



LIMPOPO PROVINCE  
LIMPOPO PROVINSIE  
XIFUNDZANKULU XA LIMPOPO  
PROFENSE YA LIMPOPO  
VUNDU LA LIMPOPO  
IPHROVINSI YELIMPOPO

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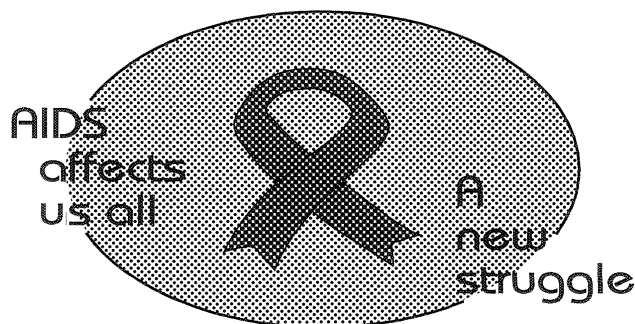
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**No. 2294**  
**Buitengewoon**  
**Hu tshi katelwa na**  
**Gazethe dza Nyingo**

**We all have the power to prevent AIDS**



**AIDS  
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DEPARTMENT OF HEALTH

**Prevention is the cure**

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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 179

## MAKHADO MUNICIPALITY

### PUBLIC HEALTH ANIMAL BY-LAWS

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes public health animal by-laws for the municipality as approved by its council, as set out hereunder.

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##### **1. Definitions**

In these by-laws, unless the context otherwise indicates –

**“agricultural land”** means land zoned as “agriculture” in terms of the Council’s Town-planning Scheme and such other places which the Council may reserve specially for this purpose;

**“animal”** means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat, or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of a person, or an insect such as, but not limited to, a bee which is used or controlled by a person;

**“animal disease”** means an impairment or disturbance of the normal function of any organ or the body of any animal that is caused by an organism or substance such as, but not limited to a protozoon, bacterium, virus, fungus, rickettsia, or parasite;

**“appurtenance”** means a container, apparatus, equipment, tool, or appliance used in connection with the keeping of an animal;

**“battery system”** means a system whereby poultry or rabbits are intensively bred or reared or kept for whatever purpose in a series of cages either in rows or tiers within a building or structure;

**“bird”** means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, ostrich, and a wild bird kept in captivity;

**“cattery”** means an accommodation establishment which caters for the boarding of cats;

**“Council”** means the Makhado Municipal Council;

**“dangerous animal”** means any animal or creature such as, but not limited to, a reptile, a fish, or an insect, which has an inherent propensity to attack human beings or the keeping of which is likely to become a public health hazard or public health nuisance or injurious to the health of or is fraught with danger to any person;

**“dog”** includes a neutered male dog and spayed bitch;

**“dog kennel”** means an accommodation establishment which caters for the boarding of dogs;

**“health certificate”** means a health certificate issued in terms of section 14;

**“keeper”** means a person who feeds, cares for, or controls, temporary or otherwise, an animal and includes a person who owns, supervises or works in a pet shop or per parlour, dog kennel, cattery, or battery system;

**“livestock”** means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

**“owners”** –

- a) In relation to an animal, includes any person having the possession, charge, custody or control of that animal, and in the case of an animal of which the ownership cannot readily be established, the user of the land on which the animal is present is deemed to be the owner thereof;
- b) In relation to land, means the person in whose name the land is registered and includes –
  - (i) A person who has purchased land, which land has not yet been registered in the person's name (the “purchaser”);
  - (ii) A usufructuary, if the land is subject to a usufruct;
  - (iii) The curator or legal representative of a person, minor, or purchaser who is mentally disabled, insolvent or otherwise incompetent in law

to administer his or her estate, or deceased, or the judicial manager or liquidator of a body corporate that is under judicial management or liquidation;

“**parasite**” means any organism that is detrimental to the health of any animal, or which is capable of causing or spreading any animal disease;

“**permit**” means a permit as issued under section 7(2);

“**pest**” means a noxious organism inhabiting animals such as, but not limited to, internal or external insects or parasites, parasitic worms, fleas, flies, cockroaches, lice, and ticks;

“**pet**” means a domestic animal such as a dog or cat, or an animal such as a bird or fish which is kept for companionship or pleasure;

“**per parlour**” means an establishment where pets are groomed;

“**pet shop**” means an establishment where pets are kept for trading purposes;

“**peace officer**” (law enforcement) includes a member of any force established under any law for the carrying out of police powers, duties or functions;

“**poultry**” means a turkey, goose, duck, muscovy-duck, bantam-fowl, fowl, and guinea fowl, whether domesticated or not, including the young of such poultry;

“**pounds**” means pounds as established in the Limpopo Pounds Regulations, 2004;

“**pound master**” means the pounds master as appointed in terms of the Limpopo Pounds Regulations, 2004;

“**premises**” means any land, building, room, structure, tent, van, vehicle, stream, dam, pool, pan, drain, ditch (open, covered, or enclosed), whether built in, upon, or not and whether public or private;

“**public health hazard**” means an occurrence specified in section 18(1);

“**public health nuisance**” means an occurrence specified in section 18(2);

“**user**”, in relation to land, means –

- a) Any person who has a personal or real right in respect of land in the person's capacity as fiduciary, fideicommissary, servitude holder, possessor, lessee or occupier, irrespective of whether or not the person resides thereon;
- b) Any other person who is generally recognized as having a right of tenure in the land concerned;

“**vermin**” means a noxious animal such as, but not limited to a rodent;



“**veterinarian**” means a person registered as such under the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982);

“**wild animal**” means an animal that is not generally domesticated, and includes a cross between a dog and a wild canine.

## **2. Purpose**

To eliminate where possible any source of a public health hazard and public health nuisance; to eliminate and inhibit the growth and spread of diseases; and to prevent any infestation by pests or vermin,

To protect all animals (domestic and wild), birds and insects; to encourage its citizens to protect all animals, birds and insects; and to minimize the adverse affects of negligence to all animal, birds, reptiles and insects by the residents;

## **3. Application of By-laws**

- (1) These by-laws apply to any person who owns or keeps an animal, for whatever purpose, on premises within the jurisdiction of the Makhado Municipal Council, but do not apply to -
- a) premises of an agricultural show where animals are temporarily kept;
  - b) premises in which a research laboratory is situated where animals are kept for research purposes; and
  - c) a veterinary surgeon in respect of an animal left in the veterinary surgeon care for treatment;
  - d) a society for the prevention of cruelty to and the advancement or the welfare of animals registered as a welfare organization in terms of the Societies for the Prevention of Cruelty to Animal Act, 1993 (Act No. 169 of 1993);
  - e) any person or body contemplated in the Limpopo Pounds Regulations, 2004;
  - f) agricultural land, and
  - g) a circus or menagerie which is duly licensed to give performances within the municipality.

**5. Public Health Management Inspector**

- (1) The Public Health Management Inspector, as appointed by Council in terms of the relevant section of the Food-handling By-laws, and such other person as Council may or must appoint in accordance with, or who is empowered to act by any other law, is the officer responsible for the implementation of these By-laws, and has such powers as granted in the Food-handling By-laws or such other law, and Council may furthermore grant other powers to the officer responsible as Council may deem necessary from time to time.

**6. Areas for keeping animals**

- (1) The Council may demarcate areas in which certain species of animals may not be kept, which demarcation must be published in the *Provincial Gazette* and in two newspapers circulating in the municipal area and no person may keep an animal in such an area.

**PART I: ANIMALS ON TOWN LANDS**

**7. Depasture of animals**

- 1) The Council may reserve and fence off such portions of the town lands as may be deemed desirable and establish a special camp or camps for the grazing of the stock of the residents.
- 2) No person may keep or depasture any animals on town lands as contemplated in subsection (1) without first having obtained a permit from the Council.
- 3) Any resident to whom a permit has been granted in terms of subsection (2), is entitled to keep 10 animals with the progeny of such animals under age of six month, upon payment of the council of a fee as stipulated in Schedule 1, and such fees, together with the fees prescribed in terms of subsection (8)(a), if applicable, are payable in advance at the offices of the Council on or before the 7<sup>th</sup> day of each month, however, these fees are not payable in respect of the progeny of such animal under the age of six month.

- 4) The Council may from time to time by notice issued under the hand of the Public Health Management Inspector call upon any resident keeping any animal on the town lands to file with the Public Health Management Inspector within seven days from date of such notice a sworn declaration as to the number of animals kept and depastured by the resident on the town lands, and as to the ownership of such animals and whether such animals are in a healthy condition.
- 5) No person, other than the lessee residing on any portion of the town lands leased by the Council, is entitled to depasture animals on any portion of the town lands outside the boundaries of such leased portion, and any animals of persons residing on any such leased portion, other than animals belonging to the lessee, found grazing outside the limits of such leased portion may forthwith be impounded by any peace officer or servant of the Council.
- 6) No person may, without a permit, keep or depasture on the town lands any bull over the age of 18 months, and a permit shall be issued by the Public Health Management Inspector in respect of each bull approved by the Council.
- 7) The Council may from time to time erect paddocks or enclosures for animals of residents in such part of the town lands as it shall deem necessary, and may make charges in connection therewith.
- 8)
  - (a) Any person keeping cattle on the town lands must cause such cattle to be dipped regularly in the municipal dipping tank on such days and during such hours as may be prescribed from time to time by the Council upon payment in advance, of a fee of as stipulated in Schedule 1, however, the progeny of such cattle under the age of six months are not be subject to the provisions of this subsection.
  - (b) Arrangements may be made with the Public Health Management Inspector for the dipping in the municipal dipping tank of any other cattle upon payment, in advance, of a fee as stipulated in schedule 1, however, the progeny of such cattle under the age of six months are not subject to the provisions of this subsection.

- 9)
  - (a) No person may keep or depasture any cattle, horse, mule or donkey within the municipality unless such animal bears the letter "L" distinctly branded on the right hip.
  - (b) An animal contemplated in paragraph (a) found in the municipality without such distinct brand, may forthwith be impounded and dealt with in terms of the Limpopo Pounds Regulations, 2004.
  - (c) It is the duty of every owner such animal to keep such mark at all times clearly visible and distinct.
  - (d) The branding iron which is to be used for the foresaid purposes, must be supplied on loan by the Council to every person entitled to keep or depasture such animals within the municipality.
  - (e) This subsection does not apply to a person mentioned in section 8 and section 9.
- 10) Any animal found on the town lands in respect of which any fees payable to the Council have not been paid, may forthwith be impounded by any peace officer or servant of the Council.
- 11) No person may turn loose or allow in the town lands any rig or stallion over the age of nine months, unless the same be properly hobbled, and if any rig or stallion not properly holed, or any boar, bull above the age of 18 months for which a permit has not been obtained, or jackass above the age of two years is found at large on the town lands, it may be impounded by any peace officer or servant of the Council, or by any one entitled to depasture animals in the town lands.
- 12) Any animals found on the town lands not in charge of sufficient and efficient herds are deemed to be at large and may be impounded by any peace officer or servant of the Council, provided that this section do not apply to animals kept in a paddock or enclosure erected by the Council for the purpose.
- 13) No person may keep an ostrich on the town lands or any portion thereof without being in possession of a permit.

**8. Draught animals**

- 1) A person who, during a break in a journey and for the purpose of allowing an animal to graze, unharness an animal, may do so on a site on any part of the town lands set apart for that purpose only.
- 2)
  - (a) Every person contemplated in subsection (1) is allowed free grazing and water for the persons draught animals for 36 hours only reckoned from the time the person breaks the journey.
  - (b) In addition to the period allowed in (a), the Council may, if satisfied of the necessity thereof, grant a permit for a further period not exceeding 48 hours to such person upon payment to the Council in advance of fee as prescribed in Schedule 1 per day or part of a day.
  - (c) Upon the expiration of the period allowed in (a) or of the additional period granted in terms of (b), all animals of such person found on any part of the town lands may be impounded by any peace officer or servant of the Council.
- (3) Any person bona fide visiting or bringing produce to, or travelling through the municipality is allowed to depasture any persons necessary draught animals on land as contemplated in subsection (1) for a period of not more than 36 hours, and upon the expiration of such period, the person must obtain from the Council a permit to further keep the animals, and pay to the Council in advance the fee as prescribed in schedule 1 per day or part of a day, and such permit shall in no case be for a longer period than seven days, after the expiration of which the animals of such person found on any part of the town lands may be impounded by any peace officer or servant of the Council.
- (4) Any person passing through the town lands with any animals not falling within the meaning of subsection (3), may keep such animals along and within 30 metres of the edge of a public road, and all such animals must be under the care and supervision of sufficient and competent herds.

**9. Driving of loose cattle**

- 1) No person may drive or cause to be driven any loose cattle within the areas bounded as set forth in schedule 1, however, this restriction does

not apply where animals are stalled within the areas bounded as above and require to be driven to and from the grazing grounds.

- 2) Any person driving loose cattle to or from any abattoir(s) must observe the routes set forth in the schedule.
- 3) No person may drive or cause or allow to be driven any live stock at any time through any street in which the driving of livestock is permitted, unless such stock is accompanied by the following attendance:
  - a) For the first 20 or portion thereof of large stock: 2 attendants; and
  - b) For each additional 20 or portion thereof of large stock: 1 attendant;
  - c) For the first 50 or portion thereof of small stock: 2 attendants; and
  - d) For each additional 50, or portion thereof of small stock: 1 attendant.

**10. Diseased animals and dead animals**

- 1) Should an animal on town lands be suffering from a contagious disease, the person in charge of the animal must forthwith report the fact to the Public Health Management Inspector, and any such animal found on the town lands may be seized and dealt with by the Council in accordance with the instructions of any Government veterinary officer acting in conformity with the provisions of the Animal Disease Act, 1984 or any regulations framed thereunder, or any subsequent law or regulation, and any expenses incurred or damages sustained by the municipality in connection therewith is recoverable from the owner or person in charge or in control of such animal, and no claim for compensation shall lie against the Council or any of its servants in respect of the destruction of any such animal done or carried out in good faith.
- 2) Any person depasturing or driving animals on, over, or through the town lands, or causing animals to be driven or depastured on, over, or through the town lands must, in the event of the death of any such animal, whether the same be owned by the person or be under the persons care, supervision, or control, notify the death at the Public Health Management Inspector's office within 12 hours, and must when thereto requested, point out to an official of the Council the place where the carcass lies.

- 3) The owner or person in charge or control of any animal who is found guilty of a contravention of this section is in addition to a fine imposed, responsible to the Council for all the costs entailed and damages sustained, and such costs and damages may be recovered by the Council.

#### **11. Permit**

- 1) Where a person has to acquire a permit in terms of this section, the person may obtain the permit, on payment of the prescribed fee, at the office of the Public Health Management Inspector's office, and the permit may be granted subject to such provisions as the Public Health Management Inspector may found to be necessary under circumstances.
- 2) The permit must be in writing and must contain the following information:
  - a) the name of the person who applies for the permit;
  - b) the person's usual address';
  - c) a full description of the animal in respect of which the permit is granted;
  - d) an identification of the location or site on the town land on which the animal is to be kept; and
  - e) the time period for which the permit is valid.
- 3) The permit serves as proof of payment of any prescribed fee.

### **PART II: KEEPING OF ANIMALS**

#### ***Chapter 1: General provisions***

#### **12. Consent of Council for keeping animal**

A person who wishes to keep or who is keeping an animal must comply with the requirements of this Chapter, and the requirements regarding Council's consent.

#### **13. Health certificate and dog tax receipt**

- 1) A person of whom a health certificate or dog tax receipt is required may not keep an animal without being in possession of a valid health certificate or a tax receipt.

**14. Application for health certificate**

- 1) A person of whom a health certificate is required must –
  - a) complete the application form and pay prescribed for the keeping of a particular animal and comply with all the other requirements and conditions which may be specified in the application form;
  - b) lodge two copies of the application form with the Public Health Management Inspector; and
  - c) obtain Council's approval before keeping an animal.
- 2) An application must be lodged not less than six weeks before the date on which the animal is had or obtained.
- 3) The application must contain the following particulars:
  - a) particulars of the applicant, such as name and address;
  - b) particulars of the premises on which the animal is to be kept;
  - c) the number of animals to be kept on the premises;
  - d) where required, as detailed plan of a proposed structure or building;
  - e) such other information as may be required by the Council; and
  - f) an undertaking that the applicant will comply with all conditions imposed by Council and with the provisions of these by-laws.
- 4) Council, when it considers an application, must have, in addition to other relevant factors, due regard to the following:
  - a) that the premises or amenities may be used for lawful purposes only;
  - b) that the keeping of the animal will not constitute a public health hazard or public health nuisance or annoyance to other users of the premises or to the occupiers of neighbouring premises;
  - c) that the use of the premises will not constitute a danger to any person or property; and
  - d) the kind of animal intended to be kept.
- 5) Council may approve the use of the premises for the keeping of an animal subject to any condition it may deem expedient, or may refuse consent.
- 6) Council must, within seven days after the application form has been lodged, in writing notify the applicant if the application has been approved or refused, and –



- a) if the application is refused, Council must supply to the applicant the reasons why the application was refused and notify the applicants of his rights in terms of the Promotion of Administrative Justice Act, 2000, (Act 3 of 2000); or
  - b) if the application is approved, Council must forward, to the applicant, a health certificate and one set of the application form and other documents that were submitted, and must specify in the certificate the conditions to which the keeping of an animal is subject.
- 7) Council must keep a register which is open to public inspection at all reasonable hours and which contains the following particulars of the application which was made to Council for the keeping of an animal and which was approved:
- a) the name and address of the applicant;
  - b) the date of the application;
  - c) the prescribed tax fee, where applicable, as stipulated in the Schedule to these by-laws, for the keeping of the animal;
  - d) the decision of Council;
  - e) the conditions relating to the keeping of the animal;
  - f) the maximum number and species of animals that may be kept; and
  - g) where required, a detailed plan of a proposed structure or building.
- 8) Should, since the health certificate was issued, a change in circumstances occur which materially affects any aspect relating to the keeping of an animal, the keeping of which was approved by the Council, the holder of the health certificate must immediately notify the Council of such change.

