queue immediately behind any other taxi already in a front position,
 - (b) Move his taxi forward in such queue if a vacancy occurs.
- (4) No driver shall when plying for hire at a taxi rank: -
 - (a) Place his taxi ahead of any taxi in such queue that has taken up position in the front of the queue, before he did,
 - (b) If his taxi is the first taxi in the front of such queue and any person calls for a taxi, respond to such call unless the person clearly indicates his preference for a taxi not in front of the queue.
 - (c) No person shall park or stop a taxi, which is not in good working order as required by the NRTA, or the regulations framed there under, in a taxi rank or cause or permit such taxi to remain in a rank.
 - (d) No person shall park or stop in a taxi rank any vehicle other than a taxi in respect of which a permit and decal specifying such rank has been issued for the current year in terms of this by-laws.

64. Regulation and control of taxi facilities

- (1) Subject to the provisions of subsections (2), (3) and (4), the Council or a recognized taxi association may appoint marshals to perform the functions as set out in subsection (4) and (5), provided that, where a taxi facility or portion thereof has been allocated exclusively to a particular taxi association, that association or the Council only may appoint marshals in respect of that particular taxi facility, or portion thereof.
- (2) In the case of a dispute as to which taxi association shall be entitled to appoint a marshal or marshals at a particular taxi facility, the Council shall decide the issue, and it's decision shall be final.
- (3) No person shall act as a marshal at any taxi facility, unless his appointment has been made in writing by the taxi association concerned or the Council.
- (4) The duties of a marshal in relation to passengers shall be: -
 - (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 number of passengers per vehicle to prevent overloading and to ensure a higher level of service to passengers and equal opportunities to drivers,
 - (d) To direct passengers and to provide information related to the operation of the taxis operating at that or other taxi facilities, and
 - (e) To inform drivers about expected passenger demand and any other related matters.
- (5) The duties of a marshal in relation to taxis, shall be: -
 - (a) To control the arrival of taxis at taxi facilities, especially at loading areas and in accordance with the provisions of Sections 61 and 63,
 - (b) To allow only permit holders to enter and exit such facilities,
 - (c) To communicate and co-ordinate taxi movements between loading and holding areas,
 - (d) To control taxi departures according to loading patterns, and
 - (e) To direct a taxi to a holding area and to re-direct such taxi to a rank.

65. Servicing and washing of taxis at taxi facilities

- (1) No person shall repair or maintain any motor vehicle in any way whatsoever at any taxi facility, except where provision is made for this purpose.
- (2) No person shall wash any motor vehicle at any taxi facility, except at a wash bay specially constructed thereat for this purpose.

66. Entering and alighting of taxis

- (1) No person shall enter a taxi until all persons desiring to alight from the taxi have done so.
- (2) No person shall insist on entering a taxi, which contains the total number of passengers, which it is authorised to carry.
- (3) No person shall enter or alight or attempt to enter or alight from any taxi whilst in motion.

67. Queues at facilities

- (1) At any established taxi rank facility, the Council may erect or cause to be erected queue signs that consists of a notice board indicating the location and the manner in which persons waiting to enter a taxi, shall stop and form a queue and such 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, shall 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, shall 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 Council.
- (4) A passenger may only enter a taxi when he/she gets to the front of the queue.
- (5) Every passenger queuing shall comply with all the instructions given by an approved taxi marshal, authorised officer or authorised official when on duty.

68. Payment of taxi fares

Every passenger shall pay the determined fare for the journey on request.

69. 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 passenger shall at the request of the driver, alight from the defective taxi and should the passengers have already paid their fares, they shall be entitled to a refund to the amount of their fares so paid.
- (2) Upon agreement with the driver of the defective taxi, passengers shall be allowed to travel with the next available taxi for the remainder of the distance in respect of there paid fares, at the cost of the defective taxis owner.

70. Dangerous or offensive articles

An authorised officer may remove any person, in possession of any article, instrument or implement, which may be considered dangerous and/or offensive by the passengers, driver, conductor, authorised officer, travelling in or on any taxi.

71. Animals

No passenger may enter a taxi with any animal other than a guide dog assisting a blind person.

72. 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 cause the driver to deviate from his route,
 - (i) Endangering the lives of other people,

- (j) Interfering with the actions of the driver.
- (2) Any person committing any of the mentioned actions or another offence stipulated in any other legislation, shall in addition to incurring the penalty provided for in this by-law, forfeit his/her fare and be immediately removed from the taxi.

73. Riotous or indecent behaviour

Any person causing a disturbance or behaving in a riotous or indecent manner shall be guilty of an offence in terms of this by-law and may be removed from a taxi, a queue or the vicinity of a ranking facility by any authorised officer or authorised official of the Council.

74. Contagious disease

No person suffering from a contagious disease shall enter any taxi.

75. Permit to be produced on demand

The holder of a permit in terms of this by-law shall: -

- (1) Maintain such permit in a good and legible condition; and
- (2) Keep it in the motor vehicle to which it relates at all relevant times when such vehicle is being operated as a taxi.
- (3) Any authorised official of the Council may call upon the driver of any taxi to stop and may demand from him: -
 - (a) To produce the 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.
- (4) No driver referred to in subsection (3) may, when called upon to do so by any authorised officer: -
 - (a) Refuse to stop;
 - (b) Refuse to supply his full name and address;
 - (c) Refuse to supply the correct name and address of the owner or operator of the vehicle in his charge;
 - (d) Refuse to produce a permit; or
 - (e) Give a false name and/or address.

76. Right of entry

- (1) Any authorised official of the Council may for the purpose of enforcement of this by-law, at any reasonable time and without previous notice, enter upon any taxi facility and make such inspection and enquiry, as he may deem necessary.
- (2) Such official, if so requested by the owner or occupier of the premises, shall submit proof of his identity and authority to make the inspection and enquiry.

77. Presumptions

- (1) Any motor vehicle which is found on a taxi facility or which has stopped at a taxi facility shall be presumed to be plying for hire, unless the contrary is proved.
- (2) Any person, who by means of any motor vehicle, which corresponds to the definition of a taxi, conveys passengers, shall 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.
- (3) Any person who does not display a decal as prescribed in Section 54, is presumed to be in contravention of Section 54, unless the contrary is proved.
- (4) A document which purports to be a receipt of prepaid registered post, a telefax transmission report, or a signed acknowledgement of hand delivery, shall 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.

78. Suspension or withdrawal of permit

- (1) Where the owner, operator, holder or person in charge of a taxi has been convicted for a contravention of any of this by-law, or any other law relating to the operation of such taxi, and notwithstanding the imposition of any other penalty by a Court of Law, the Council may, subject to the provisions of Section 48, suspend, for a period determined by the Council, or withdraw the permit in respect of any such taxi.
- (2) No owner or driver shall use, cause or allow to be used as a taxi at a taxi facility any vehicle of which the

permit has been suspended or withdrawn.

79. Procedure for the withdrawal of a rank permit

- (1) A permit shall not be withdrawn or suspended unless: -
At least fourteen (14) days written notice of the intention to do so has been given by the Council by registered or certified post, telefax or hand delivery to the holder of the permit concerned at his last known address and which notice shall give :-
 - (a) The reasons for, and disclosure of the nature of the intended action;
 - (b) The gist of the information which may be prejudicial to such holder together with an invitation to reply thereto;
 - (c) An address for the submission of written representations;
 - (d) The date, time, venue and address not less than 30 days from the date on, or at which a hearing will be held to consider the withdrawal or suspension in question, and draw the attention of the holder to the fact that he may submit representations and appear at the hearing;
 - (e) Such holder is given an opportunity, either personally or through his duly authorised representative, to appear at a hearing before the Council or a committee thereof, for the purpose of making representations;
- (2) Where the holder of a permit who has received a notice referred to in subsection (1)(a), wishes to appear and to oppose the proposed action, he shall within fourteen (14) workdays (or any extended period as the Council may allow) of receipt of the notice submit representations in writing and submit such representations by hand or by certified post to the address indicated in the relevant notice.
- (3) After the hearing referred to herein, the Council shall decide whether or not to withdraw or suspend the permit in question, and shall furnish the holder with its written reasons therefore not later than fourteen (14) workdays after the date of conclusion of such hearing.

