

Kgatelopele Local Municipality

Draft: Traffic/Roads By-law

1. Definitions

In these by-laws, unless the context indicates otherwise,

"Abnormal vehicle" means a vehicle or a combination of vehicles which do not comply with the relevant provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and which is otherwise not fit to be used on a public road;

"Act" means the National Road Traffic Act, 1996 (Act No.93 of 1996)

"Council" means the Council of Kgatelopele Municipality or any political structure, political office bearer, councilor or any staff member acting under Council's delegated or sub-delegated power;

"Gathering" means an assembly, concourse or procession of one or more persons, in support of or against a person, cause, action of failure to take action,

"Municipal Manager/City Manager" means the person appointed by the Council of the municipality as Municipal Manager and shall include any person acting in that position or to whom authority is delegated.

"Traffic Chief/Chief of Traffic" means the Traffic Chief appointed by the Municipality in terms of the provisions of the Act or his delegate;

2. Purpose of by-law

2.1 To provide for the regulation of traffic control, and road safety within the area of jurisdiction of the Municipality, and to provide for matters incidental thereto.

3. Scope of application

This by-law applies to:

- 3.1 All public roads and streets within the area of jurisdiction of the Municipality
- 3.2 Everyone using or found in the public roads and streets of the Municipality; and
- 3.3 Every property within the area of jurisdiction of the Municipality

4. Temporary traffic guards and signallers

- 4.1 A person appointed as a temporary traffic guard or signaller is under the direct control and for the assistance of the Traffic Chief in order to properly control any abnormal existing or expected traffic congestion or pedestrian volume.
- 4.2 A traffic guard or signaller must be in possession of a letter of appointment and must wear a uniform or distinguishing badge as determined by the Municipality.
- 4.3 A traffic guard or signaller must carry out all duties and instructions which, in the opinion of the Traffic Chief, are necessary for proper and safe traffic control.
- 4.4 A traffic guard or signaller is appointed to perform his duties within the area of jurisdiction of the Municipality.
- 4.5 Except for the powers and duties as set out in this section, traffic guard or signaller may—
 - 4.5.1 require from the driver of a vehicle to stop such vehicle;
 - 4.5.2 control and regulate traffic on a public road; and

- 4.5.3 give those instructions which are necessary for the safe and efficient control of such traffic.
- 4.6 Any person who fails to comply with any instructions or order given to him by a traffic guard or signaller or who complies therewith in such a manner as to defraud, or who hinders or obstructs such an official in the performance of his duties is guilty of an offence.
- 4.7 If the Traffic Chief is of the opinion that traffic control measures in the form of traffic assistance by temporary traffic guards or signallers of the Municipality are under certain circumstances necessary, such traffic assistance shall be rendered on payment of the fee as from time to time determined by the Council by means of resolution.
- 4.8 A fee accordingly (in policy) may be imposed as deemed necessary.

5. Letting of temporary traffic signs

- 5.1 The Municipality may let temporary traffic signs to the public on such conditions as it may determine and for such purposes as it may approve of for the orderly control of traffic on or near a public road.
- 5.2 The rental and deposit for a temporary traffic sign is as from time to time determined by the Council by means of resolution. The deposit will be refunded on the return of the temporary traffic sign, in an undamaged condition, to the Municipality within 3 days of termination of the rental period.
- 5.3 A prescribed fee, may apply as defined (in policy).

6. Breaking of glass in a public road

- 6.1 Any person who breaks a bottle or glassware in a public road, thoroughfare, parking area or public place shall immediately be required to remove such broken glass from such public road, thoroughfare, parking area or public place. In the event that a broken glassware or bottle has caused damage, the person who broke it initially is liable for the damage cause.

7. Conveyance or rubbish or any other material

- 7.1 No person shall convey rubbish, manure, sand, earth, gravel, grit, ash or any other material by means of a vehicle upon a public road or a public place unless the load is loaded, covered or secured at all times in such a manner that it will not fall from or be blown of the vehicle.
- 7.2 Any person who dumps any rubbish, manure, sand, earth, gravel, grit or any other material in a public road, thoroughfare, parking area or public place shall immediately be required to remove such rubbish, manure, sand, earth, gravel, grit or any other material from such public road, thoroughfare, parking area or public place.

8. Trees, hedges and structures obstructing the view

- 8.1 No one shall allow—
- 8.1.1 any boundary fence, hedge, structure, tree, plant or shrub or part thereof to be unsightly or to overhang or penetrate into a public road in such a manner that it creates a danger or inconvenience to any person who uses such a public road.
- 8.1.2 any tree, hedge, structure, plant or shrub to impede the free and unhampered movement of traffic or to obstruct the view which is necessary for traffic approaching an intersection;
- 8.2 The Municipality may, by written notice addressed to the owner or occupier of the premises whereupon any tree, hedge, structure, plant or shrub is in contravention with subsections 8.1.1 and 8.1.2, require such tree, hedge, structure, plant or shrub or part therefor to be cut back or removed within 7 days of

receipt of such notice, and should the owner or occupier fail to do so, the Municipality may do the necessary work and recover the costs thereof from the owner or occupier.

