



RUSTENBURG LOCAL MUNICIPALITY

REVIEW: PUBLIC PASSENGER AND GOODS TRANSPORTATION
BY-LAW - 2021

To provide for the management and regulation of public passenger and goods transportation within the area of jurisdiction of the Rustenburg Local Municipality;
To provide for the enforcement of this By-law; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Rustenburg Local Municipality recognizes that public transportation is a significant part of its competitiveness strategy and acknowledges that goods and passenger transportation have an important role in modern cities to enhance safe and secured mobility and social cohesion in communities, support urban rejuvenation and economic growth;
WHEREAS the Rustenburg Local Municipality aims to effectively regulate public transportation in a manner that ensures proper management thereof;
WHEREAS the Rustenburg Local Municipality wishes to support the co-ordination and collaboration between all role-players, to promote partnerships and to enhance the effect of safe mobility in the City;
AND WHEREAS the City wants to ensure that public transportation happen safely and securely in a coordinated and regulated manner in the Rustenburg Local Municipality;
AND NOW THEREFORE, BE IT ENACTED by council of the Rustenburg Local Municipality, as follows: —

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CHAPTER 1

GENERAL

1. Definitions:

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 bus means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- 1.3 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 this bylaw 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 this bylaw assigned to it in terms of Section 81(2) of the Local Government: Municipality Systems Act or any other Law as the case may be;
- 1.4 financial year means a year starting on the first day of July of any year and ending on the last day of June of the next year;
- 1.5 motor vehicle means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- 1.6 Municipality means the Rustenburg Local Municipality;
- 1.7 Municipal Manager means the person appointed by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- 1.8 municipal taxi rank means an area demarcated in terms of section 2(2) to be used by taxis displaying valid parking permit discs to park and load and off-load passengers and shall include the waiting area of such taxi rank;
- 1.9 municipal traffic officer means a traffic officer appointed by the Municipality in terms of the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or an Act repealed by that Act, as the case may be;

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- 1.10 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);
- 1.11 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 (9) to eighteen (18) seated persons, excluding the driver;
- 1.12 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 35 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;
- 1.13 taxi means any motor vehicle, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and taxi rank means a rank or stand established by the Council where a minibus taxi may stop for the purpose of picking up or drop off of passengers;
- 1.14 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, 1986 (Act No. 29 of 1989), to carry fewer than nine (9) 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
- 1.15 parking permit disc means a disc issued in terms of section 4 to be displayed by a taxi making use of a municipal taxi rank;
- 1.16 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.

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- 1.17 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
 - (d) Any other transport conveying passengers for rewards.
- 1.18 a municipal property refers to ranks, parking bays and any designated or undesignated areas for a passenger or goods transport services.
- 1.19 designated area is an area which has been allocated by the municipality for a specific purpose services.
- 1.20 undesignated area is an area which is not designated by the municipality for a specific purpose or services.
- 1.21 goods 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.
- 1.22 midi bus means a motor vehicle designed, lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry from nine (9) to eighteen (18) seated persons, excluding the driver;
- 1.23 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..24 NLTA means the National Land Transport Act, 2009 (Act No. 5 of 2009);
- 1.25 Rapid Transport Lane means a rapid transport lane as defined in regulation 1 of the National Road Traffic Regulations and demarcated by the City on a public road by means of appropriate road traffic signs, which may either be a lane permanently dedicated for the sole use of rapid transport vehicles, or a priority lane that is set aside for the exclusive use of public transport vehicles during certain times of the day;
- 1.26 Rapid Transport Vehicle means a rapid transport bus, rapid transport bus train, rapid transport complementary bus, rapid transport complementary bus-train, rapid transport feeder bus or rapid transport feeder minibus as defined in regulation 1 of the National Road Traffic Regulations;

CHAPTER 2

2.1 MUNICIPALITY MAY ESTABLISH, MAINTAIN AND MANAGE MUNICIPAL RANKS

- 2.1(1) The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal taxi ranks.
- 2.1(2) The municipality may through a council resolution, outsource the general management and maintenance of the rank subject to terms and conditions agreed upon by the municipality and affected stakeholders, taxi associations or taxi council, hawker's forum and affected business owners.
- (2) A Municipal rank must be demarcated by notice in the provincial gazette.
- (3) At the entrance of each municipal rank, as well as at the entrance of its waiting area, a signboard must be displayed setting out the rules to be observed at that rank or area, respectively, by –
- (a) taxi and bus drivers.
 - (b) taxi owners or bus company; or
 - (c) members of the public, who enters rank or makes use of services at that rank or area.
- (4) Rules contemplated in subsection (3) must be duly adopted and enforced by all affected stakeholders.

