

## SENQU MUNICIPALITY MUNICIPAL NOTICE

LOCAL AUTHORITY NOTICE NO...

2017

### BY LAW RELATING TO ROAD TRAFFIC

The Municipal Council of Senqu Local Municipality in the Schedule hereto publishes, in terms of section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-Law Relating to Road Traffic.

### SCHEDULE

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## CHAPTER 1

### PURPOSE, DEFINITIONS AND APPLICABILITY OF BY-LAW

#### 1 Objectives

The objectives of this By-law are to –

- (a) give effect to the right of the Municipality to make by-laws contained in Schedules 5 and 6 of the Constitution; and
- (b) provide, in conjunction with any other applicable law, a legal framework within which the Municipality can manage and regulate road traffic in the municipal area.

#### 2 Definitions

In this By-law any word or expression to which a meaning has been assigned in the National Road Traffic Act, 1996 (Act 93 of 1996) and this By-law, shall have the meaning so assigned to it and, unless the context otherwise indicates –

**“Council”** means the Senqu municipal council, a municipal council referred to in section 157(1) of the Constitution;

**“fee”** means any fee, charge or deposit determined for purposes of this By-law, by the Municipality in terms of the Senqu Municipality: Tariff By-law, 2017;

**“form”** means a form approved by the Municipality for the purposes of this By-law;

**"goods vehicle"** means a motor vehicle other than a motorcar or bus, designed or adapted for the conveyance of goods on a public road and includes a truck-tractor, motorcycle or motor tricycle;

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

**"compliance officer"** means a person who is authorised to implement and enforce the provisions of this By-law by virtue of his or her –

- (a) declaration as a peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- (b) appointment as a police officer as contemplated in the South African Police Service Act, 1995 (Act 68 of 1995);
- (c) a traffic officer appointed in terms of section 3 of the Road Traffic Act, No. 29 of 1989 or section 3A of the National Road Traffic Act No. 93 of 1996 as the case may be;
- (d) appointment as a law enforcement officer or traffic officer by the Municipality and declaration as peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977); or

**"licensed motor vehicle attendant"** means a motor vehicle attendant who is the holder of a current licence issued in terms of these By-laws;

**"minibus"** means a motor vehicle designed or adapted solely or principally for the conveyance of a not more than nine persons but not more than sixteen persons including the driver;

**"motor vehicle attendant"** means a person who, at the request or with the consent of the person in charge of a motor vehicle, undertakes for reward to supervise or take care of such motor vehicle while it is parked in a public street;

**"Municipality"** means the Senqu Municipality and includes the Council, any executive councillor, or committee established by the Municipality, or any employee thereof, or duly authorised agent thereof acting in connection with this By-Law by virtue of a power vested in the Municipality and delegated to such employee or agent;

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

**"the Regulations"** means any regulations promulgated under the Act.

### **3 Applicability of By-law**

In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates public amenities, the provisions of this By-law shall prevail to the extent of the inconsistency.

## **CHAPTER 2**

### **DRIVER BEHAVIOUR**

#### **4 Use of roads demarcated into traffic lanes**

(1) When any roadway has been demarcated into traffic lanes, a driver of a vehicle shall drive so as to be entirely within a single traffic lane and shall not cause or permit his or her vehicle to encroach over any lane line demarcating such traffic lane, except when moving from one lane into or across another.

(2) All vehicles proceeding along any public road demarcated into traffic lanes at less than the normal speed of traffic at the time and place and under the conditions then existing, all animal-drawn vehicles and all heavy motor vehicles shall be driven in the left-hand traffic lane then available for traffic or as close as practicable to the left edge of the roadway, except when overtaking another vehicle proceeding in the same direction or when making a right-hand turn.

#### **5 Vehicles not to be driven on sidewalks**

No person shall drive, draw or propel any vehicle (other than a perambulator, invalid's chair or the like) upon any footpath or sidewalk designed for use by pedestrians, except when it is necessary to do so to cross (by the shortest route) any such sidewalk or footpath for the purpose of entering or leaving any property abutting thereon.

#### **6 Roller skating and use of soap box carts**

No person shall use roller skates, skateboard, soapbox cart or any similar article to which rollers or wheels are fixed or cause or permit them to be used upon a public road or sidewalk provided however that the Municipality in its discretion authorise the use of such in connection with organised events.

#### **7 Control of parking places**

Whenever the public or any number of persons are entitled or allowed to use, as a parking place, any area of land, including land which is not part of a public road or a public place, a law enforcement officer has, in cases of emergency or when it is desirable in the public interest, authority to direct and regulate traffic thereon, and no person shall disregard the instructions of any law enforcement officer while so engaged.

