

**TSWELOPELE LOCAL MUNICIPALITY**

**MEMORANDUM**

**TO:** Director: Community Services

**FROM:** Public Safety and Security

**DATE:**

**REFERENCE:**

**Matters hereby refer to:**

**Tswelopele Public Safety and Security Division recommend that the attached General Street By-Laws be adopted by the council.**

**DRAFT**

**TSWELOPELE LOCAL MUNICIPALITY**  
**GENERAL STREET AND TRAFFIC ENFORCEMENT BY-LAWS**  
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## CHAPTER I

### 1. DEFINITIONS

**“Ambulance”** means a motor vehicle specially constructed or adapted for the conveyance of sick or injured persons to or from a place for medical treatment and which is registered as an ambulance.

**“Authorised Officer means”**

1. A peace officer as contemplated in Section 334 of the Criminal Procedure Act 1977, Act 51 of 1977.
2. Any member of South African Police Service as contemplated in the South African Police Services Act 1995, Act 68 of 1995.
3. A Traffic Officer appointed under the National Road Traffic Act 1996, Act 96 of 1996.

**“Animal”** includes any horse, mare gelding, fowl, bull, ox, cow, bullock, steer, heifer, calf, mute, ass, lamp, 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 Africa, Act 108 of 1996, Section 76, 80A and Chapter IV of the National Road Traffic Act 1996, Act 96 of 1996, as amended, application of Free State Interim ACT 1998, act 16 of 1998 and application of Road Transport Act 1977, Act 74 of 1977.

**“Council”** means Tswelopele Local Municipality as established in terms of Section 12(1) read with Section 12(2) of Local Government Municipality Structures Act 1998, Act 117 of 1998.

**“Day”** means a period between sunrise and sunset

**“Demarcated parking place”** means a place referred to Section 80A of the National Road Traffic Act 1996, Act 96 of 1996, means a place laid out and marked in a public place, the time of occupation by which a vehicle is intended to be recorded by marking meter.

**“Demarcated Space”** means a space in which a vehicle is to be parked in terms of this by-law, demarcated by means of one or two white lines upon the surface of a parking ground or floor thereof.

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

**“Director”** means a Council’s Directorate Public Safety and Security or and any other person authorised by the Council to act on his/her behalf.

**“Display od sign: shall include erection of any structure if such is intended solely or primarily for the support of such 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 1996, Act 96 of 1996, as amended.**

**“Fire fighting vehicle” means a motor vehicle designed or adapted solely or mainly for fighting fires and which is registered as a fire fighting vehicle.**

**“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” means without detracting from the generality thereof goods, wares, water, sand, stone and merchandise of all kinds including livestock.**

**“Inspector of licences” shall have the meaning as contemplated in the National Road Traffic Act 1996, Act 96 of 1996, as amended.**

**“Intersection” means intersection as defined in Section 1 of the National Road Traffic Act 1996, Act 96 of 1996, as amended.**

**“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, abandoned 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 1996, Act 96 of 1996.**

**“Merge” means merge as defined in Section 1 of NRTA.**

**“Municipal Area” means area placed under control of the municipal jurisdiction of the council.**

**“Night” means a period between sunset and sunrise.**

**“NRTA” means the National Road Traffic Act 1996, Act 96 of 1996, as amended.**

**“Operate on a public road” or any like expression in relation to a vehicle, mean to use or drive or to permit to be used or driven on a public road or to have or to permit to be on a public road.**

**“Open fire” means anyway of making fire , for whatever reason, where it constitute a danger, nuisance or 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 in terms of common laws or a constitutional agreement with the title holder of such vehicle.**
- 2. Any person who is registered as such in terms of Section 14 of the National Road Traffic Act 1996, Act 96 of 1996.**

**“Park” means to keep a vehicle, whether occupied or not stationery for a period of time longer than it is reasonably necessary for the actual loading or off-loading of persons or goods, but does**

not include any such keeping of vehicle by reason or a cause beyond the control of the person in charge of such vehicle.

**“Particulars”** means any form of information of any party and shall include the name, surname, company name, residential, business or email address, telephone, cellular or fax number of any such information.

