

EMAKHAZENI LOCAL MUNICIPALITY



DRAFT BY-LAWS ON TRAFFIC

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DRAFT

1. Title

These by-laws are entitled the Traffic By-laws

2. Definitions

2.1 Unless it is clear that the context shows otherwise, in these by-laws –

“Good Vehicle” is 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;

“Motor vehicle Attendant” is a person who, at the request or with the consent of the person in charge of a motor vehicle, undertakes for reward to supervise or take care of such motor vehicle while it is parked in a public street and satisfies any other legislative requirements to offer her/his services;

“Taxi” is a public motor vehicle designed or adapted solely or principally for the conveyance of not more than x persons, including the driver;

“Town” is the Municipality of Emakhazeni which includes the towns of Belfast, Dullstroom, Machadodorp and Waterval Boveren.

3. Objects

The objects of these by-laws are to regulate the use of streets, thoroughfares, public parking facilities, road conduct, exemptions from the provisions of these by-laws and matters incidental thereto.

4. Non- discrimination

- 4.1 These by-laws are applied in such a way as not to discrimination between persons on any grounds;
- 4.2 These by-laws are applied in such a way as to respect and protect all people’s rights to dignity, economic opportunity, privacy and freedom of movement.

5. Application of By-laws

These by-laws apply to all persons in the jurisdiction of Emakhazeni, regardless of whether they live within the Municipality’s jurisdiction or not.

6. Traffic Lanes

- 6.1 If a road is demarcated into traffic lanes, a driver of a vehicle shall drive entirely within a single lane and may not encroach over any lane line, except when moving from one lane into or across another.
- 6.2 If a road is demarcated into traffic lanes the following vehicle must stay in the left –hands traffic lane or as close as practicable to the left edge of the roadway, except when overtaking another vehicle or when making a right- hand turn at an intersection or into a private driveway-
- a) Vehicles moving at less than the normal speed of traffic at the time and place and under the existing conditions ;
 - b) Bicycles; and
 - c) Heavy motor vehicles

7. Sidewalks

If a footpath or sidewalk is intended for pedestrians, a persons may not drive, draw or move a vehicle upon such footpath or sidewalk, except-

- a) If the vehicle is a perambulator, a wheelchair or other similar vehicle; or
- b) If crossing the sidewalk or footpath is the shortest route for entering or leaving a property adjacent thereto.

8. Roller Skating and Quad Biking

A person may not use roller skates or any similar article to which rollers or wheels are fixed, or a quad bike on a public road or a sidewalk.

9. Parking places

The South African Police Services may direct and regulate traffic in both public and private parking place, in case of emergency or when it is in the public interest and as prescribed in the South African Police Service Act, 1995 (Act No 68 of 1995).

10. Repair of Motor Vehicle on Public Roads

A person may not repair a motor vehicle in a public street or public place in the built environment of the Town, except to carry out minor repairs necessitates by a temporary or sudden stoppage of a vehicle, for the purpose of setting such vehicle in motion again.

11. Excessive Noise

A person may not operate a motor vehicle on public road in such a way that it causes excessive noise which can be avoided by the exercise of reasonable care on her/his part.

12. Parking Grounds

The Municipality defines and describes the following areas as parking ground:

(a) Sheltered parking grounds

(b) Open parking grounds

13. Payments for Parking

13.1 The Municipality may determine the period for which a vehicle may be parked in a parking place and the fee to be paid that for that period, for its different parking grounds, including –

- a) Parking grounds with metered parking bays;
- b) Ticket-controlled parking grounds; and
- c) Pay- and – display parking ground;

And the Municipality must clearly indicate the fee to be paid and the period for which the vehicle may be parked on the parking meter or on the parking ticket;

13.2 if the person parks a vehicle in a parking place that has a parking meter, she/he must at the same time pay fee, if she/he parks in that place during the hours determines by the Council and indicated by a notice in respect of the parking place;