80. Change of address

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

81. Amendment of the particulars on a rank permit

If the particulars reflected on a rank permit are incorrect by virtue of a change in such particulars or for any other reason, the holder of such permit shall submit the permit to the Council for the amendment thereof within fourteen (14) working days of such amendment coming to his notice.

Chapter IV

Street Trading

82. Freedom to trade

- (1) No person shall trade on a public road subject to the provisions of sections 83 and 85 and except in so far as trading is restricted or prohibited by any law or by-law.
- (2) No person shall without the consent of the Council in writing hold any auction, sale or Flea market in any street or public place save as provided for in other legislation, regulations and by-laws.

83. General Conduct

A person trading shall -

- (1) Not place his or her property on a roadway or public place with the exception of on his or her motor vehicle or trailer from which trade is conducted provided that such vehicle or trailer does not obstruct pedestrian and/or traffic movement or cause damage to any road or property and complies with the provisions of the NRTA and any other relevant act or by-law;
- (2) Ensure that his or her property does not cover an area of a public road or public place which is greater in extent than 6 m² (with a maximum length of 3 meters) or unless otherwise approved by the council and which on any sidewalk does not leave an unhindered walking space of less than 1, 5 meters for pedestrian traffic measured from the verge thereof;
- (3) Not place or stack his or her property in such a manner that it constitutes a danger to any person or property or is likely to injure any person or cause damage or danger to any property;
- (4) Not obstruct access to a fire hydrant;
- (5) On concluding business for the day remove his or her property, except any approved structure permitted by the council, to a place which is not part of a public road or a public place;

- (6) Not display his or her goods or other property on, against or in a building or other private property, without the consent of the owner, occupier or person in control of such building or property;
- (7) On request by an authorized official of the council or supplier of telecommunication or electricity or other services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
- (8) Not attach any object by any means to any building, structure, pavement, tree, parking meter, lamp pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place.
- (9) Not make or place any open fire on the sidewalk, public places or Council property, except in the areas demarcated or approved by the Council for such purposes.
- (10) Ensure that gas fire and paraffin stoves are placed and used in the structures approved by the Council and they should be placed in such a manner that they may not constitute danger to person or property.
- (11) Not erect or place permanent structure, container, caravan, trailer or unsightly structure on the sidewalk, park, public places or Council property.
- (12) Ensure that the vehicle, trailer or caravan in which trading is conducted from comply with the NRTA in terms of registration and licensing.
- (13) Not store his/her properties in a manhole, drainage system, storm water drain, bus shelter, public toilets, public places, advertising signs, Council property or trees.

84. Prohibition on carrying on business

No person shall in the jurisdictional area of the Council carry on the business of a street vendor: -

- (1) In a garden or park;
- (2) On a verge adjacent to a public building;
- (3) In an area declared by the council as a prohibited/restricted area in terms of Section 6A(2) of the Business Act, save on a stand leased by virtue of a lease agreement as contemplated in section 121;
- (4) At a place where: -
 - (a) It causes an obstruction in front of a fire hydrant or an entrance to or exit from a building;
 - (b) It causes an obstruction to vehicular traffic; or
 - (c) It substantially obstructs pedestrians in their use of a sidewalk; and
 - (d) On that half of a public road adjacent to a building used for residential purposes.
- (5) Along a road where the stopping of vehicles have been prohibited in terms of the NRTA or any other relevant act or by-law;
- (6) In any public parking area;
- (7) In a taxi rank or other taxi facility without the written approval of council.
- (8) Within 20 m from automatic bank teller machine, entrance to or exit of any bank.
- (9) Within 10 m from any street intersections, scholar patrol, pedestrian crossing and/or 3m from the corners of any building.
- (10) On any sidewalk, which is less than 3 m wide, whereof 1,5m, shall be clear for pedestrian traffic.

85. Cleanliness

A person trading shall: -

- (1) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- (2) Keep his/her property in a clean, sanitary and well maintained condition;
- (3) Dispose of litter generated by his/her business in whatever receptacles provided by the council for the public or at the dumping sites of the council;
- (4) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (5) Ensure that on completion of business for the day the area and/or site occupied by him/her for the purpose of trade, is free of litter;
- (6) Take such precautions as may be necessary to prevent the spilling onto a public road or public place of any fat, oil or grease in the course of conducting his/her business;
- (7) Prevent any smoke, fumes or other substance, odours and noise emanating from his/her activities that cause a nuisance, disturbance or pollution of any kind;
- (8) On request by an authorized official, employee or agent of the council, move his/her property so as to permit the cleansing of the surface of the area or site where he/she is trading.

86. Obstruction of pedestrians

No person shall trade at a place where such trading: -

- (1) Obstructs access to or the use of street furniture such as a bus passenger bench or shelter bench or shelter or queuing line, a refuse disposal bin or other facility intended for the use of general public;
- (2) Obstructs the visibility of a display window in business premises if the person carrying on business in the business premises concerned, objects thereto;

- (3) Obstructs access to any vehicular or pedestrian entrance to or exit from a building;
- (4) Obstructs access to a pedestrian crossing;
- (5) Obstructs access to any motor vehicle;
- (6) In any other manner obstructs pedestrians in their use of the sidewalk;
- (7) Obstructs access to an automatic bank teller machine;
- (8) Obstructs access to a fire hydrant or
- (9) Is prohibited by any sign erected by the Council.

87. Obstruction of vehicular traffic

No person shall trade at a place where such trading: -

- (1) Causes an obstruction or unnecessary delay on a roadway;
- (2) Limits vehicular access to parking or loading bays or other facilities for vehicular traffic;
- (3) Obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this by-law or any other law;
- (4) Interferes in any way with any vehicle that may be parked alongside such a place;
- (5) Obscures or impedes the view of a road, or traffic on such road, of any road user.

88. Street trading license

- (1) No person shall in the Metropolitan area carry on a street trading business, whether as principal, agent or employee by hawking in meals or perishable foodstuff or any other street trading business: -
 - (a) Which is conveyed from place to place, whether by a vehicle or otherwise.
 - (b) On a public road or at any other place accessible to the public or;
 - (c) In, on or from a movable structure or stationary vehicle unless the business is covered by a hawker license as required by section 2 of the Business Act.
- (2) Any person who intends to carry a business of hawking in meals or perishable foodstuff shall, on the prescribed form apply to the Council for a license to carry on a business as contemplated above.
- (3) If such application is successful, the owner, employee or agent shall while operating his/her business carry such license on him/ her and shall upon demand by any authorized officer produce such license.
- (4) Any person who fails to produce or carry on business of hawking in meals or perishable foodstuff without license shall be guilty of an offence.
- (5) Any person who is hawking in meals and perishable foodstuff shall not operate within a radius of 50 m from any fixed licensed food premises.