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

**“Pavement”** means a sidewalk as defined in Section 1 of the National Road Traffic Act 1996, Act 96 of 1996.

**“Poster and Notices”** means any placard announcing or attracting public attention to any meeting, event, function or activity or undertaking or to the candidate of any other 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.

**“Public Road”** means a public road as defined in Section 1 of the National Road Traffic Act 1996, Act 96 of 1996.

**“Public place”** means any foot pavement, footpath, sidewalk, lane, square, open 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 National Road Traffic Act 1996, Act 96 of 1996.

**“Road Traffic Sign”** means a traffic sign as prescribed in Section 56 on 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 off-loading of persons or good, but does not include any such stopping by reason or a cause beyond the control of the driver of such taxi.

**“Tariffs”** means a fee approved by the council in regards to the relevant legislation that should be applicable for the purpose of this by-law.

**“Taxi Association”** means a taxi association recognised by the Council and as registered by the 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 designed by the Council for the exclusive use of taxis

**“Taxi Operator”** means a person who has been registered as operator of vehicle in terms of chapter VI of 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 offering or rendering of services in 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 vehicle or vehicles of a particular class or description for public transport may await 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 Section 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) The provision of subsection 2.2 shall not apply to any vehicle that has been parked as a result of accident, breakdown or other emergency for no longer than is necessitated by such accident breakdown or other emergency.

### **3. TURN WITH A COMBINATION OF VEHICLES**

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

### **4. 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.**

### **5. ABANDONING AND PARKING A VEHICLE ON 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 the 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 or impounded in terms of the provision of this regulation, is kept in a pond at the owner's risk and may be released by the owner or person in charge thereof on payment at the Council's office, of the fee as determined by the Municipality by means of this resolution.**

### **6. TRAFFIC SIGNALS**

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

### **7. TRAFFIC SIGNS AND NOTICES**

**(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 traffic signs in any street relating to regulations and control of traffic and the probation, restriction and parking shall be so deemed until contrary is shown, to be notices and signs of the Council.**



**(3) No person other than employee of the Council or authorised agent shall place in or upon any street any notices or signs affecting or intended to affect the movement of traffic and/or 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 or 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 cost of repairing and/or placing such notice, sign or signal or removing any obstruction thereof.**

#### **8. CLOSING OF STREET**

**(1) 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.**

**(2) No person shall close road, street, park or other public places without the prior written authorisation from the Council.**

#### **9. INJURY TO PERSONS, ANIMALS AND PROPERTY**

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

#### **10. CROSSING PRIVATE PROPERTY TO BYPASS A TRAFFIC SIGN**

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

#### **11. REPAIRS OF VEHICLE ON A PUBLIC ROAD**

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

#### **12. THE USE OF AMPLIFIER OR LOUD SPEAKER**

**(1) No person 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 general public within the Municipal area.**

**(2) No person shall without the consent of the Council in writing, play or permit the playing of 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 places.**

**(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 were 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 the use of an amplifier by the Municipality or if the 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 amendment by-laws applicable within the jurisdiction of the Municipality, should apply to Council for approval.**

### **13. GATHERINGS**

**(1) Except with the prior written consent of the Council, no one shall organize or hold a gathering in or at any public place.**

**(2) In granting consent in terms of Section 13(1), the Council may impose such conditions as it may deem expedient.**

**(3) If the Chief Traffic Officer or any other person acting on 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 the gathering, such assistance shall be rendered on payment of the fee as from time to time is determined by the Council by means of a resolution.**

### **14. ESCORT OF ABNORMAL VEHICLES**

**(1) Escort of vehicles that are abnormally large, will be provided by the Council against payment of the tariff as determined by the Council, paid to the Council in cash or by way of bank-guaranteed cheque.**

**(2) Escort will only be provided if all requirements of NRTA are complied with.**

### **15. TARRIFS FOR ASSISTANCE WITH SPORTING EVENT, PROCESSION AND OTHER GATHERINGS**

**(1) Applications 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 to the event to the Council.**

**(2) The tariffs, as determined by the Council shall be payable for the assistance mentioned in subsection (1) above provided that:-**

**(a) The tariff(s) determined by the Council is paid in cash or by bank-guaranteed cheque(s) at least 48 hours prior to commencement of such assistance.**

