

LOCAL AUTHORITY NOTICE 259

***STANDARD STREET AND
MISCELLANEOUS
BYLAWS***

OF

EMFULENI LOCAL MUNICIPALITY

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STANDARD STREET AND MISCELLANEOUS BY-LAWS

The Emfuleni Local Municipality hereby publishes the Standard Street and Miscellaneous By-laws set forth hereinafter, which have been promulgated in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and in accordance with Section 13 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000).

INDEX

	<u>PAGES</u>
<u>CHAPTER I</u> DEFINITIONS	3 - 4
<u>CHAPTER II</u> PUBLIC PLACES, PEACE DISTURBANCE, OBSTRUCTIONS IN STREETS, TAXI OPERATIONS & BUS OPERATIONS	
PART 1 PUBLIC PLACES	
Ropes across the street	5
Damage to trees	5
Barbed Wire and Dangerous Fencing	5
Protection of surface of Roadway and Sidewalk	5
Cleanliness of Streets and Public Places	6
Auction Sale or Morning Market in Streets	6
Exposure of any article for sale in Streets or Public Places	6
Articles placed in window facing streets	6
Playing in streets forbidden	6
Extinguishing lamps and damaging public property	6
Cleaning and repairing forbidden in streets	6
Excavations in streets	7
Defacing, Marking or Painting streets	7
Sweeping premises in or near streets	7
PART 2 PEACE DISTURBANCE AND DANGEROUS INSTRUMENTS	
Firing of a fire-arm, air-gun or air-pistol	7
Words or gestures likely to cause breach of peace	7
Dangerous animals, reptiles or insects	8
Singing or playing musical or noisy instruments	8
Disturbance of public peace	8
Keeping animals and birds disturbing public peace	8
Advertising by loudspeakers or other devices	8
Public gatherings and processions	8 - 9
Advertising by means of advertising vehicles, sandwich boards or other devices	10
Loitering in streets	10
Loitering and touting at places of public entertainment	10

	Handbill or advertising on vehicles without permission	10 - 11
PART 3	OBSTRUCTION IN STREETS	
	Tree planting in public places	11
	Parking	11
	Clamping	11
	Damage to vehicles	11
	Authorised persons	12
	Obstruction	12
	Abandoned vehicles	12 - 13
	Refusal of admission	13
PART 4	TAXI OPERATIONS	13 - 15
PART 5	BUS OPERATIONS	16 - 17
<u>CHAPTER III</u>	GROCERY TROLLEYS	17 - 18
<u>CHAPTER IV</u>	STREET COLLECTIONS	18 - 22
<u>CHAPTER V</u>	OFFENCES AND PENALTIES	23

CHAPTER I : DEFINITIONS

In these By-laws, unless the context otherwise indicates:

- "act" means the National Welfare Act, 1978 (Act 100 of 1978);
- "collector" means a person appointed by the convener to collect money for the purpose of a street collection which has been permitted under these By-laws;
- "convener" means the person appointed under Section 82(1) of these By-laws to act as a convener of a particular street collection and shall, where more than one person is so appointed, include all such persons;
- "grocery trolley" means any push trolley or push cart which is used by members of the public to convey purchases or goods;
- "municipality" means –
- (a) Emfuleni Local Municipality or its successors-in-title; or
 - (b) the Municipal Manager of Emfuleni Local Municipality in respect of performances or any action or exercise of any right, duty, obligation or function in terms of these By-laws;
 - (c) an authorized agent of the Emfuleni Local Municipality;
- "municipal council" means the municipal council as referred to in Section 157(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
- "municipal manager" means the person appointed as the Municipal Manager of the Municipality in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) and includes any person –
- (a) acting in such position; and
 - (b) to whom the Municipal Manager has delegated a power, function or duty in respect of such a delegated power, function or duty;
- "owner" In respect of a grocery trolley, means any business undertaking, shop, firm or person which has ownership of such grocery trolley;
- "organisation" means an organisation registered in terms of Section 13 of Act 100 of 1978 or any organisation;
- "public place" means a public place as defined in Section 2 of the Local Government Ordinance, Ordinance 17 of 1939;
- "public road" as defined in the Road Traffic Act, 1989 (Act 29 of 1989) and National Road Traffic Act, 1996 (Act 93 of 1996);

- "roadway" means that portion of a road, street or thoroughfare improved, constructed as intended for vehicular traffic, which is between the edges of the roadway;
- "sidewalk" means that portion of a verge intended for the exclusive use by pedestrians;
- "street" includes any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way;
- "street collection" means a collection of money in a public place for charitable or other purposes;
- "street collection year" means the period of twelve months from the first day of April in one year to the 31st of March in the following year;
- "token" in respect of a grocery trolley, means a sign or a grocery trolley, the name or trading name of any business undertaking must appear in not less than 15 mm in size;

and any other word or expression to which a meaning has been assigned in the National Road Traffic Act or the National road Traffic Act, shall have that meaning.