- 13.3 A person parking a vehicle in a parking place that has a parking meter need not to pay a fee outside normal trading hours;
- 13.4 With reference to the provision in subsection 13.2 regarding payment of a fee for parking in a parking place that has a parking meter; the following conditions apply:
- a) The appropriated coin must be inserted as fee
 - b) If the parking meter operates by the insertion of a coin only and turning of the handle attached for that purpose, the handle must be turned to the extreme right after the appropriate coin was inserted, until the meter automatically registers and indicates the passage of time.
 - c) A person may park a vehicle in a vacant parking place that has a parking meter, for the unexpired parking time as the meter may indicate;
 - d) If the parking meter in a parking space is not operating or not operating properly, the person who parked in that parking place may leave her/his vehicle in that space without paying, provided that the maximum parking period for that particular parking space is not exceeded;
 - e) A person may not leave a vehicle in a demarcated parking place after the expiry of the parking period;
 - f) If the person inserted a coin in a parking meter, she/he may park a vehicle in the appropriate parking place for the parking time corresponding with the fee paid, provided that she/he is allowed to park there during the hours as indicated by the notice;
- 13.5. A person may park a vehicle in a ticket- controlled or pay- and display parking ground –
- a) If he/she obtain ticket from a parking device or from an authorized official, provided that when she/he receives a ticket from an authorized official of the Municipality, she/he may only park her/his vehicle on the parking area indicated thereon;
 - b) If she/he pays the prescription fee; and
 - c) For the as indicated on the parking ticket.
- 13.6 A person having obtained a parking ticket from authorized official, may park his vehicle only on the parking ground as indicated on the parking ticket, provided the parking time on the parking ticket has not expired.

- 13.7 A person who obtains a parking ticket, must display it on the inside of the vehicle's windscreen, or if the vehicle has no windscreen, on another conspicuous place in such away that the printed or written contents thereof are clearly visible from the outside of the vehicle, failing which it shall be presumed that the parking ticket was obtained.
- 13.8 A person who obtains a parking ticket may, after removing her/his vehicle from the parking grounds for which the fee was paid, again park the same vehicle from the in the parking ground as indicated on the parking ticket, provided that parking is available and that the parking ticket has not expired.
- 13.9 The Municipality may refuse a vehicle admission to a parking area if, because of its length, width or height it is likely to cause injury to person or damage to property or to cause obstruction or undue inconvenience.
- 13.10 A person who is the holder of a person; or
- (a) transfer her/his monthly parking ticket to another person; or
 - (b) park a vehicle in a parking ticket to another; or
- 13.11 The holder of a monthly parking ticket for a sheltered on her/his monthly parking ticket.
- (a) must pay the determined fee on or before the last day of every month, in respect of the parking place she/he hires for the following month;
 - (b) forfeits the parking place if she/he fails to pay the last day of the current month, provided that respite of 2 days is allowed.
- 13.12 The holder of a monthly parking ticket for a sheltered parking space may pay the determined fee in advance for a maximum period of 12 months or a minimum period if 1 month, provided that from the date the Municipality takes note of the termination, it makes a pro rata refund in respect of any unexpired lease for full calendar months only;
- 13.13 If the person requires a sheltered parking space during the course of a month; the fee is calculated on a pro rata basis from the day of payment of the fee until the last day of that month.
- 13.14 The monthly parking ticket for a sheltered parking place indicates the month for which the ticket is applicable, as well as the number or the parking place and a receipt is also given to the holder of the ticket.

13.15 If the holder of a monthly parking ticket for a sheltered parking space wishes to renew her/his monthly ticket, she/he must produce the previous monthly ticket or a duplicate of such a ticket, or a receipt for both, before a new monthly ticket will be issued.