#### **15. Suspension, amendment and withdrawal of health certificate**

- 1) The Council may by written notice to the holder of a health certificate, or with immediate effect suspend, amend or withdraw the health certificate.
- 2) The Council may act in terms of subsection (1) –
  - a) to reduce or eliminate a risk constituted by a public health hazard or public health nuisance;
  - b) if the holder of a health certificate fails to comply with a condition in a notice of compliance issued in terms of section 62;

- c) if the holder of the health certificate was convicted on an offence in terms of these by-laws; or
- d) in the event of a change in circumstances as contemplated in section 14(8), whether or not the Council was notified of such change.

**16. Regulations relating to dog tax receipt**

- 1) An owner of a dog which is six month or older is liable for the payment of dog tax as prescribed in Schedule 2 and must apply for a dog tax receipt.
- 2) A person applying for a dog tax receipt must complete the prescribed form and submit the form to the offices of the Public Health Management Inspector, and pay the prescribed dog tax, whereupon the Public Health Management Inspector may issue a dog tax receipt.
- 3) The dog tax payable in terms of subsection (1) is levied annually and payable:
  - a) on or before 31 January of each year, for each dog which has attained the age of six months;
  - b) Within 30 days after attaining the age of six months after 31 January, however, where a dog attains the age of six months after 30 June of the year concerned, only half the tax as prescribed must be paid.
- 4) Should dog tax due not be paid, Council may recover the amount in terms of the provisions of the Credit Control and Debt Collection By-Laws.
- 5) A person may obtain a duplicate of a dog tax receipt issued in terms of subsection (2) upon payment of the relevant charges as prescribed in Schedule 2.
- 6) Where the ownership of a dog is transferred, the transferee must, after payment to the Council of the charges prescribe in Schedule 2, cause such transfer to be endorsed with the name and address on the dog tax receipt or on the duplicate thereof.
- 7) The owner must produce the dog tax receipt for inspection to any authorized officer when reasonably requested to do so.
- 8) The Council may issue a tag which must be attached to the collar of a dog on which dog tax has been paid.

**17. Exemption from dog tax.**

- 1) The following keepers are exempted from paying dog tax as stipulated in section 16:
  - a) a blind person using a dog as a guide or lead dog, and
  - b) subject to subsection (2), a person residing outside the Makhado Municipal area.
- 2) A person may bring into the municipal area a dog for –
  - (i) A period not exceeding 30 days;
  - (ii) treatment at a veterinary surgeon, and
  - (iii) boarding at a boarding kennel,but the keeper must remove the dog from the municipal area immediately after the expiry of the 30 days or after the completion of treatment or after the period of boarding, however, the keeper of such dog must be in possession of a dog tax receipt or proof of registration or licensing issued by the authority within whose jurisdiction such dog is normally kept.

**18. Public health hazard and public health nuisance**

- 1) A keeper of animals creates a public health hazard if any of the following occurs or arises in any structure, building, stable, kraal, shed or run or on premises where an animal is kept:
  - a) any pool, marsh, ditch, gutter, dung pit or heap is so foul or in such a state or so situated or constructed to be offensive or to be injurious or dangerous to health;
  - b) an accumulation of refuse, offal, manure or other matter which is offensive or injurious or dangerous to health occurs;
  - c) a structure, building, stable, kraal, shed or run on the premises is –
    - (i) so constructed, situated, used or kept as to be offensive or injurious or dangerous to health;
    - (ii) not kept in a clean state and free from offensive smells or effluvia arising there from;
    - (iii) kept or permitted to remain in an unsanitary state as to be offensive or injurious or dangerous to health;
    - (iv) infested with pests or vermin or on a state that is conducive to the breeding of pests or vermin;

- d) there are conditions that are conducive and contributive to the spread of a contagious and communicable disease in a structure, building, stable, kraal, shed or run or on the premises; and
  - e) any organic matter is being used or kept in a manner that attracts vermin and pets;
- 2) A keeper of animals creates a public health nuisance if a structure, building, stable, kraal, shed or run on premises is aesthetically displeasing, or if any of the following emanates, whether occurring or arising from a public health hazard or not, from any structure, building, stable, kraal, shed or run in which or from premises on which an animal is kept:
- a) an obnoxious smell;
  - b) pests and vermin; or
  - c) insufferable noise.
- 3) No person who keeps an animal may create or allow a public health hazard or public health nuisance to be created or to exist.

**19. Requirements for premises and enclosures on premises**

- 1) No person may keep on premises an animal in structure, building or enclosure that does not comply with the National Building Regulations and Building Standards Act, 1977, the Land and Buildings: Buildings By-laws, and the provisions of these by-laws.
- 2) Subject to and in accordance with subsection (1), the following apply:
- a) every wall and partition must be constructed of brick, stone, concrete or other durable and impervious material;
  - b) internal wall surfaces must be constructed of smooth brick or other durable surface brought to a smooth finish;
  - c) A floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel and drained;
  - d) An open channel as contemplated in paragraph (2) ( c ) must –
    - (i) be of cement, concrete or other impervious material;
    - (ii) in the case of pipe, be of glazed earthenware which is not less than 100 cm in diameter; and

- (iii) be connected to a sewer, or where no sewer is available, be connected to another means for the innocuous disposal of waste liquid;
  - e) adequate lighting and ventilation must be provided;
  - f) an adequate water supply for drinking and cleaning purposes must be next to every animal enclosure; and
  - g) an adequate rodent-proof storeroom must be provided for fodder and feed.
- 3) No person may construct or use for watering any animal, any waterpool, unless such waterpool is constructed in a proper, neat and workmanlike manner, of concrete or other approved impervious material, is smoothly finished and is capable of being easily cleansed and drained, and –
  - a) Such cleansing and draining must be affected by such person as often within reason, but at least once in every seven days;
  - b) Waste water must be disposed on in a proper manner, without causing a public health hazard or a public health nuisance.
- 4) No person may erect or use, for the purpose of keeping an animal, a structure, building or enclosure that –
  - a) constitutes a public health hazard or a public health nuisance;
  - b) is detrimental to the environment; or
  - c) is aesthetically offensive.

## **20. Duties of person who keeps animal**

- 1) A person who keeps any animal must –
  - a) at all times, maintain the premises, structure building, or enclosure and all appurtenance in good repair and in a clean and sanitary condition so as not to create or allow the creation of a public health hazard or a public nuisance;
  - b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - c) must keep each manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the enclosure;

- d) remove all ten manure from the enclosure at least once every 24 hours unless otherwise specified in these by-laws; and
  - e) store all feed and fodder in a rodent- proof storeroom in rodent- proof receptacles with close fitting lids;
- 2) No person being the owner or having the charge or control of any animal whatsoever, whether domesticated or not, may allow or permit such animal to cause any annoyance, offence or inconvenience to traffic generally, or which disturbs the public peace.
- 3) A keeper of animals must take all reasonable measures to ensure that a public health hazard or a public health nuisance does not occur on, arise, or emanate from a structure, building, stable, kraal, shed, run or premises, and should such public health hazard or a public health nuisance occur, arise or emanate, the keeper must take all reasonable measures to ensure that the public health hazard or a public health nuisance is eliminated or reduced as far as possible.
- 4) For the purpose of subsection (3) the following measures, as well as other effective measures, must be taken:
- a) fly-traps must be installed to catch or kill flies;
  - b) accumulated water must be covered with oil and drained regularly;
  - c) containers in which mosquitoes may breed, must be disposed of or kept in such a manner to prevent the breeding of mosquitoes;
  - d) ditches, gutters and pipes must be cleaned regularly so as to prevent the collection of water; and
  - e) traps, such as mouse traps, or appropriate poison for vermin must be used.

**21. Duties of owner and user regarding health of animal**

- 1) An owner or user, as the case may be, of land on which there are animals and an owner of animals must –
- a) take, with due observance of the provisions of the Animal Health Act, 2002 all reasonable steps that are necessary –
    - (i) to prevent the infection of the owners animals with any animal disease or parasite;

- (ii) to prevent the spreading of any animal disease or parasite from the relevant land or animal; and
    - (iii) for the eradication of any animal disease and parasite on the relevant land or in respect of the animal in question; and
  - b) whenever such animal –
    - (i) has become or can reasonably be suspected of having become infected with any animal disease or parasite, apply in respect of such animal the prescribed treatment or any other treatment that may be deemed suitable and customary in the particular circumstances; and
    - (ii) has become or can reasonably be suspected of having become infected with a controlled animal disease; immediately report such incidence to Public Health Management Inspector;
  - c) report immediately to the Public Health Management Inspector any abnormal morbidity and mortality amongst the owners animals.
- 2) No person may 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 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) No person may leave any severely injured, feeble, dying, diseased, or emaciated animal in any street except for the purpose of procuring assistance for the removal of such animal.

## **22. Offences in respect of animals**

- (1) A person commits an offence if the -
  - a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures or maims or cruelly beats, kicks, goads or terrifies any animal; or

- b) confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light, protection or shelter from heat, cold or weather; or
- c) unnecessarily starves or under-feeds or denies water or food to any animal; or
- d) lays or exposes any poison or any poisoned fluid or edible matter or infectious agents except for the destruction of vermin or marauding domestic animals or without taking reasonable precautions to prevent injury or disease being caused to animals; or
- e) being the owner of any animal, deliberately or negligently keeps such animal in a dirty or parasitic condition or allows it to become infested with external parasites or fails to render or procure veterinary or other medical treatment or attention which the owner is able to render or reduce for any such animal in need of such treatment or attention, whether through disease, injury, delivery of young or any other cause, or fails to destroy or cause to be diseased or in such a physical condition that to prolong its life would be cruel and would cause such animal unnecessary suffering; or
- f) Uses on or attaches to any animal any equipment, appliance or vehicle which causes or will cause injury to such animal or which is loaded, used or attached in such a manner as will cause such animal to be injured or to become diseased or to suffer unnecessarily; or
- g) Save for the purpose of training hounds maintained by a duly established and registered vermin club in the destruction of vermin, liberates any animal in such manner or place as to expose it to immediate attack or danger of attack by other animals or by wild animals, or baits or provokes any animal or incites any animal to attack another animal; or
- h) liberates any bird in such manner as to expose it to immediate attack or danger of attack by animals, wild animals or wild birds; or
- i) drives or uses any animal which is so diseased or in such a physical condition that it is unfit to be driven or to do any work; or



- j) lays any trap or other device for the purpose of capturing or destroying any animal, wild animal or wild bird, the destruction of which is not proved to be necessary for the protection of property or for the prevention of the spread of disease; or
- k) having laid a trap or other device, as contemplated in paragraph (j), fails either himself or through some competent person to inspect and clear such trap or device at least once each day; or
- l) except under the authority of a permit issued by the magistrate of the district concerned, sells any trap or other device intended for the capture of any animal, including any wild animal (not being a rodent) or wild bird, to any person who is not a bona fide farmer, or;
- m) conveys, carries, confines, secures, restrains, or tethers any animal -
  - (i) under such conditions or in such a manner or position or for such a period of time or over such a distance as to cause that animal unnecessary suffering; or
  - (ii) in conditions affording inadequate shelter, light or ventilation or in which such animal is excessively exposed to heat, cold, weather, sun, rain, dust, exhaust gases or noxious fumes; or
  - (iii) without making adequate provision for suitable food, potable water and rest for such animal in circumstances where it is necessary; or
- n) without reasonable cause administers to any animal any poisonous or injurious drug or substance; or
- o) being the owner of any animal, deliberately or without reasonable cause or excuse, abandons it, whether permanently or not, in circumstances likely to cause that animal unnecessary suffering; or
- p) causes, procures or assists in the commission of any of the aforesaid acts or, being the owner of any animal, permits the commission or omission of any such act, or
- q) by want only or unreasonable or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal;
- r) kills any animal in contravention of a prohibition in terms of a notice published in the Gazette under subsection (3), or

- s) by noise, gestures, actions, or other means willfully frightens or irritates any animal in any street;
  - t) keeps an animal that creates a disturbance or a nuisance or suffers from a contagious disease, except a veterinary surgeon who keeps such dog in a clinic for treatment.
- (2) For the purpose of subsection (1) the owner of an animal is deemed to have permitted or produced the commission or omission of any act in relation to that animal if by the exercise of reasonable care and supervision in respect of that animal he could have prevented the commission or omission of such act.
- (3) No person may, with the intention of using the skin or meat or any other part of such animal for commercial purposes, kill an animal specified by the Minister in terms of the Animal Protection Act, 1962.
- (4) In accordance with the provisions of the Animal Protection Act, 1962, a person as a result of whose negligence an animal causes injury to another person, commits an offence, and whenever a person is convicted of an offence in terms of this subsection, the court convicting the person may in addition to any punishment imposed upon the person in respect of that offence –
- a) make an order relating to the removal, custody, disposal or destruction of the animal concerned and the recovery of any costs incurred in connection therewith;
  - b) declare the person convicted to be unfit, for a specific period, to own a certain kind of animal or an animal of a specific breed or to have it under the person control or in the person custody.
- (5) Subsection (4) applies mutatis mutandis if any person –
- a) as a result of whose negligence an animal causes the death of another person is found guilty of an offence with regard to such negligence;
  - b) as a result of whose deliberate action an animal causes the death of or injury or damage to another person is found guilty of an offence with regard to such action.
- (6) A person who has in terms of subsection (4)(b) been declared unfit, for a period, to own a certain kind of animal or an animal of a specific breed or

to have it under the persons control or custody, must, if at the time of the declaration the person owns or has under the person control or custody such an animal and such animal is not destroyed in terms of subsection (4)(a), within 14 days from the date on which such a declaration was made, make alternative arrangements for the caring of the animal for the period for which the person is declared unfit to own such an animal or to have it under the person control on in the person custody, and a person who fails to do so commits an offence.

- (7) If at a trial of any person on a charge of an offence under these by-laws and which relate to a matter in the Animals Protection Act, 1962, the court is satisfied that any person or body has without reasonable cause and vexatiously lodged or caused to be lodged the complaint which led to such trial, it may award costs, including attorney and client costs, on the magistrate's court scale, against such person or body as if the proceedings were civil proceedings between the accused and such person.
- (8) A person who contravenes subsection (3) or, subject to the provisions of subsection (6), any person who owns or has under his control or custody an animal in contravention of a declaration made in terms of subsection (4)(b), commits an offence.

### **23. Animal fights**

- (1) a person commits an offence if a person -
- a) Possesses, keeps, imports, buys, sells, trains, breeds or has under the person control an animal for the purposes of fighting any other animal;
  - b) Baits or provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
  - c) For financial gain or as a form of amusement promotes animal fights;
  - d) Allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in the person possession or under the person charge or control;

- e) Owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on any such premises or place or who acts or assists in the management of any such premises or who receives any consideration for the admission of any person to any such premises or place; or
  - f) Is present as a spectator at any premises or place where any of the acts referred to in paragraphs (a) to (c) is taking place or where preparations are being made for such acts.
- (2) In any prosecution in terms of subsection (1) it shall be presumed, unless the contrary is proved, that an animal which is found at any premises or place is the property or under the control of the owner of that premises or place, or is the property or under the control of the owner of the person who uses or is in control of the premises or place.

#### **24. Carcasses**

- (1) The owner or person in control of any animal which dies must forthwith dispose of the carcass.
- (2) Should a person fail to dispose of a carcass, the Public Health Management Inspector may arrange for the disposal of the carcass and may recover the cost involved from the previous owner or person in control of such animal.
- (3) A person contemplated in subsection (1) may dispose of a carcass in the following manners:
- a) must take steps to have the carcass removed by an animal organization or by a person licensed to do so in terms of the Waste Management By-laws;
  - b) If the premises are suitable, bury the carcass at a depth which completely covers the whole carcass so that it cannot be dug up by an animal or cause any nuisance whatsoever; or
  - c) If the animal died of a disease, must take steps to have the carcass removed by an animal organization or a person licensed to do so in terms of the Waste Management By-laws;
- (4) Should a person be unable to dispose of a carcass the person may request the Public Health Management Inspector to dispose of the

carcass, and the Public Health Management Inspector may recover the cost for the disposal from the owner or person in control of such carcass.

- (5) The occupier, owner or manager of a game farm or similar establishment must on discovery of a carcass on the farm immediately and subject to the provisions of any other law –
  - a) bury the carcass at a depth which completely covers the whole carcass so that it cannot be dug up by an animal or cause any nuisance whatsoever; or
  - b) if the animal was diseased, incinerate the carcass.
- (6) The Public Health Management Inspector may order the destruction, removal and burial of any sick or diseased animal abandoned by its owner, and where the municipality has caused such animal to be destroyed, removed and buried, any expense incurred by the municipality in such destruction, removal and burial is deemed to be a debt due by the owner to the municipality.
- (7) No person may carry or convey through or along any street the carcass of any animal or any offal unless the same be properly covered.
- (8) This section does not apply to animals which are slaughtered for the purpose of human or animal consumption.

