

MALUTI A PHOFUNG MEMORANDUM

TO: Director: Public Safety

FROM: Director: Corporate Services

DATE: 26 April 2005

REFERENCE: 1/3/2/26

PUBLICATION OF BY-LAWS RELATING TO TRAFFIC: 22 APRIL 2005

At a Council meeting held on 25 January 2005, it was resolved:

- “1. That note be taken that all stipulations as put forward in Section 12 of the Municipal Systems Act, 2000 has been adhered to.
2. That the Traffic By-laws be passed as the Traffic By-laws for the Maluti a Phofung Municipality.
3. That the By-laws be published in the Provincial Gazette in accordance with Section 13 of the Municipal Systems Act, Act 32 of 2000 and that the By-laws takes effect on date of publication.
4. That a notice informing the community that the By-laws have been passed by Council be published in the local newspapers in terms of Section 13 of the Municipal Systems Act, 2000.”

Attached please find the By-laws relating to Traffic published in the Provincial Gazette with Gazette Number 60 on 22 April 2005.

Yours faithfully

**FD BEUKES
DIRECTOR: CORPORATE SERVICES**

Please use abovementioned reference number on all correspondence regarding this By-law.

Provinsiale Koerant Provinsie Vrystaat



Provincial Gazette Free State Province

Uitgegee op Gesag

Published by Authority

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MALUTI-A-PHOFUNG
LOCAL MUNICIPALITY

Letter no.
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Provinsiale Koerant Provinsie Vrystaat

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MALUTI-A-PHOFUNG
LOCAL MUNICIPALITY

LETTER NO.
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- (4) The provisions of subsection 2.2 shall not apply to any vehicle that has been parked as a result of an accident, breakdown or other emergency for no longer than is necessitated by such accident, breakdown or other emergency.

3. MEDICAL PRACTITIONERS

- (1) The Council may exempt any medical practitioner from the provisions of any by-laws relating to the parking of motor vehicle.
- (2) The exemption contemplated in sub-section (1) shall apply only where:
- (a) The motor vehicle concerned is parked to enable such medical practitioner to perform his professional duties at any place other than his consulting room.

TURN WITH COMBINATION VEHICLE

No person shall turn with any vehicle that draws a semi trailer, trailer or combination of vehicles at any crossing for the purpose of driving in the opposite's direction.

CYCLES

No person shall ride a pedal cycle/tricycle at night without being clearly visible from a distance of not less than 50m and such cycle must be equipped with a lamp emitting white light to the front and a lamp emitting red light to the back of such cycle.

PARKING OF MOTOR CYCLES

- (1) A motor cycle shall be parked in the following manner:
- (a) Where a traffic sign indicates a special place for motorcycle, such motorcycle shall be parked wholly within the parking space as indicated.
- (a) Where no parking place for motor cycles is demarcated along the kerbing such motor cycle shall be parked parallel to end as near possible to the kerbing
- (2) Parking at scene of fire
- No one shall park or drive a vehicle nearer than 60m from fire fighting vehicles or apparatus erected on the scene of a fire or accident. This regulation does not apply to Traffic Division, Emergency Medical Service (EMS), and the fire Division or the South Africa Police Service in executing their duties.
- (3) Driving vehicle over fire hose
- No one shall drive a vehicle over a fire-hose lying in the roadway of public road.

7. ABANDONING OR LEAVING A VEHICLE IN A PUBLIC ROAD

A vehicle which has been in a place or in such a manner that it creates a danger or obstruction or has been parked or left standing in contravention of any notice or traffic sign; may immediately be wheel-clamped or removed by an authorised agent and impounded by an officer of the Traffic Division of the Municipality.

The owner, driver or person in charge of a vehicle which has been wheel-clamped by an officer of the Traffic Division of the Municipality may request the Traffic Division of the Municipality to remove the wheel clamp on payment of the fee as determined by the Municipality from time to time provided no fee is payable for the removal of a wheel clamp from a stolen or defective vehicle.

A vehicle which is removed and impounded in terms the provisions of this regulation, is kept in a pound at the owner's risk and may be released by the owner, driver or person in charge thereof on payment at the council office, of the fee as determined by the Municipality by means of resolution.

8. PUBLIC BUS STANDS OR STOPPING PLACES

- (1) No person shall attempt to ascend or alight any public bus except at such stand or stopping place which has been approved by the council and no driver other than a bus driver shall allow such bus to stop for the purpose of picking up or allowing any passenger to alight, except at such stands or stopping place(s) as have been approved.

"Public place" means any foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space and includes any public road.

"Public building" means any building to which the public has unrestricted access.

"Rank" in relation to a taxi means a place upon a public road where a taxi may stand to ply for hire or pick up for their conveyance for reward.

"Registering authority" means any registering authority appointed under Section 3 of the NRTA.

"Road Traffic sign" means any traffic sign as prescribed in Section 56 of NRTA, the detailed dimensions and applications of which are controlled by the South African Road Traffic Manual.

"Roadway" means a road as defined in Section 1 of NRTA.

"Sidewalk" means a sidewalk as defined in Section 1 of the NRTA and includes the median of a public road.

"Stop" in relation to a taxi stopping on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time not longer than 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.

"Tariffs" means fee approved by the Council in regards of the relevant legislation that should be applicable for the purpose of this by-law.

"Taxi Association" means a taxi association recognised as such by the Council and as registered by Provincial Department of Transport.

"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 Council for the exclusive use of taxis.

"Taxi operator" means the person who has been registered as operator of such vehicle in terms of Chapter VI of the NRTA

"Taxi rank" means a facility identified by the Council and the Province as a place where taxis stand to await passengers.

"Trade" means selling of goods or the offering or rendering of services in the public place and trading has a corresponding meaning.

"Vehicle" means a vehicle as defined in Section 1 of NRTA.

"Waiting area" shall mean a place where vehicles or vehicles of a particular class or description, for public transport may wait or stand.

CHAPTER II

TRAFFIC

2. PARKING

- (1) A vehicle shall not be parked for a continuous period of time exceeding 12 hours on a public road.
- (2) Subject to the provision of subsection 2(1), no person shall, between the hours of 19H00 on one day and 06H00 the following day, park:
 - a) A motor vehicle, which exceed 3 500 kg in *gross vehicle mass*
 - b) A trailer
 - c) A tractor
 - d) A caravan
 - e) An animal-drawn vehicle
- (3) A vehicle having an open body, whether or not the driver's compartment is enclosed, shall not be parked in one place on a public road for a continuous period exceeding one hour.