13.16 A duplicate monthly ticket will be issued on application, after payment of the fee.

14. Exemptions from Payment for Parking

14.1 The Municipality may allow the driver or person in charge of the following types of vehicles to park in a parking place without payment of the prescribed fee and without having to adhere to the parking period for that particular parking space -

- (a) a vehicle used as an ambulance, at the time when it is required for urgent ambulance service;
- (b) a vehicle used by the emergency services, at the time when it is carrying out its duties of preventing or fighting fire;
- (c) a vehicle used by a police or traffic officer, at the time when it is used in connection with the execution of her/his duties;
- (d) a vehicle belonging to the Municipality or a vehicle in used by an employee of the Municipality or a councilor or a vehicle belonging to a utility company providing public services, provided that –
 - i. The vehicle is used in an official capacity;
 - ii. The vehicle is parked at the place where maintenance or an inspection is being carried out; and
 - iii. Where applicable a badge, approved by the Municipality, is displayed on the vehicle;
- (e) a vehicle is parked used by a medical practitioner visiting a patient or during consulting hours at his consulting rooms, provided she/he submits proof of profession;
- (f) a vehicle used by a registered nurse or midwives, as defined in the Nursing Act (Act 33 of 2005) while visiting a patient, provided she/he profession;

- (g) a vehicle used by a disabled person who has difficulty in walking or is unable to walk, provided she/he submits a medical report of her/his physical condition to the Chief Traffic officer; and
 - (h) a vehicle used for the removal of goods and in respect of which the written approval of the Municipality was obtained.
- 14.2 The person referred to in subsections 14.1, (g) and (h) must apply beforehand to the Municipality on the prescribed form.
- 14.3 The Chief Traffic Officer may, on such conditions as she/he deems fit, issue a parking disc to the applicant, provided that –
- (a) the parking disc shall be valid for one year from the date of issue, after which, on parking disc, it may be renewed by the Chief Traffic Officer;
 - (b) the parking disc must be displayed on the left side of the front windscreen of the vehicle concerned in such a way that it is clearly visible at all times from the outside of the vehicle;
 - (c) the parking disc is not transferable to another person;
 - (d) a person must report the theft or loss of the parking disc immediately to the Chief Traffic Officer;
 - (e) the exemption shall only be valid for as long as a person practices his profession and in the case of a disabled person, her/ his physical disability continues;
 - (f) the issue of a parking disc is done at the discretion of the Municipality; and
 - (g) failure to comply with the conditions of, or abuse of the exemption, will result in the withdrawal of the exemption and cancellation of the parking disc.

15. Manner of Parking

- 15.1 If a parking place runs parallel with the kerb or continuous yellow line substitutes for kerbing, a vehicle must be parked in such a way that the front and rear wheels, which is the nearest to the kerb or yellow line, shall be not more than 450 mm from the kerb or yellow line.

- 15.2 If a parking place is at a rectangle or angle with the kerb or yellow line, the nearest wheels of a vehicle to the kerb, may be no more than 150mm from the kerb or yellow.
- 15.3 If a vehicle parked in a parking place which runs parallel with the kerb or yellow line, is so long it is impossible to park another vehicle in the adjoining spaces occupied by his vehicle.
- 15.4 The provisions of the regulations promulgated I terms of national legislation relating to the parking of vehicles shall be mutatis mutandis applicable as part of these by-laws.
- 15.5 A person may only park a motor cycle in the smaller parking places demarcated by the Municipality.

16. Conduct in Parking Grounds

- 16.1 A person may not, unless being granted permission by the Municipality, enter or be in a parking area, except for the purpose of parking a vehicle therein or lawfully removing it there from or if a person is a passenger in such a vehicle.
- 16.2.1 The Municipality may reserve certain demarcated parking places or parking grounds for the sole use of specific persons or vehicles, provided that appropriates road traffic sign, indicating the exclusive use of such parking place or parking areas, is displayed.
- 16.2.2 A person may not park a vehicle in a parking place that is reserved as described in subsection 16.2.1, if such reservation was not intended for her/his benefit.
- 16.3 A person may not do the following in the parking ground –
- (a) insert into a parking meter a coin that is not South Africa currency, or is counterfeit coin, or is a foreign object, or is not the denomination as prescribed by the Municipality;
 - (b) damage a parking meter;
 - (c) attach documents, whether it is of an advertising nature or not, to a parking mete;
 - (d) cause a parking meter to record the passage of time otherwise than by the insertion of the prescribed coin;

