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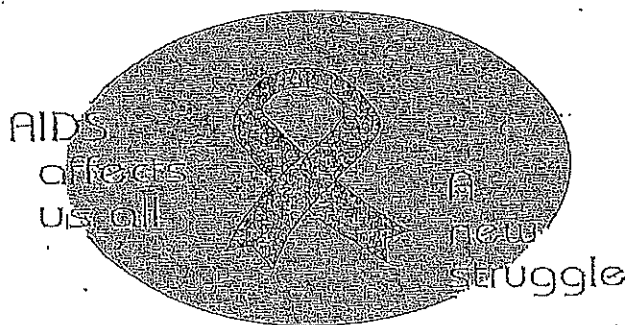
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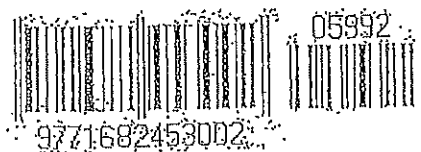


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LOCAL AUTHORITY NOTICE 33

RUSTENBURG LOCAL MUNICIPALITY

PUBLIC PASSENGER AND GOODS TRANSPORTATION BY-LAWS

Notice is hereby given in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), that Rustenburg Local Municipality has resolved to approve Metered Taxi, Minibus and Bus By-laws for the City of Rustenburg as approved by its Council as set out hereunder.

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Definitions:

- 1. In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996, (Act no 93 of 1996) and/or the regulations in terms of the National Road Traffic Act, 1996 (Act no 93 of 1996), shall have such meaning, and unless the context otherwise indicates: —

1.1 "authorized official" means any official of the council who has been authorized by it to administer, implement and enforce the provisions of these By-laws;

1.2 "Council" means:

(a) The Rustenburg Local Municipality exercising its legislative and executive authority through its Municipal Council; or

(b) Its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction where any power in these By-laws has been delegated or sub-delegated, or instruction given, as contemplated in Section 59 of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000); or

(d) A Service Provider fulfilling a responsibility under these By-laws assigned to it in terms of Section 81(2) of the Local Government Municipal Systems Act or any other Law as the case may be;

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

"metered taxi" means a passenger carrying motor vehicle designed for the conveyance of not more than 5 persons (including the driver) and which is required to be fitted with a taxi meter as contemplated in these By-laws;

1.3 "minibus" means a motor vehicle designed, or lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry from nine to eighteen (18) seated persons, excluding the driver;

1.4 "minibus taxi-type service" means a regular or frequent none scheduled Public Passenger Road Transport service authorized by a valid permit issued in terms of the relevant Provincial Legislation, provided on a fixed route or network of routes by means of a motor vehicle designed or adapted solely or principally for the conveyance of not more than 16 persons, including the driver in respect of which a valid Certificate of Fitness or Roadworthy Certificate has been issued under applicable legislation, which authorizes the

carrying of passengers, and that is not subject to restrictions in respect of fares and timetables and excludes a Metered Taxi Service;

1.5 "taxi rank" means a rank or stand established by the Council where a minibus taxi may stop for the purpose of picking up or setting down passengers;

1.6 "metered taxi service" means a public transport service operated by means of a motor vehicle which is designed, or lawfully adapted, in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry fewer than nine seated persons, including the driver, where that vehicle-

- (a) is available for hire by hailing, by telephone or otherwise;
- (b) may stand for hire at a rank; and
- (c) is equipped with a sealed meter, in good working order, for the purpose of determining the fare payable;

1.7 "public transport service" means a service for the carriage of passengers by road or rail, whether the service is subject to a contract or not, and where the service is provided for a fare or other consideration or reward, including any service that is-

- (a) A scheduled service;
- (b) An unscheduled service, which includes a minibus taxi-type service
- (c) A charter service
- (d) A long-distance service
- (e) A metered taxi service
- (f) A rail service
- (g) A tourist service
- (h) A staff service

Except if clearly inappropriate, the term "public transport" must be interpreted accordingly.