[NO. 34 OF 2005]

REPEAL OF BY-LAWS OF THE FORMER HARRISMITH TRANSITIONAL LOCAL COUNCIL, KESTELL TRANSITIONAL LOCAL COUNCIL AND PHUTHADITJHABA TRANSITIONAL LOCAL COUNCIL

The Municipal Council of Maluti-a-Phofung during a meeting on 29 March 2005, resolved in terms of section 12 and 13 of the Local Government Municipal Systems Act No. 32 of 2000, that the following By-laws of the former Harrismith Transitional Local Council, Kestell Transitional Local Council and Phuthaditjhaba Transitional Local Council will be repealed with effect from date of publication:

By-laws Relating to Second-Hand Goods
 By-laws Relating to Streets and Street Collections
 By-laws Relating to the Control over Places of Care
 By-laws Relating to the Control over Bursaries
 By-laws Relating to the Control over Libraries
 By-laws Relating to the Control over the Keeping of Dogs
 By-laws Relating to the Control over Slums
 By-laws Relating to Communal Halls and Recreational Grounds
 By-laws Relating to Public Swimming Pools
 Regulations: Private Swimming Pools

TM MANYONI
MUNICIPAL MANAGER
MALUTI-a-PHOFUNG

7 APRIL 2005

MALUTI-A-PHOFUNG TRAFFIC BY-LAWS

ARRANGEMENT OF SECTIONS

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3. Medical Practitioners
4. Turn with combination vehicle
5. Cycles
6. Parking of motor cycles
7. Abandoning or leaving a vehicle in a public road.
8. Public Bus stands or stopping places
9. Traffic signals
10. Traffic notices and signs
11. Closing of streets
12. Injury to persons, animals and property
13. Crossing private property by bypass a traffic sign
14. Repairs of vehicles on a public road
15. The use of amplifier or loudspeaker


MALUTI-a-PHOFUNG

[NO. 22 OF 2005]

PUBLICATION OF BY-LAWS RELATING TO TRAFFIC FOR THE MALUTI A PHOFUNG MUNICIPALITY

The Municipal Council of Maluti a Phofung resolved during a meeting on 25 January 2005, after complying to Section 12 of the Local Government: Municipal Systems Act No 32 of 2000 as follows:

1. That in terms of section 13 of the Local Government: Municipal Systems Act No. 32 of 2000, the By-laws relating to Traffic as published in the OFS Provincial Gazette on 13 August 2004 (Notice Number 74 of 2004) be adopted for the Maluti a Phofung Municipality.
2. That in terms of Section 13 of the Local Government: Municipal Systems Act No. 32 of 2000 the By-laws takes effect as from date of publication in the Provincial Gazette.

 **MANYONI**
MUNICIPAL MANAGER
MALUTI-a-PHOFUNG
7 April 2005

[NO. 23 OF 2005]

ADJUSTED ELECTRICITY TARIFF INCREASE: 1 APRIL 2005

During a Council meeting held on 29 March 2005, it was resolved in terms of Section 128 of the Local Government Ordinance Number 08 of 1962:

"That the electricity tariffs be increased by 4,88% as approved by the National Electricity Regulator and be implemented with effect from 1 April 2005."

The approved tariff increase is to accommodate the annual increase of ESKOM.

Full details of the tariffs will be available at the office of the Director: Municipal Infrastructure for perusal.

 Please note that this advertisement replaces any previous advertisement in this regard.

TM MANYONI
MUNICIPAL MANAGER

7 APRIL 2005

[NO. 24 OF 2005]

**PUBLICATION FOR COMMENT OF DRAFT BY-LAWS
RELATING TO THE KEEPING OF DOGS WITHIN THE MUNICIPALITY OF MALUTI-A-PHOFUNG**

1. The Municipal Council of Maluti-a-Phofung during a meeting on 29 March 2005, resolved in terms of section 12 of the Local Government: Municipal Systems Act No. 32 of 2000, that the Draft By-laws relating to the Keeping of Dogs within the Municipality of Maluti-a-Phofung be published for public comment to enable the Council to consider the adoption thereof, after the comment has been received and considered.
2. Public comments are invited until 6 May 2005 and should be addressed to:

16. Gatherings
17. Escort of abnormal vehicles
18. Traffic for assistance with sporting events, procession and other gatherings in general
19. Sidewalk
20. Littering and spillage
21. Indecency
22. Control of animal
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CHAPTER I

1. DEFINITIONS

"Authorized officer means"

1. A peace officer as contemplated in Section 334 of the Criminal Procedure Act, Act 51 of 1977.
2. Any member of the South African Police Services as contemplated in the South African Police Services Act 68/1995.
3. A traffic officer appointed under the Road Traffic Act, Act 93/1996.

"Animal" includes any horse, mare gelding, foal, bull, ox, cow, bullock, steer, heifer, calf, mute, ass, lamb, sheep, goat, swine, ostrich, cat or dog.

"By-law" means a by-law as contemplated in Part B of Schedule 5 read with Section 156 (1)(a) of the constitution of the Republic of South African, Act 108 of 1996, Section 76, 80A and Chapter VI of the National Road Traffic Act 93/1996, as amended, application of Free State Interim Passenger Transport Act, Act 16 of 1998 and application of the Road transport Act, Act 74 of 1977.

"Council" means Maluti-A-Phofung Municipality as established in terms of Section 12(1) read with Section 14(2) of Local Government Municipality Structures Act, Act 117 of 1998.

"Day" means a period between Sunrise and Sunset.

"Demarcated parking place" means a place referred to in Section 80A of the National Traffic Act, Act 93/1996, means a space laid out and marked in the public place, the time of occupation by which a vehicle is intended to be recorded by a marking meter.

"Demarcated space" means a space in which a vehicle is to be parked in terms of this by-laws, demarcated by means of one of more white lines upon the surface of a parking ground or a floor thereof;

"Direction sign" means a type of guidance sign system and used to indicate to the road user(s) the direction to be taken in order that they may reach their intended destination;

"Director" means the head of the Council's Directorate Public Safety, or any person authorised by the Council to act on his/her behalf.

"Display of sign" shall include the erection of any structure if such is intended solely or primarily for the support of such a sign.

"Display period" means the exposure time during which the individual advertising message is on display;

"Driver" shall have the meaning assigned to it by the National Road Traffic Act, Act 93 of 1996, as amended;

"Footpath" shall mean that portion or lateral extremities of the street which although actually defined or made, is habitually used by pedestrians as a sidewalk;

"Goods" includes without detracting from the generality thereof goods, wares, water, sand, stone and merchandise of all kinds of all kinds, including livestock;

"Inspector of licences" shall have the meaning as contemplated in the National Road Traffic Act, Act 93 of 1996.

"Intersection" means intersection as defined in Section 1 of the National Road Traffic Act, Act 93/1996

"Kerb line" shall mean the boundary between the roadway and the footpath, usually indicated by means of a raised kerb;

"Litter" includes any container or other matter, which has been discarded, abandon or left behind by a person trading or by his/her customer;

"Motor vehicle" means a vehicle as defined in Section 1 of the National Road Traffic Act, Act 93 of 1996;

"Merge" means a merge as defined in Section 1 of NRTA.

"Municipal area" means the area placed under the control of jurisdiction of the Council;

"Night" means the period between sunset and sunrise;

"NRTA" means the National Road Traffic Act, Act 93 of 1996 as amended;

"Operate on public road" or any like expression, in relation to a vehicle, means to use or drive a vehicle or to permit to be used or driven on public road, or to have or to permit to be on a public road.;

"Open fire" Mean anyway of making a fire, for whatever reason, where it constitutes a danger, nuisance or a disturbance to any other person in any area;

"Owner" in relation to a vehicle means:

1. The person who has the right to use and enjoyment of a vehicle in terms of common laws or a contractual agreement with the title holder of such vehicle.
2. Any person who is registered as such in accordance with Section 14 of the NRTA.

