



POLICE SERVICES BY-LAWS

LESEDI LOCAL MUNICIPALITY

In these By-laws, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 [Act No. 71 of 1991], shall have a corresponding meaning in these By-laws.

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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;
- “**animation**” means a process whereby advertisements’ visibility or message is enhanced by means of moving units, flashing lights or similar devices;
- “**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 Municipal 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 2000 as amended;

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

“authorised officer” means

(1) Lesedi Traffic Officials appointed under the NRTA, Act 93 of 1996;

(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;

“back light units (backlit)” means advertising structures which house illumination in a box with through light through translucent advertising printed on plastic or heavy duty paper for a higher visibility and extended night viewing;

“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;

“banner” means an advertisement displayed on plastic sheet, paper, mache or any similar pliable material or on calico or other woven material, attached to or suspended between two poles or other supports;

“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;

“billboard” means any screen or board larger than 4m² supported by a free standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is commonly known as an advertising hoarding. The main function of a billboard is to advertise non-locality Bound products, activities or services;

“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;

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

“ByLaw” means a bylaw 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 bylaw, and A cancellation @ 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 bylaw made by the Council;

“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;

“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;

“copy” as contemplated in Chapter IV of this bylaw means the complete advertising message to be displayed on the advertising structure;

“Council” means the Lesedi Local 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 bylaw and **“ Lesedi Council”** shall have the same meaning;

“cut outs/ embellishments/ addon”

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 bylaw, 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 bylaw;

“designated facility” means a facility referred to in Chapter III of this bylaw;

“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;

“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;

“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;

“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;

“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;

“Municipal area” means the area placed under the control and jurisdiction of the Council;

“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;

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

“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;

“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 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 bylaw for the use thereof;

“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 email 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” 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;

“pedestrian” shall mean any person afoot;

“permit” in relation to Chapters V and VIII of this bylaw means a document in which the Council authorises the holder to operate as a parking attendant and which contains the information reflected in on this By-Law of this bylaw;

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;

“property” in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or any 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;

“Registering Authority” means a registering authority appointed under Section 3 of the NRTA ;

“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;

“right of entry” means the rights obtained in terms of Chapter III of this bylaw;

“road traffic sign” means any road traffic sign as prescribed in Section 56, NRTA, 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;

“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 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;

“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;

“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 bylaw;

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

“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;

“tricycle”

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

“vehicle” means a vehicle as defined in Section 1 NRTA;

“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;

“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;

“zone” see **“ward”**

Chapter II

Traffic

1. 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.

2. Medical Practitioners

(1) The Council may exempt any medical practitioner from the provisions of any bylaw 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/her consulting room.

c) The Medical Practitioner exempted in terms of the provision of this By-Law shall always display a decal that indicate that he is at that time acting within the scope of his employment.

3. Turn with combination of 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.

4. Cycles

No person shall ride a pedal cycle/tricycle 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.

5. 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.

6. 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.

7. 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.

8. Traffic notices and signs

(1) All notices and signs placed by the Council in or upon any street in terms of any bylaw 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 bylaw, to repay to the Council the cost of repairing and/or replacing such notice, sign or signal or removing any obscuration there from.

9. 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.

10. 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, halls, etc.

11. prohibition of the use of public place closed by council.

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.

12. 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 Council 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.

13. Ropes across street

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

14. 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.

15. 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.
- (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.

16. Tariffs/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 seven (7) 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 tariffs determined in terms of (2) above shall be payable seven days prior to the events and together shall be the refundable amount determined by council for that purpose, be paid on the same prescribed date.
 - (b) The tariffs payable shall be determined by council in an manner that they will be cost-effective and also taking into account the value for money.
 - (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.
 - d) In the event that the Council is unable to grant exemption for whatever reason prior to the date set by Council, 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.

17. 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 of council 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 in a 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 endeavor 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.

18. 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.

19. 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.

20. 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 recover 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 municipal area may be destroyed by the authorised officer or authorised official without any further warrant than this bylaw 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 bylaw, 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.

21. 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.

22. Sidewalks

- (1) No person shall place upon, offload 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.

23. 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 bylaws are recoverable.

24. 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.

25. 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.

26. 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.

27. 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 municipal area which shall be vested in or be the property of the Council, except by permission in writing from the Council first had been obtained and subject to such conditions as may be imposed by the terms of such permission.

28. 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 be 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.

29. Opening in kerbing, etc.

- (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. Council may at its sole discretion charge a fee prescribed by the Council from time to time.
- (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.

30. Disturbance of the peace

- (1) No Person shall unduly or without just cause, fire or discharge any firearm, airgun or air pistol within the Municipal 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.