89. Application to lease a stand or a stand with facilities

- (1) Any person who intends to carry on a business as contemplated in section 88 shall, on the prescribed form, apply to the council for the lease or allocation of a stand or a stand with facilities.
- (2) If such application is successful: -
 - (a) The applicant shall, in respect of such stand or stand with facilities enter into a lease agreement with the council at such rental as prescribed;
 - (b) A permit shall be issued to the applicant (hereinafter referred to as the "street vendor") as proof of the person's right to occupy such stand or stand with facilities for the purpose of carrying on business as contemplated in section 87;
- (3) Street vendors shall, while selling on the stand or a stand with facilities retain such permit on their persons ready for production to any authorized officer who calls for them; and
- (4) The Council may, at the written request of the street vendor, issue a permit to one *bone fide* employee of the street vendor, and the provisions of section 88 shall be applicable to such employee *mutatis mutandis*.
- (5) A person who carries on the business of a street vendor on a stand or a stand with facilities and who is unable to produce a permit, as contemplated in subsection ((2)(b) above, shall be guilty of an offence.

90. Refusal of application and appeal

- (1) When the council decides to refuse an application to lease a stand or stand with facilities, it shall as soon as practicable: -
 - (a) Notify the applicant concerned in writing of its decision;
 - (b) Furnish the applicant concerned in writing with the reasons for its decisions;
 - (c) Inform the applicant in writing of his right of appeal under subsection (2).
- (2) Any person who feels himself aggrieved by a decision of the council may appeal against the decision in accordance with the provisions of the regulations as contemplated in section 6(1)(a)(6) of the Business Act;
- (3) If the council fails to make a decision on any application in terms of this by-law within 21-days after the receipt of the application or within such extended period as may be agreed upon between the council and the applicant concerned, it shall for the purposes of this section be presumed that the application was refused by the council.

91. Delegated responsibility of persons carrying on business

No person shall instructs, allows, permits, incite, or otherwise induce or persuade any other person to contravene any provisions of this by-law.

92. Impoundment / Removal / Disposal

- (1) An authorized officer may remove and impound any goods, container, shelter or tent: -
 - (a) Which, on reasonable grounds, they suspect are being used or are intended to be used or have already been used in connection with the carrying on of the business of a street vendor;
 - (b) Which he/she finds in a park or on a public road or public place and which in their opinion constitutes an infringement of this by-law, whether or not such goods, container, shelter or tent are in the possession of or under the control of any person at the time of such impoundment or removal.
- (2) An authorized officer acting by virtue of subsection (1) shall issue a receipt from an approved receipt book to the person who appears to be in control of the goods, container, shelter or tent concerned.
- (3) Any goods, container, shelter or tent as contemplated in subsection (1) shall be marked in a suitable manner and kept in safe custody.
- (4) The street vendor whose goods, container, shelter or tent is confiscated in terms of this by-law shall, before such goods, container, shelter or tent is returned to him/her pay to the Council the storage costs as determined by council from time to time.
- (5) The owner thereof may claim any confiscated goods, container, shelter or tent, on production of proof of ownership to the satisfaction of the Council.
- (6) Any goods, container, shelter or tent which have not been claimed within a period of three months from the date of impoundment, may be destroyed if of no commercial value, or sold by public auction and the proceeds thereof shall be retained by the council to defray its costs and expenses with regard to the contravention, confiscation and storage.
- (7) The council shall not be liable for compensation to any person for damages arising out of the damage to or the loss of any goods, container, shelter or tent removed in terms of section 92(1) or the sale thereof by public auction, and the owner of such goods shall have no claim or right of redress against the council, should such object be handed over in good faith to a person other than the owner thereof.
- (8) Any goods of a perishable nature will only be kept for 24 hours from confiscation and will then be destroyed.

93. Signs indicating restrictions and areas

The Council shall by resolution: -

- (1) Prescribe signs, markings or other devices indicating specified hours, places, goods or services in respect of which street trading is restricted;
- (2) Specify the location or boundaries of a restricted area. The boundaries of a stand or area are for the purposes of carrying on of the business of street trading under Section 6A(3)(b) of the Business Act;
- (3) State the fact that any such stand or area has been let or otherwise allocated;
- (4) State any restriction or prohibition against trading in terms of this by-law, and
- (5) Specify the location or boundaries of a prohibited area, and
- (6) Display any such sign, marking or device in such a position and manner as will indicate the restrictions or the location or boundaries of the area or stand concerned.

Chapter V

Parking Grounds & Meters

94. Ticket-controlled parking grounds

Conditions of parking:

- (1) Subject to the provisions of section 98 and 100, no person shall park a vehicle or cause or permit it to be parked or allow it to be or remain in a parking ground wherein parking is controlled by the issue of tickets:
 - (a) Unless he has paid to an authorized official the charge for a parking period or sub-period prescribed for such parking ground in this by-law hereto;
 - (b) Otherwise than within a demarcated space and in compliance with such directions as may be given by an authorized official or, where no such spaces have been marked, otherwise than in such a place as an authorized official may indicate;
 - (c) After expiry of the sub-period for which payment has been made in terms of subsection (1)(a) without paying a further charge in terms of section 96;
 - (d) After an authorized official has indicated to him that the parking ground is full;
- (2) Subject to the provisions of subsection (1)(a) and subsection (4), after having previously removed the vehicle from the parking ground on the same day without paying to an authorized official a further additional tariff as determined by Council.
- (3) Upon payment of any charge referred to in subsection (1)(a), the authorized official shall issue to the

person paying the charge a ticket bearing a distinctive number, the date of issue, the charge made and the Council's name which shall entitle him to park his vehicle in the parking ground concerned during the parking period or sub-period, as the case may be, for which the charge has been paid.

- (4) A person who has parked or caused or permitted to be parked a vehicle in a parking ground referred to in subsection (1)(a), shall produce for inspection the ticket issued to him in terms of subsection (1)(a) when required to do so by an authorized official.
- (5) It shall be presumed, until the contrary is proved, that a person referred to in subsection (3) that fails to produce his ticket when required to do so in terms of that subsection has not paid the charge for which he is liable in terms of this by-law.

95. Mechanical parking grounds

- (1) Where in a parking ground the actual parking of a vehicle is affected wholly or partly by means of a mechanical device, the authorized official shall, if parking space is available, issue to the person presenting a vehicle a ticket whereby the Council authorizes the parking of such vehicle therein.
- (2) No vehicle parked in a parking ground as referred to in subsection (1) shall be delivered to any person by the authorized official, unless and until payment of the tariff then owing has been made and unless and until that person has produced to that employee the ticket issued to him in terms of subsection (1) or, failing the production of such ticket, other proof to the employee's satisfaction of his right to require delivery of the vehicle and has signed an indemnity in the form prescribed in annexure 8 of this by-law, holding the Council harmless against any claim by any person directly or indirectly connected with or arising out of the aforesaid delivery of the vehicle, and if required by such employee to furnish such security as he deems adequate.
- (3) No person who has caused a vehicle to be parked in a parking ground referred to in subsection (1) shall allow it to remain therein after expiry of the parking period as determined by Council.
- (4) Notwithstanding anything to the contrary in this by-law contained, an authorized official may, in respect of any parking ground referred to in subsection (1), issue at the charge in terms of the tariffs as determined by Council, an electro-magnetic permit card, entitling the holder for one calendar month to park a vehicle in that ground, and such permit card shall not be transferred to any other person.
- (5) Where a person has been issued with an electro-magnetic permit card in terms of subsection (4), he shall, upon receipt thereof, sign an undertaking in the form prescribed in annexure 9, that should such permit card be lost, misplaced or for any other reason be not returned to the Council after expiry of the period of validity thereof, or should he apply for a replacement of such permit card due to any such loss, misplacement or other reason, he shall pay to the Council the tariff as determined by the Council, in respect of such lost, misplaced or replaced permit card.

96. Parking after end of period

- (1) When a vehicle is left in a parking ground other than a parking ground as referred to in section 99 during the intervening period between one parking period and the next, a sum equal to twice the minimum tariff payable for a whole parking period in that ground shall be paid in respect of each such intervening period and, in addition, the prescribed tariffs in respect of the second and any subsequent parking period during any part of which the vehicle remains in the parking ground shall be paid.
- (2) No person shall remove a vehicle from a parking ground without first having paid all tariffs that have accrued in terms of subsection (1).

