

No. 86

12 June 2009

ABAQULUSI MUNICIPALITY

No. 13 of 2009

I, under powers vested in me by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and after a resolution by Council in a meeting open to the public and public consultation hereby publish a set of by-laws as per schedule attached hereto.

Signed at Vryheid on this 27th day of June 2008.

M.J. MATHENYWA
MUNICIPAL MANAGER

MUNICIPALITY PUBLIC TRANSPORT BY-LAWS

Be it enacted by the Council of the Abaqulusi Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

INDEX

CHAPTER 1: DEFINITIONS	3
1. Definitions	3
CHAPTER 2: TAXI METER CAB	4
2. Driver to take shortest route	4
3. Driver to keep engagement	4
4. Operation of taxi meter cab	5
CHAPTER 3: BUSES	5
5. Stopping places	5
6. Entering and alighting from a bus	5
7. Driver to stop at stopping places	5
CHAPTER 4 : PERMIT FOR BUSES, TAXI METER CAB AND TAXI	5
8. Permits	5
9. Period of validity of a rank permit and token	7
10. Suspension of rank permit	7
11. Restrictions relating to rank permit and token	7
CHAPTER 5: GENERAL	7
12. Parking of taxi meter cab, taxi, bus	7
13. Entering and alighting from the taxi meter cab, taxi, bus	8
14. Stopping places	8
15. Engagement of passengers	8
16. Conveyance of filthy or diseased persons	8
17. Property left in taxi meter cab, taxi, bus	9
18. Queue marshal	9
19. Rank managers	9
20. Offence and penalties	10
CHAPTER 6: GENERAL PROVISIONS	10
21. Repeal of By-laws	10
22. Short title and commencement	10

CHAPTER 1

DEFINITIONS

Definitions

1. (1) In this by-law, unless the context indicates otherwise, any word or expression defined in the Act shall bear the meaning so given to it .

"authorised official " means any official of the Council who has been authorised by it to administer, implement , and enforce the provisions of these by-law;

"bus rank" means any place designated or any area demarcated for the exclusive parking of busses;

"Bus stop " means any place or area designated or demarcated as a bus stop, by a road traffic sign, for the purposes of loading and off loading passengers;

"Chief Traffic Officer " means the person appointed as such by Council, or during his or her absence, the officer acting in that capacity and includes any employee of the Council acting under control of the Chief Traffic Officer;

"Council" means the Abaqulusi Municipal Council;

"Lift club "means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such a club or the other persons designated by such members , to or from specified places for a specified purpose;

"Medical Officer of Health" means a person appointed as such under section 22 or 25 of the Health Act No 63 of 1977;

"notice" means an adequate notice in words or in sign, erected or posted in a prominent position;

"Parking bay" means any portion of a public demarcated as a parking bay or parking place for the by a road traffic sign or marking;

"Prescribe fee" means a fee determined by the Council by resolution in terms of section 10 G (7) (a) (ii) of the Local Council Government Transition Act No. 209 of 1993 or any applicable legislation.;

"Prescribe tariff " means the fares and charges prescribed by in any journey undertaken in a taxi or a bus;

"Public car park" means any land reserved as a park as indicated in the town planning maps of the..Abaqulusi Municipality.....

"Public road" means a public road a defined in the National Road Traffic Act No.93 of 1996 as amended;

"road carrier permit " means a public road permit issued in terms of the Road Traffic Transportation Act no 74 of 1977;

"Road Traffic Act " means the National Road Traffic Act No 93 of 1996 (as Amended);

"Taxi" means a public motor vehicle (other than a public bus) used for the conveyance of passengers or of passengers and goods;

"Taxi meter cab" means a motor vehicle licensed to transport passengers in return for payment of a fare;

"Taximeter" means a devise used in taxis that automatically records the distance traveled and the fare payable;

"taxi rank" means any place designated or area demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign;

"Traffic offer" means the same as the meaning in the Road Traffic Act ;

CHAPTER 2

TAXI METER CAB

Driver to take shortest route

2. (1) A driver of any taxi meter cab must, while the taxi meter cab is hired, drive to the passenger's destination along the shortest route, unless another route is agreed on or directed by the passenger;
- (2) A taxi meter cab driver must have a current map of the municipal area in his or her possession, which must be made available by the driver to a passenger on request.

Driver to keep engagement

3. (1) A driver of any taxi meter cab must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver;
- (2) Should the driver of a taxi meter cab for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another taxi meter cab, or let the passenger arrange for the transport to get to his or her destination.