#### **8 Repair of motor vehicles on public roads prohibited**

No person shall repair any motor vehicle in any public street or place within the Municipality; provided that this By-law shall not prohibit the carrying out of minor repairs necessitated by a temporary or sudden stoppage of such vehicle for the purpose of setting such vehicle in motion.

## **9 Excessive noise**

No person shall operate a motor vehicle upon a public road in such a manner as to cause any excess noise that can be avoided by the exercise of reasonable care on his or her part.

## **10 Prohibitions and restrictions on use of certain roads by certain classes of vehicles**

(1) Except with the written permission of the Municipality, no person shall operate any animal drawn vehicle on any public road within the Municipality.

(2) In granting any permission in terms of subsection (1), the Municipality may impose any restrictions or conditions that it may deem necessary in the interest of traffic.

# **CHAPTER 3**

## **PARKING PROVISIONS**

## **11 Parking**

- (1) No person operating or in charge of a vehicle on a public road shall:
  - (a) allow such vehicle to remain stationary in a loading zone between the hours of 07:00 and 17:00 Mondays to Fridays and 07:00 to 12:00 Saturdays except where any such day is a Public Holiday or during such other restricted hours as may be specified in respect of any particular loading zone by a road traffic sign or marking.
  - (b) in the case of a vehicle other than a goods vehicle, for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at such vehicle; or
  - (c) in the case of a goods vehicle for more than thirty minutes continuously and only while the vehicle is being actually loaded or unloaded;
  - (d) No person shall keep any vehicle stationary in a loading zone for any other purpose. The driver of a vehicle, other than a goods vehicle, stationary in a loading zone shall remove such vehicle from there immediately upon being directed to do so by a law enforcement officer, notwithstanding that it has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.
  - (e) in the case of a vehicle other than a bus, allow such vehicle to remain stationary in a bus stop between the hours of 06h00 and 18h00.

(f) park such vehicle in any public road within the Municipality for a period beyond that indicated on any road traffic sign duly erected in terms of the Act or regulations as the case may be.

(2) No driver or other person in charge of any vehicle which has been parked in a parking area defined as such by road traffic signs shall move such vehicle from the position in which it was parked and again park that vehicle within a distance of 22,9 metres of the place where it was so parked until an interval of thirty minutes shall have elapsed after so moving such vehicle.

(3) No heavy motor vehicle designed, adopted or used for the conveyance of goods shall, without the written permission of the Municipality, be parked by any person between the hours of 7:00 p.m. and 5:00 a.m. anywhere in the Municipality, except on private land or on those portions of the following public roads on which there have not been displayed road traffic signs regulating such parking.

(4) No person shall park a vehicle upon a traffic island, unless directed to do so by a Law enforcement officer.

(5) No dealer shall park or allow to be parked in any public road within the Municipality, any vehicle which has been placed in his or her custody or under his or her control or which is in his or her possession for the purpose of sale, exchange or garaging, in the course of any dealers' business carried on by him or her unless at the time such vehicle is being used for demonstration or testing purposes or is in the course of being delivered to the owner or purchaser thereof.

(6) No person responsible for the control of a business of recovering or repairing vehicles shall park, cause or permit to be parked, in any public road or place within the Municipality any vehicle that is in an obvious state of disrepair which has been placed in his or her charge in the course of the said business.

## **CHAPTER 4**

### **EXEMPTIONS**

#### **12 Exemption of medical practitioners and certain nurses from parking**

(1) A registered medical practitioner or nurse, shall be exempt from the provisions of any law relating to parking in force in the Senqu municipal area when using, on bona fide professional domiciliary visits, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) hereof issued on the authority of the Municipality.

(2) The badge shall be a windscreen sticker badge of a design approved by the Municipality displaying on the face thereof, a serial number, and the name of the person to whom it is issued.

(3) The badge shall be displayed on the lower nearside corner of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked. The address shown on the card must be easily legible from outside the vehicle,

(4) Written application for the issue of a badge shall be made in a form approved by the Municipality.

(5) The Municipality shall keep a register in which it shall record the serial number allocated by it of the badge the issue of which has been authorised by it and the name of the holder,

(6) No duplicate badge shall be issued without the prior consent of the Municipality.

(7) Where the Municipality has reason to believe that any holder is abusing the privileges conferred by a badge it shall notify the issuing body which shall thereupon withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.

## **CHAPTER 5**

### **PEDESTRIAN CROSSINGS**

#### **13 Pedestrian crossings**

(1) Where marked pedestrian crossings are in existence within an intersection, no pedestrian shall cross or attempt to cross such intersection except within any such marked pedestrian crossing.