"Park" means to keep vehicle, whether occupied or not, stationary for a period of time longer that is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of vehicle by reason of a cause beyond the control of the person in charge of such vehicle.

"Parking meter ticket" means a ticket issued by a parking meter of being put into operation as described.

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

"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 device which records parking time whether operated by authorised official or not.

"Parking period" mean the period of time measured in hours or part thereof on any one day during which vehicles are permitted to part in a parking ground as prescribed by the Council.

"Particulars" means any form of information of any party and shall include the name, surname, company name, residential, business or e-mail address, telephone, cellular or fax number of any such information.

"Passenger carrying motor vehicle" means a taxi or a bus used or designed to convey passengers for reward.

"Pavement" means a sidewalk as defined in Section 1 of NRTA.

"Poster and notices" means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidate of any person nominated for election of Parliament, the Local Government or similar body or to a referendum.

"Pound" means a place set aside by the council for the custody of vehicles.

"Prescribed" means determined by the Council by special resolution from time to time.

"Province" means Free State Province established in terms of Section 103 of the constitution of the Republic of South Africa 1996.

"Public road" means a public road as defined in Section 1 of the NRTA.

- (2) Every driver of a public bus having been requested by any passenger to stop his/her bus shall do so at the nearest approved stopping place to enable passenger to alight.

9. TRAFFIC SIGNALS

- (1) To assist with the control of traffic, the Council may erect traffic signals, signs and safety zones.
- (2) No pedestrian, driver of a vehicle or rider of any animals or motorcycle shall disobey the signals of any mechanically, manually or electrically controlled traffic signal or mark upon any street, unless otherwise directed by an authorized official.

10. TRAFFIC NOTICES AND SIGNS

- (1) All traffic notices and signs placed by the Council in or upon any street in terms of any law for the regulation and control of traffic and /or prohibition, restriction, regulation and control of parking shall be obeyed by all persons using such street.
- (2) All traffic notices and signs in any street relating to the regulations and control of traffic and the prohibition, restriction regulation and parking shall be so deemed until contrary is shown, to be the notices and signs of the Council.
- (3) No person other than employee of the Council or authorized agent shall place in or upon any street any notice or sign affecting or intended to affect the movement, of traffic, and /or the parking of vehicles in or upon any street.
- (4) No person shall remove, mutilate, obscure or in any manner damage or interfere with any traffic notices, traffic sign or traffic signal placed by the Council in or upon any street under the authority of any law, and any person contravening this Section shall be liable, in addition to any penalty which may be imposed under this by-law, to repay to the Council the cost of repairing and or replacing such notice, sign or signal or removing any obstruction there from.

11. CLOSING OF STREET

No person shall enter or use any street, road, thorough fare, square, and other public place, garden, park or other enclosed space lawfully closed by the Council for the purpose of such entry or use.

12. INJURY TO PERSONS, ANIMALS AND PROPERTY

No person being the driver or having the care of any animal in any public place, shall negligently or intentionally, injure or endanger, or be the cause of any injury or danger to any person, animal or property.

13. CROSSING PRIVATE PROPERTY TO BYPASS A TRAFFIC SIGN

No one shall drive onto or across private property in an effort to avoid compliance with any traffic sign.

14. REPAIRS OF VEHICLES ON A PUBLIC ROAD

No person or his/her agent shall, on a public road, repair any vehicle (except in case of emergency when repair on the spot is necessary) or wash, clean, any article or anything whatsoever.

15. THE USE OF AMPLIFIER OR LOUD SPEAKER

- (1) No one shall use or allow to be used a loudspeaker or amplifier in order to increase the volume of the sound of radios, musical instrument or similar apparatus in such a way as to cause a nuisance to his neighbours or the general public within Municipal area.
- (2) No person shall without the consent of the Council in writing, play or permit the playing of any music, or use or permit the use of any loudspeaker or public address, or other audible on or adjacent to or which may be heard in street or public place.
- (3) No person shall at any time sound a warning device on any vehicle in such a manner as to produce shrieking, raucous or offensive noise, provided, however, that where in the case of emergency the driver of a vehicle acts with the object or avoiding an accident, the use of such warning device shall not constitute an offence.
- (4) This shall not involve use of an amplifier by the Municipality or if permission has been granted. Any person who wants to use an amplifier, loudhailer or any other device that may cause noise in contravention of the Noise Abatement By-laws applicable within the area of jurisdiction of the Municipality, should apply to the Council for approval.

16. GATHERINGS

- (1) Except with the prior, written consent of the council, no one shall organize or hold a gathering in or at a public place.
- (2) In granting consent in terms of section 15(1), the Council may impose such conditions as it may deem expedient.
- (3) If the Chief Traffic Officer or any other official acting in his /her behalf is of the opinion that traffic control measures in the form of traffic assistance by officers of the Council is necessary at a gathering, such traffic assistance shall be rendered on payment of the fee as from time to time determined by the Council by means of resolution.

17. ESCORT OF ABNORMAL VEHICLES

- (1) Escort of vehicles that are abnormally large, will be provided by Council against payment of the tariff as determined by the Council, paid to the Council in cash or by way of bank-guaranteed cheques.
- (2) Escort will only be supplied if all the requirements of NRTA are complied with.

18. TARIFFS FOR ASSISTANCE WITH SPORTING EVENTS, PROCESSION AND OTHER GATHERINGS IN GENERAL

- (1) Application for permission for assistance by traffic officers during sporting, processions, and other gatherings in general, except funeral processions shall be submitted in writing at least fourteen (14) days prior the event to the Council,
- (2) The tariffs, as determined by the Council shall be payable for the assistance mentioned in subsection (18.1) above provided that -
 - (a) ~~The tariff(s) determined by Council is paid in cash or bank guaranteed cheque(s) at least 48 hours prior to commencement of such assistance.~~
 - (b) The Council may in its discretion exempt an applicant from the payment of the tariff upon written reasons being provided to the Council prior to the commencement of the event. In the event that the Council is unable to grant exemption for whatever reason prior the commencement of the event the applicant shall pay the tariff(s), which shall, if exemption is granted thereafter, be refunded to the applicant.

19. SIDEWALK

- (1) No person shall place upon, off load on, or transport across the roadway or sidewalk in any street any materials or goods.
- (2) No person shall erect any barriers, poles, chains or any other obstruction on any sidewalk without prior written approval from the Council and the barriers poles, chains or any other obstructions erected, may not in any way impede the normal pedestrian traffic flow.

LITTERING AND SPILLAGE

No person shall spill, drop or place, or permit to be spilled, dropped or placed, in or on any street, any fruit rind, or fruit or any glass or sharp substances or nails, metal, building or lining sawdust packing, paper, stable, house or trade refuse, stone, brick or other building materials, or any matter or anything that may interfere with the cleanliness of such street, or cause annoyance or danger or accident to persons, animals; vehicles or other traffic using such street, without causing the abovementioned to be immediately removed from the street. In addition to any penalty for breach of this section, the Council may recover from him/her the expenses of such removal in the same manner as any penalties for breaches of the Council's by-laws. .

