

MBOMBELA LOCAL MUNICIPALITY

STANDARD TRAFFIC BY-LAWS

The Municipal Manager hereby publishes in terms of The Municipal Systems Act, Act No. 32 of 2000, the by-laws as set forth hereafter, which have been approved by the Council in terms of Section 13 of the said Act.

Definitions

1. In these By-Laws, unless the context otherwise indicates: -

“Chief traffic officer” means the person appointed by the Council to take charge of the Traffic Department or his deputy or authorised assistant;

“Council” means the Mbombela Local Municipality and includes the management committee of that Council of any officer employed by the Council, acting by virtue of any power vested in the Council in connection with these by-laws and delegated to him in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance 40 of 1960);

“grocery trolley” means any push trolley or push cart which is placed at the disposal of members of the public as buyers by a business undertaking or shop and which is used by members of the public to convey their purchases;

“municipal store” means the municipal store of the Council;

“police officer” means a police officer as defined in the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966);

“public place” means a public place as defined in the Local Government Ordinance, 1939 (Ordinance 17 of 1939);

“storekeeper” means an employee of the Council who holds the position of storekeeper as well as any person acting on his behalf or his authorised assistant;

“street” means any street, square, road, lane, footpath, sidewalk, thoroughfare, or passage or place to which the public has access;

“traffic officer” means a traffic officer as defined in the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966).

Removal of Obstructions

2. If any person causes an obstruction in any street, any police or traffic officer may order such person to refrain from causing or to remove the said obstruction, any person who fails to obey such order shall be guilty of an offence. If the person who caused the obstruction cannot be found, any traffic or police officer may take such steps, as he may deem necessary to remove the obstruction and to prevent its recurrence.

Congregation of Persons

3. 3.1 No person shall congregate with others so as to cause an obstruction in any street, and any person or persons so congregating shall, upon being required by any traffic or police officer, discontinue to do so;

- 3.2 (a) Fees levied for Traffic Control Measures, by the Traffic Division in respect of road races, sports events and processions in general organised by institutions, clubs, etc., excluding the following :
- The South African National Defence Force
 - The South African Police Services
 - The Provincial Government Services.
- (b) The Municipal Manager be authorised to exempt any organisation from payment of fees, at his discretion.

Tree Planting Prohibited

- 4 No person shall plant any tree or shrub in any street without the prior written permission of the Council under the hand of the Municipal Manager, and any tree or shrub so planted shall, notwithstanding such permission, become the property of the Council and may be cut or removed by the Council at any time.

Damage to Trees in Streets

- 5 No person shall climb up, break, or damage any tree growing in any street, and no person shall, without the written consent of the Council, lop, top, trim, cut down or remove any such tree. No person shall in any way mark or paint any tree growing in any street.

Precautions to be Taken to Protect Surface of Roadway or Sidewalk

- 6 No person shall place upon, off-load on, or transport across the roadway or sidewalk of any street any materials or goods liable to damage the surface, unless he shall have taken precautions to protect the surface of such roadway or sidewalk from damage.

Goods on Streets

7. No person shall allow any cases, goods, materials or articles belonging to him or in his charge to remain on any street so as to cause obstruction or inconvenience to the public for a longer period than is absolutely necessary for loading or unloading. The temporary use of any street for such loading or unloading shall be restricted to that portion of such street, which causes the least obstruction to the public use of such street immediately in front of the premises from or to which such goods or materials are being moved and on the side of the street adjacent to such premises.

Cleanliness of Streets

8. No person shall spill, drop or place, or permit to be spilled, dropped or placed, in or on any street, gutter, storm water pipe or storm water drain any fruit, or any material, building material, or any matter or thing that may interfere with the cleanliness of such street, or cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such street, without removing or causing the same to be removed from such street, gutter, storm water pipe or storm water drain forthwith.

Auction Sales in Streets

9. No person shall hold any auction sale in any street.

Exposure in Streets of Articles for Sale

10. No person other than a duly licensed hawker, pedlar or street trader or a person lawfully entitled to trade in any street shall expose any article whatsoever for sale or exhibition or otherwise in or upon any street.

Articles placed in Windows and Balconies near Streets

11. No person shall place or cause or allow anyone to place any flowerpot or box or other article in any upper window, balcony or other projection near any street without sufficiently safeguarding it against falling into the street.

Displaying of Articles of Clothing or Linen

12. No person shall within the municipality, display in any manner to the view of the public any article of clothing of any household, domestic or other linen or any other fabric from any window (except when used as curtains) or on or from any wall of balcony or veranda in the view of any street or fronting on any street or public place: Provided that this section shall not apply to licensed shops.