31. 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 affect 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.

32. 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.

33. 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 bylaws.

Chapter III

Taxis

34. 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 bylaw, on the grounds that there is insufficient ranking space in the municipal area.

35. 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.

36. 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.

37. Animals

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

38. 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 bylaw, forfeit his/her fare and be immediately removed from the taxi.

39. 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 bylaw 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.

40. Right of entry

- (1) Any authorised official of the Council may for the purpose of enforcement of this bylaw, 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.

41. 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.

Chapter IV

Street Trading

42. Freedom to trade

- (1) No person shall trade on a public road subject to the provisions of sections 52 and 54 and except in so far as trading is restricted or prohibited by any law or bylaw.
- (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 legislations, regulations and bylaws.

43. 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 bylaw;
- (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.

44. 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.
- (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 bylaw;
- (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.

45. 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.

46. 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 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.

47. 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 bylaw 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.

48. Street trading license

- (1) No person shall in the municipal 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.

49. 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 bylaw.

50. 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 bylaw, 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 bylaw 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 59(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.

51. 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 bylaw, 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

52. 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.

53. Miscellaneous

- (1) Closure of Parking Grounds
 - (a) Notwithstanding anything to the contrary in this bylaw 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 bylaw 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 bylaw 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) When called upon by an authorized official to do so, fail or refuse to furnish him with his full and correct name and address;

(ii) Use or cause or allow any vehicle to be used for plying for hire for the conveyance of passengers or goods or both;

(iii) Clean, wash or, save in an emergency, work on or effect repairs to any vehicle or any part thereof;

(iv) Drive any vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons;

(v) Drive any vehicle at more than 15 km/h;

(vi) 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;

(vii) 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;

(viii) 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;

(ix) Subject to the provisions of Sections 61, 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;

- (x) 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;
- (xi) Do any act or introduce anything which obstructs or is likely to obstruct the movement of persons and vehicles;

- (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 bylaw 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 134(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 bylaw 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 bylaw.

(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

Parking Attendants & Car watchers

54. 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.

55. Registration fee payable

1. After the Council has granted approval in specified areas: to an individual to operate a parking attendant service within the Municipal 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.
2. Council shall in no way be held liable for the loss, damage or any theft of the vehicles on a parking ground where the registered company had deployed officials as a parking attendant.

56. Garments and identification of parking attendants

- (1) A parking attendant must, before undertaking any duties, equip himself or herself with the following, at his or her own cost:
 - (a) A bib or jacket and equipment;
 - (b) An identification card bearing the personal details and the information of the registered company .
- (2) Every parking attendant must, while on duty and presenting himself or herself as available for service, be neatly dressed in a bib or jacket and must ensure that the identification card is displayed in a visible position.

57. Requirements for conduct of parking attendants

- (1) No parking attendant may, when on duty:
 - (a) Tamper with, activate or operate a vehicle.
 - (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 bylaws 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.

58. Cancellation or suspension of the authority as parking attendant

(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 bylaw.

(2) The authority granted in terms of the Bylaws may be immediately suspended or cancelled by the Council if the permit holder;

(a) Tampers with or activates or operates a parking meter.

(b) Fails to observe or carry out the lawful instructions of an authorised person or an authorised officer.

(c) Is intoxicated while performing his or her duties as 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.

Chapter VII

59. Penalties

Any person contravening any of the foregoing bylaws 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 bylaw it is provided that any expense incurred by the Council in consequence of a breach of any bylaw or in the execution of any work directed by any bylaw 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.

60. 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 bylaws.

Chapter VIII

Annexure 1

PARKING ATTENDANT/CAR WATCHER IDENTIFICATION

PHOTO

NAME :.....

ID NO :.....

ORGANISATION :.....

TELEPHONE NO :.....

ZONE/WARD ALLOCATION:

EMERGENCY TELEPHONE NUMBERS

TRAFFIC DEPARTMENT:.....

SAPS :.....

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

DRAFT

Annexure 2

PERMIT TO OPERATE AS A PARKING ATTENDANT/CAR WATCHER

PERMIT NO:

NAME :

ID NO :

ORGANISATION :

GEOGRAPHICAL AREA OF OPERATION :

THE BEARER IS HEREBY AUTHORISED TO OPERATE AS A PARKING ATTENDANT/CAR WATCHER ON A PUBLIC ROAD AND IN A PUBLIC PLACE AS SPECIFIED IN THE GEOGRAPHICAL AREA OF OPERATION.

EXPIRY DATE:

AUTHORISED BY THE CHIEF OF TRAFFIC:

SIGNATURE :

DATE :

ISSUED BY :

DRAFT

Annexure 3

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 bylaws 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.