97. Free parking

- (1) The Council may issue to any of its authorised officials a decal entitling the holder, when using a vehicle on the business of the Council, to park it free of charge in such parking ground as the decal may specify, if space therein is available (see annexure 3).
- (2) A decal issued in terms of subsection (1) shall be affixed by the holder thereof to the vehicle in respect of which it is issued in such manner and place that its written or printed context is readily legible from the outside of such vehicle.

98. Vehicles of excessive size

- (1) No vehicle with a gross vehicle mass exceeding 3 500 kg or a vehicle with a load exceeding 6m in length shall be parked in or on a parking ground.
- (2) Where the parking of a vehicle which with a load thereon exceeds 6m in length, is by notice permitted, the charge payable for parking shall be twice the charge prescribed for an ordinary vehicle and where the total length exceeds 7m, three times such charge.

99. Metered parking grounds

- (1) Place of Parking

- (a) No person shall park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a parking-meter ground otherwise than in a demarcated space.
- (b) The parking of every demarcated space shall be controlled by a parking meter.
- (2) Conditions of Parking
 - (a) No person shall park any vehicle, or cause any vehicle to be parked, in any demarcated space in a parking meter parking ground, unless there is at the same time inserted by him or on his behalf in the parking meter which controls the parking of the demarcated space, an appropriate coin as indicated on the meter: provided that: -
 - (i) In the event of a parking meter which can only be put into operation by the insertion of an appropriate coin and the turning to the extreme right of the handle affixed thereto, or by entering the number of the demarcated space, the insertion of the appropriate coin and the pressing of the button for the issuing of the parking meter ticket, such acts be executed: and
 - (ii) Where a person has ascertained that the parking meter in any demarcated space is not operating or not operating properly he shall, subject to subsection (2)(b), be entitled to leave a vehicle in that space without inserting a coin in terms of this subsection.
 - (iii) The insertion of a prescribed coin and the putting into operation of a parking meter shall entitle the person inserting it to park a vehicle in the appropriate demarcated space for the period corresponding with the payment so made.
 - (iv) The sub-periods during which a vehicle may be parked in any demarcated space and the coin or coins to be inserted in respect of such periods in the parking meter allocated to any such space shall be as determined by Council and the said sub-periods and the coins to be inserted in respect thereof in the parking meters, shall be at all times clearly indicated on the parking meter itself.
 - (v) Subject to the provisions of subsection (2)(a)(2), no person shall either with or without the insertion of a fresh coin in the parking meter, leave any vehicle in a demarcated space after the expiry of a sub-period as indicated by the parking meter, or return the vehicle to that space within fifteen minutes of that expiry or after that expiry to obstruct the use of that space by any other vehicle.
 - (b) If the Council causes to be displayed in conjunction with a demarcated space a notice prescribing a maximum period for continuous parking there is different from that specified by the parking meter, it shall be lawful, subject to the provisions of subsections (1) and (3), to park a vehicle in that space for the period so prescribed or for any shorter period, but it shall be unlawful so to park it for any period in excess of the prescribed period.
 - (c) Upon evidence that a vehicle was in a demarcated space at a time when the parking meter controlling or relating thereto did not indicate an un-expired portion of a sub-period, it shall be presumed, unless and until proved to the contrary, that the person who parked the vehicle in such space had inserted a coin in the parking meter and that the sub-period to which such coin related had expired.
 - (d) The tariffs payable for the use of parking grounds and parking meter parking grounds are as determined by Council.

100. Proof of time

The passage of time and where applicable, the number of the relevant demarcated space, as recorded by a parking meter shall be deemed to be correct unless and until the contrary be proved and the burden of so proving shall be on the person alleging that the parking meter has recorded inaccurately.

101. Miscellaneous

- (1) Closure of Parking Grounds
 - (a) Notwithstanding anything to the contrary in this by-law contained, the Council may at any time close any parking ground or portion thereof temporarily or permanently and shall indicate the fact and the period of such closure by notice displayed at the entrances to the ground closed or at the portion closed, as the case may be.
 - (b) No person shall introduce a vehicle into or park or cause or permit a vehicle to be parked or to remain in any parking ground or portion of a parking ground while it is closed in terms of subsection (1)(a).
- (2) Responsibility for Offence

Whenever a vehicle is parked in contravention of any provision of this by-law it shall be presumed, until the contrary be proved, that it was so parked by the person registered as its owner in the records of the appropriate registering authority in terms of the NRTA.
- (3) Defective Vehicles

No person shall park or cause or permit any vehicle to be parked or to be or remain on any parking ground for the use of which no tariff is determined by Council which is out of order or for any reason incapable of movement: Provided that no offence against this by-law shall be deemed to have been

committed in respect of any vehicle which, after having been parked in a parking ground, develops a mechanical defect which immobilizes it if the person in control of it proves that he took reasonable steps to have the vehicle repaired or removed as soon as possible.

(4) Behaviour in Parking Ground

(a) No person shall in any parking ground: -

- (i) Park or cause or permit to be parked or cause to be or remain, any vehicle other than a vehicle as defined in Section 94;
- (ii) When called upon by an authorized official to do so, fail or refuse to furnish him with his full and correct name and address;
- (iii) Use or cause or allow any vehicle to be used for plying for hire for the conveyance of passengers or goods or both;
- (iv) Clean, wash or, save in an emergency, work on or effect repairs to any vehicle or any part thereof;
- (v) Drive any vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons;
- (vi) Drive any vehicle at more than 15 km/h;
- (vii) Park a vehicle otherwise than in compliance with any notice or sign displayed therein or with an instruction or direction given him by an authorized official or introduce or remove a vehicle otherwise than through an entrance thereto or exit there from appointed for that purpose;
- (viii) So park or load a vehicle or allow anything to be on it that it obstructs other vehicles or persons or impedes their movement or is likely to do so;
- (ix) Without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon such vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents;
- (x) Subject to the provisions of Sections 98 and 97, so park any vehicle that any part of it lies across any white line forming a boundary of a demarcated space or that it is not entirely within the confines of such a space;
- (xi) Remove, obscure, deface, damage or interfere with any notice, sign or marking erected or made by the Council or with any other property belonging to it;
- (xii) Do any act or introduce anything which obstructs or is likely to obstruct the movement of persons and vehicles;
- (xiii) With intent to defraud the Council forge, imitate, deface, mutilate, alter or make any mark upon a ticket issued in terms of this by-law;
- (xiv) Without first having obtained the Council's permission thereto, fill any vehicle with or drain fuel from such vehicle;

(b) A sign which the Council displays in a parking ground and which conforms to a road-traffic sign prescribed in terms of the NRTA as amended, shall for the purpose of this by-law bear the same significance as is given to that sign by those regulations.

(c) Unless he is the holder of a decal issued in terms of Section 102(10), entitling him to do so, no person shall park a vehicle or cause or permit it to be parked in any parking ground before the beginning or after the expiry of the parking period prescribed for the parking ground in terms of this by-law hereto.

(5) Damage to Vehicles

The Council shall not be liable for the loss of any vehicle or for its unlawful removal from the ground, or for damage to any vehicle or its fittings, accessories or contents while in a parking ground, or for such damage if it is the consequence of its being moved due to a non compliance with any stipulation contained in this by-law.

(6) Authorized Persons

No person shall, unless authorized thereto by the Council, enter or be in a parking ground otherwise than for the purpose of parking a vehicle therein or lawfully removing it there from: Provided that this section shall not apply to a person whom the person in charge of a vehicle has permitted to be a passenger therein.