Games, Throwing Stones, and other Unpermitted Actions

13. No person shall roll any hoop or fly any kite or throw stones or use any bow and arrow, or by any means discharge any catapult or missile upon, over or across any street, or play cricket, football or any other game whatsoever thereupon or therein, or use any soapbox cart other than in the course of and for the purpose of a business. This section shall not apply to any public place upon which provision for sports or games have been made.

Firing of a Fire-arm, Air-gun or Air-pistol

14. No person shall fire a fire-arm, air-gun or air-pistol within the municipality: Provided that this provision shall not apply in the case of: -
- (a) a fire-arm fired during a bisley or shooting range;
 - (b) a fire-arm fired for the purpose of a sports meeting or shooting practice;
 - (c) a fire-arm, air-gun or air-pistol fired legally for the protection of a person or for the protection of property against robbery, theft of any other offence which includes theft; or
 - (d) a firearm, air gun or air-pistol fired on land, which is mainly used for agricultural purposes.

Extinguishing Lamps and Damaging Public Property

15. No person shall wilfully or negligently extinguish the light of any lamp, being the property of the Council, or in a manner interfere with such lamp, or deface, injure, remove, or in any way interfere with any municipal or public property or work in or along any street or in view of any street.

Disposal of Unclaimed Vehicles left or abandoned on Public Roads

16. (1) Any vehicle standing on a public road in a position or in circumstances mentioned in the National Road Traffic Act, Act 93/96 may be removed by or on behalf of the authority having jurisdiction over the place or road concerned to a safer place (municipal pound). Any vehicle or anything contained therein may, unless claimed, be sold as prescribed in the National Road Traffic Act, Act 93/96. The date, time and venue of such sale shall be specified in a notice in a newspaper circulating in Mbombela at least 14 days prior to the date of such sale.
- (2) In the event of the vehicle being claimed before the commencement of the said sale, by the owner, the following costs have to be paid :
- (a) Publication of the notice (if any);
 - (b) If towed in by a contractor, actual costs plus 10% administrative cost;

- (c) R150,00 per day storage;
Should the owner decline to pay such costs, the vehicle will be sold in accordance with section 16 (1).

- (3) The proceeds of any sale in terms of this section shall be the property of the Council.

Excavations in Streets

- 17. No person shall make or cause to be made any hole, trench, pit or excavation in any street or remove any soil, metal or concrete therefrom, unless directed thereto by a duly authorised officer of the Council.

Disfiguring and Defacing Streets

- 18. The person shall in any way deface, mark or paint on any street, or any part thereof without written permission from the Council first had and obtained: Provided that this section shall not apply to any officer or employee of the Council in the execution of his duties.

Sledges and Certain other Objects not Permitted on Streets

- 19. No person shall draw, haul, roll or propel any sledge, timber, stone, safe, cask, tank, barrel, tub or other material or article along any street otherwise than on a wheeled vehicle, or on rollers of such diameter and construction as will not destroy, injure or disturb the road surface.

Sweeping Premises in or near Streets

- 20. The occupier of premises adjoining any street shall not cause or permit any part thereof or adjacent thereto to be swept unless and until the same shall have been adequately sprinkled with water or other dust reducing medium, nor shall he cause or permit any dirt or refuse swept up to be left or in any way deposited in or upon any street. Any contravention of this section by any servant or representative of the occupier shall be deemed to be a contravention by the occupier.

Uncovered Carcasses or Animal Matter

- 21. No person shall carry or convey through or along any street the carcass of any animal or other animal matter unless the same is properly covered so as to prevent any nuisance, unsightliness or stench.

Singing or Playing Musical or Other Instruments

- 22. No person shall for profit sound or play any musical instrument or gramophone or is in any public place without the written permission of the Council thereto first had and obtained. Such permission shall be at the pleasure of the Council and may be withdrawn or cancelled at any time.

Disturbance of Public Peace

- 23. No person shall disturb the public peace in a public place, street or on private premises by making noises or causing them to be made, by shouting, quarrelling, fighting, singing or playing any type of musical or noise-creating instrument or gramophone or by means of a radio, loudspeaker or similar device, or by riotous, violent or indecorous behaviour.

Advertising by Loud-Speaking or Other Device

24. Subject to any other by-law or regulation, no person shall play or permit the playing of any gramophone, or use or permit the use of any loud-speaker or other audible device operated by electricity or otherwise for the purpose of advertising on or adjacent to any public place or which can be heard in any public place after being required to desist by any person annoyed or disturbed thereby, or by any police or traffic officer. This section shall not apply to any device operated by a police officer or a duly authorised officer of the Council acting in the course and scope of his duties.