**(b) The Council may in its discretion exempt the applicant from payment 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 to the commencement of the event, the applicant shall pay the tariff(s), which shall, if the exemption is granted thereafter, be refunded to the applicant.**

## **16. SIDEWALK**

**(1) No person shall place upon, load on, transport across roadway or sidewalk in any street any materials or goods.**

**(2) No person shall erect any barrier, poles, chains or any other obstruction on any sidewalk without prior written approval of the Council and the barriers, poles, chains or any other obstructions erected, may not in any way impede the normal pedestrian traffic flow.**

## **17. LITTERING AND SPILAGE**

**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, stable or paper, 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 above mentioned to be immediately removed from the street. In addition to any penalty for breach of this section, the Council may recover from his/her the expenses of such removal in the same manner as any penalties for breaches of the Council's by-laws.**

## **18. INDICENCY**

**(1) No person shall expose to view, sell or distribute or offer for sale or distribution of any indecent or obscene book, pamphlet or postcard, photograph, placard, poster, handbill, picture, drawing or representation or exhibit any show which is of 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, 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 song, foul, indecent, or obscene language, or write, draw,, or in any way make any indecent or obscene figures, writings, drawings, representations in any street or public place or within view or hearing of any person therein, without prior approval by the Council and written approval must be readily available on demand.**

**(4) No person shall urinate or defecate in any street or public place.**

## **19. CONTROL OF ANIMALS**

**(1) No person shall in or along any street:-**

- (a) Allow any animal which is his/her property or under his/her control, to be let loose or to wander uncontrolled.**
- (b) Leave an animal which is hurt, weak, sick, 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 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 nuisance to any person.**

**(2) For the purpose of this section, the word “animal” does not include a dog or a cat.**

## **20. KEEPING OF ANIMALS**

**(1) No person shall keep any animal or bird that may disturb public peace.**

**(2) No person shall without a permit issued by the Council keep any wild animal, reptile; insect which has been 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 subsection(2), be removed by an authorised officer or authorised official and council may recover the cost of so doing from such person.**

**(4) Any animal referred to in subsection (3) found at large or apparently abandoned within Tswelopele Local Municipality jurisdiction may be destroyed by an 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 maybe imposed under this by-law, to pay to the council reasonable sum to defray the cost of destruction, removal and burial of such animal.**

## **21. UNCOVERED CARCASES, 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

#### 22. THE PARKING OF TAXIS

(1) No taxi driver shall:

- (a) Park or operate after 10H00 in the Central Business District except or
- (b) Ply for special hire, loading or offloading passengers, at a specific place with the knowledge of taxi rank manager.

(2) No garage or property shall be used as a taxi rank for loading or offloading of passengers.

#### 23. THE PARKING OF TAXIS AT SHOPPING PLACES

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

#### 24. DANGEROUS OR OFFENSIVE ARTICLES

An authorised 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 or authorised officer travelling in or on any taxi.

#### 25. RIGHT OF ENTRY

- (1) Any authorised officer may for the purpose of enforcing 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 Officer, if so requested by the owner or occupier of the premises, shall submit proof of his identity and authority to make inspection and inquiry.

#### 26. LAW ENFORCEMENT: OFFENCES AND PROHIBITIONS

A person who:

- (a) Undertakes a minibus taxi-type services or metered taxi services except under the authority of a permit.
- (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 a minibus taxi-type services or metered taxi type services not authorised by the permit or by the Free State Interim Passenger Transport Act 1998 (Act 16 of 1998).