CHAPTER II : PUBLIC PLACES, PEACE DISTURBANCES, OBSTRUCTIONS IN PUBLIC PLACES, TAXI OPERATIONS AND BUS OPERATIONS

PART 1 PUBLIC PLACES

1. Ropes Across Street

No person shall place any rope, wire or pole across any street, or hang, or place anything whatsoever thereon without the previous consent of the municipality in writing.

2. Damage to Trees

2.1 No person shall climb upon, or break or damage or in any way mark or paint on any tree in any street, and no person shall, without the previous consent of the municipality in writing, lop, top, trim, cut down or remove any such tree.

2.2 No person shall display an advertisement on any tree in any street without the previous consent of the municipality in writing.

3. Barbed Wire and Dangerous Fencing

3.1 Any barbed wire, fence or any railing, paling, wall 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, erected along any street or public place, must have a warning sign fixed to the fence or wall.

A sign not exceeding 300 mm length and 210 mm height at 15 metre intervals, shall be displayed on the boundary wall or fence or in a position approved by the municipality on each tree boundary of an erf or portion of an erf which sign indicating the word "DANGEROUS".

No sign shall project at any point from the fence or wall to which it is affixed.

3.2 Without prejudice to the duties and liabilities imposed by subsection (1), the municipality may by notice, in writing, require the owner or occupier of land on which a fence, railing, paling, wall or other barrier which exists in contravention of subsection (1), at the date of promulgation of this By-law or is erected at any time thereafter, to remove it within such period being not less than one week 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.

3.3 Without prejudice to the penalty prescribed by subsection (2), the municipality may itself, immediately after the expiry of a notice referred to therein, proceed to remove such fence, railing, paling, wall or other barrier and may recover the cost of so doing from such person.

4. Protection of Surface of Roadway and Sidewalk

No person shall place upon, off-load on, or convey across a roadway or sidewalk any materials or goods unless he/she has taken adequate precautions to protect the surface of such roadway or sidewalk against damage.

5. Cleanliness of Streets and Public Places

- 5.1 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 annoyance, 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.
- 5.2 No person shall spit or relieve himself/urinate in or upon any street or public place.

6. Auction Sale or Morning Market in Street

No person shall without the previous consent of the municipality in writing hold any auction, sale or morning market in any street.

7. Exposure of any Article for Sale in Street or Public Place

No person other than a licensed hawker, peddler or street trader or a person lawfully entitled to trade in any street or public place without taking out a license, shall expose any article whatsoever in or upon or over any street or public place.

8. Article Placed in Window Facing Street

No person shall place any article likely to cause injury or damage to any person or property if it were to fall, in any windows or other superstructure near any street without sufficiently safeguarding it against falling into the street.

9. Playing in Streets forbidden

- 9.1 No person shall play with a ball, roll any hoop or fly any kite or throw stones or use any bow and arrow or by any means discharge any missile upon, over or across any street or play any game thereupon or therein, or use any pushcart other than in the course of and for the purpose of a business.
- 9.2 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 municipality and on such conditions as may be determined by the municipality.

10. Extinguishing Lamps and Damaging Public Property

No person shall wilfully or negligently extinguish the light of any lamp being the property of the municipality, or in any manner interfere with such lamp, or deface, damage, remove, or in any way interfere with any municipal or public property or work in or along any street.

11. Cleaning and Repairing Forbidden in Streets

No person shall in any street or public place clean or repair any part of a vehicle or motor vehicle except in case of accident or breakdown, or wash, dry or bleach any article or thing whatsoever.

12. Excavations in Streets

No person shall make or cause to be made any hole, trench, pit or excavation in any street or remove any soil, metal or macadam there from without the previous consent of the municipality in writing.

13. Defacing, Marking or Painting Streets

No person shall, except in the execution of his duty, in any way deface, mark or paint any street or part thereof without the previous consent of the municipality in writing.

14. Sweeping Premises in or Near Streets

14.1 The occupier of premises adjoining any street shall not cause or permit –

- (a) any part of the sidewalk adjacent thereto to be swept unless and until such part shall have been adequately sprinkled with water;
- (b) any dirt or refuse so swept to be thrown or in any way deposited in or upon any street.

14.2 Any contravention of subsection (1) by any employee, agent or representative of the occupier shall be deemed to be a contravention by the occupier.