## **25. Slaughtering of animal**

- 1) No person may, for the purpose of human or animal consumption, slaughter or cause or suffer to be slaughtered any animal except at a slaughtering place duly authorized and approved by the Council.
- 2) A person who intends slaughtering an animal for religious or ceremonial purpose in any other place than an approved abattoir, must comply with the following:
  - a) The person must apply of a permit at least 14 days before the date of the slaughtering, and the Public Health Management Inspector may grant a permit subject to such conditions as the person deems necessary under the circumstances, or may refuse to grant a permit;
  - b) If the person, prior to the slaughtering, keeps the animal, the person must comply with the provisions of these by-laws;

- c) The person, if the Council granted a permit, in writing notify all neighbours seven days before the event;
  - d) The person must ensure that the slaughtering is screened from any person not participating in the slaughtering process and not attending the religious or ceremonial event;
  - e) The person may allow the meat of the slaughtered animal to be used for religious or ceremonial purpose only;
  - f) The person must ensure that the meat is handled, at all times, in a hygienic manner; and
  - g) The person must forthwith dispose, in the manner prescribed by the Waste Management By-laws, 2004 of any waste, such as but not limited to the hide, offal or unconsumed meat.
- (3) Should the Public Health Management Inspector refuse to grant a permit, the Public Health Management Inspector must in writing supply the person with the reasons for the refusal.

## **Chapter 2: Dogs**

### **26. Dog tax receipts**

- 1) A person may not keep a dog unless the person is in possession of a dog tax receipt.
- 2) No person may keep a dog within any area defined by the Council as unsuitable for the keeping of dogs.

### **27. Number of dogs on premises**

- 1) No person may keep more than the following number of dogs, older than six months, within the specified municipal area:
  - a) On premises in residential areas: two dogs per household of which not more than one may be an unsprayed bitch, and
  - b) On agriculture land: three dogs per household of which not more than one may be an unsprayed bitch,
- (2) The Council may, at the written request of an owner or occupier of a residential premises or agricultural land, grant permission for the keeping of a larger number of dogs than the prescribed number on such premises

or land and the Council may for the purpose of considering such permission, request the owner or occupier for any information which it deems necessary.

**28. Dog to be provided with form of identification**

- 1) The owner of a dog aged six months or older must provide it with a collar, or such other form of identification as the Council may determine from time to time, bearing a clear impression of the name and address of the owner.
- 2) No person may unlawfully use, destroy or interfere with the collar or other form of identification of a dog or remove it from a dog.

**29. Control of dog in public place**

- 1) No person may allow any dog in a public place unless the owner or another person keeps such dog on a leash.
- 2) Except in the event of a blind person being led by a guide dog, any person in charge of a dog in a public place, must remove any faeces left by such dog.

**30. Certain dogs not allowed in public places**

- 1) Subject to provisions to the contrary in these by-laws or any other law, no person may bring or allow in a public place any dog that –
  - a) is wild, dangerous or ferocious;
  - b) is in the habit of charging or chasing people, vehicles, animals, fowls or birds outside the premises where such dog is kept;
  - c) may cause damage to any person or property; or
  - d) Is a bitch on heat.

**31. Person may seize dog**

- 1) Any person may seize and cause to be impounded a dog found on property of which the person is the owner or occupier and –
  - a) which the person reasonably believes to be ownerless; or

- b) in respect of which the person reasonably believes that the tax due in terms of these by-laws has not been paid.
- 2) Notwithstanding the provisions of subsection (1) no person may seize or cause to be impounded:
  - a) a dog if the person reasonably believes that the dog is exempted from tax;
  - b) any bitch rearing unweaned young, unless the bitch and unweaned young are impounded together; or
  - c) any diseased dog.
- 3) A person who has seized a dog in terms of this section must ensure that the dog is not ill-treated in any manner and must forthwith cause the dog to be impounded.
- 4) No person may set free any dog that has been seized or is being kept in custody in terms of this section.
- 5) An authorized officer may impound any dog found wandering at large and uncontrolled in a public place.

### **32. Destruction of dogs**

- (1) The Council may, subject to the provisions of the Limpopo Pounds Regulations, 2004 order the destruction of a dog:
  - a) where it appears that a dog is of the type described in section 30 and that the person claiming the dog is not entitled to its return in terms of section 31(1);
  - b) where a dog is found at large in any public place and appears to be ownerless;
  - c) Where a dog is found at large in a public place and the owner refuses or fails to pay the tax due in terms of these by-laws in respect of the dog; or
  - d) where a dog is in such a state of injury that it would, in the opinion of the Council, be humane to do so.



### Chapter 3: Poultry

#### 33. Health certificate required

- 1) No person may keep live poultry on any premises or in a battery system without being in possession of a health certificate.
- 2) No person may keep poultry within any area defined by the Council as unsuitable for the keeping of poultry therein.

#### 34. Requirements for premises

- 1) No person may keep poultry in or upon premises or part thereof other than in a suitable and properly constructed poultry house with enclosed runway erected in accordance with the requirements of these by-laws.
- 2) No person may erect or use for the purpose of keeping poultry, any poultry house or runway or both any part of which is –
  - a) within 3 metres of the nearest point of any dwelling, living room, sleeping room, outbuilding, or shop;
  - b) within 1,5 metres from any wall or boundary fence; and
  - c) within 15 metres from any fence contiguous to a street.
- 3) The following apply specifically to a poultry house:
  - a) it may be constructed of only brick, iron, steel, corrugated iron or asbestos.
  - b) it must have an unobstructed opening with a minimum dimension of 215mm X 65mm in the back wall for ventilation.
  - c) it is to be constructed on a concrete foundation measuring at least 150mm thick below ground level.
  - d) the roof must be constructed of iron, steel, corrugated iron or asbestos sheets, which must extend the full depth of the poultry house.
  - e) roof purlins and rafters must be round or angle iron, and may not include wood or similar materials.
  - f) it must have the following minimum internal dimensions –
    - (i) depth from front to back 1,2m;
    - (ii) breadth, 1,3m;

- (iii) height in front, 1,5m; or
- (iv) height at back, 1,4m;
- g) The walls, floor and roof must be free from –
  - a) hollow spaces;
  - b) enclosed interspaces; and
  - c) holes, to discourage harbouring of rodents, vermin or poultry parasites;
  - d) nests and perches must be constructed of approved impervious materials, excluding wood or similar materials which prevent harbourage of vermin;
  - e) it must have a fenced runway which must comply with the following minimum requirements:
    - (i) it must be enclosed with wire mesh or other durable material;
    - (ii) it must have fencing poles of an approved impervious material, but not wood or similar materials;
    - (iii) it must be properly constructed and secured and of an aesthetic nature; and
    - (iv) it must allow a minimum of 0,55m<sup>2</sup> for each head of poultry.
- 4) Should a person fail to comply with the requirements of subsection (3), Council may serve a notice of compliance on the person.

### **35. Requirements for battery system**

- 1) A person may erect a battery system no less than –
  - a) 3 m from a site boundary; and
  - b) 7,5m from any door, window or other entrance to a dwelling house, living room or place where food for human consumption is prepared or stored.
- 2) A battery system without walls must –
  - a) be provided with a roof;
  - b) have gutters and down pipes;
  - c) have supporting pillars of –
    - (i) steel;

- (ii) concrete; or
  - (iii) bricks plastered smoothly from floor level to eaves' height.
- 3) An unobstructed space of 0,5m must be maintained between walls and the battery system cages at all times.
  - 4) The battery system cages must be made of an impervious material.
  - 5) Adequate washing facilities must be provided for the cleaning of the cages.
  - 6) Should a person fail to comply with the requirements of subsection (2), subsection (3), subsection (4) or subsection (5), Council may serve a notice of compliance on the person.

### **36. Confinement of poultry on crates**

- 1) No person may keep poultry in a crate, except for purpose of –
  - a) transporting;
  - b) hawking;
  - c) selling at approved places; or
  - d) slaughtering at the Council's abattoir.
- 2) A person who keeps poultry in a crate, must ensure that a crate for –
  - a) turkeys or geese has –
    - (i) a floor area not be less than 0,1m<sup>2</sup> per bird; and
    - (ii) a height not less than 750mm;
  - b) all other poultry has –
    - (i) a floor area of 0,05 m<sup>2</sup> per bird; and
    - (ii) a height not less than 500 mm.
- 3) The person must ensure that crate is constructed of solid and impervious material.
- 4) The person must provide the crate with two drinking vessels which –
  - a) must be fixed in opposite corners of the crate;
  - b) must be kept filled with fresh water;
  - c) must be of the unspillable type;
  - d) may not be less than 125 mm deep; and
  - e) must be at least 100 mm in diameter.
- 5) The person must provide the crate with a suitable receptacle filled with sufficient fresh food once in the morning and once in the afternoon.
- 6) A person may not allow a crate to contain more than:

- a) 30 Chickens or half-grown fowls;
  - b) 20 fowls;
  - c) 20 ducks, or other poultry of a similar size; and
  - d) 10 turkeys or geese.
- 7) A person may not hold different species of poultry in the same crate.

### **37. Duties of keeper of poultry**

- 1) A person keeping poultry in a poultry house and enclosed runway –
- a) must remove manure and droppings from the poultry house and runway daily;
  - b) must store such droppings or manure in a non-corrosive metal bin with a close-fitting cover, or bury such droppings or manure and ram such droppings or manure down properly under at least 300 mm of ground;
  - c) must regularly deodorize any poultry house and runway;
  - d) may not keep, place, throw, leave or allow to remain on or in the premises any poultry litter, refuse or manure for such period as to attract and favour the breeding or attraction to premises of pests or vermin;
  - e) must feed the poultry in a proper manner so as not to attract pests or vermin and must remove any residual food or other putrescible matter at least once a day; and
  - f) must limewash the poultry house internally and externally as often as circumstances dictate.

### **38. Destruction of poultry**

- (1) Any poultry not in the immediate custody and control of any person found in any street, road or other public place, must be destroyed on the order of an authorized employee.

## **Chapter 4: Swine**

### **39. Health certificate required**

- 1) No person may keep live swine on any premises without being in possession of a health certificate.

- 2) No person may keep any swine within any area defined by the Council as unsuitable for the keeping of swine therein.

#### 40. Requirements for premises

- 1) The following apply to a sty on premises on which swine are kept:
  - (a) The sty must be provided with a floor and the floor area must –
    - (i) be at least 15 centimetres above the surrounding ground;
    - (ii) constructed of cement, concrete or other impervious material;
    - (iii) provide at least 3m<sup>2</sup> for each swine being kept;
    - (iv) have an overall minimum floor area of 6m<sup>2</sup>; and
    - (v) have an open channel for run-off liquids.
  - (b) If required, and where drainage is by pipes and such pipes exceed five meters in length, a gully-trap must be provided.
  - (c) The walls of the sty must –
    - (i) be strong enough to prevent the swine breaking out;
    - (ii) be of an impervious material;
    - (iii) have a minimum height of 1,5 meters; and
    - (iv) be rounded at the angle junction of the walls and floor.
  - (d) The roof of the sty must have a minimum height of 1,5 meters to provide airspace.
  - (e) In the case of a sty having one of its long sides completely open, lighting and ventilation openings must be –
    - (i) situated in opposite external walls; and
    - (ii) in the proportion of at least 500mm<sup>2</sup> for each swine.
  - (f) A sty may not be situated within 50 meters of any boundary of the stand, erf, plot or site, any source of private water supply or any dairy or dwelling, the distance being measured in a straight line from the nearest point of such sty to the nearest point of such boundary, source of private water supply, dairy or dwelling.
- 2) No person may erect or use for the purpose of keeping swine, any sty which –
  - a) is within 30 meters of any public street thoroughfare or well; and
  - b) is within 75 meters of the nearest dwelling or dairy.

- 3) Should a person fail to comply with the requirements in subsection (1), Council may serve a notice of compliance on the person, and a person who contravenes subsection (2) commits an offence.

#### **41. Duties of keeper of swine**

- 3) A person keeping swine in a sty -
  - a) must remove manure and dropping from the sty daily;
  - b) must store such droppings or manure in a non-corrosive metal bin with a close-fitting cover, or bury such droppings or manure and ram such dropping or manure down properly under at least 300 mm of ground;
  - c) must regularly deodorize and disinfest any sty;
  - d) may not keep, place, throw, leave or allow to remain on or in the premises any swine litter, refuse or manure for such period as to attract and favour the breeding or attraction to premises of pests or vermin;
  - e) must feed the swine in a proper manner so as not to attract pests or vermin, and must remove any residual food or other putrescible matter at least once a day; and
  - f) limewash the sty internally and externally as often as circumstances dictate.

### **Chapter 5: Goats and sheep**

#### **42. Health certificate required**

- 1) No person may keep goats or sheep on any premises without being in possession of a health certificate.
- 2) No person may keep any goats or sheep within any area defined by the Council as unsuitable for the keeping of goats or sheep therein.
- 3) The number of and sex of the goats and sheep to be kept on the premises, must be specified in the health certificate, however, progeny under the age of four months is not to be taken into account.

#### **43. Requirements for premises**

- 1) The following apply to the keeping of goats and sheep:

- a) the enclosure in which the goats and sheep are to be housed or penned must –
    - (i) have a minimum housing floor area of 30m<sup>2</sup>, and
    - (ii) have 6m<sup>2</sup> of enclosure or run area for each goat or sheep proposed to be accommodated in it.
  - b) every wall must have a minimum height of two meters.
  - c) the floor must slope to an open channel which must be –
    - (i) of cement, concrete or other impervious material;
    - (ii) not less than 100 cm in diameter;
    - (iii) connected to a sewer; or
    - (iv) must, where no sewer is available, be connected to another means for the innocuous disposal of waste liquid.
  - d) a gully-trap must be provided where drainpipes exceed 100 meters in length.
  - e) ventilation openings totalling a minimum of 600mm for each goat must be provided.
- 2) The building structure or enclosure may not be –
    - a) within 15 meters of any boundary of land, dwelling, building or other structure being used for human habitation;
    - b) within 50 meters of any water resource or water supply intended for use of human consumption.
  - 3) The enclosure must be efficiently fenced to keep the goats and sheep in at all times.

#### **44. Duties of keepers**

- 1) A person who keeps goats or sheep must –
  - a) provide storage containers which must:
    - (i) be of an impervious material; and
    - (ii) have a close fitting lid; and
  - b) keep the storage container on a platform of sufficient height for the cleaning of the surface beneath the containers;
  - c) at least once in every seven days, remove all manure from the enclosure and place it in the storage containers; and
  - d) at least once every seven days, remove from the premises the contents of the storage containers for the purpose of disposal;

## **Chapter 6: Rabbits**

### **45. Keeping of less than 10 rabbits**

- 1) A person who keeps less than 10 rabbits need not be in possession of a health certificate.
- 2) The rabbits must be kept in a rabbit hutch, which –
  - a) must be constructed of mesh wire or smooth iron sheets only;
  - b) must have floors constructed of mesh wire with openings of at least 25mm X 12mm;
  - c) may not be installed in more than three layers on top of each other;
  - d) must be least 200mm above the surface of the ground; and
  - e) must be provided with a suitable receptacle for manure and urine.

### **46. Health certificate required for keeping more than 10 rabbits**

- 1) No person may keep more than 10 rabbits on any premises without being in possession of a health certificate.
- 2) No person may keep more than 10 rabbits within any area defined by the Council as unsuitable for the keeping of more than 10 rabbits therein.

### **47. Requirements for premises for keeping more than 10 rabbits**

- 1) The following apply to the keeping of 10 or more rabbits:
  - a) The enclosure in which the rabbits are to be housed must be:
    - (i) enclosed on all sides with wire mesh from roof to floor to keep the rabbits in at all times;
    - (ii) be provided with a close-fitting wire or steel gate, and
    - (iii) be approved by the Public Health Management Inspector.
  - b) Every wall must have a minimum height of one meter, and must be built with split poles or other approved material to a minimum height of one meter above ground level.
  - c) The roof of the building may be supported by pillars of steel, iron, S.A.B.S. approved treated poles, or smoothly plastered concrete or bricks.
  - d) The floor must –
    - i) be at least 150mm above the surrounding ground; and



- ii) slope to an open channel made of cement, concrete or other impervious material which –
    - (aa) is connected to a sewer; or
    - (bb) must, where no sewer is available, be connected to another means for the innocuous disposal of waste liquid;
  - e) No rags, tarpaulins, plastic strips or similar material may be hung in front of any window opening.
  - f) Under-roof air-space totalling a minimum of 0,6m<sup>2</sup> for each rabbit must be provided.
- 2) The building, structure or enclosure may not be within 10 meters of any boundary of land, dwelling, building or other structure being used for human habitation;
- 3) A person who contravenes paragraph (1)(e) or subsection (2) commits an offence, and should a person fail to comply with any other provision in subsection (1) the Council may serve a notice of compliance in the person.

#### **48. Duties of keeper of rabbits**

- (1) A person keeping rabbits must -
- a) ensure that each rabbit is properly housed;
  - b) remove all manure and rabbit hair from the building, structure, enclosure or hutch and dispose of the contents innocuously at least once every 24 hours;
  - c) clean the floor daily;
  - d) treat or store the contents of the manure receptacle in such a manner as to preclude the open attraction and the breeding of flies;
  - e) keep the building, structure, enclosure or hutch and its surroundings in a thoroughly clean and sanitary condition; and
  - f) regularly spray the building, structure, enclosure or hutch with an effective fly-killing agent.
- (2) No rabbits may be slaughtered on any premises within the Makhado Municipal boundaries other than on premises approved by the Council for the purpose.