- (d) With intend to deceive, makes a document falsely purporting to be a permit or other document issued under the Free State Interim Passenger Transport Act, 1998 (Act 16 of 1998)
- (e) Knowing that the document is not a permit or document issued under the Free State Interim Passenger Transport Act, 1998 (Act 16 of 1998), or that permit or other document issued under the above mentioned Act has been altered, defaced, mutilated or added to
- (f) Pretends that he/she is an authorised official.
- (g) Wilfully obstruct, hinders or interferes with an authorised official in the exercise of his or her powers or the performance of his/her duties
- (h) Fails to comply with direction or demand made by an authorised official.
- (i) Gives false information when required to provide information in terms of this by-law
- (j) Applies for and obtains 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, 1998 (Act 16 of 1998) or any other law.
- (l) Fails to affix or keep affixed a permit disc or distinguishing mark on any motor vehicle as prescribed.
- (m) Being a passenger on a motor vehicle fails to provide his/her name and address to an authorised official or to state to such official whether or not he/she has paid for the conveyance in question.
- (n) Being a holder of a permit undertakes unauthorised services.
- (o) Contravenes or fails to comply with any provisions of the Free State Interim Passenger Transport Act, 1998 (Act 16 of 1998), if such contravention or a failure is not declared an offence elsewhere , shall be liable to prosecution in terms of this by-laws

## **27. PRESUPTIONS**

- (1) Any motor vehicle found at 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 corresponds to the definition of a taxi, conveys passengers shall be presumed to be operating a taxi service unless the contrary is proved.

## **28. DAMAGE TO PROPERTY & PUBLIC ROAD**

- (1) 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 installations.
- (2) No person shall intentionally or negligently, in the course of erecting or removing any temporary structure cause damage to the public road.
- (3) If any person causes damage to public road or any other Council Installation, the person shall be liable to the cost incurred by the Council in repairing such road or installation to the standard condition.

**CHAPTER IV**  
**ADVERTISEMENTS**

**29. RESPONSIBLE PERSONS**

If a 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 of any meeting, function or event to which a sign poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or 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 a sign, advertising hoarding or poster or have caused or allowed it to be displayed unless contrary is proved.

**30. 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 or carry out such alteration thereto or do such work as maybe specified in such request or notice within a time specified.
- (2) If a person fails to comply with a confirmed request or notice referred to in subsection (1), the Council may remove such sign or advertising hoarding or do or cause the required work to be done on it and claim the reasonable costs relating 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

### 31. PENALTIES

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

- (1) A fine not exceeding R 2500.00 or in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.
- (2) In case of continuous or successive 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 execute such work.

### 32. 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 a right to administer.
- (2) The authority may administer 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 Constitution of the Republic of South Africa 1996, Act 108 of 1996.
  - (b) Section 11 of the Local Government Municipal Systems Act 2000, Act 32 of 2000.
  - (c) Chapter VI of the Nation Road Traffic Act 1996, Act 93 of 1996.
  - (d) Section 165 bis of the Local Government Ordinance, Ordinance 17 of 1939.
  - (e) Application of the provisions of the 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 amendment Act, Act 83 of 1998.

### 33. SHORT TITLE AND COMMENCEMENT

- (1) This by-law shall be called the Tswelopele Local Municipality Traffic By-law, and shall come into operation on the date fixed by the Council of Tswelopele Local Municipality by proclamation in the Government Gazette.
- (2) Different dates may be so fixed in respect of different provisions of this By-law.

### 34. TARIFFS

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



## CHAPTER VI

### 35. EXEMPTIONS

#### 35(1). MEDICAL PRACTITIONERS

(1) The Council may exempt any medical practitioner from the provisions of any by-laws relating to the parking of a motor vehicle.

(2) The exemption contemplated in subsection (1) shall apply only where:

(a) The motor vehicle concerned is parked to enable such medical practitioner to perform at any place other than his consulting room.

#### 35(2). EMERGENCY MEDICAL SERVICES

(1) The Council may exempt response vehicle, ambulance and rescue vehicle from the provisions of any by-laws relating to the parking of a motor vehicle.

(2) The exemption contemplated in subsection (1) shall apply only where:

(a) The motor vehicle concerned is parked to enable emergency medical service personnel to perform their duties.

#### 35(3). FIRE-FIGHTING VEHICLE

(1) The Council may exempt any fire fighting vehicle from the provisions of any by-laws relating to the parking of a motor vehicle.

(2) The exemption contemplated in subsection (1) shall apply only where:

(a) The motor vehicle concerned is parked to enable firefighting personnel to perform their duties.