CHAPTER II : PUBLIC PLACES, PEACE DISTURBANCES, OBSTRUCTIONS IN PUBLIC PLACES, TAXI OPERATIONS AND BUS OPERATIONS

PART 2 : PEACE DISTURBANCE AND DANGEROUS INSTRUMENTS

15. Firing of a Firearm, Air gun or Air-pistol

No person shall without lawful cause, fire a firearm, air gun or air-pistol within the boundaries of the Emfuleni Local Municipality: Provided that this provision shall not apply in the case of –

- (a) a firearm during a bisley or target practice on a recognized shooting range;
- (b) a firearm fired for the purpose of a sports meeting or practice; or
- (c) a firearm, air gun or air-pistol fired on land which is mainly used for agricultural purposes.

16. Words or Gestures likely to Cause Breach of Peace

No person shall use any threatening, abusive or insulting words or gestures of behaviour in any street or public place whereby a breach of the peace is likely to be caused.

17. Dangerous Animals, Reptiles or Insects

17.1 No person shall without a permit issued by the municipality, keep any wild or dangerous animal, reptile or insect which has an inherent propensity to attack human beings 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.

17.2 Any animal, reptile or insect the keeping of which is prohibited in terms of subsection (1) may, if found at large, be destroyed by any police officer or authorized officer of the municipality.

18. Singing or Playing Musical or Noisy Instrument for Profit

No person shall for profit sound or play upon any musical or noisy instrument or sing in any street or public place, without the prior consent of the municipality in writing.

19. Disturbance of Public Peace

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 device or by means of a radio, loudspeaker or similar device, or by riotous, violent or immoral behaviour.

20. Keeping Animals and Birds disturbing Public Peace

No person shall keep any animal or bird, which causes noises or disturb the public peace in a street, public place and/or private premises.

21. Advertising by Loudspeaker or Other Device

21.1 No person shall, without the previous consent of the municipality in writing, play or permit the playing of radio or any other device, or use or permit the use of any loudspeaker or other audible device for the purpose of advertising on or adjacent to or which may be heard in any street or public place.

21.2 No person shall, after being required to desist by a police officer or authorized officer of the municipality, persist in playing or operating such device.

22. Public Gatherings and Processions Generally

22.1 No person shall hold, convene, address or organise any public gathering or procession in, at, or on any street or public place or premises being under the control of or belonging to the municipality without the prior permission of the municipality obtained in writing: Provided that such permission may only be withheld for the reasons set out in this section.

22.2 Written application for permission to the holding, convening or organizing of such public gathering or procession shall reach the Municipal Manager not later than seven days before such gathering or procession is due to commence and every such application shall –

- (a) contain the full names and addresses of holders, conveners or organizers of the proposed public gathering or procession;
 - (b) specify the date and time and place or route thereof and whether or not it is proposed to use bands, musical instruments, loudspeakers or similar devices.
- 22.3 In granting such permission, the municipality may impose such conditions and restrictions as it may deem necessary for the prevention of damage to property, obstruction of traffic, disturbances of the peace or interference with amenities of the public and generally for the maintenance of law and order. For such purpose and without prejudice to the generality of the foregoing, the municipality may at its discretion, prohibit the use of bands, musical instruments, loudspeakers or similar devices and may, in addition, limit the holding of any such gathering or procession to specified places or areas and to particular times or periods.
- 22.4 The municipality may refuse such permission if it has reasonable grounds for believing that such public gathering or procession if held, is likely to result in public disturbances or riots, damage to property, obstruction to traffic or interference with the amenities and conveniences of the public generally and the municipality shall inform the applicant (holder, convener, organiser) of the reasons of refusal of the application.
- 22.5 Any person who holds, convenes, addresses or organises any public gathering or procession referred to in subsection (1) in respect of which the permission of the municipality has not been obtained and any person holding, convening, addressing or organizing a public gathering or procession in respect of which such consent has been obtained, who fails to comply with any condition which may be imposed in terms of subsection (3) and any person who in any manner causes a disturbance or commits an offence while present at any public gathering or procession shall, if –
- (a) required to do so by any authorized officer of the municipality or police officer,
 - (b) forthwith leave such public place or premises.
- 22.6 Any person who holds, convenes, addresses or organises any public gathering or procession referred to in subsection (1) in respect of which the permission of the municipality has not been obtained and any person holding, convening, addressing or organizing a public gathering or procession in respect of which such consent has been obtained, who fails to comply with any condition which may be imposed in terms of subsection (3), shall be guilty of an offence.
- 22.7 Any person present at any public gathering or procession who fails to leave such public place or premises on being so required in terms of subsection (5) or who has been warned by a police officer or duty authorised officer of the municipality that the gathering or procession is illegal or that the conditions imposed by the municipality in granting permission for the holding of such gathering or procession are being contravened and who fails, on being so

required by a police officer or duly authorized officer of the municipality, to leave such public place, shall be guilty of an offence.