21. INDECENCY

- (1) No person shall expose to view, sell or distribute or offer for sale or distribution any indecent or obscene book, pamphlet or postcard, photograph, placard, poster, handbill, picture, drawing or representation, nor exhibit any show which is of an obscene, indecent, objectionable or undesirable, nature or is suggestive of indecency, which may prejudicially affect public morals, peace, safety, good manner or decorum, in any street or place which is visible to the public.
- (2) No person shall in, or in view of any street, or in any public place, behave in an indecent manner or make use of any indecent gestures, or commit or solicit, or provoke any person to commit any riotous, disorderly or indecent acts.

- (3) No person shall sing any obscene or profane song, or use any profane, foul, indecent or obscene language, or write, draw, or in anyway make any indecent, or obscene figures, writings, drawings or representations in any street or public place or within view or hearing of any person therein, without prior approval of the Council and the written approval must be readily available on demand.
- (4) No person shall urinate or defecate in any street or public place.

22. CONTROL OF ANIMALS

- (1) No person shall in or along any street:-
- (a) Allow an animal, which is his property or under his control, to be let loose or to wander uncontrolled;
 - (b) Leave an animal which is hurt, weak, sick or dying, except to obtain assistance to remove such animal; or
 - (c) By making noise, gestures, and gesticulations or in any other way frighten or irritate an animal
 - (d) Drive or use or cause to be driven or used for any purpose whatsoever in any street any animal which is so diseased or injured or in such a physical condition that it is unfit to do any work or is causing or likely to cause an obstruction to traffic or injury to health or be offensive or a nuisance to any person
- (2) For the purpose of this section, the word "animal" does not include a dog or a cat.

23. KEEPING OF ANIMALS

- (1) No person shall keep any animal or bird, which may disturb the public peace.
- (2) No person shall without a permit issued by the Council keep any wild or dangerous animal, reptile or insect which has an inherent propensity to attack human beings or animals or the keeping of which is likely to become a nuisance or cause injuries to the health of or is fraught with danger to any person.
- (3) Any animal, reptile or insect, the keeping of which is prohibited in terms of subsection (2) may, if found at large, or if found to be kept by anyone without the permit as contemplated in (2), be removed by any authorised officer or authorised official and Council may recover the cost of so doing from any such person.
- (4) Any animal referred to in subsection (3) found at large or apparently abandoned within the Maluti-a-Phofung area may be destroyed by the authorised officer or authorised official without any further warrant. The Council shall cause such animal to be removed and buried and the owner or the person who last had the animal in captivity shall be liable, in addition to any penalty that may be imposed under this by-law, to pay to the Council a reasonable sum to defray the cost of destruction and removal and burial of such animal.

24. UNCOVERED CARCASSES, ETC.

No person shall carry or convey through or along any street the carcase of any animal or any offal unless it is properly covered.

CHAPTER III

TAXIS

25. THE PARKING OF TAXIS

No driver shall

- (a) Park a taxi, except at a special parking place or holding area or
- (b) Ply for hire, load or offload passengers, except at a special parking place or a taxi-stopping place.
- (c) No garage or any property shall be used as a taxi rank for loading or offloading of passengers

26. THE PARKING OF TAXIS AT SHOPPING PLACES

No driver of any taxi is allowed to park such taxi at a shopping place.

27. DANGEROUS OR OFFENSIVE ARTICLES

An authorized officer may remove any person in possession of any article, instrument or implement, which may be considered dangerous and /or offensive by the passengers, driver, conductor, authorized officer travelling in or on any taxi.

28. RIGHT OF ENTRY

- (1) Any authorized official may for the purpose of enforcement of these by-laws, at any reasonable time and without previous notice, enter upon any taxi facility or private property and make such inspection and inquiry, as he may deem necessary.
- (2) Such official, if so requested by the owner or occupier of the premises, shall submit proof of his identity and authority to make the inspection and inquiry.

29. LAW ENFORCEMENT: OFFENCES AND PROHIBITIONS

A person who:

- (a) Undertakes minibus taxi-type services or metered taxi services except under the authority of a permit or ad hoc authorization; or
- (b) Being the holder of a permit, undertakes minibus taxi-type services otherwise than in accordance with the provisions of the permit, or fails to comply with a condition of a permit; or
- (c) Being the holder of a permit, makes it available to another person to undertake minibus taxi-type services or metered taxi services not authorized by the permit or by the Free State Interim Passenger Transport Act, (Act no. 16 of 1998)
- (d) With intent to deceive, makes a document falsely purporting to be a permit or other document issued under the Free State Interim Passenger Transport Act, (Act No. 16 of 1998); or
- (e) Knowing that a document is not a permit or document issued under the Free State Interim Passenger Transport Act, (Act No. 16 of 1998), or that permit or other document issued under above-mention Act has been altered, defaced, mutilated or added to.
- (f) Pretends that he or she is an authorized official;
- (g) Wilfully obstructs or hinders or interferes with an authorized official in the exercise of his or her powers or the performance of his or her duties;
- (h) Fails to comply with a direction or demand made by an authorized official;
- (i) Gives false information when required to supply information in terms of this by law
- (j) Applies for and obtains a permit knowing that another permit has already been issued to another person or another legal person in relation to the same motor vehicle;
- (k) Displays a permit disc or distinguishing mark on a motor vehicle used for transport taxi-type services, which is not lawfully issued under the Free State Interim Passenger Transport Act, (Act No. 16 of 1998) or any other law;
- (l) Fails to affix or keep affixed a permit disc or distinguishing mark on any motor vehicles as prescribed;
- (m) Being passenger in a motor vehicle fails to provide his or her name and address to an authorized official or to state to such official whether or not he or she has paid for the conveyance in question;
- (n) Being the holder of a permit, undertakes unauthorized services;
- (o) Contravenes or fails to comply with any provisions of the Free State Interim Passenger Transport Act, (Act No. 16 of 1998), if such contravention or failure is not elsewhere declared an offence, shall be liable to prosecution in terms of these By-laws

30. PRESUMPTIONS

- (1) Any motor vehicle found on a taxi facility or which has stopped at a taxi facility shall be presumed to be plying for hire, unless the contrary is proved.
- (2) Any person who by means of any motor vehicle, which correspond to the definition of a taxi, conveys passengers shall be presumed to be operating a taxi service unless the contrary is proved.

31. DAMAGE TO PROPERTY

No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other Council installation or property.

CHAPTER IV**ADVERTISEMENTS****32. RESPONSIBLE PERSONS**

If any person is charged with an offence relating to any sign, advertising hoarding or poster

- (1) It shall be deemed that he/she either displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed
- (2) The owner of any land or building on which any sign, advertising hoarding or poster which was displayed, shall be deemed to have displayed such sign or advertising hoarding.
- (3) Any person who was either alone or jointly, with any other person responsible for organizing, or was in control on any meeting, function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed;
- (4) Any person whose particulars appear on a sign, advertising hoarding or poster shall be deemed to have displayed such sign, advertising hoarding or poster or to have caused or allowed it to be displayed unless the contrary is proved.