# GENERAL STREET AND TRAFFIC ENFORCEMENT BY-LAWS

## OFFENCE CHARGE LIST

<b>WORDING</b>	<b>SECTIONS</b>	<b>Amount</b>
✓ Driver parked a vehicle for a continuous period exceeding 12 hours on a public road.	Sec.2(1) of General Street By-Laws	R 200.00
✓ Driver parked a vehicle exceeding 3500kg/trailer/caravan/tractor/an animal drawn vehicle between 19H00 on one day & 06:00 the next day.	Sec.2(2) of General Street By-Laws	R 200.00
✓ Driver turned for the purpose of driving in the opposite direction a vehicle drawing a trailer/semi-trailer/combination of vehicles	Sec.3 of General Street By-Laws	R 500.00
✓ Ridding a pedal cycle / tricycle at night without being visible from a distance of not less than 50m.	Sec.4. of General Street By-Laws	R 200.00
✓ Ridding at night a pedal cycle / tricycle not equipped with a lamp emitting white lamp to the front & red light to the rear	Sec.4. of General Street By-Laws	R 200.00
✓ A vehicle parked in contravention of any notice or road traffic sign or obstructing or constituting danger to other road users.	Sec.5 of General Street By-Laws	<3500KG GVM (R 1500.00) >3500KG GVM (R 2000.00)
✓ Driver or pedestrian, animal drawn vehicle disobeying a road traffic signs or marking	Sec.6 of General Street By-Laws	R 300.00
✓ Driver or pedestrian, animal drawn vehicle disobeying a road traffic notices	Sec.7(1) of General Street By-Laws	R 300.00
✓ Placed on the street any notice or sign affecting or intended to affect movement of traffic.	Sec.7(3) of General Street By-Laws	R 500.00
✓ Removed/manipulated/obscures/damaged a road traffic sign.	Sec.7(4) of General Street By-Laws	R 700.00
✓ Entered a street lawfully closed by the Council	Sec.8(1) of General Street By-Laws	R 300.00
✓ Closed a street without a prior written permission from the Council	Sec.8(2) of General Street By-Laws	R 500.00

✓ Negligently or intentionally injured or endangered a person or an animal / caused damage to property	Sec.9 of General Street By-Laws	R 500.00
✓ Avoided compliance with a road traffic sign by driving into or across private property	Sec.10 of General Street By-Laws	R 500.00
✓ Repairing (except in emergencies) or washing a vehicle on a public road.	Sec.11 of General Street By-Laws	R 200.00
✓ Used or allowed loudspeaker/amplifier to be used in increasing sound of radios causing nuisance to neighbours or public	Sec.12(1) of General Street By-Laws	R 500.00
✓ Played or permitted playing of music or use of loudspeaker or public address without written authorisation from the Council	Sec.12(2) of General Street By-Laws	R 200.00
✓ Used a warning device of a motor vehicle in a manner that provided an offensive sound or produced shrieking	Sec.12(3) of General Street By-Laws	R 200.00
✓ Failed to apply to the Council for approving the use of Loudhailer or amplifier that causes noise in contravention of this bylaws	Sec.12(4) of General Street By-Laws	R 500.00
✓ Held a gathering in a public place without Written consent from the Council.	Sec.13(1) of General Street By-Laws	COURT
✓ Failed to comply with conditions of the Council in approving the gathering.	Sec.13(2) of General Street By-Laws	R 500.00
✓ Failed to pay for traffic control assistance provided by Traffic Officers of the Council.	Sec.13(3) of General Street By-Laws	R 500.00
✓ Driver failed to pay tariffs as determined by the Council for escorting abnormal vehicles.	Sec.14(1) of General Street By-Laws	R 300.00
✓ Failed to apply in time for assistance by Traffic Officers during sporting events or procession.	Sec.15(1) of General Street By-Laws	R 500.00
✓ Placed material or goods on a sidewalk.	Sec.16(1) of General Street By-Laws	R 300.00
✓ Erected barrier/poles/chains or any other obstruction on a sidewalk without approval of the Council	Sec.16(2) of General Street By-Laws	R 300.00
✓ Spilled/dropped/placed on a street, any material that interferes with the cleanliness of such street or public place	Sec.17 of General Street By-Laws	R 200.00
✓ Exposed to view/sold/distributed/offered for sale any indecent or obscene book/pamphlet/photograph or pictures in any street or place which is visible to the public	Sec.18(1) of General Street By-Laws	R 300.00