1.8 "public passenger transport" may also be referred as:

- (a) Cross-border transport
- (b) Minibus taxi
- (c) Metered taxi
- (d) Scholar transport
- (e) Midi-bus taxi
- (f) Busses
- (g) Any other transport conveying passengers for rewards.
- 1.9 "a municipal property" refers to ranks, parking bays and any designated or undesignated areas for a passenger or goods transport services.
- 1.10 "designated area" is an area which has been allocated by the municipality for a specific purpose services.
- 1.11 "undesignated area" is an area which is not designated by the municipality for a specific purpose or services.
- 1.12 "good transport" refers to any vehicle which transport goods for rewards or sale within the Rustenburg Local Municipality jurisdiction e.g.:
- (a) Vehicle trading or selling goods
- (b) Vehicle loading hazardous substances
- (c) Vehicle loading life stock
- (d) Any other related activities.
- 1.13 "midi bus" means a motor vehicle designed, or lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry from nine to eighteen (18) seated persons, excluding the driver;
- 1.14 "land transport" means the movement of persons and goods on or across land by means of any conveyance and through the use of any infrastructure and facilities in connection therewith;

- 1.15 "decol" refers to the trading rights license of the Rustenburg Local Municipality or a sticker which shall be issued at the predetermined annual fee for authority to trade or sell goods from vehicle or convey passengers within the municipal of Rustenburg.
- 1.16 "municipality" means Rustenburg Local Municipality.

CHAPTER 2

MINIBUS TAXIS

2.1 Parking and stopping of minibuses.

- 2.1(1) No person may park a minibus on any public road for the purpose of providing a public transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of the National Road Traffic Act 1996 (Act No 93 of 1996) for that vehicle or at a designated taxi rank.

- 2.1(2) No person shall stop or park a minibus on any public road for the purpose of providing a public transport service.

- 2.1(3) Notwithstanding the provisions of Section 2.1 of these By-laws, in emergency situations or at recreational and other similar functions the Council may set aside temporary taxi facilities suitably identified by the Head of Traffic for the parking and stopping of minibus taxis.

2.2 Use of taxi rank

- 2.2(1) A driver of a minibus taxi may only park and load and unload passengers at a taxi rank at the platform allocated by Council according to the route and/or destination to be travelled by the specific minibus taxi.

- 2.2(2) A driver of a minibus taxi shall, when plying for hire at a taxi rank at the applicable platform, do so in a queue and shall:-

- (a) place his taxi in the first vacant place available in such queue immediately behind any other taxi already in a front position;

- (b) move his taxi forward in such queue as a vacancy occurs.
- 2.2(3) No driver of a minibus taxi shall, when plying for hire at a taxi rank —
- (a) place his taxi ahead of any taxi in such queue which arrived and has taken up a position in the front of such queue before he did;
- (b) if his taxi is not the first taxi in the front of such queue and any person calls for a taxi, respond to such call unless such person clearly indicates his preference for a taxi not in front of the queue.

2.2(4) No person shall park or stop a minibus taxi, which is not in good working order as required by the relevant legislation or regulations framed thereunder, in a taxi rank or cause or permit such a minibus taxi to remain in a taxi rank.

2.2(5) No driver of a minibus taxi shall enter a taxi rank, park or stop at a taxi rank, load or unload passengers at a taxi rank or remain in a taxi rank if such driver is not in possession of a professional driving permit as prescribed by Section 32 read together with Regulation 115 of the National Road Traffic Act, 1996 (Act No 93 of 1996) and/or a valid public driving permit making provision for the route to be followed by the applicable minibus taxi and issued in terms of the relevant legislation.

2.2(6) No person shall repair or maintain a minibus taxi in any way whatsoever at a taxi rank except if such provision is made for this purpose.

2.2(7) No person shall wash any minibus taxi at the taxi rank except at a wash base specially constructed for such purpose.

2.3 Engagement of passengers.

2.3(1) No driver of a minibus or taxi, or any other person may by using force or a threat, or in a clandestine manner or by any other means prevent or seek to prevent any person from hiring any other minibus taxi or seek to prevent the driver of such other minibus taxi from obtaining or conveying a passenger or a load.

2.3(2) The driver of a minibus taxi may not use a hooter or sounding device to attract potential passengers or customers.

2.4 Behavior and clothing of drivers.

2.4(1) Every driver of a minibus taxi shall be cleanly and decently clothed, properly groomed, shall conduct himself in a proper, civil and decorous manner, and shall refrain from using insulting language or conduct himself/herself in an improper or unbecoming manner.

2.4(2) No driver of any minibus taxi shall: -

(a) while engaged under hire, take alcoholic liquor or smell of such liquor and/or

(b) without the consent of the passengers smoke any tobacco or other substance whilst engaged under hire.

2.5 Failing or refusing to pay or attempting to evade payment of the fare due.

2.5.1 No passenger in or on a minibus taxi may fail or refuse to pay any fare due by such passenger.

2.6 Furnishing of name and address by person conveyed in or on a minibus taxi.

2.6.1 Any person conveyed in or on a minibus taxi who has failed or refused to pay any fare due by him or her, must when requested to do so by the driver state his or her correct name and address.