2.2 Taxis to display parking permit discs when being driven into or parked at municipal taxi ranks

- 2.2 (1) No taxi shall be driven into or parked at a municipal taxi rank without displaying a valid parking permit disc attached in the manner set out in subsection (2).
- (2) The parking permit disc referred to in subsection (1), shall be displayed on the left side of the front windscreen of the taxi, in such a manner that the face thereof may be clearly visible to, and the inscriptions thereon easily legible by a person standing in front of or to the left front of the taxi.
- (3) A parking permit disc shall –
- (a) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

2.3 Application for, issue and duration of a parking permit disc

- 2.3. (1) The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.
- (2) An application for the issue of a parking permit disc must –
- (a) be in the form determined by the Municipality;
 - (b) be directed to the Director Roads and Transport;
 - (c) be accompanied by the fees determined by the Municipality;
 - (d) in respect of the next ensuing financial year, be made no later than the last day of June of each year.
- (3) On receipt of the application, the Director Roads and Transport must consider the application and, no later than the last day of June of the year concerned –
- (a) issue the parking permit disc to the applicant; or

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- (b) in writing, notify the applicant that the application was not successful, stating the reasons for his or her decision.
- (4) If an application was turned down by the Director Roads and Transport –
- (a) because of a shortcoming in the application that can be rectified by the applicant, the applicant may rectify the shortcoming and, without the payment of any further fee, submit the application again;
 - (b) for any other reason, a new application for the same period may not be brought for the same taxi, but the applicant may appeal against the decision of the Director Roads and Transport, in which case the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall mutatis mutandis apply.
- (5) In the case where application for the issue of a parking permit disc is made during a financial year for the remainder of that financial year, the Director shall process and finalise the application within a reasonable time.
- (6) The owner of a taxi, making use of a municipal taxi rank, must –
- (a) at all times keep written record of the identity of the driver of such taxi at any specific time, if he or she is not the driver of the taxi concerned;
 - (b) keep such records for at least one year after the end of the financial year in which it was made; and
 - (c) on request by any traffic officer, make the records available for inspection by the Municipality or any other authority.
- (7) A parking permit disc shall lapse at the end of each financial year.

2.4. Presumption that owner drove or parked taxi

2.4.1 Notwithstanding the provisions of section 4(6), the provisions of section 73 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), shall, mutatis mutandis apply to a taxi making use of a municipal taxi rank.

2.5 Seizure and impoundment of taxis at municipal taxi ranks

- 2.5 (1) Over and above any prosecution in terms of this By-law, a traffic officer may seize and impound a taxi at a municipal taxi rank or any public road for a period of 7 days –
- (a) if the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);
 - (b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or
 - (c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a traffic officer to terminate such contravention, persists in his or her actions.
- (2) A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.
- (3) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

2.6 Allocation of taxi ranks and stands

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2.6.1. (a) This section shall apply to all ranks and stands which have been or may hereafter be set aside by the municipality as special parking places or stands for taxis authorised to use them by a permit issued in terms of this Bylaw.

(b) The setting aside of special parking places or stands shall be effected and defined by erecting, marking or placing at such places (whether on a public road or not) as the municipality may determine of the appropriate road traffic signs and markings prescribed for taxi ranks on public roads by the Regulations made in terms of the Road Traffic Act 19/1989, as amended from time to time or, in the case of special parking places or stands not on a public road of signs and markings similar to such signs and markings so prescribed.

(c) Subject to the provision of subsection 2.6.1 (a) hereof, no provision of this bylaw shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.

(d) Notwithstanding the provisions of subsection (c) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of this bylaw which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards for such facilities.

2.6.2 (a) No person except the driver of a taxi in respect of which a permit to use the same has been issued under this bylaw shall cause or permit any vehicle to stand upon any such parking place at any time.