(7) Obstruction

If a vehicle has been parked in such a position that in the opinion of an authorized official it is likely to obstruct or impede the movement of other vehicles or persons in the parking ground, he may move it or cause it to be moved to another part of the ground.

(8) Abandoned Vehicles

(a) Any vehicle that has been left in the same place in a parking ground for a continuous period of more than seven days may be removed by or at the instance of an authorized official to the Council's pound.

(b) The Council shall take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (8)(a) and if, after the lapse of 90 days from the date of its removal the owner or other person entitled to its possession cannot be found, the vehicle may, subject to the provisions of

- subsection (8)(c), be sold by public auction.
- (c) Fourteen days notice of an auction sale to be held in terms of subsection (8)(b) shall be published in at least one English and one Afrikaans newspaper circulating in the municipality, but the sale shall not be proceeded with if at any time before purchase of the vehicle it is claimed by the owner or any person authorized by him or otherwise lawfully entitled to claim it and all charges payable in respect thereof in terms of this by-law and all costs incurred in terms of subsection (8)(d) have been paid to the Council.
 - (d) The proceeds of a sale concluded in terms of this section shall be applied first in payment of the charges incurred in terms of subsection (8)(c) and in satisfaction of the following costs:
 - (i) The costs incurred in endeavouring to trace the owner in terms of subsection (8)(b).
 - (ii) The costs of removing the vehicle and advertising and affecting its sale.
 - (iii) The costs of keeping the vehicle in the pound, which shall be determined by Council from time to time, up to a maximum of 120 days.
 - (e) Any balance of the proceeds shall be paid to the owner of the vehicle or any person lawfully entitled to receive it on his behalf upon his establishing his right thereto to the satisfaction of the Council: Provided that if no claim be so established within one year of the date of the sale, such balance shall be forfeited to the Council.
 - (f) The exercise by the Council, or any person acting on its behalf, of the powers conferred by this section shall not subject it or him to any liability in respect of the loss or theft of or damage to the vehicle or any part thereof or anything therein or relieve any person of the consequences of his contravention of any provision of this by-law.
- (9) Refusal of Admission
- (a) It shall be in the discretion of a duly authorized official to refuse to admit to a parking ground a vehicle which with or without any load is by reason of its length, width or height likely to cause damage to persons or property or to cause an obstruction or undue inconvenience.
 - (b) A person in control of a vehicle who, having been refused admission in terms of subsection (9)(a), proceeds to drive it into a parking ground shall be guilty of an offence.
- (10) Monthly Tickets
- (a) Notwithstanding anything to the contrary in this by-law contained, the Council may in respect of any parking ground issue a ticket at the tariff as determined by the Council, entitling the holder to park a specified vehicle in that area for a continuous period of one calendar month or any lesser period states therein, at the times stated on the ticket, if space is available, and such ticket shall not be transferred to any other person.
 - (b) A ticket issued in terms of subsection a shall be affixed to the vehicle in respect of which it is issued, in such manner and place that the written or printed context thereof is readily legible from the outside of such vehicle.
- (11) The tariffs payable for the use of parking grounds shall be as determined by Council.

102. Parking Meters

- (1) No person shall park any vehicle in any public place in an area other than in a demarcated parking place and without at the same time making a payment in the manner prescribed in this by-law.
- (2) No person shall park any vehicle, or cause any vehicle to be parked, in any demarcated parking place unless there shall be at the same time inserted by him, or by someone on his behalf, in the parking meter controlling that demarcated parking place the appropriate coin indicated on such meter.
- (3) If it is a parking meter which is operated not only by the insertion of a coin but also by the turning to the extreme right of the handle affixed thereto after the insertion of the appropriate coin then until the meter registers and visibly indicates the parking period.
- (4) If it is a parking meter which controls several demarcated parking places and it is operated not only by the insertion of a coin but also by the pressing of a button, and completion of instructions indicated on the meter including entering the appropriate parking bay number then until the meter registers and visibly indicates the parking period.
- (5) Provided that:-
 - (a) Subject to the provisions of subsection (2) it shall be lawful without such payment to park a vehicle in a vacant demarcated parking place for such part and such part only of any parking period as the parking meter controlling that demarcated parking place may indicate to be unexpired.
 - (b) No tariff shall be payable in respect of any period during which the parking meter controlling that demarcated parking place is out of order; and
 - (c) A motorcycle may not be parked in a demarcated parking place unless it is in a demarcated parking place set aside in terms of subsection (10) hereof.
 - (d) It shall be unlawful, either with or without the insertion of a fresh coin in a parking meter to leave any vehicle in a demarcated parking place after the expiry of a parking period, as indicated by the parking meter controlling that demarcated parking place, or to return the vehicle to that demarcated parking space within 30 minutes of the expiry, or after that expiry to obstruct the use of that demarcated parking place by any other vehicle.
 - (e) The insertion of the prescribed coin in the prescribed manner in a parking meter shall entitle a

person inserting it to park a vehicle in the appropriate demarcated parking place for the period corresponding with the payment so made.

- (6) Provide that, notwithstanding the making of a payment as aforesaid, nothing in this section shall entitle any person to contravene a notice exhibited by the Council in terms of any law or regulation prohibiting the parking of vehicles between specified hours.
- (7) It shall be unlawful: -
 - (a) Insert or attempt to insert into a parking meter any coin other than a coin of South African currency of a denomination as prescribed on the meter or on a sign erected by the Council;
 - (b) Insert or attempt to insert into a parking meter any false or counterfeit coin or any foreign object;
 - (c) Tamper with, damage or deface or write or draw on, or affix any handbill, poster, placard or other document, whether or not of an advertising nature, to a parking meter, other than an advertisement of which the Council has specifically approved for that purpose;
 - (d) In any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a prescribed coin;
 - (e) Jerk, knock, shake or in any way agitate or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose;
 - (f) Remove or attempt to remove a parking meter or any part thereof from the post or other fixture to which it is attached.
- (8) Every vehicle shall be so placed in a demarcated parking place, other than one which is at an angle to the kerb, that is wholly within that demarcated parking place.
- (9) Where any vehicle parked in a demarcated parking place occupies by reason of its length so much of an adjoining demarcated parking place that it is not possible to park a vehicle in that adjoining demarcated parking place in the manner prescribed by subsection (6), the person parking the first mentioned vehicle shall immediately after parking it insert an appropriate coin or set the parking meter/s in operation as described in subsection (2) above of both demarcated parking places which are occupied by his vehicle.
- (10) The Council may set aside and demarcate smaller parking places for the parking of two wheeled vehicles, and the provisions of this section, and in particular the charges prescribed by resolution as aforesaid, shall be applicable to such smaller demarcated parking places.
- (11) The passage of time as recorded by a parking meter shall be deemed to be correct unless and until the contrary be proved, and the burden of so proving shall be on the person alleging that the parking meter has recorded inaccurately.

Chapter VI

Parking Attendants & Car watchers

103. Prohibition

- (1) No person may act as, operate as or falsely hold him or herself out to be a parking attendant on any public road or in any public place of the Council without the written permission of the Council.
- (2) No organisation may organise the guarding of vehicles in public places or on public roads of the Council through parking attendants without being registered and approved by the Council as a parking attendant organisation.
- (3) No person may act as a parking attendant unless he or she is registered as a member of an organisation.

104. Consent of the council

- (1) Only organisations that are registered with the Council as parking attendant organisations may provide a parking attendant service in public places or on public roads of the Council.
- (2) Before any organisation can be registered with the Council, the organisation must submit, together with its application form (see annexure 10) for registration proof of indemnity or of public liability insurance regarding the actions of its parking attendants, to the satisfaction of the Council.
- (3) The Council may consider any application and may grant, partially grant or refuse an application and must furnish the reasons for the decision at the request of the applicant. The decision of the Council is final.
- (4) The Council, on receipt of an application for registration, call for documentary or other proof of the capacity of the organisation to provide parking attendants, including information regarding the finances of the organisation.
- (5) When approving an organisation's application for registration regarding a specified geographic area, the Council must issue a permit (see annexure 12) prescribing the geographic areas within which the organisation may operate and the period of time for which it is granted. The permit issued shall not be valid for a period exceeding 12 months from the date of issue.