- (e) tamper with a parking meter which is not working properly or not working at all, or tamper with it for any other reason ;
 - (f) interfere with a mark painted on the road or a notice erected for the purpose of these by-laws; or
 - (g) forge, imitate, alter or make any mark upon any ticket issued in terms these by-laws, with the intent to defraud the Municipality.
- 16.4 A sign which the Municipality displays in a parking ground and which conforms to road traffic sign as prescribed in regulations promulgated in terms of the National Road Act of 1996, has the same significance as such a sign.
- 16.5 The Municipality may enter into an agreement with a person, permitting her/him to advertise on the Municipality's parking meters may not be damaged, or rendered inoperative or unfit by the advertisements.
- 16.6 Subject to the provision of subsection 16.5, a person may not use a demarcated parking place or parking grounds with or without a parking meter or any other part of a street for the purpose of –
- (a) advertising anything;
 - (b) selling anything, whether it takes place from a vehicle or not;
 - (c) displaying anything for any purpose whatsoever;
 - (d) parking a vehicle with the purpose to canvass for, load and transport passengers in the course of conducting the business of passenger transport, unless such a person obtained written approval for a parking space, allocated to her/him for a purpose by the Municipality;
 - (e) cleaning a vehicle or, except in an emergency, working on or repairing a vehicle or a part thereof in a parking place; and
 - (f) obstructing the movements of persons and vehicle;
- 16.7 Despite the provision of subsection 16.6 the Municipality may allow a street market to be held in a street, parking place or a parking ground and may for that reason close the specific street, parking place or parking ground and may for that reason close the specific street, parking place or parking ground for vehicular traffic, subject to the Street By-Laws.

17. Obstruction and Abandonment of Vehicles

- 17.1 if a vehicle is parked in such a way that, in the option of the Municipality, it is likely to obstruct or impede the movement of other vehicles or persons in the parking ground, it may be moved to another part of the ground or the vehicle may be removed to the Municipality's pound.
- 17.2 A person may not park or cause or permit any vehicle which is out of order or incapable of movement, to be parked or remain in a parking ground, except if a vehicle develops a mechanical defect which immobilized it is after it was parked and the person in the person in control of it proves that she/he took reasonable steps to have the vehicle repaired or removed as soon as possible.
- 17.3 A vehicle which is parked in the same place on a parking ground for a continuous period of 7 days or longer without being removed by the owner or his representative, is deemed to be a vehicle which has been abandoned by the owner in terms of national legislation and the procedure in terms of the said legislation in the respect of the vehicle is followed.
- 17.4 The provisions of the regulations relating to abandoned vehicles shall be, mutatis mutandis, applicable as part of these By-Laws.

18. Indemnity

The Municipality is not liable for the unlawful removal from the parking ground of a vehicle or damage to a vehicle or for a loss of a vehicle or its fittings, accessories or contents while parking grounds, or damage even if it happens while the vehicle is moved in terms of subsection 17.1.

19 Closing of Parking Ground

- 19.1.1. The Municipality may close a parking ground or part thereof, either temporarily or permanently, provided that the Municipality indicate their intention to close the parking ground and the period of the closure by way of a notice displayed at the entrances to the parking ground which will closed or at the portion which will be closed, as the case may be.
- 19.1.2 Whenever the action as referred to in subsection 19.1.1 is to be taken by the Municipality, timeous notice must be given of such measure in the local print and electronic media.
- 19.2 A person may not enter into or park a vehicle in a parking ground while it is closed.

20. Presumptions

- 20.1. The passage of time as recorded by a parking meter is presumed to be correct unless the contrary is proved and the burden of proof is on the person alleging that the parking meter has recorded inaccurately.
- 20.2 If a vehicle is parked in contravention of these by-law, it shall be presumed to have been caused, allowed or permitted by the person I whose name the vehicle is registered unless and she/he proves the contrary.