Birds and Animals

25. No person shall keep any animal or bird on any premises fronting on any street, which is likely to cause a nuisance to any person living in the neighbourhood or to the public.

Indecent Clothing

26. No person shall be in any street or in any place within public view without being clothed, as decency requires.

Indecent Behaviour

27. No person shall in or in view of any street, or in any place or resort commit any indecent act or behave in an indecent manner by exposing his person or otherwise, or make use of any indecent gestures, or solicit, or provoke any person to commit any disorderly or indecent act.

Indecent Language or Representations

28. No person shall sing any obscene or profane song or use any profane, foul, indecent or obscene language or write, paint, draw or in any way make any indecent or obscene figures, writings, drawings or representations in or in view of any street or place of public resort or within view or hearing of any person therein.

Prohibition in Connection with Obscene Books, Drawings, Posters Etc.

29. No person shall expose to view, exhibit on show, play any gramophone record, tape recording or similar device, sell or distribute or offer for sale or distribution, any book, pamphlet, post card, photograph, placard, poster, handbill, picture, drawing or representation of an obscene, indecent, objectionable or undesirable nature, suggestive of indecency, or which may prejudicially affect public morals, peace, safety, good manners or decorum, in any street or in any place to which the public is admitted with or without payment.

Cleaning in Streets

30. No person shall clean, wash or repair a vehicle (except in the case of an accident or when reparation on the spot is necessary) or wash, clean, dry or bleach any goods whatsoever in a street or other public place.

Soliciting

31. (1) No person shall in or near any street in any way loiter or solicit or importune any other person for the purpose of prostitution or mendicancy.
- (2) No person shall in any street obstruct any other person for the purpose of soliciting or touting custom for any shop, hotel, place of entertainment or other business or function.

Street Collections

32. No person shall organise, hold or assist or be concerned with a street collection or attempt to collect money in a street for charitable or other purposes, unless and until written permission from the Council, signed by the Municipal Manager, has been obtained.

Grocery Trolleys

33. (1) No person who is the owner of any grocery trolley or who controls or has the supervision over such grocery trolley or who offers it to be used by any person, or who uses it for any purpose whatsoever, shall push, leave or abandon it or permit that it is pushed, left or abandoned in any street or public place, except a public place which is not owned by or vested in the Council.
- (2) Any grocery trolley that has been left or abandoned in any street or in any such public place, may be removed, or caused to be removed, by any authorised officer of the Council and be placed under the care of the storekeeper.
- (3) The storekeeper shall store any grocery trolley which has been placed under his care in terms of subsection (2), at the municipal store : -
- (a) such grocery trolley may be claimed by the owner thereof on payment of the prescribed storage charge;
 - (b) any grocery trolley which has not been claimed after a period of three months from the date of the publication of the said notice, shall be sold by the Council by public auction without further notice; and
 - (c) proceeds of the public auction shall be revenue in favour of the Council.
- (4) The Council shall not be liable as a result of theft, damage to or loss of any grocery trolley, or the selling thereof by public auction, and the owner of any grocery trolley shall have no claim or right or redress against the Council should such grocery trolley be handed over unintentionally to any other person other than the owner thereof after payment of the prescribed storage charge.

Parking of Heavy Motor Vehicles

34. No vehicle in excess of 3 500 kg may park on a public road for longer than 1 (one) hour after sunset and before sunrise.

Levies of Fees Payable

35. (1) Motor vehicle licence:
- (a) Taxi's kombi's and mini busses:

R62,50 per vehicle with an escalation of 25 % per year plus a further amount of R2-00 per passenger, according to the number of passengers as indicated on the competency certificate.
- (2) Duplicate motor vehicle licences:

R20-00 per duplicate.

- (3) Motor vehicle licences will be valid from 1 January to 31 December each year.
- (4) If a licence is obtained for the first time after 1 July of each year, a pro rata amount in respect of the vehicle being 50 % of the prescribed amount will be payable and the levy per passenger will be R1 per person.

Accident Reports

- 36. Photocopy or computer printed report of an accident : R50-00.

Penalties

- 37. Any person contravening any provision of these by-laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding R1 000-00 (One Thousand rand).

Storage Charges

- 38. The storage charge for any grocery trolley as contemplated in section 33(3)(b) shall be R200-00 for any period of three months or part thereof.