## **Chapter 7: Cattle, horses, mules and donkeys**

### **49. Health certificate and register**

- 1) No person may, without being in possession of a health certificate keep a head of cattle, horse, mule or donkey.
- 2) No person may keep a head of cattle, horse, mule and donkey within any area defined by the Council as unsuitable for the keeping of cattle, horses, mules and donkeys therein.
- 3) The Public Health Management Inspector must keep a register showing the number and description of the cattle, horses, mules or donkeys in the municipal area and the person to whom they belong to.
- 4) Any head of cattle, sheep, horse, mule or donkey found in the municipal area and in respect of which a health certificate has not been granted, and any such animal found straying or unattended in any street or public place may be impounded by the Public Health Management Inspector.
- 5) In the event of any animal, whether registered or not, suffering from or dying in the municipal area of glanders, lung-sickness, rinderpest or any infectious disease to which the Animal Disease Act, 1984 or any other law apply, the owner of such animal or the person under whose control such animal is or in the absence of such person the holder or grantee on whose site or in whose dwelling the owner or person in charge of such animal normally resides must forthwith report the event to the Public Health Management Inspector, in addition to any other authorities as may be required by law.

### **50. Requirements for premises**

- 1) No cow-shed may be situated –
  - a) within 15m of a dwelling, the distance being measured from the nearest point of the building so used to the nearest point of the dwelling; or
  - b) within 15m of the boundary of any stand, lot or site owned by a person on whose ground the cow-shed is situated, the distance being measured from the nearest point of such building to the nearest point of the boundary of such stand, lot or site.

- 2) The nearest point of a stable may not be less than 10m from a dwelling, the distance being measured in a straight line from the nearest point of the stable to the nearest point of the dwelling, and not less than 1m from the boundary of any stand, lot or site, the distance being measured in a straight line from the nearest point of the stable to the boundary of the stand, lot or site, however this section does not apply to any area zoned as general industrial or special industrial under the provisions or the Town-planning scheme.
- 3) The lowest height of the roof at its lowest point may not be less than 2,4 meters, but if one entire wall of the stable or shed is open, the height may not be less than 2 meters along such opening.
- 4) A minimum floor area 9m<sup>2</sup> of a stable must be provided for each animal accommodated in it.
- 5) Except in a shed or stable of which one entire wall is open, lighting and ventilation must be provided of a minimum of 0,3m for each animal.
- 6) The floor of the stable or shed must be constructed of durable and impervious material such a concrete and brought to a smooth finish graded to a channel and drained.
- 7) The following apply to an enclosure:
  - a) it must have a minimum area of 10m<sup>2</sup> for each animal accommodated in it; and
  - b) the fencing must be of such strength that an animal cannot break out.
- 8) A water supply adequate for drinking and cleaning purposes must be located next to every stable, shed or enclosure.
- 9) An opening such as a window may not be less than 1,8 metres above floor level.

#### **51. Duties of keeper**

- 1) Equipment such as a saddle, bridle, or harness must be stored in a storeroom.
- 2) A person who keeps any cattle, horse, mule or donkey must –
  - a) provide manure and bedding storage containers of an impervious material which -
    - (i) must have a close fitting lid, and

- (ii) must be stored in a platform constructed of durable and impervious material such as concrete in close vicinity of the stable or shed;
- b) if the amount of manure and bedding is such that storage in a container is not feasible, store the manure and bedding in an enclosed structure with a floor made of durable and impervious material such as concrete;
- c) at least once in every 24 hours, remove all the manure from the stable or shed and deposit it in the manure storage containers or structure contemplated in paragraph (b) until it is removed from the premises, and
- d) at least once every seven days, remove from the premises the contents of the manure and bedding storage receptacles or structure and dispose of the manure as provided for in the Waste Management By-laws.

## **Chapter 8: Birds other than poultry**

### **52. Health certificate**

- 1) A person may keep a bird in a room in a dwelling without being in possession of a health certificate.
- 2) No person may keep birds in a pigeon-cote or other structure on any premises without being in possession of a health certificate.
- 3) No person may keep birds within any area defined by the Council as unsuitable for the keeping of birds therein.

### **53. Requirements for premises**

- 1) No person may keep birds in or upon any premises or part thereof other than in a suitable and properly constructed pigeon-cote or other structure in accordance with the requirements of these by-laws.
- 2) No person may erect or use for the purpose of keeping birds, any pigeon-cote or structure any part of which is –
  - a) within 3 metres of the nearest point of any dwelling, living room, sleeping room, outbuilding, or shop;
  - b) within 1,5 metres from any wall or boundary fence; and

- c) within 15 metres from any fence contiguous to a street.
- 3) The following apply specifically to a pigeon-cote or structure:
  - a) it may be constructed of only brick, iron, steel, corrugated iron or asbestos.
  - b) it must have an unobstructed opening with a minimum dimension of 215mm x 65mm in the back wall for ventilation.
  - c) it is to be constructed on a concrete foundation measuring at least 150mm thick below ground level.
  - d) the roof must be constructed of iron, steel, corrugated iron or asbestos sheets, which must extend the full depth of the poultry house.
  - e) Roof purlins and rafters must be round or angle iron, and may not include wood or similar materials.
  - f) It must have the following minimum internal dimensions –
    - (i) depth from front to back 1,2 m;
    - (ii) breadth, 1,3 m;
    - (iii) height in front 1,5 m;
    - (iv) height in back 1,4 m;
  - g) The walls, floor and roof must be free from –
    - a) hollow spaces;
    - b) enclosed interspaces; and
    - c) holes, to discourage harbouring of rodents, vermin or poultry parasites;
  - h) Nests and perches must be constructed of approved impervious materials, excluding wood or similar materials which prevent harbourage of vermin;
  - i) It may have a fenced area which must comply with the following minimum requirements:
    - (i) it must be enclosed with wire mesh or other durable material;
    - (ii) it must have fencing poles of an approved impervious material, but not wood or similar materials; and
    - (iii) it must be properly constructed and secured;

**54. Duties of the keeper of birds**

- 1) A person keeping birds in a pigeon-cote or structure –
  - a) must remove droppings from the pigeon-cote or structure on a regular basis;
  - b) must store such droppings in a non-corrosive metal bin with a close-fitting cover, or bury such droppings or manure and ram such droppings down properly under at least 300 mm of ground;
  - c) must regularly deodorize a pigeon-cote or structure;
  - d) may not keep, place, throw, leave or allow to remain on or in the premises any droppings, litter, refuse or manure for such period as to attract and favour the breeding or attraction to premises of pests or vermin;
  - e) Must feed the birds in a proper manner so as not to attract pests or vermin and must remove any residual food or other putrescible matter at least once a day; and
  - f) Must limewash the poultry house internally and externally as often as circumstances dictate.

**Chapter 9: Wild and dangerous animals and bees**

**55. Wild and dangerous animals**

- 1) No person may, without being in possession of a health certificate, keep in captivity or otherwise, on any premises or at any place within the municipality, any wild animal or dangerous animal or creature or may cause or permit any such animal or creature to be kept.
- 2) The keeping of a wild animal or dangerous animal or creature is subject to stringent requirements and the Council shall treat each application with circumspection, and should the Council grant consent for the keeping of such animal or creature, it may, in addition to any duties or conditions contained in these by-laws, and as it may deem fit under the circumstances, impose any duties on the person who intends to keep a wild animal, or dangerous animal or creature, or set any requirements relating to the keeping of such animal or creature.
- 3) Any such animal as is referred to in subsection (1) found at large or apparently abandoned within the municipality may be destroyed by a peace

officer or any servant of the Council without any further warrant than these by-laws 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 is liable, in addition to any penalty under these by-laws, to pay to the Council a reasonable sum to defray the cost of destruction and removal and burial of such animal.

- 4) The Council may refuse to grant a health certificate and must supply the person who requested a health certificate with reasons for its refusal.

#### **56. Bees**

- 1) Section 55(1), (2), and (4) apply to the keeping of bees.
- 2) A peace officer or any servant of the Council may, without any further warrant than these by-laws, destroy any bees, bees' nest or hive, or remove such bees, bees' nest or hive if the keeping of such bees does not comply with these by-laws, and the owner or the person who last kept the bees or who owns the bees' nest or hive is liable, in addition to any penalty under these by-laws, to pay to the Council the prescribed charge to defray the cost of destruction or removal of bees, bees' nest or hive.

### **PART III: FACILITIES FOR ACCOMMODATION AND CARE OF ANIMALS**

#### **Chapter 10: Dog kennels and catteries**

#### **57. Requirements of building or structures**

- 1) Every dog or cat must be kept in a separate enclosure that complies with the following requirements:
  - a) It must be constructed of durable materials and the access thereto must be adequate for cleaning and de-vermination purposes;
  - b) The floor must be constructed of concrete or other durable material with a smooth finish without cracks or open joints, and the surface between the floor and the walls of a permanent structure must be covered, and the floor must be graded so as to drain into a gully connected to the municipal sewer system;
  - c) It must be covered with a roof; and

- d) It must be constructed of bricks stone concrete or other durable material and must have a smooth internal surface without cracks or open joints.
- 2) In case where a structure is constructed of moulded asbestos or wood or similar material which is movable –
  - a) It must be placed on a base constructed of concrete or other durable material with an easily cleaning finish without cracks or open joints; and
  - b) If the base of such structure is not rendered water proof a sleeping board which will enable the animal to keep dry must be provided in every such kennel.
- 3) A concrete of at least 1 m wide must be provided at the entrance of the building or structure over its full width and the apron must be graded for the drainage of water away from the building or structure.
- 4) A supply of potable water adequate for drinking and cleaning purposes must be available on or adjacent to the building or structure.
- 5) All food must be stored in a rodent proof store room and all loose foods must be stored in rodent free receptacles with close fitting lids in such store room.
- 6) At least 5 m of clear unobstructed space must be provided between any building or structure and the nearest point of any dwelling or other building or structure used for human habitation or any place where food is stored or prepared for human consumption.
- 7) Isolation facilities for sick dogs and cats must be provided and the facilities must be of durable material and constructed so as to be easily cleaned.

**58. Duties of person who owns or manages kennel or cattery**

- 1) A person who owns or who manages on a day to day basis a kennel or cattery must –
  - a) ensure that sufficient storage receptacles of an impervious material with close fitting lids is provided for the storage of dog and cat faeces and other waste;
  - b) ensure that all faeces and other waste is removed from a cage or structure once every 24 hours; and



- c) dispose, in such a manner as not to create a public health hazard or a public health nuisance, of the contents of the receptacles referred to in subsection (1) every seven days.

## **Chapter 11: Pet shops and parlours**

### **59. Requirements for premises**

- 1) No person may carry on in or upon any premises the business of a shop for the sale of animals, unless –
  - a) the premises are entirely separate from and are not joined to any other shop, business or dwelling purposes;
  - b) the premises have a separate yard with a floor constructed of cement, concrete or other similar impervious material brought to a smooth finish and sufficiently graded and drained for the efficient run-off and proper disposal of all liquids;
  - c) there is an unobstructed surrounding giving adequate access for cleaning purposes to the cages, which are kept in such yard;
  - d) there is provided in the yard for the washing of cages a platform which is constructed of cement, concrete or other impervious material, graded and drained and connected to a sewer, for the efficient run-off and disposal of all waste water, or where no sewer is available, to other suitable means for the innocuous disposal of waste water;
  - e) the premises are lighted and ventilated;
  - f) all floors throughout the premises are constructed of cement, concrete or a similar impervious material brought to a smooth finish;
  - g) all walls throughout the premises are constructed of stone, brick, cement, concrete or other similar material, the internal surfaces of which, except where glazed or glass bricks or glazed tiles are used, are plastered with cement plaster and brought up to a smooth finish and painted with a light coloured oil paint;
  - h) all cages are constructed entirely of metal and are fitted with duplicate impervious movable trays and all tubular fittings are closed at the ends;

- i) all cages are so constructed and arranged that the bottoms thereof are not less than 450mm above the level of the floor or yard, as the case may be;
  - j) there is provided sufficient storage, properly rodent-proofed, for all animals bedding on the premises;
  - k) there is provided a sufficient number of metal bins furnished with close fitting lids for the storage of all animal food which is stored on the premises;
  - l) there is provided a refrigerator capable of being maintained at a temperature not exceeding 15° C for the storage of meat, fish or other perishable foodstuffs used in the feeding of animals;
  - m) there are provided suitable and adequate containers for the keeping of live fish;
  - n) there is provided a proper, sufficient and wholesome supply of hot and cold running water, free from liability to pollution, and laid over and adequate number of wash basins fitted with waste pipes in accordance with Council's Drainage By-laws;
  - o) there is provided adequate and sufficient accommodation for all animals kept on the premises, and such additional accommodation, properly separated from the main shop, as is adequate and sufficient for the keeping of sick or apparently sick animals.
  - p) separate latrine accommodation and a wash basin which is supplied with running water is provided for the different sexes employed on such premises;
  - q) a separate room is provided for employees in which they can change their clothes, and such room must contain sufficient and separate lockers in which each employee may store the persons clothes or personal belongings;
  - r) for grooming purposes, if applicable, a room is provided for the clipping and grooming of animals; and
  - s) there is provided sufficient bins which must be of an impervious and durable nature for the temporary storage of waste.
- 2) Should a person fail to comply with a provision of subsection (1), the Council may serve a notice of compliance on the person.

**60. Duties of trader**

- 1) No person carrying on the business of any shop for the sale of animals may –
  - a) fail to maintain the premises at all times in a clean and sanitary condition and in good repair;
  - b) fail to keep all cages and bins upon his premises at all times in a clean and sanitary condition and in good repair;
  - c) allow or cause to permit animals to be kept in window areas except in movable cages;
  - d) allow or cause to permit more than 70% of the floor area of the shop to be covered by cages or goods incidental to the business;
  - e) fail to provide and maintain effective measures for the prevention of the breeding and the destruction of flies, cockroaches, rodents and other vermin;
  - f) fail to provide clean and sound overalls for the use of his employees and to maintain such overalls in a clean and sound condition;
  - g) fail to ensure that such overalls are worn at all times by employees when engaged in work upon the business premises;
  - h) fail to report to the Public Health Management Inspector any suspicious illness or sudden death amongst animals on the premises;
  - i) fail to keep a register in which is recorded the name and address of the person from whom the trader has purchased each animal, and the name and address of the person to whom such animal is sold;
  - j) fail to display such register for inspection at all reasonable times by the Public Management Inspector or a duly authorized representative; or
  - k) fail to maintain the premises at all times in accordance with the provisions of section 20.

**61. Display of by-laws on premises**

- (1) Any person carrying on the business of a shop for the sale of animals on any premises must cause to be affixed and maintained on a conspicuous

position on the premises a copy of this chapter of these by-laws, and the copy must be maintained in a legible condition, and failure to comply with section constitutes an offence.

#### **PART IV: ENFORCEMENT**

##### **62. Notice of compliance and representations**

- (1) A notice of compliance must state –
  - (a) the name and residential and postal address, if either or both of these be known, of the affected person;
  - (b) the nature of the state of disrepair;
  - (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
  - (d) that the person must within a specified time period take the measures to comply with the notice. To diligently continue with the measures, and to complete the measures before a specific date;
  - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;
  - (f) that written representations, as contemplated is subsection (3) may, within the time period stipulated under paragraph (d) above, be made to Council at a specified place.
- (2) Council, when considering any measure or time period envisaged in subsection (1) (d) and (e), must have regard to –
  - (a) the principles and objectives of these By-laws;
  - (b) the state of disrepair;
  - (c) any measures proposed by the person on whom measures are to be imposed; and
  - (d) any other relevant factors.
- (3) A person may within the time period contemplated in paragraph (1)(f) make representations, in the form of a sworn statement or affirmation to Council at the place specified in the notice.
- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and Council condones the late lodging of the representations.

- (5) Council must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.
- (6) Council may, on its own volition, conduct any further investigation must be made available the person, who must be given an opportunity of making a further response if so wishes and Council must also consider the further response.
- (7) Council must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
- (8) The order must:
  - (a) set out the findings of Council;
  - (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
  - (c) specify a period within which the person must comply with the order made by Council.
- (9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, Council will inform the person that the person –
  - (a) must discharge the obligations set out in the notice; or
  - (b) may elect to be tried in court.
- (10) If the person elects to be tried in court the person must, within seven calendar days, notify Council of the intention to be so tried.
- (11) If the person does not elect to be tried in court, the person must, within the prescribed manner and time discharge the persons obligations under the order.
- (12) Where there has been no compliance with the requirements of a notice, the Council may take such steps as it deems necessary to repair the monumental work and the cost thereof must be paid to the Council in accordance with section 63.

### **63. Costs**

- 1) Should a person fail to take the measures required by notice, Council may, subject to subsection (3), recover all costs incurred as a result of it acting in terms of paragraph 62(12) from that person and any or all of the following persons:
  - a) the owner of the land, building or premises; or
  - b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.

- 2) The costs claimed must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs.
- 3) If more than one person is liable for costs incurred, the liability must which each was responsible for the emergency resulting from their respective failure to take the required measures.

**64. Notice of contravention**

- (1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these by-laws.
- (2) A notice of contravention must –
  - (a) specify at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served
  - (b) state the particulars of the contravention;
  - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
  - (d) inform the person that the person may, within 28 calendar days of the date of service of the notice –
    - (i) pay the penalty;
    - (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.
- (2) If a person elects to be tried in a court the person must, within seven calendar days, notify the Council of the intention.