23. Advertising by means of Advertising Vehicles, Sandwich Boards or Other Devices

23.1 No person shall without the previous consent of the municipality in writing display or cause or allow to be displayed an advertisement by means of advertising vehicles, sandwich boards, lanterns, flags, screens or other movable advertising devices in or along any street.

23.2 No person shall display any advertisement or cause or allow it to be displayed on any public motor vehicle in such manner as to be readily visible to any person not upon such vehicle: Provided that an advertisement may be so displayed on the sides and back of any bus.

23.3 The provisions of subsections (1) and (2) shall not be deemed to prevent a public motor vehicle operator from advertising the transport service carried on by means of that vehicle on such vehicle.

24. Loitering in Streets

24.1 No person shall lie or sit on any street, nor shall any person stand, congregate, loiter or walk, or otherwise act in such manner as to cause obstruction to traffic or to jostle or otherwise annoy any person using such street or loiter at or within 20 m of the entrance of any place of public worship during the time of divine service or during the assembly thereat or departure therefrom of the congregation so as to obstruct or annoy any persons going to, attending at, or leaving such place of worship. Any person performing any of the aforementioned prohibited act shall, upon request by a police officer or duly authorized officer of the municipality, discontinue to do so, failing which he shall be guilty of a contravention of these By-laws.

24.2 No person shall stand, congregate, assemble, walk or otherwise act in such a manner in a street with the aim of seeking employment from passing traffic except at such places as earmarked by the municipality for such a purpose.

25. Loitering and Touting at Places of Public Entertainment

No person shall loiter or, except when forming part of a queue, congregate in any street within 20 m of the entrance to any place of public entertainment so as to obstruct or annoy persons proceeding to, attending at, or departing from such place of entertainment; neither shall any unauthorized person tout or solicit drivers of motor vehicles parking their motor vehicles at places of entertainment for the purpose of or under pretext of attending to same during the assembly thereat or the departure there from of the audience.

26. No Handbill or Advertisement on Vehicle without Permission

26.2 No person shall deposit or leave any circular, dodger, handbill or other advertisement on any vehicle in any street or public place without having obtained permission to do so from the person in charge of such vehicle.

- 26.2 For the purposes of this section, any person found depositing or leaving any circular, dodger, handbill or other advertisement on a vehicle in any street on public place, should be presumed to have done so without the said permission, unless he shall produce satisfactory evidence of such permission.

CHAPTER II : PUBLIC PLACES, PEACE DISTURBANCES, OBSTRUCTIONS IN PUBLIC PLACES, TAXI OPERATIONS AND BUS OPERATIONS

PART 3 : OBSTRUCTIONS IN STREETS

27. **Tree Planting in Public Places**

No person shall plant any tree or shrub in any street without the previous permission of the municipality in writing.

28. **Parking**

- 28.1 No person shall park a vehicle with a tare of 3 500 kg or more for a period at any time after sunset and before sunrise on the roadway, verge of sidewalk of a street for the washing or sale of or repair to such vehicle or for advertisement purposes.

- 28.2 Whenever a vehicle is parked or stopped or permitted to remain in any place in contravention of a provision of these By-laws, it shall be presumed, until the contrary is proved, that such vehicle was so parked, stopped, caused to remain or permitted to remain by the owner thereof.

29. **Clamping**

- 29.1 No person shall park a vehicle at any time causing obstruction on a roadway or a sidewalk. If a vehicle is parked in such a way, the wheels of the vehicle shall be clamped by a designated official. After clamping, no person shall remove or try to remove such a clamp.

- 29.2 The wheel clamp shall only be removed by a designated official after the payment of a fee prescribed by the Emfuleni Local Municipality and the submission of the applicable receipt. The municipality shall not be liable for any damages or losses that may occur.

30. **Damage to Vehicles**

The municipality 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 it being moved in terms of Section 32 or 33.

31. Authorised Persons

No person shall, unless authorized thereto by the municipality, 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.

32. Obstruction

If a vehicle has been parked in such a position that in the opinion of an authorized employee, it is likely to obstruct or impede the movement of other vehicles or pedestrians in the parking ground, it may be moved or pounded to the municipality's pound.

33. Abandoned Vehicles

- 33.1** Any vehicle which 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 employee to the municipality's pound.
- 33.2** The municipality shall take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (1) and if, after the lapse of ninety 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 (3), be sold by public auction.
- 33.3** Fourteen days' notice of an auction sale to be held in terms of subsection (2) shall be published in at least one newspaper circulating in the municipal area, but the sale shall not be proceeded with if at any time before the purchase of the vehicle it is claimed by the owner or any other person authorized by him or otherwise lawfully entitled to claim it and all charges payable in respect thereof in terms of these By-laws and all costs referred to in subsection (4) have been paid to the municipality.
- 33.4** The proceeds of a sale concluded in terms of this section shall be applied first in payment of the charges referred to in subsection (3) and in satisfaction of the following costs:
- (a) The costs incurred in endeavouring to trace the owner in terms of subsection (2).
 - (b) The costs of removing the vehicle and advertising and effecting its sale.
 - (c) The costs of keeping the vehicle in pound which shall be at the rate per day established by the municipality from time to time up to a maximum of 120 days, and 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 municipality: Provided that if no claim be so established within one year of the date of the sale, such balance shall be forfeited to the municipality.