(b) It shall be unlawful for any person to cause or permit any taxi to stand upon such special parking place during the period or periods when the stopping any vehicles therein is prohibited in terms of a road traffic sign erected or displayed thereat or while such parking place is temporarily closed in terms of this bylaw.

(c) No owner or driver of a taxi shall allow the same to stand in any public road for the purpose of plying for hire, except on a rank or stand established and demarcated as such by a traffic sign and markings in terms of the said Bylaws.

(d) The driver shall remain in charge of such taxi during the whole time it occupies such rank or stand, provided that any driver may not leave his taxi unattended on the stand for a period not exceeding 45 minutes.

(e) It shall be unlawful for any person to park, or allow, cause or permit to be parked, any taxi in respect of which a permit has been issued in terms of this bylaw in any rank other than the rank allocated to it and specified in such permit; provided that such taxi may be parked in any communal rank specified in the permit without the payment of any further fee.

2.6.3 (1) Application for a permit to use any such special parking place shall be made in writing to the Director Roads and Transport by the owner of the taxi or taxis in respect of which the permit it sought. Such application shall be made in the form prescribed in the Second Schedule to these Bylaw and shall disclose:

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- (a) The full name of the applicant and address or, if the applicant is a partnership or a company, the full names of all the partners or directors thereof;
- (b) The make, type, seating capacity and registration number of the taxi or taxis concerned;
- (c) The length of time during which the applicant has engaged in the business of transporting passengers for reward by taxi;
- (d) The number and date of the motor carrier exemption certificate issued by the applicable regulatory authority, either the Municipal Regulatory Authority or the Provincial Regulatory Authority in respect of the taxi or taxis concerned.

2.6.3 (2) A permit issued in terms of this Bylaw shall not be transferred to any other person without the prior written approval of the Director Public Safety.

2.6.3(3) The Director Roads and Transport or his or her may replace a permit or a disc which has been lost or has become damaged on payment of a fee R100 and submission of an affidavit setting out the circumstances occasioning such loss or damage.

2.6.3 (4) A permit so issued shall at all times be carried in or upon the taxi to which it relates, and the driver thereof shall exhibit it to any member of the Traffic Department or SAPS upon demand. Failure to exhibit such permit on demand shall make the driver of such taxi guilty of an offence.

2.6.3 (5) A disc issued in terms of section (5) shall at all times be displayed at the lower near side corner of the windscreen of the taxi to which it relates. Failure to display such disc as aforesaid shall make the driver of such taxi guilty of an offence.

2.6.3 (6) Applications for the renewal of any permit for the following year shall be made to the Director Roads and Transport or his or her delegate not later than the 1st day of December in each year in the same manner as provided in Section 3 of this Bylaw. Applications for renewal made after 1st December aforesaid shall be treated as applications for new permits.

2.6.3 (11) No application for renewal lodged before the 1st day of December shall be refused except on the ground that the applicant has been guilty of misconduct.

2.6.4 The municipality shall be entitled:

(a) To cancel or to refuse to renew any permit if the motor carrier exemption certificate of the vehicle to which the permit relates is cancelled or withdrawn or is not renewed; or, if the permit was granted on incorrect information furnished by the applicant in terms of sub-section 2.6.3 (5) of this bylaw.

(b) To Temporarily close any stand established under this bylaw and to establish elsewhere another temporary stand in lieu thereof; such temporary closure and

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establishment shall be deemed to have been effected by the display of notices thereof at or near to the stands concerned, without amendment of this bylaw, and during any such temporary closure any permit issued in respect of the stand so closed shall be deemed to relate to the stand established in lieu thereof.

2.6.5 If at any time the taxi to which a permit relates is under repair, or if for any other reason the owner thereof so desires, the municipality may, by endorsement upon the permit, authorise the substitution of another vehicle therefore either temporarily or for the duration of the permit.

2.6.6. No rights possessed by the holder of any permit under this bylaw or under such permit shall operate to debar the Council from permanently closing or removing any stand established hereunder or from amending this bylaw or the Annexures appended hereto. Provided, however, that no stand shall be permanently closed or removed until after the expiry of three months' written notice to the holders of any current permits issued in respect thereof in terms of this bylaw.