**PART V: MISCELLANEOUS**

**65. Authentication and service of notice and other documents**

- (1) An order, notice or other document requiring authentication by the Council must be sufficiently signed by the Municipal Manager or by a duly authorized officer of the Council, such authority being conferred by resolution of the Council or by a by-law or regulation, and when issued by the Council in terms of these by-laws shall be deemed to be duly issued if it is signed by an officer authorized by the Council.

- (2) Any notice or other document that is served on a person in terms of these by-laws, is regarded as having been served –
  - (a) when it has been delivered to that person personally
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
  - (c) when it has been posted by registered or certified mail to that person's last know residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate.
- (3) Service of a copy shall be deemed to be service of the original.
- (4) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

#### **66. Appeal**

- (1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by -
  - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
  - (b) the Municipal Manager, the Executive Committee is the appeal authority.

- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

**67. Penalties**

- (1) A person who or organization who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
  - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
  - (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

**68. Saving and transitional provisions**

- (1) A person who uses or owns, or on whose premises any building, structure, stable, shed, or enclosure is erected is allowed a period of 6 calendar months from the date of commencement of these by-laws, to make the necessary structural arrangements to comply with these by-laws, and a person owning a larger number of dogs than the prescribed number at the date of commencement of these by-laws, may continue to keep such larger number of dogs, but may not replace any dog in excess of the prescribed number should one or more of the dogs die or be disposed of, unless, the prior written consent of the Council has been obtained for the replacement or for exceeding the prescribed number.

**69. Repeal of by-laws**

- (1) The following by-laws are hereby repealed: the Municipality of Louis Trichardt: Town Lands By-laws, Notice 439 of 12 August, 1972, the Municipality of Louis Trichardt: Standard By-laws relating to dogs, 1981, and section 70 to 90 of the Municipality of Louis Trichardt: Amendment to



Public Health By-laws, Notice 255 of 1 March, 1978, and any other provision in any other by-laws which is inconsistent with the provisions of these by-laws.

## **SCHEDULES**

### **Schedule 1**

#### **Part 1: Animal on town lands**

1. Section 7(3): Fee per animal per month
2. Section 7(8)(a) and (b): Fee per animal
3. Section 8(2)(b): Fee per animal per day
4. Section 8(3): Fee per animal per day
5. Section 9(1): Bounded areas
6. Section 9(2): Routes to abattoirs

#### **Schedule 2 (section 16)**

1. Section 16(2): Fee per unspayed bitch  
Fee per dog or spayed bitch  
Fee per dog in excess
2. Section 16(5): Duplicate dog tax receipt
3. Section 16(6): Transfer charges.
4. Section 33(11) Health certificate Poultry
5. Section 39(1) Health certificate Swine
6. Section 42(1) Health certificate Goods and Sheep
7. Section 45(1) Health certificate Rabbits
8. Section 49(1) Health certificate Cattle, Horses Mules and Donkeys
9. Section 50(2) Health certificate Birds and other Poultry
10. Section 55(1) Health certificate Wild and Dangerous animal and Bees.

**APPLICATION FORM  
HEALTH CERTIFICATE / DOG TAX**

1.1. Name and Surname : \_\_\_\_\_

1.2. Address of Applicant : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1.3. Telephone or cell phone number : \_\_\_\_\_

1.4. E-mail Address : \_\_\_\_\_

1.5. Fax Number : \_\_\_\_\_

1.6. Physical address of premises where the animal will be kept \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1.7. Number of the animals to be kept on the premises : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1.8. Where required a detailed plan of proposed structure or building (If space not sufficient annex a signed copy). \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1.9. Other information required by Council \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Applicant hereby undertake to act within the provisions of these By-Laws.

\_\_\_\_\_  
**APPLICANT**

\_\_\_\_\_  
**DATE**

Comments in terms of Section 14(4) of these By-Laws :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**HEALTH INSPECTOR**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**HEALTH MANAGER**

**DATE**

Other Conditions of Permit in terms of Section 14(5) of these By-Laws

Council Resolution

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**M J KANWENDO**  
**DIRECTOR COMMUNITY SERVICES**

\_\_\_\_\_  
**DATE**

APPROVED / NOT APPROVED

**I P MUTSHINYALI**  
**MUNICIPAL MANAGER**

\_\_\_\_\_  
**DATE**

## LOCAL AUTHORITY NOTICE 180

# MAKHADO MUNICIPALITY

## ROADS, TRAFFIC AND SAFETY BY-LAWS

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes roads, traffic and safety by-law for the municipality as approved by its council, as set out hereunder.

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**1. Definitions**

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

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

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

**"authorized officer"** means an inspector of licences, examiner of vehicles, examiner for drivers licences, traffic warden or a traffic officer, and includes any other person whom the Minister, by regulation, has declared to be an authorized officer of the municipality;

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

**"authorized person"** means a person nominated by an organization and authorized by the municipality;

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

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

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

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

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

**"bus train"** means a bus which:

- (a) consists of two sections that connect to form a unit;
- (b) can swivel in a horizontal plane at the connections between such sections;



(c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons: and

(d) has a continuous passageway over its length;

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

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

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

**"coupon"** means anything whatsoever which, either by itself or in connection with any other thing entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground, whether electronic or not and includes any device approved by the municipality from time to time;

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

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

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

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

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

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

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

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

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

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

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

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

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

**"mechanically or otherwise controlled parking ground"** means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of proof that any payment was or is to be made as determined in the municipality's annual schedule of tariffs;

**"metered parking bay"** means a parking bay in respect of which a parking meter has been installed or in respect of which a hand held device or electronic payment system has been implemented;

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

**"metered taxi"** means a motor car designed for conveying not more than five people, including the driver, which must be fitted with a taximeter, as contemplated in Part 4 of Chapter 5;

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

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

**"Minister"** means the Minister of Transport;

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

**"motor vehicle"** means any self-propelled vehicle and includes –

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

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

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

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

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

**"owner"** in relation to a vehicle, means –

- (a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;

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

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

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

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

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

**"parking marshals"** means a person in the employ of an organization to render a parking management service to drivers in a public place or on a public road;

**"parking meter"** means a device commissioned in terms of this by-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or a provider approved by the municipality;

**"parking period"** means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;

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

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

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

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

**"pay-and-display parking ground"** means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;

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

**"prescribed coin"** means a coin of the Republic of South Africa

**"public place"** means any square, park, recreation ground, sport ground, sanitary lane or open space which has:

- (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;

- (b) at any time been dedicated to the public;
- (c) been used by the public without interruption for a period of at least 30 years; or
- (d) at any time been declared or rendered such by the municipality or other competent authority;

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

- (a) the verge of any such public road;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such public road;
- (d) any other object belonging to such public road, which has at any time been –
  - (i) dedicated to the public;
  - (ii) used without interruption by the public for a period of at least 30 years;
  - (iii) declared or rendered such by the municipality or other competent authority; or
  - (iv) constructed by a local authority;
- (e) any land, with or without buildings or structures thereon, which is shown as a public road on:
  - (i) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon; or
  - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's Office, unless such land is on such plan or diagram described as a private public road;

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

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

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

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

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

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

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

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

**"sporting event"** means any sporting contest, including, but not limited to, any foot, skateboard, wind-driven object, cycle, motor, boat, horse or any other animal race, and any other sporting contest, competition, tournament or game,

whether usually attended by the public or not, and whether an entrance fee is charged or not;

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

**"stop"** in relation to a taxi stopping on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer 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;

**"stopping place"**, in relation to –

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

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

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything that is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of –
  - (i) fuel; and
  - (ii) anything attached to such vehicle which is not the nature referred to in subsection (b) or (c);

**"taxi"** means a motor vehicle which plies for hire and is operated for reward, and includes –

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

**"taxi association"** means a taxi association recognized as such by the municipality and the Limpopo Province;

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

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

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

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

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

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

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

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

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

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

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

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

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

## 2. Purpose

- (1) To provide a safe environment for all people within the municipal area, by controlling the use of roads and parking grounds within the municipality.

## CHAPTER 1 : GENERAL PROVISIONS RELATING TO USE OF ROADS

### Part 1 : Pedestrians

#### 3. Duties of pedestrians

- (1) Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.
- (2) Where a traffic-control light signal ("robot"), which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which the pedestrian is proceeding.
- (3) Where no pedestrian signals are operating at an intersection, but such intersection is controlled by a traffic-control light signal, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of the traffic-control light signal is displayed in the direction in the opposite to that in which the pedestrian is proceeding.
- (4) Where a traffic-control light signal, which embodies pedestrian signals, are operating at a pedestrian crossing elsewhere than at an intersection, a pedestrian may only commence to cross the roadway in the pedestrian crossing when the green light of the pedestrian signal is displayed in the direction opposite to that in which the pedestrian is proceeding.

- (5) A pedestrian, when crossing the roadway within a demarcated pedestrian crossing, whether at an intersection or otherwise, must walk on the left of the pedestrian crossing.
- (6) No person or persons may –
- (a) sit or lie on a sidewalk, footpath or public road; or
  - (b) stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public.
- (7) No pedestrian may carelessly, negligently or recklessly disregard, or endanger the pedestrian own safety, or the safety of another person or vehicle using a public road.

## Part 2 : Traffic lanes

### 4. Use of traffic lanes

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

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

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

### **Part 3 : Parking**

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

- (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorized official may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.
- (2) The municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.
- (3) No person may without the prior written approval of the municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.
- (4) The municipality may operate a parking management system or appoint a service provider to operate a parking management system in areas and during times determined by the municipality from time to time.

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

- (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone –
  - (a) between the hours of 07:00 to 17:00 on Mondays to Fridays, except where such day is a Public Holiday;
  - (b) between the hours of 07:00 to 13:00 on Saturdays, except where such day is a Public Holiday; or
  - (c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.
- (2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than goods vehicle, to remain stationary in a loading zone for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.
- (3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously and only while the vehicle is being actually loaded or unloaded.
- (4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorized official, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle in that class.

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

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



**9. Parking in a public road**

- (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.
- (2) No person may, without the written consent of the municipality, park a heavy motor vehicle designed, adapted or used for the conveyance of goods, between the hours of 21:00 and 06:00 anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.
- (3) Application for consent must be made on the form provided for this purpose by the municipality.

**10. Parking upon a traffic island**

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

**11. Parking by a dealer**

- (1) No dealer may park or allow to be parked in a public road within the municipal area, in the course of the dealer's business carried on by the dealer, a vehicle which –
  - (a) has been placed in the dealers custody;
  - (b) is under the dealers control; or
  - (c) is in the dealers possession for the purpose of sale, exchange or garaging.
- (2) Subsection (1) does not apply if at the time the vehicle is –
  - (a) being used for demonstration or testing purposes; or
  - (b) in the course of being delivered to the owner or purchaser thereof.

**12. Parking of a repaired vehicle**

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

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

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

**14. Exemption of medical practitioners from parking restrictions**

- (1)
  - (a) Registered general medical practitioners to whom a badge has been issued in terms of subsection (3)(a) are exempt from the provisions of any law, subject to paragraph (b), relating to parking in force in the municipality when using, on *bona fide* professional domiciliary visit, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) issued to them by the municipality.
  - (b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.
- (2)
  - (a) The badge must be a windscreen sticker badge displaying on the face thereof –
    - (i) a serial number; and
    - (ii) the name of the person to whom it is issued.
  - (b) The badge must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.
  - (c) The address referred to in subsection (2)(b) must be in the same street or a street adjoining the place where the vehicle is parked.
- (3)
  - (a) Written application for the issue of a badge must be made to the municipality and if the municipality approves the application, it must issue a badge bearing a registered serial number to the applicant.
  - (b) The municipality must keep a register in which it records the serial number allocated by it of the badge, the issue of which has been authorized by it, and the name of the holder.
  - (c) The municipality may issue a duplicate badge.
  - (d) Where the municipality has reason to believe that any holder of a badge is abusing a privilege conferred by the badge, it may withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.
  - (e) The municipality may charge a fee for the issuing of a badge or a duplicate thereof.
  - (f) The municipality may prescribe the period for which a badge will be valid.
- (4) Application for a badge must be made on a form provided for this purpose by the municipality.

**Part 4 : Obstruction on and work in public roads and public places,  
and water discharged onto public road****15. Obstruction**

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

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

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

**17. Norms, standards and guidelines**

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

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

- (1) No person may, without prior written permission of the municipality –
- (a) lead or discharge water on, over or across a public road; or
  - (b) by any means whatever, raise the level of water in a river, dam or watercourse so as to cause interference with or endanger a public road.
- (2)
- (a) A person who wishes to perform an action, as contemplated in subsection (1), must submit to the municipality an application which contains full technical details of the proposed action, and the municipality may refuse of grant permission.
  - (b) Should the municipality refuse permission, it must supply the person with the written reasons for the refusal.
  - (c) Should the municipality grant the permission, it may do so subject to such conditions, requirements or specifications which it may determine in each individual case.

- (3) The municipality may, subject to any law which may be applicable and after obtaining permission of the owner and the occupier of the land concerned, if any:
- (a) deviate a watercourse, stream or river if the deviation is necessary for:
    - (i) the protection of a public road or structure related to a public road; or
    - (ii) the construction of a structure connected with or belonging to a public road; and
  - (b) divert stormwater from or under a public road onto private property other than land containing buildings, other structures or improvements.
- (4) The municipality must compensate the owner or occupier of the land for damage caused as a result of acting under subsection (3), with an amount agreed upon between the municipality and the owner or occupier.
- (5) Application for permission must be made on a form provided for this purpose by the municipality.

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

- (1) No person may cause or allow any water other than rainwater to flow into a public road or public place.

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

**20. Escort of abnormal vehicles**

- (1) Escort, by traffic officers, of a vehicle that is abnormally large, or that transports unsafe loads will be provided by the municipality on application.
- (2) Subject to section 24, escort tariffs are charged per hour or part thereof per authorized officer and are calculated from the time as stipulated on the prescribed form until completion of the escort, provided that 30 minutes before commencement and 30 minutes after completion are included.
- (3) Escorts will only be supplied if all the requirements of the National Road Traffic Act, 1996 (Act 93 of 1996) are complied with.
- (4) Application for escorting by traffic officers in terms of subsection (1) must be submitted to the municipality on a form provided for this purpose by the municipality at least 14 days prior to date on which the escorting is required.

**21. Races and sporting events**

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

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

## **22. Processions and gatherings**

- (1) Subject to the provisions of subsection (7), no person may hold, organise, initiate or control a procession or gathering in a public road or public place, or dance, or sing, or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such public road or public place, or use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsection (2) and (3).
- (2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any public place must apply to the municipality for permission on a form provided for this purpose by the municipality, which application must reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out; however, persons who intend participating actively on a procession, or gathering in any public road need not apply to the municipality for permission thereto and it is not illegal for such persons to participate actively in such procession or gathering of the organiser, promoter or controller thereof has obtained the permission of the municipality.
- (3) An application made in terms of subsection (2) must contain the following:
- (a) full details of the name, address and occupation of the applicant;
  - (b) full details of the public road or public place where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend; and
  - (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- (4) Any application submitted in accordance with subsection (2) shall be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not likely to be in conflict with the interests of public peace, good order or safety, the municipality may grant permission for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.
- (5) The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection

- (1), if the performance or carrying out of such actions is or are in conflict with the interests of public peace, good order or safety.
- (6) The municipality may withdraw any permission granted in terms of subsection (4), if, as a result of further information, the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.
- (7) The provisions of this section do not apply to:
- (a) wedding or funeral processions; and
  - (b) a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993), in which case the provisions of the Act will be applicable.
- (8) Assistance by traffic officers will be provided by the municipality on application, as contemplated in subsection (2).
- (9) The person contemplated in subsection (2) must pay, where applicable, to the municipality the required tariffs and deposit, as contemplated in section 24, for the costs to be incurred during the race or sports event.

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

- (1) No person may set up or use in any public road or public place any circus, whirligig, roundabout or other side-show or device for the amusement or reaction of the public –
- (a) except with the written permission of the municipality first having been obtained and subject to such conditions as may be determined by the municipality;
  - (b) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
  - (c) if it is in any way dangerous or unsafe for public use.
- (2) An application for permission to act in terms of subsection (1) must be submitted in writing by the owner or organiser of the circus, whirligig, roundabout or other side-show or device to the municipality on the form provided for this purpose by the municipality at least 60 days prior to the date on which the circus, whirligig, roundabout or other side-show or device will be set up.
- (3) Assistance by traffic officers will be provided by the municipality on application as contemplated in subsection (2).
- (4) The person contemplated in subsection (2) must pay, where applicable, to the municipality the required tariffs and deposit as contemplated in section 24 for the costs to be incurred during the duration of the circus, whirligig, roundabout or other side-show or device.
- (5) An authorized official of the municipality must, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

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

- (1) The payment of deposits and tariffs to the municipality are subject to the following :

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

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

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

- (1) No person may drive or cause to be driven an animal-drawn vehicle along or through public roads during the hours when it would be required of motor vehicles to have their lights switched on.
- (2) No person may drive or cause to be driven an animal-drawn vehicle along public roads with a gradient of 20° or more.
- (3) No person may push or pull any cart along or through public roads during the hours when it would be required of motor vehicles to have their lights switched on or along public roads with gradient of 20° or more.