33. REMOVAL OF ADVERTISING HOARDINGS

- (1) If any sign or advertising hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of this by-law, the Council may request or serve a notice on the owner of the sign or advertising hoarding. The notice may direct the owner of the sign or advertising hoarding to remove such sign or advertising hoarding or carry out such alteration thereto or do such work as may be specified in such request or notice within a time specified.
- (2) If a person fails to comply with a confirmed request or a notice referred to in subsection (1), the Council may remove such a sign or advertising hoarding or do or cause the required work to be done to it and claim the reasonable costs resulting from removing it or the work involved, from the owner.
- (3) The Council shall in removing a sign or advertising hoarding contemplated in subsection (1), not be required to compensate any person, in respect of such sign or advertising hoarding, in any way for loss or damage resulting from its removal.

CHAPTER V**PARKING GROUNDS AND METERS****34. PARKING GROUNDS AND METERS**

- (1) The Municipality shall have the right to erect parking meters and to prescribe parking fees.
- (2) The driver of a vehicle, parking a vehicle in a demarcated parking bay opposite a parking meter shall, immediately after having so parked his vehicle, insert the prescribed fee in the parking meter.

- (3) The driver of a vehicle, parking a vehicle in a parking bay opposite a parking meter, which is manually operated, shall comply with the instructions appearing on the parking meter.
- (4) No one shall insert or cause to be inserted a coin in a parking meter with the purpose of prolonging or increasing the permissible parking period for the parking bay opposite such parking meter.
- (5) No one shall park or cause to be parked or allowed to be parked a vehicle within a metered parking bay for a longer period than is applicable to such parking bay.
- (6) The driver of a vehicle parked in a metered parking bay shall, immediately after termination of the permissible parking period, remove such vehicle from the parking bay.
- (7) No one may insert or cause to be inserted in a parking meter any object other than an undamaged coin of South African currency.
- (8) No one shall interfere with or deface, damage or put out of order a parking meter or any part thereof.
- (9) ~~The fact that a vehicle occupies a parking bay opposite a parking meter indicating that the parking period has expired, shall be sufficient proof that the vehicle has occupied the particular parking bay for a longer period of time than is permissible.~~
- (10) Parking meter fees are determined by the Municipality by resolution from time to time.
- (11) No one shall:
 - 11.1 Affix an advertisement, handbill, poster or any similar object to the pole of or a parking meter without the consent of the Municipality.
 - 11.2 Park a bicycle against a parking meter; or
 - 11.3 Leave goods or vehicles in a public road in such a manner that the free and unimpeded access to a parking meter is obstructed.
- (12) The driver of a vehicle may use the un-expired period of time indicated upon the meter for his own benefit.
- (13) The Municipality is not liable for the loss of or damage to a vehicle or the contents or fittings of a vehicle whilst it is parked in a metered parking bay.
- (14) Any person who erects, demolished, alters or repairs a building next to a public road on which parking meters are installed, shall notify the Municipality in writing thereof before building operations are commenced with, regardless of whether such parking meters will be inside or outside the existing or planned hoardings.
- (15) The Municipality may at any time remove the heads of parking meters in the immediate vicinity of premises on which building or renovation works of whatsoever nature are being carried out for such period of time as at the Municipality may deem necessary, whilst the person responsible for such building or renovation works shall be liable to pay the fee as from time to time determined by the Municipality by means of resolution
- (16) Any person who carries out building or renovation work shall, immediately after completion of the work, inform the Municipality to replace the heads of the parking meters, failing which, the prescribed fee shall still be due and payable
- (17) The Chief Traffic Officer may, upon application on a form prescribed by him and upon payment of the fee as from time to time determined by the Municipal by means of resolution, issue a hood to a licensed driver who submits a certificate issued by the Medical Officer of Health to the effect that the licensed driver finds it difficult to walk as a result of a permanent handicap.
- (18) Notwithstanding anything contrary contained in these By-laws, a hood issued in terms hereof, when placed over the head of a parking meter, shall permit the to whom it has been issued to park a vehicle in a parking bay opposite a parking meter without the obligation of inserting a coin in the parking meter during a period of time other than period of time during which it shall be forbidden to stop or park a vehicle on a public road or portion thereof.

(19) The hood may only-

- 19.1 Be used in respect of the vehicle whose registration number appears on the hood;
 - 19.2 Be placed over the head of a parking meter when the motor vehicle which is parked in the metered parking bay is used by the person to whom the hood has been issued and such motor vehicle will again be used by such person after the hood had been removed;
 - 19.3 Be left over the head of a parking meter during that period of time during which the motor vehicle, the registration number of which appears on the hood, is lawfully parked in the metered parking bay opposite the particular parking meter.
- (20) The Chief Traffic Officer may require the person to whom the hood has been issued and who fails to comply with any provision pertaining to the use of the hood, to return the hood and such person shall not be allowed to use the hood from date of receipt of the request and the actual date upon which the hood is returned.
- (21) Any person who feels aggrieved at the refusal of his application by the Chief Traffic Officer or by any action taken by him / her in terms of sub-regulation 39(19) may within 14 days of receipt of the decision taken of appeal to the Municipal Manager, whose decision shall be final.

35. MECHANICAL PARKING GROUNDS

- (1) Where in a parking ground the actual parking of a vehicle is affected wholly or partly by means of a mechanical device, the authorized official shall, if parking space is available, issue to the person presenting a vehicle a ticket whereby the Council authorizes the parking of such vehicle therein.
- (2) No vehicle parked in a parking ground as referred to in subsection (1) shall be delivered to any person by the authorized official, unless and until payment of the tariff then owing has been made and unless and until that person has produced to that employee the ticket issued to him in terms of subsection (1) or, failing the production of such ticket, other proof to the employee's satisfaction of his right to require delivery of the vehicle and has signed an indemnity in the form prescribed holding the Council harmless against any claim by any person directly or indirectly connected with or arising out of the aforesaid deliver of the vehicle, and if required by such employee to furnish such security as he deems adequate.
- (3) No person who has caused a vehicle to be parked in a parking ground referred to in subsection (1) shall allow it to remain therein after expiry of the parking period as determined by Council
- (3) Notwithstanding anything to the contrary in this by-law contained, an authorized official may, in respect of any parking ground referred to in subsection (1), issue at the charge in terms of the tariffs as determined by Council, and electro-magnetic permit card, entitling the holder for one calendar month to park a vehicle in that ground, and such permit card shall not be transferred to any other person.
- (4) Where a person has been issued with an electro-magnetic permit card in terms of subsection (4), he shall, upon receipt thereof, sign an undertaking in the form prescribed, that should such permit card be lost, misplaced or for any other reason be not returned to the Council after expiry of the period of validity thereof, or should he apply for a replacement of such permit card due to any such loss, misplacement of other reason, he shall pay to the Council the tariff as determined by the Council, in respect of such a lost, misplaced or replaced permit card.

36. PAYMENT AFTER END OF PERIOD

No person shall remove a vehicle from a parking ground without first having paid all tariffs that have accrued over the period of parking.

37. FREE PARKING

- (1) The Council may issue to any of its authorized officials a decal entitling the holder, when using a vehicle on the business of the Council, to park it free of charge in such parking ground as the decal may specify, if space therein is available (see annexure 3).