33.5 the exercise by the municipality, 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 these By-laws.

34. Refusal for Admission

34.1 It shall be in the discretion of a duly authorized employee 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 injure persons or cause damage to property or to cause an obstruction or undue inconvenience.

34.2 A person in control of a vehicle who, having been refused admission in terms of subsection (1), proceeds to drive it into a parking ground, shall be guilty of an offence.

CHAPTER II : PUBLIC PLACES, PEACE DISTURBANCES, OBSTRUCTIONS IN PUBLIC PLACES, TAXI OPERATIONS AND BUS OPERATIONS

PART 4 : TAXI OPERATION

35. Allocation and Use of Stands for Taxis

35.1 Save for any provisions to the contrary in these By-laws or any other Ordinance or Act, a municipality may –

(a) demarcate parking places for taxis and distinguish them by applicable traffic signs; and

(b) allocate to each taxi a parking place as contemplated in paragraph (a).

35.2 On the allocation of a parking place as contemplated in subsection (1), the municipality shall issue a token in a form as prescribed from time to time by the municipality which shall be displayed on the taxi concerned in the manner prescribed in respect of a clearance certificate in terms of the Road Traffic Act, Act 29 of 1989 and the National Road Traffic Act, 1996 (Act 93 of 1996).

35.3 The municipality may impose charges for the allocation of a parking place in terms of subsection (1).

35.4 The driver of a taxi who intends to park it on a parking place allocated for taxis, shall park on the parking place immediately behind the other taxis already parked on such parking places.

35.5 A taxi shall be parked on a parking place as contemplated in subsection (1), in such a manner that it always occupies parking places from the front end.

36. Order of Engagement

When any person wishes to hire a taxi parked on a parking place as contemplated in Section 35(1), the taxi at the front end of the parking places shall enjoy preference, unless the person who wants to make use of the service, selects any other taxi.

37. Tending to Taxis

37.1 A driver in charge of a taxi occupying one of the first three parking places as contemplated in Section 35(1) shall not leave his taxi unattended while it occupies that position.

37.2 A driver in charge of a taxi on a parking place referred to in subsection (1) occupying any position other than the first three positions shall not absent himself there from for more than 20 minutes in any hour.

37.3 A taxi left unattended as contemplated in subsection (2), shall be left in such a manner that it can be pushed or driven forward on its driver's behalf in terms of Section 35(5).

Where a telephone has been installed at parking places contemplated in Section 35(1), for the purpose of tending to taxis, the driver of the taxi occupying the front position shall answer such telephone and shall comply with any legal request from the caller within the scope of his duties as taxi driver: Provided that where the caller requests to speak to a certain taxi driver present at such parking places, he shall call that driver.

38. Driver shall not Refuse Engagement

No driver of a taxi shall refuse to accept immediate engagement and to provide conveyance to a person should such person request him to do so.

39. Taxi Called but not Used

39.1 Any person ordering a taxi but not making use of it, shall be held liable for the payment of the fare at the normal determined rate.

39.2 Where such a taxi is kept waiting through no fault of the driver before being notified that his services will not be required, the person who ordered the taxi shall pay an additional amount for waiting time at the determined rate.

40. Waiting for Passengers

40.1 When a taxi is hired, the driver may, if requested to wait at any place, refuse to do so unless the hirer shall first pay him the fare for driving to the place where he is requested to wait as well as making a deposit, at the determined rate for waiting time for the period the hirer desires the taxi to wait. Such deposit shall be accounted for when the taxi is finally discharged and payment for the actual waiting time shall be made in accordance with such rate.