- 8.3 No owner or occupier or fixed property abutting on any public road shall fence in such property or any portion thereof with barbed wire.
- 8.4 Trees, hedges and structures to disrupt electricity cables erected for the provision of power within the Municipal vicinity.

9. Goods obstructing public roads

- 9.1 A period of one hour is allowed for the loading and off-loading of goods. All goods must be removed from the sidewalk or public road within the said period.
- 9.2 No one shall for trading or any other purpose place any goods, wares or articles on any stand or support in or projecting over a public road, nor place or hang such goods, wares or articles upon or from any veranda post, stay or balcony in or over a public place.
- 9.3 No one shall open, pack or unpack cases, furniture, goods, materials or merchandise in a public road.
- 9.4 No one shall place upon, off-loaded on or convey across a public road or side-walk any material or goods unless he had taken precautions to protect the surface of such public road or side-walk from damage.
- 9.5 No one shall allow any goods, be it his property or under his control, to be or remain in a public road, on a sidewalk or in any other public place so as to obstruct traffic or inconvenience the public.
 - 9.5.1 No one shall outspan, permit, or allow such vehicle, object or animal in a public road without proper supervision;
- 9.6 No one shall, without previously having obtained the written consent of the Municipality and subject to such conditions as the Municipality may impose, place any barricade, line, cord, wire, pole, object or anything whatsoever across any public road or place or hang or place anything whatsoever, on such barricade, line, cord, wire, pole or object.

10. Musicians performing in a public road

- 10.1 No one shall perform or sing in a public road or place without the written consent of the Municipality.

11. Pedestrians on side-walk to obey the rule of the road

- 11.1 Pedestrians making use of a side-walk shall obey the rule of the road by walking, as far as possible, on the left-hand side of the side-walk. 11.2A pedestrians shall not cross a public road at an intersection except by using the pedestrian crossing whilst also obeying the traffic signs at the intersection.

12. Gatherings

- 12.1 Except with the prior written consent of the Municipality, no one shall organize or hold a gathering in or at a public place
- 12.2 The granting of consent is in the discretion of the Municipality.

- 12.3 Application for such consent shall be made and submitted to the Municipal Manager at least 5 working days prior to the planned gathering.
- 12.4 In granting consent in terms of sub-section 12.1, the Municipality may impose such conditions as he may deem expedient.
- 12.5 Consent granted in terms of sub-section 12.1 may be withdrawn at any time.
- 12.6 If the Traffic Chief is of the opinion that traffic control measures in the form of traffic assistance by officers of the Municipality are necessary at a gathering, such traffic assistance shall be rendered on payment of the fee as from time to time determined by the Council by means of resolution.

13. Driving of cattle/livestock

- 13.1 No one shall drive an animal in the municipal area in such a way that a danger is created.
- 13.2 Livestock shall not be driven through the boundaries of the town of Kgatelopele.
- 13.3 In other business centres within the municipal area the driving of livestock is not allowed except with the written permission of the Municipality.

14. Repair of vehicles in a public road

- 14.1 No shall (except in the case of an accident or when repair on the spot is necessary) clean or repair any part of a vehicle in a public road.

15. The use of amplifiers or loud-speakers

- 15.1 No shall use or allow to be used a loud-speaker or amplifier in order to increase the volume of the sound of radios, musical instruments or similar apparatus in such a way as to cause a nuisance to his neighbors or the general public within the municipal area.
- 15.2 Without the prior written consent of the Municipality no one shall use or allow to be used a loud-speaker or similar apparatus in order to increase or strengthen the volume of sound in a public road, thoroughfare, parking area or open space.
- 15.3 Except with the prior written consent of the Municipality no one shall advertise any wares or services or make public announcement by means of a megaphone, loud-speaker system or similar device or by insistent shouting or cause a nuisance in a public road.
- 15.4 Loud-speaker or similar apparatus may be used for the purposes of inviting people to a meeting or similar gatherings.

16. Parking of motor cycles

- 16.1 A motor cycle shall be parked in the following manner:
 - 16.1.1 where a traffic sign indicates a special parking place for motor cycle shall be parked wholly within the parking lines; and
 - 16.1.2 where no parking place for motor cycles is demarcated along the curbing, such motor cycle shall be parked parallel to and as near as possible to the curbing.

17. Abandoning or leaving of vehicle in a public road

17.1A vehicle which—

- 17.1.1 has been left in a public road in the circumstances as described in terms of Act; or
 - 17.1.2 has been left in a place or in a position in such a manner that it creates a danger or obstruction to motor traffic in the opinion of a traffic officer; or
 - 17.1.3 has been parked or left standing in contravention of any notice or traffic sign; can immediately be wheel clamped or removed and pounded by an officer of the Traffic Division of the Municipality.
- 17.2 The owner, driver or person in charge of a vehicle which 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 from time to time determined by the Council by means of resolution: Provided that no fee is payable for the removal of a wheel clamp from a stolen or defective vehicle.
- 17.3 A vehicle which is removed and pounded in terms of the provisions of section, is kept in a pound at the owner's risk and may be released by the owner, driver or person in charge thereof on payment at the Traffic Division, of the fee from time to time determined by the Council by means of resolution.