105. Conditions for consent

- (1) Organisations:

- (a) Subject to the provisions of section 106, consent is granted to an organisation to place parking attendants, provided that the organisation adopts and signs the Code of Conduct for Organisations (see annexure 14).
 - (b) Organisations must keep detailed attendance and duty records reflecting the following in respect of their parking attendants:
 - (i) Name of the parking attendant;
 - (ii) Time at which the parking attendant goes on and off duty;
 - (iii) Place of assignment of the parking attendant; and
 - (iv) Incidents and occurrences.
- (2) Parking attendants:
Each parking attendant in the employ of an organisation must sign the Code of Conduct for Parking Attendants (see annexure 15).

106. Registration fee payable

After the Council has granted approval: to an organisation to operate a parking attendant service within the Metropolitan area, the organisation must pay to the Council a registration tariff. The monetary amount of the registration tariff is determined by Council and fixed in the contract.

107. Garments and identification of parking attendants

- (1) An organisation is responsible for issuing the following to its parking attendants free of charge or at the parking attendant's own cost:
 - (a) A bib or jacket and equipment;
 - (b) A supply of vouchers (see annexure 13); and
 - (c) An identification card (see annexure 11).
- (2) A parking attendant must, before undertaking any duties, equip himself or herself with the following, at his or her own cost or obtain the following free of charge from the organisation:
 - (a) A bib or jacket and equipment;
 - (b) A supply of vouchers (see annexure 13); and
 - (c) An identification card (see annexure 11).
- (3) 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 displayed in a visible position.
- (4) A parking attendant must, whenever he or she undertakes to guard a vehicle, hand the driver a voucher.

108. Conduct of organisations

Any Organisation must undertake to do the following:

- (1) Register with the Metropolitan Police Services.
- (2) Train parking attendants, and incorporate all unauthorized parking attendants who adhere to the requirements of conduct for organisations and for parking attendants.
- (3) Provide its parking attendants with supervision, preferably by means of direct radio contact with the organisation's control office.
- (4) Supply uniforms (bibs or jackets), identification cards and the other relevant equipment to the parking attendants.
- (5) Resolve all parking disputes or differences that may arise in the assigned areas of the parking attendants.
- (6) Instruct all parking attendants under contract to comply with the By-laws.
- (7) Ensure that the organisation's officials make themselves available to attend meetings as and when requested to do so with their clients.
- (8) Establish communication with the SAPS and the Metropolitan Police Services.
- (9) Make sure that all of its parking attendants have been screened and have undergone security clearance as prescribed by the Security Officers Act, Act 53 of 1985.
- (10) Keep detailed attendance and duty records of the daily activities of its parking attendants.

109. Requirements for conduct of parking attendants

- (1) No parking attendant may, when on duty:
 - (a) Tamper with activate or operate a parking meter.
 - (b) Wash a car on a public road or in a public place and interfere with the movement of traffic or pedestrians;
 - (c) Demand a donation or fee for guarding a driver's vehicle;
 - (d) Fail to obey a lawful order from an authorised officer or an authorised official;
 - (e) Harass or threaten a driver, or damage a vehicle in any way;
 - (f) Involve himself or herself in any form of criminal activity;
 - (g) Be under the influence of alcohol or any narcotic substance or consume or use any alcohol or narcotic substance;
 - (h) Be untidily dressed;

- (i) 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;
 - (j) Ignore any by-laws of the Council or contravene or fail to comply with any other law.
- (2) No parking attendant may refuse to subject him or herself to a security check as prescribed by the Security Officers Act, Act 53 of 1985.

110. Cancellation or suspension of permits

- (1) The Council may suspend a permit on the grounds that the holder of the permit or the organisation to which the holder belongs has allegedly committed an offence in terms of this by-law.
- (2) A permit granted in terms of the By-laws may be immediately suspended or cancelled by the Council if the permit holder;
 - (a) Tamper 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 a 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 of 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.

111. Offences

No parking attendant may: -

- (1) Tamper with or activate or operate a parking meter.
- (2) Refuse to observe or carry out the lawful instruction of an authorised person or an authorised officer.
- (3) Be intoxicated while performing his or her duties as a parking attendant.
- (4) Clean or wash any motor vehicle in a public place or on a public road.
- (5) Interfere with the movement of vehicular traffic or the parking of vehicles.
- (6) Interfere with the movement of pedestrians.
- (7) Through intimidation, demand a donation or fee for guarding a vehicle.
- (8) Damage or threaten to damage a vehicle in any way for not receiving a donation or fee.
- (9) Refuse to produce a permit on request.
- (10) Operate as a parking attendant in a public place or on a public road without a permit issued by the Council.
- (11) Use a false permit to operate as a parking attendant in a public place or on a public road.
- (12) 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 organisation and in accordance with the provision of this by-law; and
- (13) Allow any organisation to permit a person who has his or her permit cancelled or suspended to act as a parking attendant.

112. Vicarious responsibility and liability of organisation

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

Chapter VII

113. Penalties

Any person contravening any of the foregoing by-laws shall be guilty of an offence and liable on conviction, except where otherwise expressly stated, to: -

- (1) A fine not exceeding R2 000.00 or in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment;
- (2) In case of successive or continuous breaches of any by-law it is provided that any expense incurred by the Council in consequence of a breach of any by-law or in the execution of any work directed by any by-law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

114. Powers

- (1) In terms of Section 156 (2) read with section 229 of the Constitution of the Republic of South Africa, Act 108 of 1996 the Council may make and administer by-laws for the effective administration of matters, which it has the right to administer.
- (2) The authority to administer this by-law vests in Council in terms of inter-alia;
 - (a) Part B of Schedule 5 read with section 156 (1)(a) and 156 (2) of the Constitution of the Republic of South Africa, Act 108 of 1996.
 - (b) Section 11 of the Local Government Municipal Systems Act, Act 32 of 2000
 - (c) Chapter VI of the National Road Traffic Act, Act 93 of 1996, as amended.
 - (d) Section 165 *bis* of the Local Government Ordinance, Ordinance 17 of 1939.
 - (e) Application of the provisions of the Road Transportation Act, Act 74 of 1977
 - (f) Section 64 of the South African Police Services Act, Act 68 of 1995 as amended by the amendment Act, Act 83 of 1998.

115. Short Title and commencement

- (1) This by-law shall be called the Ekurhuleni Metropolitan Police Services By-law, and shall come into operation on a date fixed by the Executive Mayor of the Ekurhuleni Metropolitan Municipality by proclamation in a *Government Gazette*

116. Tariffs

- (1) The Council shall determine tariffs or fees from time to time in accordance with section 4(c) Local Government Municipal Systems Act, Act 32 of 2000.
 - (2) All refundable deposits will be forfeited to the Council in the event of non compliance of any of the foregoing by-laws.
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CHAPTER VIII

Annexure 1

EKURHULENI METROPOLITAN MUNICIPALITY

APPLICATION FOR A TAXI RANK PERMIT

1. Full name of Applicant (owner/operator/partnership/registered company/registered close corporation)

2. Identity number of Applicant or registration number in the case of a company/close corporation

3. Trade name, designation or title under which industry, trade or business is conducted

4. Physical address of Applicant: _____

Postal Code: _____
5. Postal address of Applicant: _____

Postal Code: _____

[NOTE: The applicant shall be regarded as having received any documentation within 7 working days from the date of posting thereof to the address mentioned under point (4) and (5) in terms of the Ekurhuleni Metropolitan Police Services By-Law.]