- (2) A decal issued in terms of subsection (1) shall be affixed by the holder thereof to the vehicle in respect of which it is issued in such manner and space that its written or printed context is readily legible from the outside of such vehicle.

(3) Defective Vehicles

No person shall park or cause or permit any vehicle to be parked or to be or remain on any parking ground for the use of which no tariff is determined by Council which is out of order or for any reason incapable of movement: Provided that no offence against this by-law shall be deemed to have been committed in respect of any vehicle which, after having been parked in a parking ground, develops a mechanical defect which immobilizes it if the person in control of it proves that he took reasonable steps to have the vehicle repaired or removed as soon as possible.

(4) Behaviour in Parking Ground

(a) No person shall in any parking ground:-

- (i) When called upon by an authorized official to do so, fail or refuse to furnish him with his full and correct name and address;
 - (ii) Use or cause or allow any vehicle to be used for plying for hire for the conveyance of passengers or goods or both;
 - (iii) Clean, wash or, save in an emergency, work on or effect repairs to any vehicle or any part thereof;
 - (iv) Drive any vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons;
 - (v) Drive any vehicle at more than 15km/hour;
 - (vi) Park a vehicle otherwise than in compliance with any notice or sign displayed therein or with an instruction or direction given him by an authorized official or introduce or remove a vehicle otherwise than through an entrance thereto or exit therefrom appointed for that purpose;
 - (vii) So park or load a vehicle or allow anything to be on it that it obstructs other vehicles or persons or impedes their movement or is likely to do so;
 - (viii) Without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon such vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents;
 - (ix) Remove, obscure, deface, damage or interfere with any notice, sign or marking erected or made by the Council or with any other property belonging to it;
 - (x) Do any act or introduce anything which obstructs or is likely to obstruct the movement of persons and vehicles;
 - (xi) With intent to defraud the Council forge, imitate, deface, mutilate, alter or make any mark upon a ticket issued in terms of this by-law;
 - (xii) Without first having obtained the Council's permission thereto, fill any vehicle with or drain fuel from such vehicle
- (a) A sign which the Council displays in a parking ground and which conforms to a road-traffic sign prescribed in terms of the NRTA as amended, shall for the purpose of this by-law bear the same significance as is given to that sign by those regulations.
- (b) Unless he is the holder of a decal issued entitling him to do so, no person shall park a vehicle or cause or permit it to be parked in any parking ground before the beginning or after the expiry of the parking period prescribed for the parking ground in terms of this by-law hereto.

(5) Damage to Vehicles

The Council shall not be liable for the loss of any vehicle or for its unlawful removal from the ground, or for damage to any vehicle or its fittings, accessories or contents while in a parking ground, or for such damage if it results from the vehicle being moved due to a non-compliance with any stipulation contained in this by-law.

(6) Authorized Persons

No person shall, unless authorized thereto by the Council, enter or be in a parking ground otherwise than for the purpose of parking a vehicle therein or lawfully removing it there from: Provided that this section shall not apply to a person whom the person in charge of a vehicle has permitted to be a passenger therein.

(7) Obstruction

If a vehicle has been parked in such a position that in the opinion of an authorized official it is likely to obstruct or impede the movement of other vehicles or persons in the parking ground, he may move it or cause it to be moved to another part of the ground.

(8) Abandoned Vehicles

- (a) Any vehicle that has been left in the same place in a parking ground for a continuous period of more than seven days may be removed by or at the instance of an authorized official to the Council's pound.
- (b) The Council shall take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (8)(a) and if, after the lapse of 90 days from the date of its removal the owner or other person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection (8)(c) be sold by public auction.
- (c) Fourteen days' notice of an auction sale to be held in terms of subsection (8)(b) shall be published in at least one English newspaper circulating in the municipality. The sale shall not be proceeded with if at any time before purchase of the vehicle it is claimed by the owner or any person authorized by him or otherwise lawfully entitled to claim it and all charges payable in respect thereof in terms of this by-law and all costs incurred in terms of subsection (8)(d) have been paid to the Council.
- (d) The proceeds of a sale concluded in terms of this section shall be applied first in payment of the charges incurred in terms of subsection (8) (c) and in satisfaction of the following costs:
 - i. The costs incurred in endeavouring to trace the owner in terms of subsection (8)(b);
 - ii. The costs of removing the vehicle and advertising and affecting its sale;
 - iii. The costs of keeping the vehicle in the pound, which shall be determined by Council from time to time, up to a maximum of 120 days.
- (e) Any balance of the proceeds shall be paid to the owner of the vehicle or any person lawfully entitled to receive it on his behalf upon his establishing his right thereto to the satisfaction of the Council provided that if no claim be so established within one year of the date of the sale, such balance shall be forfeited to the Council.
- (f) The exercise by the Council, or any person acting on its behalf, of the powers conferred by this section shall not subject it or him to any liability in respect of the loss or theft of or damage to the vehicle or any part thereof or anything therein or relieve any person of the consequences of his contravention of any provision of this by-law.

(9) Refusal of Admission

- (a) It shall be in the discretion of a duly authorized official to refuse to admit to a parking ground a vehicle which with or without any load is by reason of its length, width or height likely to cause damage to persons or property or to cause an obstruction or undue inconvenience.
- (b) A person in control of a vehicle who, having been refused admission in terms of subsection (9)(a), proceeds to drive it into a parking ground shall be guilty of an offence.

(10) Monthly Tickets

- (a) Notwithstanding anything to the contrary in this by-law contained, the Council may in respect of any parking ground issue a ticket at the tariff as determined by the Council, entitling the holder to park a specified vehicle in that area for a continuous period of one calendar month or any lesser period states therein, at the times stated on the ticket, if space is available, and such ticket shall not be transferred to any other person.
- (b) A ticket issued in terms of subsection a shall be affixed to the vehicle in respect of which it is issued, in such manner and place that the written or printed context thereof is readily legible from the outside of such vehicle.
- (d) The tariffs payable for the use of parking grounds shall be as determined by Council

38. **PARKING METERS**

- (1) No person shall park any vehicle in any public place in an area other than in a demarcated parking place and without at the same time making a payment in the manner prescribed in this by-law.
- ~~(2) No person shall park any vehicle, or cause any vehicle to be parked, in any demarcated parking place unless there shall be at the same time inserted by him, or by someone on his behalf, in the parking meter controlling that demarcated parking place, the appropriate coin indicated on such meter.~~
- (3) If it is a parking meter which is operated not only by the insertion of a coin but also by the turning to the extreme right of the handle affixed thereto after the insertion of the appropriate coin then until the meter registers and visibly indicates the parking period.
- (4) If it is a parking meter which controls several demarcated parking places and it is operated not only by the insertion of a coin but also by the pressing of a button, and completion of instructions indicated on the meter including entering the appropriate parking bay number, then until the meter registers and visibly indicates the parking period.
- (5) **Provided that-**
 - (a) Subject to the provisions of subsection (2) it shall be lawful without such payment to park a vehicle in a vacant demarcated parking place for such park and such part of any parking period as the parking meter controlling that demarcated parking place may indicate to be unexpired.
 - (b) No tariff shall be payable in respect of any period during which the parking meter controlling that demarcated parking place is out of order; and
 - (a) A motorcycle may not be parked in a demarcated parking place unless it is in a demarcated parking place set aside in terms of subsection (10) hereof.
 - (b) It shall be unlawful, either with or without the insertion of a fresh coin in a parking meter to leave any vehicle in a demarcated parking place, or to return the vehicle to that demarcated parking space within 30 minutes of the expiry, or after that expiry to obstruct the use of that demarcated parking place by any other vehicle.
 - (c) The insertion of the prescribed coin in the prescribed manner in a parking meter shall entitle a person inserting it to park a vehicle in the appropriate demarcated parking place for the period corresponding with the payment so made.
- (6) Notwithstanding the making of a payment as aforesaid, nothing in this section shall entitle any person to contravene a notice exhibited by the Council in terms of any law or regulation prohibiting the parking of vehicles between specified hours.
- (7) **It shall be unlawful to:-**
 - (a) Insert or attempt to insert into a parking meter any coin other than a coin of South African currency of a denomination as prescribed on the meter or on a sign erected by the Council;