- 40.2 No driver shall, after having received such deposit, depart before the expiration of the time for which such deposit has been paid, or neglect or refuse to account for such deposit on the final discharge of the taxi.
41. Driver to take Shortest Route
The driver of any taxi shall, while the taxi is hired, drive to his destination by the shortest route, unless otherwise directed by the hirer.
42. Failure to Keep Engagement
No driver of any taxi, having been hired to convey a passenger or goods at a given time, shall fail or neglect to do so.
43. Conveyance of Dangerous or Offensive Articles or Dead Bodies
No driver of any taxi shall knowingly convey any goods or articles or things of a dangerous or offensive nature, and no driver of such taxi shall at any time permit the dead body of any person or the carcass of an animal to be conveyed therein.
44. Disinfection after Conveyance of Infectious or Contagious Disease Cases
Should any driver unwittingly have conveyed in a taxi any person suffering from any infectious or contagious disease, he shall, as soon as it comes to his knowledge that he has conveyed such a person, immediately disinfect such taxi to the satisfaction of the municipality's health authority.
45. Preventing Engagement
No driver of a taxi or any other person shall by using force or threats or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other taxi or the driver of such other taxi from obtaining or conveying passengers or loads.
46. Unauthorised handing over or Abandonment of a Taxi
No driver of any taxi shall abandon a taxi which has been entrusted to him, subject to the provisions of Section 37(1) and (2) or allow any other person to drive such vehicle without the knowledge or consent of the owner of such taxi.
47. Behaviour and Clothing of Drivers
All drivers of taxis shall be dressed cleanly and decently and shall conduct themselves in a proper, civil and decorous manner and no driver of any taxi shall, whilst such taxi is under hire, smoke any tobacco or other substance without the consent of the hirer or passenger.
48. Property left in Taxi
The driver of any taxi who discovers any property left behind therein shall within eighteen hours deposit such property in safe custody, at the nearest police station.

CHAPTER II : PUBLIC PLACES, PEACE DISTURBANCES, OBSTRUCTIONS IN PUBLIC PLACES, TAXI OPERATIONS AND BUS OPERATIONS**PART 5 : BUS OPERATIONS**

49. 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 municipality 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 municipality.
50. **Intending Passengers to Board at Approved Stands or Stopping Places Only**
Every driver of a public bus used on any approved route upon being signaled 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.
51. **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.
52. **Public Bus not to be Left Unattended on a Stand**
No driver shall allow a public bus to remain unattended at any stand or on any route.
53. **Animal-drawn Public Vehicles not to be Used if Particulars not Painted Thereon**
No person shall use any animal-drawn public vehicle unless the words "Registered Carrier" are legibly and conspicuously painted or affixed thereon.
54. **Driver of Animal-drawn Public Vehicle Required to be Licensed**
No person shall drive an animal-drawn public vehicle on a public road within the municipality without a license issued to him by the municipality on payment of the prescribed charges.
55. **License to be Produced**
Every driver of an animal-drawn vehicle shall, when requested to do so by an authorized officer of the municipality, or by any person desiring to hire such vehicle, produce his license for inspection and furnish his correct name and address.
56. **Owner to Supply Name and Address of Driver**
The owner of any animal-drawn public vehicle shall keep a record of the name and address of the driver to whom he has entrusted such vehicle and when requested by any authorized officer, the owner shall point out such driver or furnish his name or address.

57. Presumption that Owner Drove Vehicle

Where in any prosecution in terms of these By-laws it is material to prove who the driver of an animal-drawn public vehicle was, it shall be presumed, until the contrary is proved, that such vehicle was driven by the owner thereof.

CHAPTER III : GROCERY TROLLEYS

- 58.1** The owner shall affix a token in a conspicuous position on every grocery trolley.
- 58.2** Nobody who is the owner or the person who controls or has the supervision over a grocery trolley or who offers it for use by any person or who uses it for any purpose whatsoever, shall push, leave or abandon it or permit that it be pushed, left or abandoned in any public road or public place, or areas demarcated for use by emergency vehicles.
- 58.3** Any grocery trolley which has been left or abandoned in a street or any such public place may forthwith be removed, or cause to be removed by any authorized official of the municipality and be placed under the care of the Chief Traffic Officer.
- 58.4** The Chief Traffic Officer shall store any grocery trolley which has been placed under his care in terms of subsection (2) and shall once a month by registered post or process notify the owners of the grocery trolleys, which have been impounded.

The following shall be stated in such a notice:

- (a) The number of grocery trolleys of the particular owner being stores.
 - (b) That any such trolley may be claimed by the owner thereof on payment of the prescribed storage fee.
 - (c) That any grocery trolley which has not been claimed after a period of three months from the date of the said notice, shall be sold by the municipality by public auction.
 - (d) That the proceeds of the public auction shall be revenue in favour in the municipality; and
 - (e) That the municipality may retain possession of such grocery trolley until the storage fees have been paid.
- 58.5** The municipality shall not be liable as a result of theft, damage to or loss of any grocery trolley or anything therein or the selling thereof by public auction and the owner of any grocery trolley, shall have no claim or right of redress against the municipality should such grocery trolley be handed over unintentionally to any person other than the owner thereof after payment of the prescribed storage fee.