6. Representative of Applicant having authority to deal with queries

7. Telephone numbers:
Home : _____
Business : _____
Cellular : _____

8. Vehicle registration number: _____
Engine number : _____
Chassis number : _____
Rank A: _____ B: _____
Rank C: _____ D: _____
Vehicle registration number: _____
Engine number : _____
Chassis number : _____

Rank A: _____ B: _____
Rank C: _____ D: _____

Vehicle registration number: _____
Engine number : _____
Chassis number : _____

Rank A: _____ B: _____
Rank C: _____ D: _____

Vehicle registration number: _____
Engine number : _____
Chassis number : _____

Rank A: _____ B: _____
Rank C: _____ D: _____

Vehicle registration number: _____
Engine number : _____
Chassis number : _____

Rank A: _____ B: _____
Rank C: _____ D: _____

9. Indicate the area from and to which conveyance of passengers and/or goods will be undertaken

NOTES OF IMPORTANCE:

1. A separate rank permit shall be applied for in respect of every five (5) motor vehicles.
2. An application will not be considered unless this form is completed in full detail.
3. All information on this form shall be typed or written in block letters and shall be legible.
4. A fee of R..... shall accompany this application.
5. This form shall also be accompanied by the following documentation:
6. Proof of the fitness of the vehicle concerned as required by the National Road Traffic Act, Act 93 of 1996, as amended.
7. Proof of registration and licensing of the vehicle in terms of Section 14 of the National Road Traffic Act, Act 93 of 1996, as amended.
8. A valid public road carrier permit issued under the Road Transportation Act, Act 74 of 1977, authorizing the road transportation proposed to be undertaken.
9. In terms of Chapter V of the National Road Traffic Act, Act 93 of 1996, as amended, a copy or photocopy of the operators certificate in respect of each vehicle concerned and proof that each such copy is certified by a Commissioner of Oaths, to be a true copy of the original thereof.
10. A letter of recommendation from the relevant taxi association.

STATEMENT

I hereby declare that the particulars in this application are true and correct to the best of my knowledge and belief, and that if I have wilfully stated anything in it, which I know to be false, I will be liable to prosecution.

I know and understand the contents of the above declaration.
I have no objection into taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.

Signed at _____ on this _____ day of _____ 20 _____

APPLICANT OR AUTHORISED REPRESENTATIVE

Annexure 2

EKURHULENI METROPOLITAN MUNICIPALITY

TAXI RANK PERMIT

Serial Number : _____
Date of Issue : _____ 20 _____
Valid until : _____ 20 _____
Full name of Holder : _____
Street Address : _____

Postal Code : _____
Postal Address : _____

 Postal Code : _____
 Registration Number : _____
 Make of vehicle : _____
 Type of Vehicle : _____
 Engine Number : _____
 Chassis Number : _____
 Decal Number : _____
 Rank A: _____ B: _____
 Rank C: _____ D: _____

.....
 AUTHORISED SIGNATURE

Annexure 3
DECALS

Rank permit in terms of section 54.

**Ekurhuleni Metropolitan Municipality
 Rank Permit**

No : _____
 Rank Permit No : _____
 Rank A: _____ B: _____
 Rank C: _____ D: _____
 Registration No : _____
 Chassis No : _____
 Engine No : _____
 Expiry Date : _____

Medical Practitioner permit in terms of section 3.

**Ekurhuleni Metropolitan Municipality
Medical Practitioner**

No : _____
Permit No : _____
Registration No : _____
Chassis No : _____
Engine No : _____
Expiry Date : _____

Authorised official permit in terms of section 96.

**Ekurhuleni Metropolitan Municipality
Authorised Official**

No : _____
Permit No : _____
Registration No : _____
Chassis No : _____
Engine No : _____
Expiry Date : _____

Annexure 4

EKURHULENI METROPOLITAN MUNICIPALITY

NOTICE OF INTENTION TO WITHDRAW OR SUSPEND RANK PERMIT

Chief: Metropolitan Police Services
PO Box 145
Germiston
1400

Postal Code: _____

Sir/Madame,

Please take note that the Council intends to withdraw/suspend the rank permit for a period of _____ days/permanently commencing on _____ 20____ The reasons for withdrawing/suspending rank permit number _____ in respect of motor vehicle registration number _____ are as follows -

You are hereby notified that a hearing, which will consider the withdrawal or suspension of the mentioned rank permit, will be held on _____ 20____ at _____ at approximately _____ and that you may appear at such hearing either personally or through your duly authorized representative. Should you wish to appear, you are requested to submit representations regarding the proposed withdrawal/suspension of rank permit number _____ in writing and to deliver them to the address mentioned herein above either by hand, telefax or registered post within 14 days on receipt of this notice. It will be accepted that you have received this notice within 14 days from the date that it has been posted to the mentioned address.

Chief: Metropolitan Police Services

Annexure 5

EKURHULENI METROPOLITAN MUNICIPALITY

REQUEST FOR A DUPLICATE OF THE RANK PERMIT

The Chief: Metropolitan Police Services
Ekurhuleni Metropolitan Municipality

Permit holder/owner : _____

Permit number : _____

Decal number : _____

Vehicle registration number, _____ for which the duplicate is required.

I, the undersigned, being the holder of the above-mentioned rank permit, hereby state under oath/solemnly declare that such rank permit has been:

- i. Lost Yes / No
- ii. Destroyed Yes / No
- iii. Damaged Yes / No

The circumstances under which the permit was Lost / Destroyed / Damaged are as follows:

Signed at _____ on this _____ day of _____ 20_____

Full name and surname of Holder/Owner

Signature of Holder/Owner

Annexure 7

Business Act, Act 71 of 1991

3(1) *Any person who feels himself aggrieved by a decision of a licensing authority may appeal against the decision in accordance with the provisions of a regulation contemplated in section 6(1)(a)(6).*

If a licensing authority fails to make a decision on any application in terms of this Act within 21 days after the receipt of the application or within such extended period as may be agreed upon between the licensing authority and the applicant concerned, it shall for the purposes of this section be presumed that the application was refused by the licensing authority.

6(1)(a)(6) *A MEC may make regulations for his province regarding appeals in terms of section 3, including the referral of appeals to appeal committees, and the constitution, functions and procedures, and the legal effect of findings, of such committees;*

6A(2) (a) *A local authority may, subject to the provisions of paragraph (b) up to and including (j), by resolution declare any place in its area of jurisdiction to be an area in which the carrying on of the business of street vendor, peddler or hawker may be restricted or prohibited.*

A motion that steps are taken to declare an area under this subsection shall be dealt with at a meeting of the local authority.

Before such a motion is adopted, the local authority shall have regard to the effect of the presence of a large number of street vendors, peddlers or hawkers in that area and shall consider whether

-

More effective supervision or control in that area, including negotiations with any person carrying on in that area the business of street vendor, peddler or hawker or their representatives, will make

such declaration unnecessary; and

The intended restriction or prohibition will drive out of business a substantial number of street vendors, peddlers or hawkers.

If such motion is adopted the local authority shall cause a plan to be prepared showing the position of the area concerned.

On completion of the said plan the local authority shall cause to be published in a newspaper circulating in the area of jurisdiction of that local authority, a notice setting out its intention to effect the restriction or prohibition concerned as well as its reasons therefore, stating that the said plan is open for inspection at a place and during the hours mentioned in the notice and calling upon any person who has any objection to the intended restriction or prohibition to submit in writing to the local authority within a period mentioned in the notice, which period shall not be shorter than 21 days following the day upon which the notice appeared in the newspaper, such objection or objections.