21. Parking Restrictions

- 2.1.1 A person opening or in charge of a vehicle on a public road-
- (a) may not allow that vehicle to remain station in a loading zone-
 - (i) between 07:00 and 17:00 on Mondays to Fridays and 07:00 to 12:00 on Saturdays, except where such day is a public holiday or during such other restricted hours as may be specified in respect of any particular loading zone by a road traffic sign or marking;
 - (ii) in the case of a vehicle *other* than a goods vehicles, for more than five minutes continuously and only while loading or off-loading person or goods and while a licensed driver is in attendance at the vehicle; or
 - (iii) in the case of a goods vehicle for more than thirty minutes continuously and only while the vehicle is being loaded or unloaded.

and no person shall keep any vehicle stationery in a loading zone for any other purpose.

If a police officer directs the drive of a vehicle, other than a goods vehicle, that is stationery in a loading zone, to remove the vehicle from the loading zone, she/he must do so immediately, notwithstanding that the vehicle has not been stationery for longer than the maximum period allowed in respect of a vehicle of that class.

- (b) may not, in the case of a vehicle other than a bus, allow the vehicle to remain stationery in a bus stop between the hours of 06:00 and 18:00; and
- (c) may not park the vehicle in a public road in the built environment of the Town for a period beyond that indicated on a road traffic sign;

21.2 A heavy motor vehicle designed, adapted or used for the conveyance of goods may not, without written approval of the Chief Traffic Officer, be parked between the hours of 19:00 and 05:00b anywhere in the built environment of the Town, except on private land or on those portions of the following public roads on which there are no road traffic signs displayed that regulates such parking:

21.3 A person may not park a vehicle on a traffic island, unless instructed to do so by a Police Officer.

21.4 A motor dealer may not parked in a public road in the road built environment of the Town, a vehicle which is in her/his, except if custody or under her/his possession for the purpose of sale of, exchange or repairs, in the course of any dealer's business carried on by her/him, expect if the vehicle is used for demonstration or testing purposes or is in the course of being delivered to the owner or purchaser thereof.

21.5 A person who recovers or repairs vehicle may not park or allow to be parked, in a public road or place in the built environment of the Town , a vehicle that is in an obvious state of disrepair and which is put in his charge in the course of her/his business.

22. Exemptions from Parking Restrictions

22.1 A registered general medical practitioner and a nurse who is employed by the State, shall be exempt from the provisions of these by-laws insofar as they relate to –

- (a) parking;
- (b) prohibiting the stopping of vehicles;
- (c) the parking of vehicles in bus stops or across entrances,

When making *bona fide* profession house visits, provided they display a badge on their motor vehicle conformation with the requirements of subsection 22.2 hereof issued to her/him on the authority of _____ by _____

22.2 The badge –

- (a) is a windscreen sticker with a design approved by the Chief Traffic Officer displaying a serial number, the name of the issuing body and the name of the person to whom it is issued;
- (b) must be displayed on the lower near side corner of the windscreen and must have a pocket in which is inserted a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit. The address on the card must be easily legible from outside the vehicle.

22.3 (a) An applicant must apply in writing for the issue of a badge to the Chief Traffic Officer and if such person approves the application she/he must submit it to the Chief Traffic Officer who may in his discretion authorize the body concerned to issue the approved badge bearing the registered serial number to the applicant.

(b) The Chief Traffic Officer keeps a register in which he records the serial number allocated to the badge, the issue of which she/he authorized and the name of the holder.

(c) No duplicate badge is issued without the prior consent of the Chief Traffic Officer.

(d) If the Chief Traffic Officer reasonably believes that a holder is abusing the privileges conferred by a badge he must notify the issuing body which may withdraw the badge from the holder.

23. Use of Certain Roads by All or Certain Classes of Vehicles

23.1 A person may not operate an animal-drawn vehicle on a public road , except with the written permission of the Chief Traffic Officer and she/he may impose those restrictions or conditions that she/he deems necessary in the interest of traffic.

23.2 A person may not drive or cause to be driven a goods vehicle or an animal-drawn vehicle on a public road within the area bounded by _____

except to deliver or remove goods to and from such area.