- (b) Insert or attempt to insert into a parking meter any false or counterfeit coin or any foreign object;
 - (c) Tamper with, damage or deface or write or draw on, or affix any handbill, pose placard or other document, whether or not of an advertising nature, to a parking meter, other than an advertisement of which the Council has specifically approved for that purpose;
 - (d) In any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a prescribed coin;
 - (e) Jerk, knock, shake or in any way agitate or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose;
 - (f) Remove or attempt to remove a parking meter or any part thereof from the post or other fixture to which it is attached.
- (8) Every vehicle shall be so placed in a demarcated parking place, other than one which is at an angle to the kerb that it is wholly within that demarcated parking place.
- (9) Where any vehicle parked in a demarcated parking place occupies by reason of its length so much of an adjoining demarcated parking place that it is not possible to park a vehicle in that adjoining demarcated parking place in the manner prescribed by subsection (6), the person parking the first mentioned vehicle shall immediately after parking it insert an appropriate coin or set the parking meter/s in operation as described in subsection (2) above of both demarcated parking places which are occupied by his vehicle.
- (10) The Council may set aside and demarcate smaller parking places for the parking of two wheeled vehicles, and the provisions of this section, and in particular the charges prescribed by resolution as aforesaid, shall be applicable to such smaller demarcated parking places.
- (11) The passage of time as recorded by a parking meter shall be deemed to be correct unless and until the contrary be proved, and the burden of so proving shall be on the person alleging that the parking meter has recorded inaccurately.

CHAPTER VI

PARKING ATTENDANTS & CAR WATCHERS

39. PROHIBITION

- (1) No person may act as or operate as or falsely hold him or herself out to be a parking attendant on any public road or in any public place of the Council without written permission of the Council
- (2) No organisation may organise the guarding of vehicles in public places or on public roads of the Council through parking attendants without being approved by the Council as a parking attendant organisation.
- (3) No person may act as a parking attendant unless he or she is registered as a member of an organisation.

40. CONSENT OF THE COUNCIL

- (1) Only organisations that are registered with the Council as parking attendant organisations may provide a parking attendant service in public places or on public roads of the Council.
- (2) Before any organisation can be registered with the Council, the organisation must submit, together with its applications form (see Annexure 3) for registration proof of indemnity or of public liability insurance regarding the actions of its parking attendants, to the satisfaction of the Council.
- (3) The Council may consider any application and may grant, partially grant or refuse an application and must furnish the reasons for the decision at the request of the applicant. The decision of the Council shall be final.

- (4) The Council, on receipt of an application for registration, call for documentary or other proof of the capacity of the organisation to provide parking attendants, including information regarding the finances of the organisation.
- (5) When approving an organisation's application for registration regarding a specified geographic area, the Council must issue a permit (see Annexure) prescribing the geographic areas within which the organisation may operate and the period of time for which it is granted. The permit issued shall not be valid for a period exceeding 12 months from the date of issue.

41. CONDITIONS FOR CONSENT

(1) Organisations:

- (a) Subject to the provisions of section 49 consent is granted to an organisation to place parking attendants, provided that the organisation adopts and signs the Code of Organisations.
- (b) Organisations must keep detailed attendance and duty records reflecting the following in respect of their parking attendants:
 - (i) Name of the parking attendant;
 - (ii) Time at which the parking attendant goes on and off duty
 - (iii) Place of assignment of the parking attendant; and
 - (iv) Incidents and occurrences

(2) Parking attendants:

Each parking attendant in the employ of an organisation must sign the Code of Conduct for Parking Attendants.

42. REGISTRATION FEE PAYABLE

After the Council has granted approval to an organisation to operate a parking attendant service within the Maluti-A-Phofung area, the organisation must pay to the Council a registration tariff. The monetary amount of the registration tariff is determined by Council and fixed in the contract.

43. GARMENTS AND IDENTIFICATION OF PARKING ATTENDANTS

- (1) An organisation is responsible for issuing the following to its parking attendants free of charge or at the parking attendant's own cost:

- (a) A bib or jacket and equipment;
- (b) A supply of vouchers; and
- (c) An identification card

- (2) A parking attendant must, before undertaking any duties, equip himself or herself with the following, at his or her own cost or obtain the following free of charge from the organisation:

- (a) A bib or jacket and equipment;
- (b) A supply of vouchers; and
- (c) An identification card

- (3) Every parking attendant must, while on duty and presenting himself or herself as available for service, be neatly dressed in a bib or jacket and must ensure that the identification card is displayed in a visible position.
- (4) A parking attendant must, whenever he or she undertakes to guard a vehicle, hand the driver a voucher.

44. CONDUCT OF ORGANISATIONS

Any organisation must undertake to do the following:

- (1) Register with the Maluti-A-Phofung Municipality

- (2) Train parking attendants, and incorporate all unauthorized parking attendants who adhere to the requirements of conduct for organisations and for parking attendants.
- (3) Provide its parking attendants with supervision, preferably by means of director radio contact with the organisation's control office.
- (4) Supply uniforms (bibs or jackets), identification cards and the other relevant equipment to the parking attendants.
- (5) Resolve all parking disputes or differences that may arise in the assigned areas of the parking attendants.
- (6) Instruct all parking attendants under contract to comply with the By-laws.
- (7) Ensure that the organisation's officials make themselves available to attend meetings as and when requested to do so with their clients
- (8) Keep detailed attendance and duty records of the daily activities of its parking attendants.

15. REQUIREMENTS FOR CONDUCT OF PARKING ATTENDANTS

- (1) No parking attendant may, when on duty:
 - (a) Tamper with activate or operate a parking meter
 - (b) Wash a car on a public road or in a public place and interfere with the movement of traffic or pedestrians;
 - (c) Demand donation or fee for guarding a driver's vehicle
 - (a) Fail to obey a lawful order from an authorized officer or an authorised official;
 - (b) Involve himself or herself in any form of criminal activity
 - (c) Be under the influence of alcohol or any narcotic substance or consume or use any alcohol or narcotic substance
 - (d) Be untidily dressed
 - (e) Refuse to produce proof of his or her identity when requested to do so by an authorised office or authorised official of a person who requires it for his or her information relating to the service rendered;
 - (f) Ignore any by-laws of the Council or contravene or fail to comply with any other law.
- (2) No parking attendant may refuse to subject him or herself to a security check as prescribed by the Security Officer Act, Act 53 of 1985.