- (4) No person may on a public road shoe, clean, dress, train, break-in or turn loose an animal.
- (5) No person who owns or who is in charge of an animal which is on a public road, may leave the animal on the public road if the animal is severely injured, feeble, emaciated, diseased or dying, except for the purpose of seeking assistance for the removal of the animal.
- (6) No person who owns or who is in charge of livestock may allow the livestock to be at large on a public road within the municipal area of the municipality, and an authorised official may take any such livestock to a place designated by the municipality.
- (7) No owner of an animal or person –
  - (a) in charge of any wild or ferocious animal may allow such animal at any time to be insufficiently attended or at large in any public road or public place or may keep any such animal in such a manner as to be a danger or annoyance to the public;
  - (b) may allow, permit or cause any animal to graze or stray in or about any public road or public place; or
  - (c) may in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal.
- (8) No person may –
  - (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a public road or public place;
  - (b) drive or be in control of an animal-drawn vehicle in a public road or public place if is under 16 years of age; or
  - (c) if is in control of an animal-drawn vehicle in a public road, allow a person under 16 years of age to drive or be in control of such vehicle.

### **Part 7 : Collections and handbills**

#### **26. Collections and distribution of handbills**

- (1) No person may without the prior written permission of the municipality, and subject to such conditions determined by the municipality –
  - (a) collect or attempt to collect money in a public road or public place or organise or in any way assist in the organisation of such collection;
  - (b) collect from door to door, beg or solicit or accept alms; or
  - (c) distribute a handbill or similar advertising material, or cause it to be distributed in any public road or public place, or place any handbill or similar advertising material, or cause it to be placed on or in any vehicle.
- (2) An application for permission in terms of subsection (1) must contain the following information and declarations :
  - (a) the name, address and a recent photograph of the applicant and any other person being in full age who is or are singularly or jointly responsible for the organisation, conduct and control of any such activity as contemplated in subsection (1)(a) to (c);
  - (b) the day on which and the hours between which the activity contemplated in paragraph (a) is to be undertaken;



- (c) the portion or portions of the municipality wherein the activity contemplated in paragraph (a) is to be undertaken;
  - (d) the object or objects for which the activity contemplated in paragraph (a) is to be undertaken or any funds, where applicable, from the proceeds of the activity are to be applied;
  - (e) whether the entire amount of funds contemplated in paragraph (d) is to be handed over without deduction of any kind whatsoever;
  - (f) that no child under the age of 16 years will be employed or engaged in activity contemplated in paragraph (a);
  - (g) that no the activity contemplated in paragraph (a) is to be undertaken before 07:00 and after 18:00, unless prior written approval for the extension of these hours have been granted by the municipality; and
  - (h) if the activity relates to an activity contemplated in subsection (1)(a), proof that the organisation or person intending to hold the public road collection is authorised to collect a contribution in terms of the Non-profit Organisations Act, 1997 (Act 71 of 1997), or the Fund Raising Act, 1978 (Act 107 of 1978), as the case may be.
- (3) An application fee as determined by the municipality may be levied in respect of any application in terms of subsection 1(c).
- (4) Every organisation or person holding a public road collection is entitled to use its, own identifiable collection boxes and if any organisation or person does not possess any boxes, the municipality's boxes may be used upon payment of the prescribed fee.

### **Part 8 : Trolleys**

#### **27. Trolleys**

- (1) The owner of a trolley must affix an identifying token in a conspicuous position on the trolley.
- (2) The owner or the person who controls or has the supervision over a trolley, or who offers it to be used by a person, or who uses it for any purpose whatsoever, may not leave or abandon it or permit it to be left or abandoned on a public road.
- (3) A trolley that has been left or abandoned on a public road may be removed, or caused to be removed, by an official and be placed under the care of the official in charge of a municipal store which was established by the municipality for the purpose.
- (4) The official in charge of the store must store a trolley which has been placed under their care at the municipal store, and the municipality must publish once every month a notice in two newspapers circulating within the municipal area, which states –
  - (a) the name of the owner of the trolley, if known;
  - (b) the number of trolleys of the owner being so stored;
  - (c) that the trolley may be claimed by the owner from the municipality on payment of the prescribed fee for storage and on proof of ownership; and

- (d) that a trolley that has not been claimed after a period of three months from the date of publication of the notice, may be sold by the municipality by public auction.
- (5) The proceeds of the public auction in terms of subsection (4)(d) is revenue in favour of the municipality for the following costs incurred by the municipality to defray expenses :
- (a) the removal of such supermarket trolley;
  - (b) the keeping of the supermarket trolley;
  - (c) the endeavour to trace the owner; and
  - (d) the cost of the public auction, and the remainder, if any, will be refunded to the owner of the supermarket trolley.
- (6) The municipality is not liable for the theft, damage to or loss of any trolley while the trolley is stored in the municipal store or when sold by public auction.

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

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

- (1) No person may erect or cause or permit to be erected along a public road or public place, or may have along a public road or public place, an electrified fence, electrified railing or other electrified barrier, unless –
- (a) the electrified fence, electrified railing or other electrified barrier is erected on top of a wall which may not be less than two metres high and built of brick, cement, concrete or similar material;
  - (b) the electrified fence, electrified railing, or other electrified barrier is designed and installed in accordance with a standard issued in terms of the Standards Act, 1993 (Act 29 of 1993); and
  - (c) the person has obtained the prior written consent of the municipality in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).
- (2) (a) A person who wishes to erect an electrified fence, electrified railing or other electrified barrier as contemplated in subsection (1), must submit to the municipality an application for permission, which application contains full technical details of the proposed electrified fence, electrified railing or other electrified barrier, and the municipality may refuse or grant permission.
- (b) Should the municipality refuse permission, it must supply the person in writing with the reasons for the refusal.
- (c) Should the municipality grant permission, it may do so subject to conditions, requirements or specifications which it may determine in each individual case.
- (3) Subsection (1) and (2) apply to an owner or occupier of an agricultural holding or farm land as well.
- (4) No owner or occupier of land may erect, or cause, or permit to be erected along a public road or public place a barbed-wire fence, railing, paling, wall or other barrier which, by reason of –
- (a) spikes or other sharp or pointed protrusions; or
  - (b) the nature of its construction or design, is or may become a danger to a member of the public using the public road or public place.

- (4) Subsection (4) does not apply to an owner or occupier of an agricultural holding or farm land.
- (5) Application for permission must be made on a form provided for this purpose by the municipality.
- (6) A person who erects or causes or permits to be erected along a public road or public place, or who has along a public road or public place, an electrified fence, electrified railing or other electrified barrier without having first obtained the prior written consent of the municipality in terms of subsection (1)(c), or who does not comply with any specifications or conditions prescribed or imposed in terms of subsection (2)(c) or who contravenes subsection (4) commits an offence.

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

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

- (1) No person may clean any part of a vehicle, or wash, dry or paint any vehicle or object on any public road.
- (2) No person may repair any part of any vehicle on any public road, except minor repairs necessitated by a temporary or sudden stoppage of the vehicle need to be done for the purpose of setting the vehicle in motion.
- (3) No person may spill, drop or place or permit to be spilled, dropped or placed, on any public road, or cause or is likely to cause annoyance, danger or accident to a person, animal, vehicle or other traffic using the public road.
- (4) A person who performs an action contemplated in subsection (3) must immediately remove or cause to be removed the matter or substance from the road, and if the person fails to remove the matter or substance, the municipality may remove the matter or substance and recover the cost of removal from the person.

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

- (1) No person may –
- (a) lie or sit so as to obstruct traffic on a public road;
  - (b) loiter, or walk, or otherwise act on a public road in a manner that may obstruct traffic; or
  - (c) stand or congregate, except when forming part of a queue, on a public road within 20 metres of the entrance to a place of public entertainment so as to obstruct traffic or a person proceeding to, attending at, or departing from the place of entertainment.
- (2) A person performing any of the prohibited acts mentioned in subsection (1) must, upon instruction by an authorised official, discontinue to do so.

- 31. Poison in public roads or public places**  
(1) No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, may use, set or cast poison in any public road or public place.
- 32. Skating, games, and nuisances**  
(1) No person may, except with the written permission of the municipality first having been obtained –  
(a) skate on roller skates or a skate board or a similar device in or on a public road or public place or in or upon an area where skating is prohibited by an applicable road traffic sign; or  
(b) roll any hoop, or fly any kite, throw or hit stones or balls, or use any bow and arrow or catapult, or by any means discharge any missile upon, over, or across any public road.  
(2) No person may –  
(a) play cricket, or football, or any game, or indulge in any pastime whatsoever in or upon any public road, except on such places as the municipality may set apart for the purposes of a particular game, sport or pastime; or  
(b) do anything in a public road or public place which may endanger the life or safety of any person, animal or thing or create a nuisance, obstruction or annoyance to the public.  
(3) Application for permission in terms of subsection (1) must be made on the form provided for this purpose by the municipality.
- 33. Advertisements visible from the public road**  
(1) Subject to the municipality's regulations pertaining to the display of advertising signs, no person may display any advertisement, placard, poster or bill in a public road except with the written permission of the municipality and subject to such conditions as may be determined by the municipality.
- 34. Trees**  
(1) No person may –  
(a) plant a tree or shrub in a public road or public place, cut down a tree or a shrub in a public road, or public place, or remove it there from, except with the written permission of the municipality.  
(b) Climb, break or damage a tree growing in a public road or public place; or  
(c) in any way mark or paint any tree growing in a public road or public place or, subject to the municipality's regulations pertaining to the display of advertising signs, attach any advertisement thereto.  
(2) Any tree or shrub planted in a public road or public place is the property of the municipality.  
(3) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a public road or public place, the municipality may by notice in writing order the owner or occupier of

such property to prune or remove such tree growth to the extent and within the period specified in such notice.

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

**35. Dumping waste**

- (1) Subject to the municipality's waste management by-laws, no person, except with the written permission of the municipality and subject to such conditions as may be determined by the municipality, may –
- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any public road or public place; or
  - (b) permit any such objects or substances to be dumped or placed in a public road or public place from premises owned or occupied.

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

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

**37. Outspanning in public roads**

- (1) A person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detached or leave in any public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or unloaded.

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

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

**39. Miscellaneous prohibitions**

- (1) No person may, in a public road or public place –
- (a) sing an obscene or profane song;
  - (b) use profane, foul, indecent or obscene language;
  - (c) use threatening, abusive or insulting words, or make gestures, or behave in a manner with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned;
  - (d) erect a tent or place a chair or any article for the purpose of a funeral, party or any other event without the prior written permission of the municipality;
  - (e) use, or drive, or cause, or permit to be used or driven a cart of the type known as a "soap box cart" or any other cart of the like nature, otherwise than in the course of or for the purpose of business however the municipality may permit the use of a cart in connection with an organised sports event, game, or race;
  - (f) operate a motor vehicle in such a manner as to cause excess noise which can be avoided by the exercise of reasonable care;
  - (g) or place on, under or across a public road or public place a rope, wire or pole, or hang or place anything whatsoever thereon without the prior written permission of the municipality;
  - (h) when travelling on a public road upon a pedal cycle, motor cycle, coaster or similar device, cling to or attach the person or the pedal cycle, motor cycle, coaster or similar device to any other moving vehicle;
  - (i) appear unclothed or appear without being clothed in such a manner as decency demands;
  - (j) or in view of a public road, urinate, excrete, behave in an indecent manner by exposing the person, or make use of an indecent gesture or commit, solicit or provoke a person to commit a riotous, disorderly or indecent act;
  - (k) operate a rickshaw or similar carriage;
  - (l) ride on a pedal cycle or tri-cycle at night without being clearly visible from a distance of not less than 50m and such cycle must be equipped with a lamp emitting white light to the front and a lamp emitting red light to the back of such a cycle;
  - (m) use or permit to be used –
    - (i) any cycle excluding a tri-cycle, to carry goods exceeding 50kg in mass; or
    - (ii) any tri-cycle to carry goods exceeding 110kg in mass;
  - (n) carry any other person upon the handlebars, frame or tank of a cycle or motorcycle, or ride in above manner upon any such vehicle;
  - (o) carry or convey through the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand, unless –
    - (i) it is properly covered; and
    - (ii) it is conveyed in such type of container or in such a manner as will not allow any offensive liquids or parts of the load to be spilt in the public road or public places;
  - (p) dry or spread washing on a fence on the boundary fence;
  - (q) beat or shake any carpet, rug or mat, except doormats shaken or beaten before 08:00 in the morning;

- (r) carry any large bundle, or basket, or any pointed or edged tools not properly protected, or any ladder, plank or pole, or any bag of soot, lime or other offensive substance, or other package or thing calculated to obstruct, inconvenience, or annoy pedestrians upon any footpath, except for the purpose of loading or unloading any vehicle or when necessarily crossing the footpath;
  - (s) deface, damage or in any way interfere with any notice board, road traffic sign, public road name board or other similar sign or any hoarding which has been erected in a public road or public place by or with the permission of the municipality;
  - (t) sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some other stand duly allocated by the municipality;
  - (u) erect any shelter;
  - (v) wash or dry clothes, blankets or any other domestic articles;
  - (w) fight or act in a riotous manner;
  - (x) discharge a firearm, airgun or air-pistol;
  - (y) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
  - (z) solicit or importune any person for the purpose of the prostitution or immorality;
  - (aa) engage in gambling;
  - (bb) use intoxicating liquor or drugs;
  - (cc) wash himself or herself; or
  - (dd) spit.
- (2) Application for permission in terms of subsection (1)(d), (e) and (g) must be made on the form provided for this purpose by the municipality.

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

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

- (1) No person may, without the approval of the municipality, close or barricade any public road or public place or restrict access thereto.
- (2) The municipality may permanently close or divert any public road or public place or part thereof or restrict access to any public road or public place.
- (3) When the municipality decides to act in terms of subsection (2), it must give notice of such intention in terms of its communication policy, and in the absence of such policy, the municipality must give notice of its intention in a local newspaper in at least two official languages.
- (4) Any objection against the intended action must be delivered in writing to the municipality within 30 days from the date of notification in terms of subsection (3).

- (5) The municipality may, without complying with the provisions of subsection (3) :
- (a) temporarily close a public road or public place:
- (i) for the purpose of or pending the construction, reconstruction, maintenance or repair of such public road or public place;
- (ii) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such public road or public place -
- (aa) if such public road or public place is dangerous to traffic;
- (bb) by reason of any emergency or public event which requires special measures for the control of traffic or special provision for the accommodation of crowds; or
- (iii) for any other reason which renders the temporary closing of such public road necessary; and
- (b) temporarily divert a public road which has been closed in terms of paragraph (a).
- (6) The municipality may in its discretion, for general information, place a notice of such temporary closure in terms of subsection (5) in a local newspaper.

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

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



**42. Numbering of premises**

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

**CHAPTER 2 : PARKING METERS****43. The municipality may install parking meters or use any other device to record the time parked**

- (1) The municipality may install or cause to be installed or use or allow to be used in a public road or place in the municipal area –
  - (a) a parking meter at a demarcated parking bay; or
  - (b) a combined parking meter at demarcated parking bays; or
  - (c) any other device by which parking time can be recorded and displayed.
- (2) The municipality may install a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay or bays in respect of which it is installed or at any other place in close proximity that serves the parking bay.
- (3) In the instance where a parking meter is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter.
- (4) In the instance where a meter is out of order, an authorised official may securely place over the meter a hood carrying in legible letters the words: "out of order " and in such instances a vehicle may be parked without payment of the prescribed amount.

**44. Method of parking**

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

**45. Payment of parking**

- (1) (a) When a vehicle is parked in a parking bay, the driver or person in

- charge of the vehicle must –
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which it is installed the prescribed coins as indicated on the meter for the period of time during which the driver desires to park the vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
  - (ii) effect payment by any other means prescribed by the municipality irrespective if the device used to record the time parked and irrespective whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.
- (b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must –
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter for the period of time during which the driver desires to park the vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
  - (ii) effect payment by any other means prescribed by the municipality irrespective of the device used to record the time parked and irrespective whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.
- (c) on completion of the actions prescribed in paragraph (a) and (b), the metered parking bay may be lawfully occupied by the vehicle during the period which is indicated on the parking meter, however, subject to paragraph (d), a driver or person in charge of a vehicle may, without payment, park the vehicle during such times (if any) as may be indicated on the parking meter as being unexpired from its previous use, provided that the municipality may cancel any paid time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay.
- (d) Subsection (c) does not apply to any parking bay where unexpired time is not visibly displayed.
- (2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may again, when the authorised period of parking has expired, immediately set the parking meter in operation as set out in subsection (1)(a), and after the meter has been set in operation, the

vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.

- (3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.
- (4) Subject to the provisions hereof, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a metered parking bay while the indicator of the parking meter shows that –
- (a) the time has expired; or
  - (b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.
- (5) Where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if –
- (a) the indicators shows that –
    - (i) the time has expired;
    - (ii) the parking meter has not been set in operation; or
  - (b) a hood has been placed over the parking meter as envisaged in section 43(4), no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

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

- (1) An officer authorised by the municipality to display road traffic signs may, whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indication "No stopping" or "No parking" at a parking bay or bays, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay or bays –
- (a) while the sign is so placed or erected; or
  - (b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provisions of this section commits an offence.

**47. Tampering or interfering with a parking meter or device**

- (1) No person may misuse a parking meter or interfere, or tamper, or attempt to misuse, interfere or tamper with the working operation or mechanism of a parking meter.
- (2) No person may, without authority from the municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking meter.
- (3) No person may paint, write upon or disfigure a parking meter.
- (4) No person may, without the consent of a parking marshal, remove or tamper with any device in the possession of such parking marshal.