2.7 Conveyance of filthy or diseased persons.

2.7(1) A driver of a minibus taxi 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 animals or poultry intended for human consumption if the animal or poultry is properly wrapped.

2.7(2) No person who has another person in his or her care who to his or her knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any minibus taxi.

2.7(3) No person who is obviously in a state of filth or obviously suffering from any contagious disease may enter any minibus taxi or having entered, remain upon such vehicle after being requested by the driver thereof to leave the vehicle.

2.8 Disinfection of minibus taxi.

2.8(1) The owner, driver or any other person in charge of a minibus taxi must take immediate steps as soon as it comes to his or her knowledge that —

- (a) any person suffering from a contagious disease; or
(b) the body of any person who has died of such disease; or

(c) anything which has been exposed to or contaminated with such disease, ~~has been conveyed in or upon such minibus taxi, to report the matter to the Medical Officer of Health.~~

2.8(2) Any owner, driver or other person referred to in subsection (1) must carry out every instruction issued by the Medical Officer of Health with regard to the disinfection of such minibus taxi.

2.9 Driver's right to refuse to convey passengers.

2.9(1) The driver of a minibus taxi may, if he or she so decides, or at the request of any passenger, refuse to convey any person who is obviously in a state of intoxication or who is noisy or rowdy or otherwise misbehaving himself or herself.

2.9(2) No person referred to in subsection (1) may remain in or upon such minibus taxi after having been requested by the driver or conductor thereof to leave the minibus taxi.

2.10 Possession of dangerous or offensive articles.

2.10(1) If the driver of a minibus taxi reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm as described in subsection (2), the driver or any other passenger may request the first mentioned passenger to hand such article to the driver.

2.10(2) If a passenger is in possession of a fire-arm, the driver may request the passenger to display a valid license for such fire-arm or, if the passenger is required to carry the fire-arm as a member of the National or a Municipal Police Service established in terms of the South African Police Act, 1995, or as a member of the National Defence Force established under the Defence Act, 1957, the driver may request the passenger to display the current identity document which was issued to the passenger by such service or force.

2.10(3) If the passenger refuses to hand the article referred to in subsection (1), or fails to display the license or identity document referred to in subsection (2), to the driver, the driver may refuse engagement to the passenger.

2.10(4) The article referred to in subsection 11(1) must be returned to its owner at the conclusion of his or her journey.

2.11 Clean vehicle.

2.11(1) The owner and the driver of any minibus taxi must keep the vehicle clean and in neat condition at all times while engaged in public passenger road transport services.

2.11(2) The owner and the driver of any minibus taxi is not allowed to drive without shoes or proper shoes.

CHAPTER 3

METERED TAXIS

3.1 No person shall use or allow to be used a metered taxi unless it is fitted with a tested and sealed taxi meter which is in working order.

3.2 Operation of taxi meters.

3.2(1) The driver of a metered taxi, fitted with a taxi meter 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 taxi meter from recording.

3.2(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.

3.3 Driver to take shortest route

3.3(1) A driver of any metered taxi must while the metered taxi is hired, drive to the passenger's destination along the shortest route unless another route is agreed on or directed by the passenger.

3.3(2) A metered taxi driver must have a current map of the municipal area in his or her possession and must be made available by the driver to a passenger on request.

3.4 Driver to keep engagement

3.4(1) A driver of any metered taxi must convey a passenger and his or her goods to the destination agreed upon the passenger and the driver.

3.4(2) Should the driver of a metered taxi for any reason whatsoever be unable to convey the passenger and the passenger's goods to the agreed destination, such driver must take all reasonable steps to arrange another metered taxi for the passenger or let the passenger arrange for transport to get to his or her destination.

3.5 Taxi meter seals to be kept intact.

3.5(1) All seals affixed to any taxi meter shall at all times be kept intact and undamaged by the holder.

3.5(2) The driver of the metered taxi shall forthwith upon accidental breakage or detachment of the seals to a taxi meter, and before such taxi is used as a passenger carrying vehicle, apply to the Chief Traffic Officer or any organization approved by the Council to replace or renew the seal or seals.

CHAPTER 4.

BUSES

4.1 Stopping places.

4.1.1 No driver of a bus may stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

4.2 Entering and alighting from a bus.

4.2.1 A prospective passenger of a bus may only enter or alight from a bus at a stopping place designated by the Council.

4.3 Driver to stop at stopping places.

4.3.1 The driver of a bus 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.

4.4 Engagement of passengers

4.4(1) Drivers shall not play high sound music whilst commuters are on board.