- 58.6 The exercise by any person of the power conferred by this section, shall not render such person subject to any liability in respect of the loss or theft or damage to such grocery trolley or any part thereof or of anything therein.
- 58.7 Any person who contravenes the provisions of Section 58(1) and (2) shall be guilty of an offence.
- 58.8 The municipality may from time to time by special resolution in terms of Section 10G of Act 209 of 1993, determine such fees as it may deem fit for the purpose of this section and any other section in these By-laws contained.

CHAPTER IV : STREET COLLECTIONS

59. Consent of the Municipality

- 59.1 No person other than a collector or a convener shall solicit any gift of money in any public place.
- 59.2 No street collection may be organised or held without the consent of the municipality granted on application duly made in accordance with the provisions of these By-laws.
- 59.3 The municipality may in its discretion grant or refuse any application and shall be obliged to furnish reasons if requested to, for any decision taken.

The municipality shall consider the following with regard to an application:

- (a) The number of applications received by the closing date fixed in terms of Section 60(1).
- (b) The desirability of limiting, in the interest of the public, the number of days on which street collections are permitted.
- (c) The financial resources of the applicant.
- (d) Whether or not any applicant organisation is constituted to and does serve local needs primarily.
- (e) Whether both a national organisation and a local organisation affiliated to it have applied for permission to hold street collections in the same street-collection year.
- (f) The objects for which the proceeds of any street collection are intended.
- (g) The date of submission of such application.
- (h) Any previous failure by an applicant to hold a street collection which had been permitted.
- (i) Any failure to comply with any or more of these By-laws; and
- (j) Any other circumstance or consideration which might be relevant.

- 59.4 The municipality may accept any application that is lodged after the closing date and any application in respect of which the requirements of Section 59 have not been fully complied with should sufficient reasons exist therefor.
- 59.5 The municipality may, on receipt of an application, call for additional documentary or other evidence pertaining to the financial standing of the applicant.
- 59.6 When granting permission for a street collection, the municipality may prescribe the areas within which the collection may be held, the areas within which it may not be held and the points at which the collectors may or may not collect.
60. Application for Consent
- 60.1 Every application –
- (a) for consent as required in terms of subsection 59(2) shall be submitted on or before 30 November to be considered for the following year;
 - (b) Every application shall be signed by the chairperson or secretary of the applicant, in the absence of such person, by any authorized officer and shall state on a form to be obtained from the municipality the particulars specified in subsection (3).
- 60.2 Every organisation shall, before making an application in terms of this Section, appoint an auditor.
- 60.3 The following particulars shall be stated on a form of application as mentioned in subsection (1):
- (a) The name of the organisation on whose behalf the application is made.
 - (b) In order of priority, three dates (in the alternative) on which it is desired to hold the street collection.
 - (c) The objectives of such collection or of the organisation to which the proceeds of the collection are to be given.
 - (d) Where application is made on behalf of two or more organisations to hold a street collection for their joint benefit, the proportions in which they are to participate in the proceedings.
 - (e) Details of any deductions of any kind whatsoever which are to be made before the proceeds of the street collection are allocated to any organisation which is to participate therein; and
 - (f) The name, address and professional qualifications of the auditor of each such organisation.

- 60.4 Every application submitted in terms of this section shall be accompanied by –
- (a) The audited statement of accounts and balance sheet for the applicant's last financial year and such other financial details to be certified as correct by the auditor referred to in subsection (2) relating to the work of the organisation during its last financial year as are necessary to establish the true state of the financial resources of the applicant.
 - (b) A copy of the previous annual report, if any, of the organisation.
 - (c) Two copies of the applicant's constitution if not previously submitted.
 - (d) The written consent of the applicant to deduct all amounts owing to the municipality in terms of subsection 62 (3) from the deposit made in terms of subsection 62(2) ; and
 - (e) Either any certificate of registration or a proof thereof issued to the organisation under Section 13 of the Act.
61. Conveners and Collectors
- 61.1 Every organisation shall, before undertaking a street collection permitted under subsection 59(3), appoint in writing a person of the age of at least twenty-one to act as convener and another such person as alternative to the convener to discharge of such duties imposed on the convener under subsection (2)(c) as the convener may require.
- 61.2 The duties of a convener shall be as follows:
- (a) To issue to collectors appointed under subsection (3) all such directions as may be necessary to ensure compliance with the provisions of these By-laws relating to street collections and with any instructions given by the municipality in respect of the street collection in terms of these By-laws.
 - (b) To take delivery of the collection boxes supplied by the municipality in terms of Section 62, to issue them to such collectors who are able to establish their identity to the satisfaction of the convener and to return these boxes as required under that section; and
 - (c) Generally to supervise or cause to be supervised the conduct of the street collection.
- 61.3 Every collector shall be appointed as such under a letter of authority, addressed to him at his residential or business address, specifying the date of the street collection for which he is appointed and bearing the signature of the convener, and at all times when he is collecting or carrying out any function of a collector he shall keep such letter of authority upon his person and produce it on the demand of any authorized officer of the municipality.