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

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

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

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

**50. Unlawful parking and clamping or removal of unlawfully parked vehicles**

- (1) No person may cause, allow, permit or suffer any vehicle to be parked in a metered parking bay, except as permitted by the provisions of these by-laws.
- (2) Where any vehicle is found to have been parked in contravention of these by-laws, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until the person in whose name the car is registered adduces evidence to the contrary.
- (3) The municipality may –
  - (a) attach a wheel clamp to any unlawfully parked vehicle;
  - (b) or cause an unlawfully parked vehicle to be removed to a public place designated by the municipality; and
  - (c) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed from in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.

**51. Exemptions**

- (1) Notwithstanding any other provision in these by-laws, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered bay without payment of the prescribed fee –
  - (a) a vehicle used as an ambulance and being at the time used on urgent ambulance service;
  - (b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in carrying out its duties; and

- (c) a vehicle used by a member of the South African Police Service and being at the time used in connection with the execution of urgent police duties.
- (2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, or regulations, or by-laws made there under, a metered parking bay may be occupied without charge on –
  - (a) sundays and Public Holidays;
  - (b) saturdays after 13h00; and
  - (c) any other day of the week during the period from 17h00 to 08h00 on the following day.

## CHAPTER 3 : PARKING GROUNDS

### Part 1 : General provisions

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

- (1) The municipality is not liable for any loss of or damage howsoever caused, to any vehicle, or any accessories or content of a vehicle which has been parked in a parking ground.

#### **53. Interference with an attendant**

- (1) No person may obstruct, hinder or in any manner interfere with an authorised official or a parking marshal employed by an appointed service provider to the municipality, who is the attendant of the parking grounds in the exercise of the attendant duties under these by-laws.

#### **54. Payment of prescribed fee**

- (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee.
- (2) The municipality may in respect of a parking ground controlled by the issue of coupons, issue at the prescribed fee coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.
- (3) The municipality may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the municipality, to park the vehicle in a parking ground specified, if space in the parking ground is available.
- (4) A coupon issued under subscription (2) or (3) –
  - (a) may not, without the prior written consent of the municipality –
    - (i) be transferred to any other person; or
    - (ii) be used in respect of any vehicle other than the specified vehicle; and
  - (b) must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle.

- (5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the municipality.
- (6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a coupon was issued in terms of subsection (2) has elapsed, or who contravenes a provision of subsection (4) commits an offence.

**55. Trading**

- (1) No person may upon a parking ground carry on any business, trade or calling or perform any act in connection therewith.

**56. Observance of signs**

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

**57. Parking and removal of vehicle**

- (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.
- (2) Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle –
  - (a) in a place on the parking ground which is not a demarcated parking bay unless instructed to do so by the authorised attendant at the parking ground;
  - (b) in a parking bay across a painted line marking the bay or in such position that the vehicle is not entirely within the area demarcated as a parking bay; or
  - (c) in a parking bay which is already occupied by another vehicle.
- (3) No person may park a vehicle on a sidewalk or a roadway within a parking ground.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.
- (5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.

**58. Abandoned vehicle**

- (1) The municipality may remove, to the municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.
- (2) The municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the

municipality may, subject to the provisions of subsection (3), sell the vehicle at a public auction.

- (3) The municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the municipality all prescribed fees payable in terms of these by-laws and the applicable costs in terms of subsection (4).
- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following :
- (a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);
  - (b) the costs removing the vehicle;
  - (c) the costs of publishing the notice of the auction;
  - (d) the costs of effecting the sale of the vehicle; and
  - (e) the costs, calculated at a rate determined by the municipality, of keeping the vehicle in the pound,
- and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if the owner can prove the right to the vehicle.
- (5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the municipality.
- (6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

**59. Damage to notices**

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

**60. Negligent and dangerous driving**

- (1) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.

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

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

**62. Tampering with vehicle**

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

**63. Defacing coupon**

- (1) No person may in a parking ground with intent to defraud the municipality forge, imitate, deface, mutilate, alter or make a mark upon a parking coupon issued in terms of these by-laws.

**64. Defective vehicle**

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

**65. Cleaning of vehicle**

- (1) No person may clean or wash a vehicle in a parking ground.

**66. Refusal of admission**

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

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

- (1) The municipality may, subject to the provisions of these by-laws, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.
- (2) The municipality must, in a notice posted at the entrance to the parking ground set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.
- (3) The municipality may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.
- (4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the municipality from time to time.



- (5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.
- (6) No person may, unless is the holder of a parking coupon issued in terms of these by-laws authorising the person to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.

**68. Reservation by the municipality**

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

**Part 2 : Mechanically controlled parking ground**

**69. Parking of a vehicle in a mechanically controlled parking ground**

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

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

- (1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless –
  - (a) the person has produced to the authorised official a coupon authorising to park in the parking ground and which was issued to

- the person by the parking coupon vending machine upon entering the parking ground; and
- (b) the person has paid to the authorised official the prescribed parking fee.
- (2) If a person fails to produce a coupon authorising to park in the mechanically controlled parking ground, the person is deemed to have parked a vehicle from the beginning of a period that the ground is open for parking until the time the person wants to remove the vehicle, and shall be charged accordingly.
- (3) A person may not, after fails to produce a coupon, remove, or cause, or permit the removal of the vehicle parked in the parking ground until the person has produced other proof to an authorised official of the right to remove the vehicle, and the authorised official –
- (a) must require the person to complete and sign an indemnity form as supplied by the municipality against claims of whatever nature by a person relating to the removal of that vehicle; and
- (b) may require the person to furnish such security as may be determined by the municipality.
- (4) Subsection (1)(a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised official on demand.
- (5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the municipality is payable for the next parking period.
- (6) A person who contravenes a provision of subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised official in terms of subsection (3)(a) or (b) commits an offence.

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

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

- (1) A person who –
- (a) wishes to park a vehicle;
- (b) causes or permits a vehicle to be parked; or
- (c) allows a vehicle to be parked,
- in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.
- (2) The following must be indicated on the parking coupon vending machine –
- (a) the period during which a vehicle may be parked in the pay-and-display parking ground; and
- (b) the coin or other prescribed object to be inserted in respect of the parking period into the pay-and-display machine.
- (3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and

- place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.
- (4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day or time.
  - (5) No person may park a vehicle, cause, permit, or allow a vehicle to be parked in a pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.
  - (6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.
  - (7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

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

A person commits an offence if the person –

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

## **CHAPTER 4 : PARKING ATTENDANTS**

### **73. Prohibition**

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

- (3) No person or organisation may act as, operate or organise the guarding of vehicles in public places or on public roads of the municipality through parking attendants in an area which is the subject of a memorandum of agreement between the municipality and a service provider for the provision of a parking management system.

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

- (1) Before any organisation can be registered with the municipality, the organization must submit, together with its application for registration on a form supplied by the municipality, proof of indemnity or of public liability insurance regarding the actions of its parking attendants.
- (2) The municipality shall consider each application for registration and may register a person or an organization or refuse to register a person or an organization.
- (3) The municipality, on receipt of an application for registration, may call for documentary or other proof of the capacity of the organization to provide parking attendants, including information regarding the finances of the organization.
- (4) When approving a person or an organization's application for registration regarding a specified geographic area, the municipality must issue a permit prescribing the geographic areas within which the organization may operate and the period of time for which it is granted, and the permit issued is valid for a period not exceeding 12 months from the date of issue.

**75. Conditions**

- (1) Subject to the provisions of section 76 all persons and organizations must adopt and sign the code of conduct for parking attendants as supplied by the municipality.
- (2) A person or an organization must keep detailed attendance and duty records reflecting the following in respect of the person or of its parking attendants –
- (a) name of parking attendant;
  - (b) time at which the parking attendant goes on and off duty;
  - (c) place of assignment of the parking attendant; and
  - (d) incidents and occurrences.

**76. Registration fee payable**

- (1) The municipality may levy a registration tariff, the amount of which is determined by municipality and fixed in the registration, as a requirement for the registration of parking attendants, provided that where a memorandum of agreement exist between the municipality and the service provider for the provision of a parking management system, such a tariff will not be levied.

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

- (1) Upon registration and subject to the payment of a registration tariff, the municipality will issue to the parking attendants –
- (a) a bib or jacket; and
  - (b) an identification card,

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

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

#### **78. Conduct of organizations**

(1) An organization must –

- (a) register with the municipality;
- (b) train parking attendants;
- (c) supervise its parking attendants, preferably by means of direct radio contact with the organization's control office;
- (d) ensure that bibs or jackets and identification cards are in a good condition;
- (e) resolve all parking disputes or differences that may arise in the assigned areas of the parking attendants;
- (f) instruct all parking attendants under contract to comply with the policies and code of conduct;
- (g) ensure that the organization's officials make themselves available to attend meetings with the municipality as when requested to do; and
- (h) establish a liaison forum with the SAPS and the Safety and Security Business Unit.

- (2) No organization may permit a person who has a permit cancelled or suspended to act as a parking attendant.

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

(1) No parking attendant may, when on duty –

- (a) tamper with, activate or operate a parking meter;
- (b) wash, or clean, or offer to wash or clean a car on a public road or in a public place;
- (c) interfere with the movement of traffic pedestrians;
- (d) demand a donation or fee for guarding a driver's vehicle;
- (e) fail to obey a lawful order from an authorised officer or an authorised official;
- (f) harass or threaten driver, or damage a vehicle in any way;
- (g) get involve in any form of criminal activity;
- (h) be under the influence of alcohol, or any narcotic substance, or consume, or use any alcohol or narcotic substance;
- (i) be untidily dressed;
- (j) refuse to produce proof of identity when requested to do so by an authorised officer or authorised official or a person who requires it for the information relating to the service rendered;
- (k) behave abusively towards a member of the public;
- (l) insert money into a parking meter; or
- (m) inform or threaten the driver or person in charge of a motor vehicle that such a vehicle will or may be damaged or stolen unless it is left in his care or under his supervision or unless that parking attendant is remunerated for his services;

- (n) act as a parking attendant or hold out to be available to act as a parking attendant at any place other than the place allocated to in writing by a registered organization and in accordance with the provision of this by-law.
- (2) No parking attendant may refuse to subject himself to a security check as prescribed by the Private Security Industry Regulation Act, 2001 (Act 56 of 2001).

**80. Cancellation or suspension of registration**

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

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

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

**CHAPTER 5 : TAXIS AND BUSES****Part 1 : Special parking places for taxis, permits and decals****82. Establishment of, and taxi rank permits for, special parking places for taxis**

- (1) The municipality may establish special parking places in the municipality for use by or the parking of a taxi belonging to a person to whom a permit to use the parking place or park a taxi rank permit has been issued by the municipality as provided for in section 84.
- (2) A taxi rank permit may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for exclusive use.
- (3) If no space is available in a special parking place at any particular time for the parking of a taxi by a taxi rank permit holder or for a taxi to which the taxi rank permit relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 103, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.
- (4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a taxi rank permit, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

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

- (1) An application for the granting of a taxi rank permit referred to in section 82 must be lodged with the municipality on the particular form obtainable from the municipality and must be accompanied by the fee contemplated in section 84(4).
- (2) The applicant must answer all questions in the application form and in all other respects fully comply with all the requirements of the form.
- (3) The municipality may refuse a taxi rank permit, subject to the provisions of the National Road Traffic Act, 1996 (Act 93 of 1996) and the provisions of this by-law, on the grounds that there is insufficient ranking space in the municipal area.
- (4) A person who knowingly supplies incorrect information in the form contemplated in subsection (2) commits an offence.

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

- (1) Where an application for a taxi rank permit is granted the taxi rank permit must, subject to subsections (2) and (3), be issued in a form determined by the municipality provided that the prescribed fee contemplated in section 83(1) had been paid.
- (2) The municipality shall not issue a taxi rank permit until the applicant provides the municipality with –
  - (a) a valid Certificate of Road Worthiness in respect of the motor vehicle concerned as required in terms of Regulation 138 of the Regulations in terms of the National Road Traffic Act, 1996 (Act 93 of 1996);

- (b) a valid public road carrier permit; authorizing the road transportation to be undertaken;
  - (c) proof of registration and licensing of the motor vehicle concerned in terms of section 4 of the National Road Traffic Act, 1996 (Act 93 of 1996);
  - (d) a valid identification document or a valid temporary identity document issued by the Department of Home Affairs, of the owner or the operator thereof, however, in the event of a temporary identification document, it must be accompanied with a passport of the owner or the operator thereof; and
  - (e) a letter of recommendation from the relevant taxi association.
- (3) Such a taxi rank permit shall be issued in terms of the conditions determined by the municipality.
- (4) The municipality may determine the fees for the issue of a taxi rank permit and such fees may be different for different facilities.
- (5) A taxi rank permit not collected within three months lapses, unless a written extension of time has been requested and granted by the municipality.
- (6) Any taxi rank permit issued contrary to the provisions of this by-law in an unlawful manner with or without the knowledge of the applicant, is void and the holder thereof must on demand by the municipality forthwith deliver such a taxi rank permit to the municipality.
- (7) The municipality is not obliged to issue a taxi rank permit, even if the applicant has a valid operating license or public road carrier permit.
- (8) No taxi rank permit will be issued unless the provisions of this section have been complied with.
- (9) A person who issues a taxi rank permit in a manner contemplated in subsection (6) commits an offence.

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

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

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

- (1) Subject to subsection (2), a taxi rank permit issued in terms of section 84 for a motor vehicle does not authorize the taxi rank permit holder to park any other motor vehicle as a taxi under that taxi rank permit.
- (2) If the taxi to which a taxi rank permit relates has become defective or has been temporarily withdrawn from service owing to an accident, the taxi rank permit holder may substitute any other vehicle of the same passenger-carrying capability for that taxi for a maximum period of seven



days, on condition that, whenever such other vehicle uses the taxi facilities, the taxi rank permit holder must ensure that -

- (a) the taxi rank permit relating to the defective taxi is always kept in such other vehicle; and
- (b) a decal is always displayed on the other vehicle as required by section 88(3).

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

(1) If-

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

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

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

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

- (1) A decal containing the particulars of the taxi rank permit is issued with every taxi rank permit, and must immediately be affixed to the taxi concerned as contemplated in subsection (3).
- (2) (a) A taxi rank permit holder may apply to use additional taxi facilities.  
(b) An additional decal or more decals may be issued to the taxi rank permit holder to identify additional taxi facilities allocated to that taxi rank permit holder.
- (3) On obtaining a decal or decals in terms of subsection (1) or (2), the taxi rank permit holder must immediately-
  - (a) where the taxi concerned is fitted with a clear windscreen, affix the decal a conspicuous place on the left-hand front inside of the windscreen in an upright position, with the printed side facing to the front in such a way that the particulars on the decal are clearly legible to any person standing on the left front side of the taxi; and
  - (b) where the taxi is fitted with a tinted or smoked glass windscreen, display the decal in a watertight holder in a conspicuous place on the left-hand front outside of the windscreen in such a way that the particulars on the decal are clearly legible to any person standing on the left front side of the taxi.
- (4) The taxi rank permit holder must ensure that the decal or decals are kept displayed at all relevant times as contemplated in subsection (3).
- (5) (a) If a taxi rank permit holder-
  - (i) satisfies the municipality by affidavit that the taxi rank permit or a decal has been lost destroyed; or
  - (ii) produces a taxi rank permit or decal that has been damaged to the extent that the letters and figures on it are no longer clearly legible,

the municipality must, after the taxi rank permit holder has applied for a duplicate permit or decal on a form and has paid the prescribed fee, issue a duplicate that is clearly endorsed 'DUPLICATE'.

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

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

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

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

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

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

**91. Outstanding payment**

- (1) All outstanding payments must be paid before a taxi rank permit is issued.

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

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

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

- (1) The holder of a taxi rank permit in terms of this by-law must:
- (a) maintain such taxi rank permit in a good and legible condition; and
  - (b) keep it in the motor vehicle to which it relates at all relevant times when such vehicle is being operated as a taxi.
- (2) Any authorized official of the municipality may call upon the driver of any taxi to stop and may demand the driver-
- (a) to produce the taxi rank permit required under the provisions of this by-law; and
  - (b) to supply full name and address and also the name and address of the owner or operator of such taxi.
- (3) No driver referred to in subsection (2) may, when called upon to do so by any authorized officer-
- (a) refuse to stop;
  - (b) refuse to supply the full name and address;
  - (c) refuse to supply the correct name and address of the owner or operator of the vehicle in the drivers charge;
  - (d) refuse to produce a taxi rank permit; or
  - (e) give a false name or address.

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

- (1) Where the owner, taxi rank permit holder or person in charge of a taxi has been found guilty of contravening these by-laws, and irrespective of whether any other penalty by a court of law has been imposed, the municipality may, subject to the provisions of section 95 and after all the circumstances of the case have been taken into consideration, act in terms of subsection (2).
- (2) The municipality may, after taking all the circumstances of the case into consideration, suspend the taxi rank permit for a taxi for a period or withdraw the taxi rank permit if-

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

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

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

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

**96. Change of address**

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

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

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

**Part 2: Taxi associations, taxi forums, and taxi facilities****98. Taxi forums**

- (1) The municipality may establish a taxi forum to make recommendations to it on matters relevant to the taxi industry in general.
- (2) A taxi association may become a member of the taxi forum.

**99. Classes of the taxi facilities**

- (1) The municipality may designate any taxi facility in the municipality as-
  - (a) a special parking place, such as a taxi rank or a stand;
  - (b) a taxi stopping place; or
  - (c) a taxi holding area.