✓ Behaved in an indecent manner or made use of any indecent gestures on a public road or public places	Sec.18(2) of General Street By-Laws	R 300.00
✓ Sang obscene or profane song/used any profane song/foul, indecent or obscene language in any public place or street without prior approval by the Council	Sec.18(3) of General Street By-Laws	R 300.00
✓ Urinating or defecating on a street or public space.	Sec.18(4) of General Street By-Laws	R 200.00
✓ Allowed animal to be let loose or wandered uncontrolled	Sec.19(1)(a) of General Street By-Laws	R 300.00
✓ Left an animal which is hurt/weak/sick/dying on a street or public place.	Sec.19(1)(b) of General Street By-Laws	R 500.00
✓ Made a noise or gesture in or along street in a way that frightened an animal	Sec.19(1)(c) of General Street By-Laws	R 500.00
✓ Drove/ used any animal in a street which is so deceased or injured or in such physical condition that it is unable to do the work	Sec.19(1)(d) of General Street By-Laws	R 500.00
✓ Kept an animal or bird that may disturb public peace	Sec.20(1) of General Street By-Laws	R 500.00
✓ Kept wild animal/reptile/insect which is inherent to attack human being or cause nuisance without a permit from the council.	Sec.20(2) of General Street By-Laws	R1, 000.00
✓ Carried or conveyed an uncovered carcass through or along a public street.	Sec.21 of General Street By-Laws	R 1,000.00
✓ Parked or operated a taxi in CBD after 10H00	Sec.22(1)(a) of General Street By-Laws	R 1,200.00
✓ Used a garage or private property for loading or offloading passengers.	Sec.22(2) of General Street By-Laws	R 1,200.00
✓ Driver parked a taxi at a shopping place	Sec.23 of General Street By-Laws	R1, 200.00
✓ Undertaking a taxi-type service without an authority of a permit,	Sec.26(a) of General Street By-Laws	R 1500.00
✓ As a permit holder undertaking a taxi-type service contrary to the conditions of such permit.	Sec.26(b) of General Street By-Laws	R 1,200.00
✓ The holder of a permit made it available to another person to undertake a taxi service not authorised by the permit or FSIPTA 1998 (Act 16 of 1998)	Sec.26(c) of General Street By-Laws	R 1 000.00
✓ Made a document falsely purporting to be a permit with intent to deceive.	Sec.26(d) of General Street By-Laws	COURT

✓ Impersonating an authorised officer.	Sec.26(f) of General Street By-Laws	COURT
✓ Wilfully obstructed an Authorised Officer in performing his/her duties.	Sec.26(g) of General Street By-Laws	COURT
✓ Failed to comply with an instruction or demand of an Authorised Officer.	Sec.26(h) of General Street By-Laws	R 500.00
✓ Gave false information when required to provide information under this BY-LAW	Sec.26(l) of General Street By-Laws	R 500.00
✓ `Applied and obtained permit knowing that a permit had already been issued to another person in relation to the same motor vehicle.	Sec.26(J) of General Street By-Laws	R1000.00
✓ Displayed permit disc not lawfully issued under FSIPTA 1998 (Act 16 of 1998)	Sec.26(K) of General Street By-Laws	COURT
✓ Failed to affix a permit disc on a motor vehicle as prescribed	Sec.26(L) of General Street By-Laws	R 300.00
✓ Aa a passenger: Failed to provide his name and address to an authorised officer Failed to state whether or not he had paid or will pay for the conveyance in question	Sec.26(M) of General Street By-Laws	R 500.00
✓ Undertaking unauthorised services as holder of a permit	Sec.26(N) of General Street By-Laws	R 1500.00
✓ Contravenes or fails to comply with provisions of the Free State Interim Passenger Transport Act,1998 (Act 16 of 1998)	Sec.26(O) of General Street By-Laws	
✓ Intentionally or negligently caused damage to any council installation in erecting or removing sign or poster	Sec.28(1) of General Street By-Laws	R 500.00
✓ Intentionally or negligently caused damage to a public road in erecting or removing a temporary structure	Sec.28(2) of General Street By-Laws	R 500.00