The local authority shall, at least 21 days before the last day on which objections may be submitted in terms of each notice, cause a copy of the said notice to be displayed at a suitable place in or near the area concerned.

The local authority shall consider every objection submitted in terms of paragraph (e) and (f) and may thereafter resolve on the declaration of the area concerned.

The local authority shall cause the declaration to be published in the Official Gazette, and such declaration shall take effect on the date of such publication.

The local authority shall forthwith after the publication referred to in paragraph (h), submit to the MEC a copy of the plan of the area, the notice published in the newspaper in terms of paragraph (e), the notice published in the Official Gazette in terms of paragraph (h) and all objections received, together with its comments thereon.

The MEC may within a period of 60 days after such submission and after consultation with the local authority concerned, by notice in the Official Gazette amend or revoke the declaration concerned.

Notwithstanding the provisions of section 17C(2) of the Promotion of Local Government Affairs Act, 1983 (Act no 91 of 1983), a local authority shall not authorize any committee of, or any officer or employee in the service of, the local authority to perform any duty assigned to the local authority by or under paragraph (b), (c) or (g).

Notwithstanding the provisions of any other law, a local authority may set apart by resolution and demarcate stands or areas for the purposes of the carrying on of the business of street vendor, peddler or hawker on any public road the ownership or management of which is vested in the local authority or on any other property in the occupation and under the control of the local authority; and in like manner extend, reduce or disestablish any such stand or area.

Annexure 8

Parking grounds

Indemnity Form

I, the undersigned,.....
(Full names)

residing at

and employed/carrying on business at
 being the owner/person legally entitled to possession of the motor vehicle
 described hereunder and parked at the by
 on..... (date) in the custody of the Council and being unable to produce the ticket in
 terms of the provisions of the Council's Parking Grounds By-laws in respect thereof, do hereby indemnify and hold
 harmless the Council against any claim for damages and any other action or proceedings at law directly or
 indirectly connected with or arising out of the delivery to me by the said Council of the said motor vehicle that may
 be brought by any person against the said Council and against all costs incurred by it in opposing, defending or
 settling any such claim, action or proceeding in its sole discretion inclusive of attorney and client costs.

DESCRIPTION

Motor Vehicle:

Type of Vehicle: Make:

Model: Reg. No.

Dated at Ekurhuleni Metropolitan Municipality this day of 200 , in the presence of the
 undersigned witnesses:

AS WITNESSES:

1. 2.

Annexure 9

Parking Grounds

Undertaking

I, the undersigned
 (Full names)

residing at

and employed.....

Being the holder of a token no. entitling me to park the motor vehicle in my possession at the
 parking ground during the period of validity of the aforesaid token, do hereby
 undertake that should I lose, misplace or for any other reason be unable to return it to the Council at the expiry of
 the validity period thereof, or as result of such loss, misplacement or such other reason apply for a replacement of
 such token, I shall pay to the Council, the sum of R50 in respect of such lost, misplaced or replaced token.

.....
 Signature of Holder

Annexure 10



APPLICATION TO REGISTER AS A PARKING ATTENDANT ORGANISATION

<p>Name of organisation and registration number, if any:.....</p> <p>Business address:.....</p> <p align="center">.....</p> <p align="center">.....Postal code:.....</p>
<p>Name of responsible person:.....</p> <p>ID number of authorised person:.....</p> <p>Residential address:</p> <p align="center">.....</p> <p align="center">..... Postal code:</p> <p>Postal address:</p> <p align="center">.....</p> <p align="center">..... Postal code:</p> <p>Telephone number: (H) :<input type="checkbox"/>.....</p> <p align="center">(W):.....</p> <p align="center">(Cell) :.....</p> <p align="center">Fax number:.....</p>

Are you interested in providing a parking attendant service on a public road or in a public place?
Mark with an X

Public road	
Public place	

8.1 If a specific ward or zone is already allocated to another organisation, you may consider applying for the remaining wards or zones. Indicate the wards or zones in which you are interested, in order of preference.

.....
.....
.....
.....
.....
.....
.....

8.2 Indicate the number of parking attendants or car watchers you intend to assign for this particular service?

Please attach a copy of your public liability insurance in respect of the parking attendant service to this application form.

Are you providing a similar, approved service in Ekurhuleni Metropolitan area?

Mark with an X

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If your answer is YES, please indicate your registration number.

Are there any additional functional methods you propose for operating the service?
(For example teargas, handcuffs, communication aids, response, etc).

.....
.....
.....
.....
.....
.....

Please give reasons why your application should be approved.

.....
.....
.....
.....
.....
.....
.....

I, the authorised person referred to in point 3 above, accept full liability for the conduct, obligations and actions of the above organisation and those of its members.

Signed at Ekurhuleni Metropolitan Municipality on the day of 20..

Authorised person:

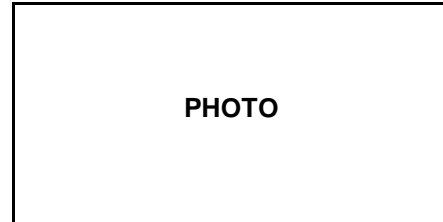
Signature:.....

Date submitted:.....

Time submitted:.....

Annexure 11

PARKING ATTENDANT/CAR WATCHER IDENTIFICATION



NAME :.....
ID NO :.....
ORGANISATION :.....
TELEPHONE NO :.....
ZONE/WARD ALLOCATION:

EMERGENCY TELEPHONE NUMBERS
METROPOLITAN POLICE SERVICES:.....
SAPS :.....

NB: The dimensions of the identification card must be 125mm x 85mm

- with the organisation=s control office.
5. Supply uniforms (bibs or jackets), identification cards and the other relevant equipment to the parking attendants or car watchers.
 6. Resolve all parking disputes or differences that may arise in the assigned areas of the parking attendants or car watchers.
 7. Instruct all parking attendants and car watchers under contract to comply with the By-laws for the Control of Parking Attendants and Car Watchers on public roads and in public places.
 8. Ensure that the organisation=s officials make themselves available to attend meetings with their clients when required.
 9. Establish communication with the SAPS and the Metropolitan Police Services Division.
 10. Make sure that all of its parking attendants and car watchers have been screened and have undergone a security clearance.
 11. Keep detailed attendance and duty records of he daily activities of its parking attendants and car watchers.

Annexure 15

CODE OF CONDUCT FOR PARKING ATTENDANTS AND CAR WATCHERS

1. No parking attendant or car watcher may, when on duty -
2. Tamper with; activate or operate a parking meter.
3. Wash a car on a public road or in a public place and interfere with the movement of traffic or pedestrians.
4. Demand a donation or fee for guarding a driver's vehicle.
5. Refuse to obey a lawful order from an authorised person or an authorised officer.
6. Harass or threaten motorists; - damage or threaten motorists by any other means.
7. Involve him or her in any form of criminal activity.
8. Be under the influence of alcohol or any narcotic substance or consume or use any alcohol or narcotic substance.
9. Be untidily dressed.
10. Refuse to produce proof of his or her identity when requested to do so by an authorised officer of a person who requires it for his or her information relating to the service rendered.
11. Refuse to subject himself or herself to an alcohol and drug test when called upon to do so; and
12. Ignore any by-laws of the Council; contravene or fail to comply with any other law.
13. No parking attendant or car watcher may refuse to subject him or herself to a security scan.

For Office Use

File:	1/4/1/1/1
Council Resolution:	PS 33/2002 dated 25 June 2002
Gauteng Provincial Gazette Number	39 dated 12 February 2003
Local Authority Notice Number	208

File:	1/4/1/1/1
Council Resolution:	A-CP (01-2016) dated 30 March 2017
Gauteng Provincial Gazette Number	116 dated 17 May 2017
Local Authority Notice Number	658