- 61.4 No person shall be appointed a collector who –
- (a) is under the age of sixteen;
 - (b) has within the ten years immediately preceding the date of the street collection been convicted of any offence in connection with street collections; or
 - (c) has within the five years immediately preceding the date of the street collection been convicted of any offence involving fraud or dishonesty of any kind.
- 61.5 Any convener who knowingly employs or engages as a collector any person referred to in subsection (4) or knowingly permits or allows any such person to be employed or engaged as a collector for the street collection for which such convener has been appointed, shall be guilty of an offence.
- 61.6 No collector shall solicit any gift of money save from a place on the sidewalk from time to time assigned to him by the convener. Provided that when the same applicant has obtained from the municipality written consent in terms of Section 59 to hold a procession of not less than twenty motor vehicles each of which is to carry a float or tableau, the provisions of this subsection shall not apply.
- 61.7 If any collector –
- (a) furnish the convener who appoints him with a false name or a false address; or
 - (b) use any collection box which has not been supplied by the municipality for the purposes of a street collection; or
 - (c) use any collection box for the purposes of a street collection other than that for which it was supplied; or
 - (d) contravene the provisions of subsection (6); or
 - (e) accept any money in any public place save by causing or permitting the donor to place it in the collection box supplied by the municipality; or
 - (f) open such a box, removes the seal there from, or removes there from any of the money placed therein during a street collection; or
 - (g) fail or neglect to keep continuously in his possession, the collection box supplied to him; or
 - (h) fail or neglect to comply within seven days to any demand from the convener addressed to him at his correct residential or business address and dispatched by prepaid registered post requiring him to return the collection box supplied to him; or

- (i) fail on demand by any authorized officer of the municipality to produce his letter of authority as required in terms of subsection (3);

he shall be guilty of an offence.

62. Collection Boxes

62.1 No organisation may in conducting a street collection use any collection box which has not been supplied to it by the municipality for the purposes of that particular collection.

62.2 Before any such box is supplied by the municipality, the applicant shall deposit with the municipality an amount established by the municipality from time to time for every twenty boxes or part of that number of boxes so supplied and the applicant shall submit the written appointments of the convener and the alternate to the convener on which shall be stated the full name and the business and residential addresses of the convener and the alternate to the convener respectively.

63.3 The deposit made in terms of subsection (2) shall on the return of the boxes to the municipality be refunded to the applicant, subject to the deduction of –

- (a) for every box lost or returned damaged, an amount will be payable as established by the municipality from time to time;
- (b) a penalty per box will be paid for each working day by which the period laid down in subsection (4) for the return of the boxes is exceeded. Penalty will be established by the municipality from time to time.

63.4(a) Except where the municipality under the hand of the Municipal Manager, otherwise agrees in writing, the convener shall return or cause to be returned to the municipality at or before 15:30 on the day of the street collection, all boxes supplied for the said purpose.

- (b) The municipality may, in respect of boxes used in any Township, specify by letter under the signature of the Municipal Manager a later date on which such boxes or such number of them as may be specified in the letter, may be returned.

63.5 Boxes not returned at or before 15:30 on the day of the street collection shall be returned to the municipality before 10:00 on the following working day.

63. Flags and Badges

63.1 No display card, armband, flag, badge or other article which has not been approved by the municipality, may be exhibited or distributed to the public in connection with any street collection.

63.2 Applications for the approval of the municipality in terms of subsection (1) shall be made not less than fourteen days before the day of the street collection.

64. Hours of Street Collections

Unless written permission has been obtained from the municipality, no street collection shall proceed before 07:00 and continue after 14:30.

65. Returns to be submitted

- 65.1** Before any street collection may take place, the applicant shall submit to the municipality for its approval, to be signified in writing, the names and addresses of every person who will in any way be handling or conveying or for any reason have access to the money removed from the collection boxes after the street collection, accompanied by an undertaking that at no time will there be less than three of these persons on duty.
- 65.2** Not later than seven days after the day on which the street collection was held, or within such extended time as the municipality may in writing allow, the convener shall submit to the municipality on a form supplied by the municipality, a statement showing in respect of each box issued the official number displayed thereon, the name, address and signature of the person to whom it was issued and the amount of money collected in it.
- 65.3** No later than seven days after the date of the street collection or within such extended time as the municipality may in writing allow, the applicant shall notify the municipality, on a form to be supplied by it of the total amount of money collected.

CHAPTER V : OFFENCES AND PENALTIES

- 66.** 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 a fine not exceeding R1 500.