**100. Taxi parking**

- (1) A driver may, subject to subsection (2)-
  - (a) park a taxi at a special parking place or taxi holding area only; or
  - (b) ply for hire, or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.
- (2) In emergencies or at recreational and other similar functions, the municipality may set aside temporary taxi facilities identified by the municipality as suitable for the parking and stopping of taxis.
- (3) A person who contravenes a provision of subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

**101. Use of taxi ranks**

- (1) A driver-
  - (a) may, in terms of subsection (3), park a taxi at the taxi rank specified on the taxi permit concerned, if space is available; and
  - (b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 82.
- (2) The driver must, when plying for hire at a taxi rank, do so in a queue and must-

- (a) position the taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
- (b) move the taxi forward as the queue moves forward.
- (3) When plying for hire at a taxi rank, a driver-
  - (a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of the taxi so long as it remains in such a position;
  - (b) may not position the taxi ahead of any taxi that arrived and took up a position in the queue before; and
  - (c) may, if the taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates preference for a taxi not in front of the queue.
- (4) No person may park or stop a taxi which is not in good working order in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park or stop any vehicle in a taxi rank except a taxi for which a taxi permit and decal, specifying the rank, have been issued for the year in question.

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

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

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

- (1) Subject to subsections (2) and (3), a recognized taxi association may appoint marshals at taxi facilities to perform the duties set out in subsections (4) and (5), however, if a taxi facility or a portion of it has been allocated exclusively to a particular taxi association, only that association may appoint marshals in respect of that particular taxi facility or portion of it.
- (2) In the case of a dispute about which taxi association is entitled to appoint a marshal or marshals at a particular taxi facility, the taxi forum must decide on the issue.
- (3) The duties of a marshal regarding passengers are:
  - (a) to regulate the queuing of passengers according to the appropriate priority and route destination systems;
  - (b) to ensure the orderly loading of passengers into appropriate vehicles;
  - (c) to control the appropriate number of passengers per vehicle to prevent overloading and ensure a higher level of service to passengers and equal opportunities for drivers;
  - (d) to direct passengers and to provide information about the activities of the taxis operating at that facility or other taxi facilities; and
  - (e) to inform drivers about expected passenger demand and any other related matters.
- (4) The duties of a marshal regarding taxis are-
  - (a) to control the arrival of taxis at taxi facilities and specifically at loading areas in accordance with the provisions of sections 82 and 101;
  - (b) to allow only taxi permit holders in respect of taxi facilities in and out of the facilities;

- (c) to coordinate the movement of taxis between loading and holding areas;
  - (d) to control taxi departures according to loading patterns; and
  - (e) to direct taxis to a holding area and to redirect them to a rank.
- (5) The municipality may, after consultation with the taxi forum, lay down a code of conduct for marshals at taxi facilities and amend the code from time to time.
- (6) No person may act as a marshal at a taxi facility unless the taxi association concerned has appointed the person in writing.

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

- (1) No person may repair or maintain any motor vehicle in any way whatsoever at a taxi facility.
- (2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.

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

**105. Preventing engagement of a taxi**

- (1) No person may, by using force, intimidation, threats or by any other means, prevent or try to prevent-
  - (a) any person from obtaining or engaging a taxi; or
  - (b) the driver of a taxi from taking on passengers.

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

- (1) A person who is in charge of any person or thing may not knowingly convey that other person or thing or allow that other person or thing to be conveyed in a taxi, whether or not the taxi has been engaged, if that other person or thing-
  - (a) is not permitted to be conveyed in terms of an existing law; or
  - (b) has obviously been exposed to or contaminated by an infectious or contagious disease

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

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

**108. Boarding and alighting of taxis**

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

**109. Queues at facilities**

- (1) At any established taxi rank facility, the municipality may erect or cause to be erected a queue sign that consists of a notice board indicating the location and the manner in which persons waiting to enter a taxi will stop and form a queue, and such a sign may be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.
- (2) All passengers intending to enter any taxi at an established ranking facility or stopping place must queue from the point at which it is indicated that such vehicle will leave.
- (3) Where no queue sign has been erected, passengers waiting to enter a taxi, must form themselves into a queue not exceeding two abreast, or in a single file when required to do so by an approved taxi marshal or authorized official of the municipality.
- (4) A passenger may only enter a taxi when he or she gets to the front of the queue.
- (5) Every passenger queuing must comply with all the instructions given by an approved taxi marshal, authorized officer or authorized official when on duty.

**110. Payment of fares**

- (1) A passenger must pay the determined fare for the journey on request.

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

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

**112. Animals**

- (1) No passenger may enter a taxi with any animals other than a guide dog assisting a blind person.



**113. Actions prohibited on a taxi**

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

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

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

**Part 4: Metered taxis****115. Taximeters and display of identification**

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

**116. Metered fares**

- (1) The fares to be charged in respect of metered taxi must be in accordance with the tariff published by the municipality.
- (2) No driver of a metered taxi may charge, demand or attempt to obtain from a passenger a fare lower or higher than the tariff published by the municipality.

**117. Tariffs to be displayed on taxis**

- (1) The driver of a metered taxi must affix a sign on the left front door of the taxi so that the tariffs are plainly visible to the passenger, and this sign must show in legible characters-
  - (a) the appropriate tariff of fares;
  - (b) the number of passengers the metered taxi is permitted to carry;
  - (c) the registration number of the metered taxi; and
  - (d) the relevant portion of the taxi permit (decal) reference number.

**118. Position of meter**

- (1) The taximeter must be-
  - (a) fitted on the inside of the taxi in such a position that the recorded fare is plainly visible at all times by a passenger occupying the rear seat; and
  - (b) illuminated after dark.

**119. Operation of meter**

- (1) Except as provided for in sections 120 and 121, the taximeter must be operated electronically or mechanically either solely from the gearbox or left front wheel of the taxi or from another portion of the mechanism of the taxi or that the municipality may approve.
- (2) The driver of a metered taxi must ensure that the taximeter correctly indicates to the passenger the fare that may be charged by the driver in accordance with the tariff published by the municipality.

**120. Meter indicators**

- (1) The owner of a metered taxi must ensure that-
  - (a) the taximeter has an indicator which-
    - (i) is incorporated in the taximeter or attached to it;
    - (ii) has the words "For hire" on it when the taxi is available for hire; and
    - (iii) may be hand-operated;
  - (b) the indicator of a taximeter has a-
    - (i) "Pay" or "For hire" position, denoting that the taximeter is not in operation;
    - (ii) "Hired" or recording position, denoting the recording by the taximeter of the fare by a combination of time and distance; and
    - (iii) "Time not recording" position or light, denoting that the clock mechanism is not recording.

**121. Starting of meter**

- (1) The driver of a metered taxi must-
  - (a) on arrival at the passenger's departure point, and not sooner, start the taximeter in the "Hired" position and, on termination of the hiring, immediately stop the taximeter from recording; and
  - (b) stop the taximeter from recording for the duration of a stoppage if the stoppage is not caused by traffic congestion, or by the action of the passenger, or at the request of the passenger.

**122. Taxi called but not engaged**

- (1) A person who calls for or summons a metered taxi and who, on its arrival, fails to engage it, must pay the fare at the tariff published by the municipality for the distance from the stand, rank or place from which the metered taxi had been dispatched to the place which the person had called or summoned the metered taxi.
- (2) If a metered taxi is kept waiting through no fault of the driver before the driver is told that the taxi's services are not required, the person who called for or summoned the taxi must, in addition to the normal fare, pay the driver waiting at the tariff published by municipality.

**123. Meter seals to be kept intact**

- (1) The owner of a metered taxi must, at all times, keep intact and undamaged all seals that were affixed to a taximeter by an examiner of vehicles or an approved organization.
- (2) If the seal or seals of a taximeter are accidentally broken or defaced, the driver of the taxi must immediately, before the taxi is used as passenger – carrying vehicle, apply to the Municipality or an organization approved by the municipality to replace or renew the seal or seals.

**124. Meter tolerances**

- (1) The tolerance to be allowed on all taximeters when tested is as follows:
  - (a) road test: no tolerance in deficiency or over-registration is allowed, but if the vehicle's tyres are obviously worn, a tolerance in deficiency of 10 meters per kilometer and a tolerance in excess of 50 meters per kilometer are allowed.
  - (b) time test: a tolerance in deficiency of one second per minute and a tolerance in excess of two seconds per minute are allowed.

**125. Interference with meter prohibited**

- (1) No person may, so as to cause the taximeter to register anything other than the true fare chargeable by the driver in accordance with the tariffs published by the municipality-
  - (a) destroy, break or tamper with the seal affixed to a taximeter by the examiner of vehicles or by an organization approved by the municipality; or
  - (b) adjust or interfere or tamper with a taximeter or a connection of a taximeter, or any tyre or fitting of a taxi.
- (2) No driver or owner of a taxi may allow the taxi to be used as passenger carrying vehicle if-
  - (a) the taximeter affixed to it does not register the true fare; or
  - (b) the tyres fitted to the taxi are not the same size as those which were on the vehicle when the taximeter was tested and sealed.
- (3) The driver or owner of a metered taxi-
  - (a) must ensure that the taxi is fitted with a speedometer and an odometer, both of which are in good and proper working order, and that the odometer, subject to the provisions of subsection (1), reflects the true distance travelled; and
  - (b) may not operate or allow the taxi to be operated unless the speedometer fitted to it works properly.

**126. Meters liable to be tested at any time**

- (1) An authorized officer may by written notice instruct the owner or driver of a metered taxi to present the taxi concerned to an examiner of vehicles for examination and testing of the taximeter at a time and place specified in the notice.

**127. Charge for testing meters**

- (1) The prescribed fees must be paid to the municipality for every taximeter tested by the municipality in terms of section 126.

**128. Meters may be condemned**

- (1) If a taximeter affixed to a metered taxi is found not to be in order and not working satisfactory, an examiner of vehicles may condemn the taximeter and remove the seal or mark placed on it in terms of section 123.
- (2) No person may use a condemned taximeter in a taxi until the taximeter has been retested, approved and sealed by an examiner of vehicles.

**129. Taxi signs for metered taxis**

- (1) A metered taxi that is operated within the municipality must be fitted with an illuminated roof sign in accordance with the requirement set out by the municipality.
- (2) The illuminated roof sign must be properly maintained at all times.

**Part 5: Bus facilities and permits, and operation of buses**

**130. Establishment of bus facilities**

- (1) The provisions of section 82(1), (2) and (3) apply, with the necessary changes, to buses, and "special parking places" must, in relation to buses, be read as "demarcated stopping places or stands for buses" as contemplated in section 133.

**131. Application and issue of bus permits, fees, display of decals, suspension and withdrawal of permit**

- (1) The provisions of section 83, 84, 85, 86, 89, 90, 91, 92, 94, and 95 apply, with the necessary changes, to buses.
- (2) Except for the buses provided for in subsection (3), a bus may not use a public transport facility within the municipal area, unless the bus displays the necessary decal.
- (3) A bus operator who transports passengers for reward and who owns more than 20 buses, but who uses fewer than 20 buses within the municipality for transporting passengers, must pay the permit fees due to the municipality for the buses according to the following formula:
  - (a) The bus operator's maximum number of buses which on any day of the year is used for the above purposes, train buses excluded (for individual permits and decals need to be obtained), multiplied by the prescribed permit fee payable per bus.
- (4) The permit fees for the number of buses referred to in the formula in subsection (3) are determined according to that bus of the operator which

is certified to carry the largest number of passengers and which is normally used within the municipality, and the permit fees is not linked to any specific bus.

- (5) The bus operator must-
  - (a) provide an audited certificate of the number of buses referred to in the formula above, together with an application to the Municipality; and
  - (b) each year after that, provide an audited certificate, together with any other documents that the Municipality may reasonably demand.
- (6) The owner of a bus who uses or allows to be used a bus in contravention of subsection (2) commits an offence.

### **132. General use and operation of buses**

- (1) The provisions of sections 105 to 107 apply, with the necessary changes, to buses.

### **133. Distinguishing of demarcated stops and stands for buses**

- (1) Each demarcated stopping place or stand must be distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the stopping place or stand.

### **134. Duty of driver to stop**

- (1) If a bus operating on a bus route for the purpose of conveying passengers is carrying less than the maximum number of passengers that the bus is lawfully entitled to carry, and the driver of the bus sees a person waiting at demarcated stopping place, apparently intending to get on the bus, the driver must, subject to subsection (2), stop the bus at the stopping place, as close as possible to the kerb or edge of the public road, in order to enable the person to get on.
- (2) The driver of a bus that has a notice that it is an "express", "limited stop" or "special vehicle" is not required to stop until reaching the destination specified by the notice.
- (3) No driver of a bus may stop the bus to pick up a passenger at a place that is not a demarcated stopping place or stand.
- (4) A conductor (if there is one) of a bus may not allow a person to get on a bus, and no person may get on a bus, at any place that is not a demarcated stopping place or stand.

### **135. Boarding and alighting from bus and passing of a school bus**

- (1) The provisions of section 108(1), (2) and (3) apply, with the necessary changes, where a passenger intends to board or alight from a bus.
- (2) The operator of a vehicle may not pass a school bus that has stopped to load or offload learners and must remain stationary behind such bus until the bus continues its journey, unless the bus has stopped in a demarcated place, leaving the road open for travel.

### **136. Parking at stopping places for buses and destination signs**

- (1) No driver or person in charge of a bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.

- (2) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

### **Part 6: Enforcement**

#### **137. Permit to be produced on demand**

- (1) The holder of a permit must-
- (a) maintain the permit in a good and legible condition; and
  - (b) keep the permit in the motor vehicle to which it relates at all relevant times when the vehicle is being operated as a taxi or bus.
- (2) A traffic officer may call on the driver of a taxi or bus to stop and may demand that the driver-
- (a) produce the permit; and
  - (b) give the full name and address and also the name and address of the owner of the taxi or bus.
- (3) A driver referred to in subsection (2) commits an offence if the driver -
- (a) fails or refuses to stop;
  - (b) fails or refuses to give full name and address;
  - (c) fails or refuses to give the correct name and address of the owner of the vehicle in the drivers charge;
  - (d) gives a false name or address; or
  - (e) fails or refuses to produce a permit.

#### **138. Unauthorized handing over or abandonment of bus or taxi**

- (1) No driver of a taxi or bus may-
- (a) abandon the vehicle; or
  - (b) allow any other person to drive the taxi or bus under the drivers control without the consent of the holder of the public road transportation permit concerned.

#### **139. Enforcement of right of entry**

- (1) An authorized officer may, in enforcing the provisions of this chapter, at any reasonable time and without prior notice-
- (a) enter a taxi or bus facility to inspect the facility; and
  - (b) make enquires from a person connected with the facility.

### **Part 7: Miscellaneous provisions**

#### **140. Change of address of permit holder**

- (1) If the permit holder changes an address during the currency of the permit, the permit holder must notify the municipality in writing of the new address not later than seven days after the change of address, and this notice must be delivered by hand, facsimile machine or certified mail.

#### **141. Property left in passenger-carrying vehicles**

- (1) The driver of a passenger-carrying vehicle must carefully examine the vehicle after a trip, and if a passenger has left behind any property in the vehicle, the driver must-

- (a) deliver that property to the person who left it behind; or
- (b) if is unable to deliver that property to the person who left it behind, take the property, as soon as possible, to the lost property office of the employer or to the nearest police station and deposit it with the officer on duty and obtain a receipt for it.

## CHAPTER 6: MISCELLANEOUS PROVISIONS

### 142. Obeying and interfering with an officer

- (1) An authorized official may direct all traffic by means of visible or audible signals, and no person may disobey such signals.
- (2) No person may obstruct, hinder, abuse, or interfere with any authorized official in the exercise of the powers in terms of these by-laws.

### 143. Appeal

- (1) A person whose rights are affected by a decision made under these by-laws may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by-
  - (a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or
  - (b) the municipal manager, the Executive Mayoral Committee is the appeal authority;

### 144. Compliance notices and the recovery of costs

- (1) Notwithstanding any other provisions of this by-law, the municipality may-
  - (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
  - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

**145. Presumptions**

- (1) For the purpose of these by-laws, the person in whose name a vehicle which is parked in a parking ground is licensed, is deemed to be the person having control or charge of the vehicle, unless and until the person adduces evidence to the contrary.
- (2) Any motor vehicle which is found on a taxi or bus facility or that has stopped at a taxi or bus facility is presumed to be plying for hire, unless the contrary is proved.
- (3)
  - (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of these by-laws it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
  - (b) Whenever a vehicle is parked in contravention of any provision of these by-laws, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
  - (c) For the purposes of these by-laws it is presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of the powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further interests of the corporative body.
- (4) In any prosecution in terms of these by-laws, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is *prima facie* proof of appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.
- (5) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.
- (6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this by-law, be admissible in evidence and *prima facie* proof that it is such receipt, transmission report or acknowledgement.

**146. Offences and Penalties**

- (1) Any person who contravenes any provision of this by-law is shall upon conviction be found guilty of an offence.
- (2) A person who has committed an offence in terms of these by-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.



**147. Saving and transitional provision**

- (1) A person on whose premises any fence contemplated in section 28 (1) is erected, is allowed a period of 12 calendar months from the date of commencement of these by-laws to make the necessary structural arrangements to comply with section 28(1).

**148. Repeal of by-laws**

- (1) The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

**149. Short title and commencement**

- (1) These by-law is called the Makhado Local Municipality Roads, Traffic and Safety by-law, and come into operation upon publication in the *Provincial Gazette*.
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