4.4.2 Drivers shall not use vulgar or insulting words against commuters on board of the taxi.

CHAPTER 5

GOODS TRANSPORTATION AND TRADING FROM VEHICLES

- 5.1 No person shall park or stop a goods vehicle on any public road for the purpose of transporting/trading/selling with the vehicle or goods except in a designated area provided by the Rustenburg Local Municipality.

- 5.2 Vehicle transporting hazardous substances or dangerous goods. The driver shall be in possession of a permit.

- 5.3 No person shall transport livestock on a public road without a permit.

CHAPTER 6

LAW ENFORCEMENT

- 6.1 Permit to be produced on demand.

- 6.1.1 Any duly authorized official may call upon the driver of any minibus taxi, metered taxi, bus, or motor vehicle to stop and may demand from him-

- 6.1.1(a) To produce any permit which the driver is required to have in terms of any legislation or regulations;

- 6.1.1(b) To give his full name and address and also the name and address of the owner of the minibus taxi, metered taxi or bus.

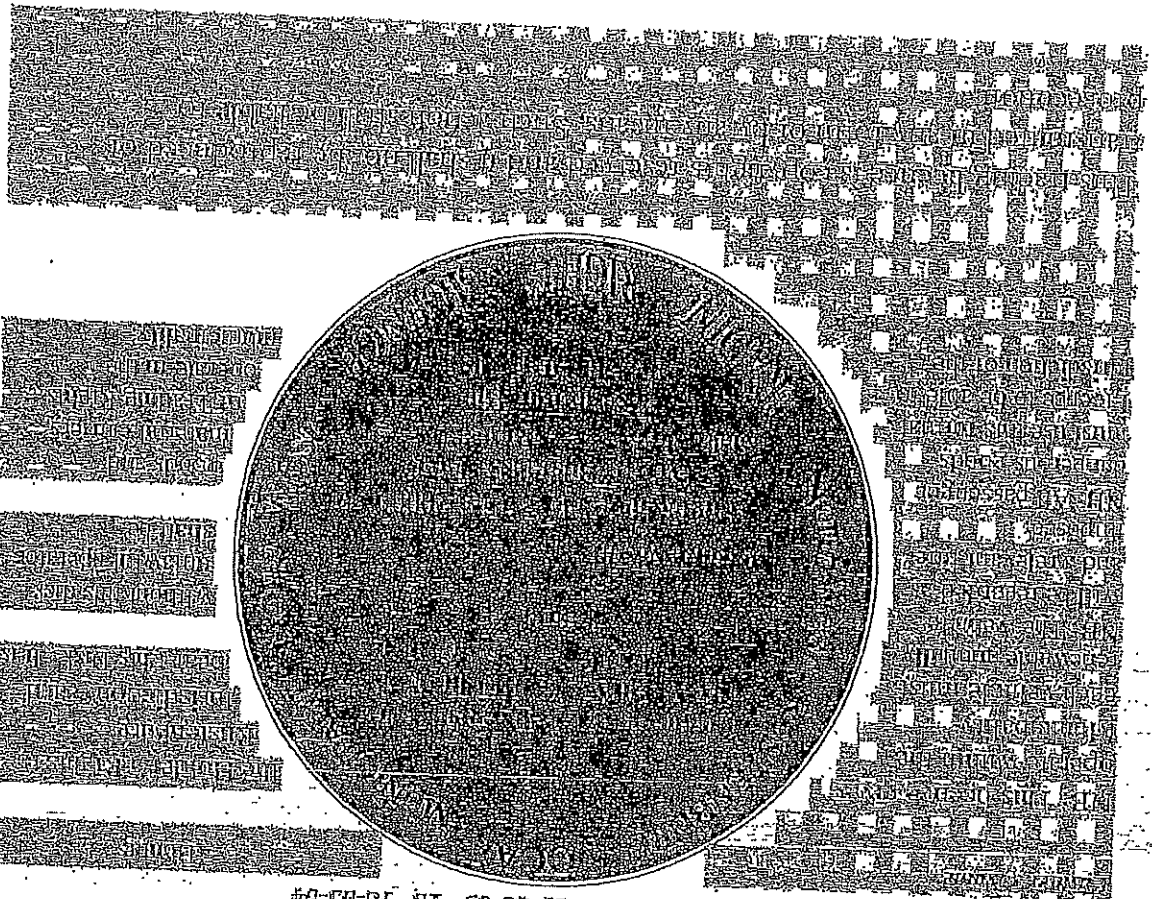
- 6.2 Transport Trading Rights Licence or Decol

- 6.2.1 All taxis and buses using Rustenburg taxi/bus rank and other designated ranks within the jurisdiction of Rustenburg Local Municipality shall have trading rights licence at the cost fee determined by the municipality.