- 23.3 A person may not drive a vehicle in any of the following roads except across that part of the road which falls within its intersection with another road not listed here:

23.4 A person may not allow a motor vehicle to be in _____

_____ Street between its intersections with _____

_____ Street and _____

Except with the _____

Written permission of the Chief Traffic Officer.

24. Pedestrians

- 24.1. If there are marked pedestrian crossings in an intersection, pedestrians may only cross the intersection in those marked pedestrian crossings.
- 24.2. (a) If a road with pedestrian signals is in operation at an intersection, pedestrians must start to cross the road in the pedestrian crossing at the intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which she/he proceeds; and
- (b) If no pedestrian signals are in operation at an intersection, but the intersection is controlled by a road, pedestrians must start to cross the road in the pedestrian crossing at the intersection while the red light of the road is displayed in the direction opposite to that in which she/he proceeds;
- (c) If a road with pedestrian signals is in operation at a pedestrian crossing elsewhere than at an intersection,

pedestrians must start to cross the road in the pedestrian crossing when the red light of a pedestrian signal is displayed in the direction opposite to that in which she/he proceeds.

- 24.3 Pedestrian crossing the road in any market pedestrian crossing must walk on the left of the pedestrian crossing.
- 24.4 A person may not sit or lie on a sidewalk, footpath or public road and persons may not obstruct pedestrian traffic after being requested by a law enforcement officer to disperse.
- 24.5 A pedestrian on a public road may not disregard or endanger his own safety or the safety of another person or a vehicle using the public road.

25. Motor Vehicle Attendants

- 25.1 A person may act as a motor vehicle attendant in the built environment of the Town with the written permission of Chief Traffic Officer and subject to such conditions as were laid down when the permission is granted as well as subject to any other applicable legislation,
- 25.2 Permission granted in terms of subsection 26.1 is valid until the 31st December of the year it was granted, unless it was withdrawn or suspended.
- 25.3 A person who was granted permission in terms of these by-laws to act as a motor vehicle attendant may not charge more than _____ for her/his services in connection with any one motor vehicle.
- 25.4 A motor vehicle attendant must, on demand by a law enforcement officer or a member of the public who wants to use her/his services, produce the written permission issued to him terms of subsection 26.1
- 25.5 Permission granted in terms of subsection 26.1 may be withdrawn or suspended by the Chief Traffic officer if the motor vehicle attendant –
 - (a) commits an offence in terms of these by-laws or does not comply with a condition subject to which permission was granted;
 - (b) leaves a motor vehicle left his care unattended;
 - (c) is or becomes intoxicated while performing her/his duties;

- (d) directs a driver of a motor vehicle into an area where the parking or stopping of vehicle is prohibited;
- (e) does not carry out lawful instructions of a law enforcement officer;

25.6 Except for a person to whom permission was granted in terms of subsection 25.1 and a person who is authorized by the Chief Traffic Officer in writing specifically or generally to do so, or who is acting on the authority or under the control of such Officer, no- one else may-

- i. more than once in a period of 30 minutes, direct or offer to direct a driver of a motor vehicle into an area on a public place; or
- ii. offer to provide care for or supervision of a motor vehicle while it is parked in a public street or public place.

25.7 A person may not, in a public street or public place, inform or threaten a driver or person in charge of a motor vehicle that the vehicle will or may be damaged or stolen unless it is left in his care or under his supervision.

25.8 If a person is charged with contravening a provision of section 26 of these by- laws and the accused person claims that the driver or person in charge of a motor vehicle made a request to her/him concerning the motor vehicle, the onus of proof is on the accused person.

26. Offences and Penalties

A person who contravenes any provision of these by –laws is guilty of an offence and if that person is convicted in terms of these by- laws, she/he is liable to an appropriate fine or to such community service as imposed by the presiding officer.

The _____

(title of current by- laws) published in terms of _____

(number and date of notice and of Provision Gazette) are hereby repealed with effect from the date of promulgation of these by laws.