Operation of taxi meter cab

4. (1) The driver of a meter taxi cab fitted with the taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taxi meter in motion, and must upon the termination of hiring immediately stop the taximeter from recording;
- (2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taxi meter from recording..

CHAPTER 3

BUSES

Stopping places

5. No driver of a bus, as defined in the National Land Transition Act No. 22 of 2000, may stop the bus for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

Entering and alighting from a bus

6. A prospective passenger of a bus, as defined in the National Transport Land Transition Act No. 22 of 2000, may only enter or alight from a bus at a stopping place designated by the Council.

Driver to stop at stopping places

7. The driver of a motor vehicle engaged in a public passenger road transport service, which at the time is not carrying the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if a prospective passenger is waiting at such stopping place.

CHAPTER 4

RANK PERMIT FOR BUSES, TAXI METER, TAXIS

Permits

8. (1) Bus, taxi, taxi meter shall hold a rank permit which shall be obtained from the offices of Chief Traffic Officer within its jurisdiction;
- (2) Any person wishing to obtain a rank permit shall submit an application to the Chief of Traffic Officer on the prescribed form obtainable from the offices of Chief Traffic Officer within his or her jurisdiction;
- (3) The Chief Traffic Officer may grant the rank permit if he or she is satisfied-
- (a) that the motor vehicle concerned -
 - (i) complies with the provisions of this chapter and any law applicable to the testing of motor vehicles prescribed by the Road Traffic Act No 93 of 1996 as amended;
 - (ii) that the taxi meter cab has been fitted with the taximeter;
 - (b) that it is permitted to operate as a motor vehicle use for hire;
 - (c) that the taxi rank fee or fees determined by Council from time to time, have been paid; and
 - (d) that the applicant is in possession of a valid certificate from the Local Road Transportation Board to operate the said motor vehicle in the area jurisdiction of the Council.
- (4) the Council may when granting rank permit, impose conditions, restrictions and requirements in respect of the motor vehicle concerned, its equipage and the use of the taxis and buses rank ;
- (5) the Council shall, with every rank permit issue, issue a token specifying-
- (a) the year for which such permit has been granted;
 - (b) the registration mark allocated to the motor vehicle;
 - (c) the make of such motor vehicle;
 - (d) the area, taxi or bus rank from which the motor vehicle may ply for hire; and
 - (e) the number of the taxi, taxi meter cab and bus approved for use by such motor vehicle;
- (6) the owner of the taxi, taxi meter cab and bus in respect of which a rank permit has been issued under these by-laws, shall advise the Chief Traffic Officer-
- (a) of any change of his or her residential and or postal address during the validity of such permit; or
 - (b) when disposing of or otherwise ceasing to be the owner of motor vehicle during the said year, the name and address of the person to

whom the motor vehicle is being disposed to or other cause of his or her ceasing to be the owner, within 31 days of the event.

Period of validity of rank permit and token

9. A rank permit and token shall be valid from the date of issue until the

Suspension of rank permit

10. (1) The Chief Traffic Officer may by notice in writing suspend the operation of the current rank permit issue in respect of any motor vehicle if it fails to comply with the requirements or restriction imposed under these by-laws;
- (2) The owner shall within 7(seven) days, upon receipt of such notice, deliver the token to the Chief Traffic Officer within his or her jurisdiction;
- (3) The suspension shall be withdrawn by the Chief Traffic Officer on condition that the owner has complied with provisions of these by-laws within 7 (seven) days and the Chief Traffic Officer is satisfied with same.

Restrictions relating to rank permit and token

- 11.(1) No person shall-
- (a) affix a token to any other motor vehicle other than the motor vehicle the token was issued for;
- (b) operate the motor vehicle -
- (i) unless the token of that taxi, taxi meter cab and bus is affixed on the left hand side of the windscreen thereof so that its face is clearly visible from the outside;
- (ii) while any token has ceased to be valid is affixed to such motor vehicle;
- (iii) while the operation of the rank permit in respect of such motor vehicle issued is suspended under section 10 above

CHAPTER 5

GENERAL

Parking of taxi meter cab, taxi, bus

12. No person may park a taxi meter cab, taxi, bus on any public road for the purpose of providing a transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribe in terms of the National Road Traffic Act No. 93 of 1996 as amended, for that motor vehicle.

Entering and alighting from the taxi meter cab, taxi, bus

13. A prospective passenger of a taxi meter cab, taxi, bus, as defined in the National Land Transport Transition Act No 22 of 2000, may only enter or alight from a bus, taxi meter cab and taxi, at a stopping place designated by the Council.