46. CANCELLATION OR SUSPENSION OF PERMITS

- (1) The Council may suspend a permit on the grounds that the holder of the permit or the organisation to which the holder belongs has allegedly committed an offence in terms of this by-law.
- (2) A permit granted in terms of the By-laws may be immediately suspended or cancelled by the Council if the permit holder,
 - (a) Tampers with or activates or operates a parking meter
 - (b) Fails to observe or carry out the lawful instructions of an authorised person or an authorised officer

- (c) Is intoxicated while performing his or her duties as a parking attendant.
- (d) Cleans or washes any motor vehicle on a public road or in a public place;
- (e) Offers to clean or wash any motor vehicle on a public road or in a public place
- (f) Interferes with the movement of vehicular traffic or the parking of vehicles;
- (g) Interferes with the movement of pedestrians;
- (h) Through intimidation, demands a donation of 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.

47. OFFENCES

No parking attendant may:-

- (1) Tamper with or activate or operate a parking meter
- (2) Refuse to observe or carry out the lawful instruction of an authorized person or an authorised officer
- (3) Be intoxicated while performing his or her duties as a parking attendant.
- (4) Clean or wash any motor vehicle in a public place or on a public road
- (5) Interfere with the movement of vehicular traffic or the parking of vehicles
- (6) Interfere with the movement of pedestrians
- (7) Through intimidation, demand a donation or fee for guarding a vehicle
- (8) Damage or threaten to damage a vehicle in any way for not receiving a donation or fee
- (9) Refuse to produce a permit on request
- (10) Operate as a parking attendant in a public road without a permit issued by the Council.
- (11) Use a false permit to operate as a parking attendant in a public place or on a public road.
- (12) Act as a parking attendant or hold himself or herself out to be available to act as a parking attendant at any place other than the place allocated to him or her in writing by a registered organisation and in accordance with the provision of this by-law; and
- (13) Allow any organisation to permit a person who has his or her permit cancelled or suspended to act as a parking attendant.

48. VICARIOUS RESPONSIBILITY AND LIABILITY OF ORGANISATION

When a person who is a member of an organisation act illegally as a parking attendant or commits any other offence in terms of this by-law, the directors of that organisation are equally responsible and liable for the offence.

CHAPTER VII

49. PENALTIES

Any person contravening any of the foregoing by-laws shall be guilty of an offence and liable on conviction except where otherwise expressly stated, to:-

- (1) A fine not exceeding R1 000-00 or in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment;
- (2) In case of successive or continuous breaches of any by-law it is provided that any expense incurred by the Council in consequence of a breach of any by-law or in the execution of any work directed by any by-law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to executed such work.

50. POWERS

- (1) In terms of Section 156(2) read with section 229 of the Constitution of the Republic of South Africa, Act 108 of 1996 the Council may make and administer by-laws for the effective administration of matters, which it has the right to administer.
- (2) The authority to administer this by-law vests in Council in terms of inter-alia;
 - (a) Part B of Schedule 5 read with section 156 (1)(a) and 156(2) of the Constitutional of the Republic of South Africa, Act 108 of 1996.
 - (b) Section 11 of the Local Government Municipal Systems Act, Act 32 of 2000
 - (c) Chapter VI of the National Road Traffic Act, Act 93 of 1996, as amended.
 - (d) Section 165 *bis* of the Local Government Ordinance, Ordinance 17 of 1939
 - (e) Application of the provisions of the Road Transportation Act, Act 74 of 1977 and Free State Interim Passenger Transport Act, Act 16 of 1998.
 - (f) Section 64 of the South African Police Services Act, Act 68 of 1995 as amended by the amendment Act, Act 83 of 1998.

51. SHORT TITLE AND COMMENCEMENT

- (1) This by-law shall be called the *Maluti-a-Phofung Municipality Traffic By-law*, and shall come into operation on a date fixed by the Executive Mayor of the Maluti-A-Phofung Municipality by proclamation in a *Government Gazette*.
- (2) Different dates may be so fixed in respect of different provisions of this By-law.

52. TARIFFS

- (1) The Council shall determine tariffs or fees from time to time in accordance with section 4(c) Local Government Municipal Systems Act, Act 32 of 2000.
- (2) All refundable deposits will be forfeited to the Council in the even of non-compliance of any of the foregoing by-laws.

CHAPTER VIII

MALUTI-A-PHOFUNG MUNICIPALITY

ANNEXURE 1 PARKING GROUNDS INDEMNITY FORM

I, the undersigned,
(Full names)

residing at
and employed / carrying on business atbeing the owner / person legally entitled to possession of the motor vehicle described hereunder and parked at theby..... On (Date) in the custody of the Council and being unable to produce the ticket in terms of the provisions of the Council's Parking Grounds By-Laws in respect thereof, do hereby indemnify and hold harmless the Council against any claim for damages and any other action or proceedings at law directly or indirectly connected with or arising the said Council and against all costs incurred by it in opposing, defending or settling any such claim, action or proceeding in its sole discretion inclusive of attorney and client costs.

DESCRIPTION

Motor Vehicle:

Type of Vehicle: Make:

Model: Reg No.

Dated at Maluti-A-Phofung Municipality this day of 200..., in the presence of the undersigned witnesses:

1. 2.

.....

[Owner/Driver]

MALUTI-A-PHOFUNG MUNICIPALITY

ANNEXURE 2
PARKING GROUNDS
Undertaking

I, the undersigned

(Full names)

residing at

and employed

Being the holder of a token no. Entitling me to park the motor vehicle in my possession at the Parking ground during the period of validity of the aforesaid token, do hereby undertake that should I lose, misplace or for any other reason be unable to return it to the Council at the expiry of the validity period thereof, or as result of such loss, misplacement or such other reason apply for a replacement of such token, I shall pay to the Council, the sum of R50 in respect of such lost, misplaced or replaced token.

.....
Signature of Holder

Indicate the number of parking attendants or car watchers you intend to assign for this particular service?

Please attach a copy of your public liability insurance in respect of the parking attendant service to this application form.
Are you providing a similar, approved service in Maluti-A-Phofung area?
Mark with an X

Yes	<input type="checkbox"/>
No.	<input type="checkbox"/>

If your answer is YES, please indicate your registration number

Are there any additional functional methods you propose for operating the service?
(for example teargas, handcuffs, communication aids, response, etc)

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

EXPIRY DATE:

AUTHORISED BY THE DIRECTOR: PUBLIC SAFETY MALUTI-A-PHOFUNG MUNICIPALITY

SIGNATURE:

DATE :

ISSUED BY :

MALUTI-A-PHOFUNG MUNICIPALITY

ANNEXURE 4

PARKING ATTENDANT/CAR WATCHER VOUCHER FOR A CAR PROTECTION SERVICES

PARKING ATTENDANT / CAR WATCHER:

PERMIT NO :

ORGANISATION :

TELEPHONE NO :

EMERGENCY TELEPHONE NUMBERS

MALUTI-A-PHOFUNG MUNICIPALITY

SAPS :