CHAPTER 3

MINIBUS TAXIS

3.1 **Parking and stopping of minibuses.**

- 3.1(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 Traffic Act, 1996 (Act No. 93 of 1996) for that vehicle or at a designated taxi rank.
- 3.1(2) No person shall stop or park a minibus on any public road for the purpose of providing a public transport service or for any other reason.
- 3.1(3) Notwithstanding the provisions of Section 2.1 of this By-law, in emergency situations or at recreational and other similar functions the municipality may set aside temporary taxi facilities suitably identified by the Director Roads and Transport in liaison with Director Public Safety for the parking and stopping of minibus taxis.

3.2 **Use of taxi rank.**

- 3.2(1) A driver of a minibus taxi may only park and load and unload passengers at a taxi rank at the platform allocated by the municipality according to the route and/or destinations to be travelled by the specific minibus taxi.
- 3.2(2) A driver of a minibus taxi shall, when plying for hire at a taxi rank at the applicable platform, do so in 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.
- 3.2(3) No driver of a minibus taxi shall, when plying for hire at a taxi rank: -

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- (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 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.
- 3.2(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 rank.
- 3.2(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 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.
- 3.2(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.
- 3.2(7) No person shall wash any minibus taxi at a taxi rank except at a wash base specially constructed for such purpose.

3.3 Engagement of passengers.

- 3.3(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.
- 3.3(2) The driver of a minibus taxi may not use a hooter or sounding device to attract potential passenger or customers.

3.4 Disinfection of minibus taxi.

- 3.4(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) a contagious disease, virus or pandemic exist, and
 - (b) there are health protocols introduced by the Department of Health to be followed; 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.
- 3.4(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.

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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 municipality.
- 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 municipality.
- 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.

CHAPTER 5

RUSTENBURG RAPID TRANSPORT

- 5. Use of rapid transport lanes
- 5.1 Where a rapid transport lane or any other lane on a public road has been set aside for the exclusive use of one or more types of rapid transport vehicles by means of appropriate road traffic signs, no one may, subject to subsection (2)
 - (a) drive any motorised or non-motorised vehicle in or on such a lane except a bus or other vehicle authorised by the City to use the lane;
 - (b) park or leave any vehicle in such a lane at any time;
 - (c) leave or deposit any object, refuse or other thing in such a lane; or
 - (d) enter or cross the lane on foot except at a designated pedestrian crossing or traffic signal where such crossing is permitted.
- 5.2 The driver of a vehicle may enter a lane contemplated in subsection (1) if–
 - (a) he or she cannot enter or leave any premises adjacent to such a lane without doing so, and then only insofar as necessary to be able to enter or leave those premises: provided that such a driver may not turn right over such a lane;
 - (b) he or she cannot enter or leave any public road without encroaching on such lane;
 - (c) he or she intends turning at the next intersection, but only if no turning lane is provided;
 - (d) in compliance with the direction of an authorised officer, authorised official, marshal or the Central Control Centre.
- 5.3 Subsection (1) does not apply in case of emergencies to–
 - (a) a firefighting vehicle or firefighting response vehicle;
 - (b) an emergency medical response vehicle or ambulance;
 - (c) a vehicle engaged in civil protection in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - (d) an authorised officer driving the vehicle in the execution of his or her duties.

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- 5.4 This by-law is in addition to, and not in substitution of, regulation 296A of the National Road Traffic Regulations.
- 5.5 An authorised officer may impound a vehicle left, parked or driven in a rapid transport lane in contravention of this section pending the investigation and prosecution of the relevant offence, in which case the vehicle must be dealt with in terms of Chapter 3 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- 5.6 Where a rapid transport lane has been demarcated as a time-plated rapid transport lane, this section will apply only to the times when the lane may not be used by the public, except for subsection (1)(c).