Stopping places

14. (1) No driver of a public motor vehicle, as defined in the National Land Transport Transition Act No 22 of 2000 may stop it for the purpose of picking up or settling down any passenger, except at a stopping place designated by the Council;
- (2) The driver of a public motor vehicle engaged in a public passenger road service, which at the time is not carrying the maximum number of passenger the motor vehicle is lawfully entitled to carry, must stop at any designate place if a prospective passenger is waiting at such stopping place.

Engagement of passengers

15. (1) No driver of taxi meter cab, taxi, bus, may by using force or threat, or any other offensive manner prevent or seek to prevent any person from hiring any other taxi meter cab, taxi or seek to prevent the driver of such other taxi meter cab, taxi, bus from obtaining or conveying a passenger or a load;
- (2) No person may use force, a threat or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club;

Conveyance of filthy or diseased persons

16. (1) A driver of a motor vehicle engaged in a public passenger road transport may refuse to convey or carry-
- (a) any person who is obviously in a state of filth or obviously suffering from any contagious disease; or
- (b) any dead animal except animal or poultry intended for human consumption if the animal or poultry is properly wrapped
- (2) No person who has another person in his or her care, who to his knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any taxi meter cab, taxi, bus;
- (3) No person who is obviously in a state of filth or obviously suffering from any contagiously disease may enter any taxi meter cab, taxi, bus or having entered, remain upon such motor vehicle after being requested by the driver or conductor thereof to leave the motor vehicle;
- (4) The owner, driver, conductor or any person in charge of a motor vehicle in a public passenger road transport service must immediately take steps as soon as it comes to his or her knowledge that-
- (a) any person scuffing from a contagious disease; or

- (b) the body of person who has died of such disease; or
- (c) anything which has been exposed to or contaminate with such disease;

has been conveyed in or upon such public motor vehicle engaged in a public passenger road transport service to report the matter to the Medical Officer of Health;

- (2) The owner, driver, conductor or other person must carry out the instructions issued by the Medical Officer of Health with regard to the disinfection of such motor vehicle engaged in a public passenger road transport services.

Property left in taxi meter cab, taxi, bus

- 17. (1) If any property is left in a public motor vehicle engaged in a public road transport service is not claimed within 24 hours after it has been discovered in such public motor vehicle, the driver or conductor of the public motor vehicle must-

- (a) if he or she belongs to a taxi association, take such property to the nearest office of such association;
- (b) if he or she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or
- (c) if he or she does not belong to a taxi association or use a bus depot for the purpose of the business concerned, take such property to the referent South African Police Station which have jurisdiction,

and obtained a receipt from the person with whom the property is deposited, or the officer on duty at the referent South African Police Services which has jurisdiction, as the case may be;

- (2) if the property referred to is not claimed within seven (7) days of its receipt in the office of the offices of the referent taxi association or bus depot, the person with whom it was deposited must take it to the South African Police Services.

Queue marshal

- 18. (1) A queue marshal at any rank must be clearly identifiable and must display his or her name in a conspicuous manner on his or her clothing bellow left shoulder;
- (2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger;
- (3) Where a queue marshal is controlling the entry onto taxi meter cab, taxi, bus, he or she must not allow more than the number of passengers permitted by law, to enter such taxi meter cab, taxi, bus.

Rank managers

- 19.(1) The Taxi Association may appoint rank managers to ensure passengers alight to taxis and there is no shortage of taxis in taxi ranks;

- (2) The rank managers may also assist in any manner which ensure a smooth operation of taxis in their areas which shall be stipulated by the Taxi Association;
- (3) A remuneration shall be paid by the Taxi Association to the rank managers for their assistance at the tax rank;
- (4) The rank managers shall be clearly identifiable and will take upon any grievance from the passengers about a complaint about a certain taxi or queue marshal.

Offences and penalties

20. Any person who-

- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of these by-laws;
- (d) who obstructs or hinders any authorised official of the Council in the execution of his or her duties under these by-laws,

is guilty of an offence and liable to a fine of R1000.00 and or imprisonment for a period not exceeding one year

CHAPTER 6

GENERAL PROVISIONS

Repeal of existing By-laws

21. The Council's existing by-laws are hereby repealed.

Short title and commencement

22. These by-laws shall be called the Municipal Public Transport By-laws, 2009, and shall come into operation on 12 June 2009