6.2.2 Vehicles used for trading (hawkers), conveying passengers to and from work, scholar transport and or metered taxis shall have a trading rights licence as stipulated in paragraph 6.2.1.

6.2.3 No public vehicle may be used within the boundaries of Rustenburg Local Municipality unless is in the possession of trading rights licence obtained from the Rustenburg Local Municipality. This licence must be displayed on the vehicle.

6.2.4 Any person operating without this trading rights licence is committing an offence.



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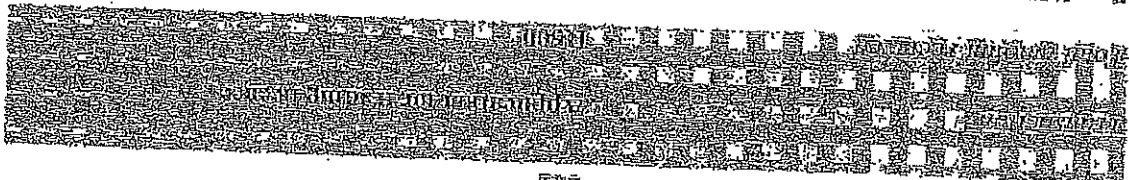
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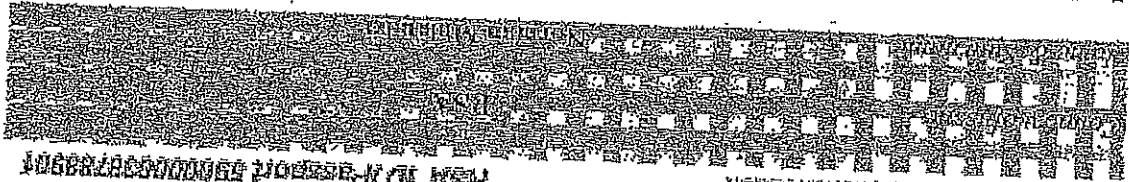
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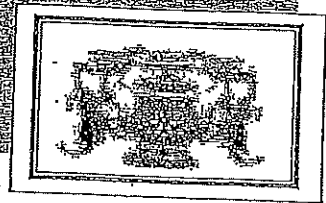
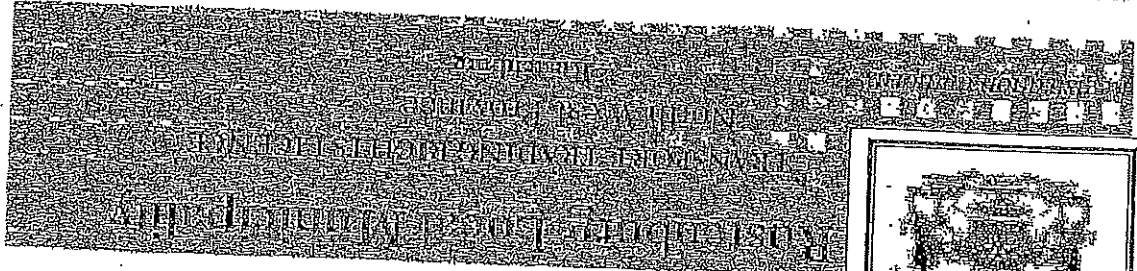


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CHAPTER 7

OFFENCES AND PENALTIES

7.1 PENALTIES

7.1.1 Any person who contravenes or fails to comply with, or who causes, permits or encourages any person to contravene or fail to comply with the provisions of these By-laws or any notice given in terms thereof shall be guilty of an offence and liable upon conviction to a fine not exceeding R2 500.00 or imprisonment not exceeding a period of 6 months or to both such a fine and such imprisonment.

7.2 IMPOUNDMENT:

7.2.1 Any authorized officer who is satisfied on reasonable grounds that a motor vehicle is being used by any person for the operation of public transport within the Rustenburg Local Municipality area without the necessary operating license or permit or operating in the municipal property with unlicensed or unpermitted vehicle, shall impound the vehicle pending the investigation and prosecution of that person for the offences as stipulated in Section 127 (1)(a) or (b) of National Land and Transport Transition Act No. 22 of 2000. The vehicle shall be impounded for 14 days at a cost determined by the municipality.

CHAPTER 8

GENERAL

8.1 Date of commencement.

8.1.1 These By-laws shall come in operation after being published in the Provincial Gazette.

8.2 Short Title

8.2.1 These By-laws is called the Public Passenger and Goods Transportation By-laws.

8.3 Repeal of by-laws

8.3.1 Any by-laws which were previously applicable and related to by-laws on public passenger and goods transportation are hereby repealed.

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