5.7 Rapid transport stations:

- 5.7.1 No one, except an authorised officer, authorised official, marshal or person authorised by the City to do so, may enter that portion of a rapid transport station set aside for the boarding of vehicles without being in possession of a ticket to use the rapid transport service.
- 5.7.2 No one may, in the rapid transport system, in a rapid transport station or on a rapid transport bus, as the case may be—
- (a) eat or drink anything except in a restaurant, coffee shop or similar establishment in that station;
 - (b) loiter, except for the purpose of waiting to board a rapid transport vehicle;
 - (c) jump over or cross a ticket gate except in the permitted manner;
 - (d) attempt to open the doors of such a bus except by signalling to the driver to do so;
 - (e) tamper with or damage any fixtures or other property;
 - (f) enter a portion of the station to which entry is barred by a sign displayed to that effect;
 - (g) tamper with or damage any electronic equipment, fibre-optic cables and any installation or structure relating thereto; or
 - (h) perform any other act that is prohibited in such a station or on any public transport vehicle
- 5.7.3 An authorised officer, authorised official or marshal may, in a rapid transport station request any person to—
- (a) produce a ticket or Fare media card for use of the rapid transport service;
 - (b) desist from any activity that is prohibited by these By-Laws or another law; and
 - (c) to leave the station where his or her presence is in contravention of these By-Laws or another law.
- 5.7.4 A person so requested must comply with the request forthwith.

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CHAPTER 6

NON-MOTORISED TRANSPORT

6. Obstructing sidewalks:

- 6.1 No vehicle, road traffic sign, advertising sign, pole, barrier or other obstruction may be erected or placed on a sidewalk that obstructs the free movement of pedestrians, unless it is essential to do so for reasons of safety or security, or for another reason that is acceptable to the Municipal Manager.
- 6.2 No one may place any building material, goods, boxes, pipes or other objects on a sidewalk for longer than is necessary for loading purposes or where the sidewalk is temporarily part of a building site and appropriate road traffic signs have been erected to signify that it is a building site.
- 6.3 Where hawking or street vending is permitted on a sidewalk in terms of any law, no hawker or vendor may position his or her wares or furniture in such a position that the sidewalk is obstructed.
- 6.4 Where an authorised officer or authorised official perceives that a person is obstructing or blocking a sidewalk in contravention of this section, he or she may direct that person to remove the obstruction or blockage, and that person must comply with the direction forthwith.

CHAPTER 7

GOODS TRANSPORTATION AND TRADING FROM VEHICLES

- 7.1 No person shall park or stop 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.
- 7.2 For Vehicle transporting hazardous substances or dangerous goods; the driver shall be in possession of a permit.
- 7.3 No person shall transport livestock on a road without a permit.

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CHAPTER 8

LAW ENFORCEMENT

- 8.1 Council shall be responsible for implementing sections 85 to 91 (in its entirety) of the NLTA.
- 8.2 Council shall be responsible for the implementation of section 57 of the National Road Traffic act 93 of 1996 in so far as it relates to public transport law enforcement.
- 8.3 Without prejudice to subsections (1) or (2), council shall be responsible for enforcing safety in relation to the use of the City's public transport network and related infrastructure and facilities.
- 8.4 Council will make appropriate use of the TIC and related technology, and shall work with other relevant authorities and stakeholders in order to discharge its responsibilities under this chapter 8.
- 8.5 Council shall, on a monthly basis, provide appropriate data in relation to its activities under this chapter to the Monitoring and Evaluation Function.
- 8.6 Permit to be produced on demand.
- 8.6.1 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-
- 8.6.2 (a) To produce any permit which the driver is required to have in terms of any legislation or regulations;
- 8.6.2(b) To give his full name and address and also the name and address of the owner

AGENDA: COUNCIL: 27 JULY 2021

CHAPTER 9

OFFENCES AND PENALTIES

- 9.1 PENALTIES
 - 9.1.1 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 this bylaw or any notice given in terms thereof shall be guilty of an offence and liable upon conviction to a fine not exceeding R5000.00 or imprisonment not exceeding a period of 6 months or to both such a fine and such imprisonment.
- 9.2 IMPOUNDMENT:
 - 9.2.1 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 municipality 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 Transport Act No. 5 of 2009*. The vehicles shall be impounded for 14 days at a cost determined by the Municipality.

CHAPTER 10

GENERAL

- 10.1 Date of commencement
 - 10.1.1 These By-law shall come in operation after being published in the Provincial Gazette.
- 10.2 Short Title
 - 10.2.1 This By-law is called the Public Passenger and Goods Transportation By-law of 2021.
- 10.3 Repeal of by-laws
 - 10.3.1 Any by-laws which were previously applicable and related to by-laws on public passenger and goods transportation are hereby repealed.