(2) Wherever a traffic control signal embodying pedestrian signals is in operation at an intersection, no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding; provided that where no pedestrian signals are in operation at an intersection, but such intersection is controlled by a traffic control signal, no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of such traffic control signal is displayed in the direction opposite to that in which he or she is proceeding.

(3) Wherever a traffic control signal embodying pedestrian signals is in operation at a pedestrian crossing elsewhere than at an intersection, no pedestrian shall commence to

cross the roadway in such pedestrian crossing when the red light of a pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.

(4) A pedestrian crossing the roadway within a demarcated pedestrian crossing, whether at an intersection or otherwise, shall walk on the left of such pedestrian crossing.

(5) No person or persons shall sit or lie on any sidewalk, footpath or public road, neither shall any persons stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public after being requested by a law enforcement officer to move on or disperse.

(5) No pedestrians, when in or upon a public road, shall carelessly, negligently or recklessly disregard or endanger his or her own safety or the safety of any person or vehicle using the public road.

## **CHAPTER 6**

### **PENALTIES**

#### **14 Penalties**

Any person who contravenes any of the provisions of this By-law shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment or to both such fine or imprisonment.

## **CHAPTER 7**

### **MOTOR VEHICLE ATTENDANTS**

#### **15 Motor vehicle attendants**

(1) No person shall act as motor vehicle attendant within the Municipality, except under authority of a written permit granted by the Municipality on application on the approved form and accompanied by payment of the applicable fee.

(2) The Municipality may grant a permit, subject to such conditions as it may determine, or may refuse such permit.

(3) Every permit granted in terms of subsection (1) hereof shall, unless cancelled or suspended in terms of subsection (6) hereof, be valid until the 31st December of the year of issue.

(4) No person authorised in terms of this By-law to act as a motor vehicle attendant shall charge an amount more than that determined by the Municipality from time to time for his or her services in connection with any one motor vehicle.

(5) Every motor vehicle attendant shall, upon demand by a law enforcement officer or a member of the public who engages or proposes to engage his or her services, produce the permit issued to him or her in terms of subsection (1) hereof.



(6) A permit granted in terms of subsection (1) hereof may be revoked or suspended by the Municipality if the holder thereof-

- (a) commits a breach of this By-law or of any condition subject to which the permit was granted;
- (b) leaves unattended any motor vehicle left in his or her care;
- (c) while performing his or her duties as a motor vehicle attendant, is or becomes intoxicated;
- (d) directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
- (e) fails to observe or carry out the lawful instructions of any law enforcement officer.

(7) With the exception of a person holding a permit issued in terms of subsection (1) who has been authorised by the Municipality in writing specifically or generally to do so, or who is acting on the authority or under the control a compliance officer, no person shall -

- (a) on more than one occasion within any period of 30 minutes direct or offer to direct the driver of any motor vehicle into any area on a public street or public place; or
- (b) in a public street or public place make an offer to provide care for or supervision of a motor vehicle whilst it is parked in such street or place.

(8) No person shall in a public street or public place -

- (a) clean or wash any motor vehicle; or
- (b) offer to clean or to wash any motor vehicle.

(9) No person shall in a public street or public place inform or threaten the driver or person in charge of a motor vehicle that such vehicle will or may suffer damage or be stolen unless it is left in his or her care or under his or her supervision.

(10) If on a charge of contravening any of the provisions of this section the accused person avers that the driver or person in charge of a motor vehicle made a request of him or her concerning the motor vehicle, the onus of proof in respect thereof shall rest upon the accused person.

## **CHAPTER 8**

### **GENERAL MATTERS**

#### **16 Appeals**

Any person may appeal against any decision taken under this By-Law by giving written notice of the appeal in accordance with the provisions of section 62 of the Municipal Systems Act, 2000.

## **17 Compliance officer**

(1) The Municipality may appoint so many compliance officers as it may consider necessary to be responsible for compliance and enforcement monitoring of this By-law.

(2) A compliance officer shall take all lawful, necessary and practicable measures to enforce the provisions of this By-law.

(3) The Municipality shall issue each compliance officer with a written appointment stating that he or she has been appointed for purposes of this By-law or with an identification card that contains the municipal logo, department and name of the officer.

## **18 Repeal of By-laws**

The By-laws Relating to Road Traffic published in the *Provincial Gazette* by Notice Number 198 of 2005 are hereby repealed.

## **19 Short title and commencement**

This By-Law shall be known as the Senqu Municipality: Road Traffic By-law, 2017 and shall come into operation on the date of publication hereof in the *Provincial Gazette*.