18. Driving or parking at scene of fire

- 18.1 No one shall park or drive a vehicle nearer than 100m from a fire-fighting vehicle or apparatus erected on the same of a fire. This section does not apply to vehicles of the traffic section, the fire section or of the South African Police services.

19. Driving vehicle over fire-hose

- 19.1 No one shall drive a vehicle over a fire-hose lying in the roadway of a public road.

20. Right of way at uncontrolled intersections

- 20.1 The right of way at uncontrolled intersections, with proper consideration for the safety of other vehicles and persons, shall be as follows;
- 20.1.1 when two or more vehicles enter an intersection at more or less the same time, the driver of the vehicle on the left-hand side shall grant right of way to the vehicle on his right-hand side.

21. Stopping in order to load goods

- 21.1 Goods shall be loaded on that side of a vehicle which is nearest to the curbing.

22. Crossing private property to by-pass a traffic sign

- 22.1 No one shall drive on, to or across private property in an effort to avoid compliance with any traffic sign.

23. Special routes for abnormal vehicles and convoys

- 23.1 No one may drive an abnormal vehicle or move an abnormal load within the municipal area without the permission of the Traffic Chief.
- 23.2 Should the Traffic Chief deem it necessary to pilot an abnormal vehicle or load in the municipal area, the owner or driver of such vehicle or load shall be obligated to pay the fee as from time to time determined by the Council by means of resolution.
- 23.3 No one shall drive a motor vehicle, forming part of convey of vehicles which are to be delivered to a motor vehicle dealer or any other person, on any other route in the municipal area than the one determined by the Traffic Chief or as designated by an appropriate road traffic sign.

24. Parking of motor vehicle outside a garage

- 24.1 The owner or driver or person in control of a motor vehicle business, garage, workshop or industry using or in control of motor vehicles, shall not allow a motor vehicle or part thereof which is under the control of such business, garage, workshop or industry or which was brought to such business, garage, workshop or industry for repair to be parked or left on a public road including sidewalks or an public open space next to or in the vicinity of the premises in which the business, garage, workshop or industry is carried on.
- 24.2 Public road, open space or public open space in the residential areas, between sunrise and sunset.

25. Impeding or obstructing of street intersections

- 25.1 When traffic circumstances are such that a driver of a vehicle entering an intersection will be obliged to stop in the intersection in such a manner that cross traffic will be impeded, the driver shall stop his vehicle before entering the intersection and he shall not move forward until the traffic circumstances have changed to such an extent that it will allow traffic to flow freely through the intersection without it being necessary to stop in the intersection: Provided however that this section will not be applicable to the driver of a vehicle who is about to turn left or right and who is forced to stop in an intersection to give way to vehicles approaching him or to pedestrians.

26. Notices and road traffic signs for the control of traffic on municipal grounds

- 26.1. The Municipality may—
 - 26.1.1 by way of a notice displayed on a notice board, wall, sign or on the surface of the grounds—
 - 26.1.1.1 prohibit or control the admission of vehicles or persons to the grounds;
 - 26.1.1.2 prohibit or control the parking or stopping of vehicles on the grounds;
 - 26.1.1.3 limit the speed at which vehicles may travel on such grounds;
 - 26.1.2 cause to be erected and display prescribed road traffic signs on such places on the grounds as it may determine.
- 26.2 When exercising the powers in terms of sub-section 25.1.1.1 it is permissible to differentiate between vehicles of different classes and the classes of persons using the vehicles.26.3Any one who fails to comply with—
- 26.3. a notice displayed in terms of sub-regulation 25.1.1; or26.3.2the direction of a traffic sign erected in terms of sub-section 25.1.2 is guilty of an offence.

- 26.4 The provisions of the Act are applicable *mutatis mutandis* to any person who, whilst driving a vehicle on municipal grounds, becomes involved in a collision, drives recklessly or negligently or without due care or whilst under the influence of intoxicating liquor or any drug having a narcotic effect.
- 26.5 A Traffic Officer may exercise the powers vested in him in terms of the Act in respect of traffic, including persons in or on vehicles on municipal grounds.
- 26.6 Any person who hinders or obstructs a Traffic Officer in the execution of his duties or who refuses or fails to comply to the best of his abilities with an instruction of such Traffic Officer shall be guilty of an offence.

27. Offences and penalties

- 27.1 Any person contravening any of the provisions of these by-laws or who fails to comply therewith, shall be guilty of an offence, and shall be liable on conviction with a fine not exceeding R20 000,00 or a term of imprisonment not exceeding five years, or both such fine and such imprisonment.
- 27.2 Any expense incurred by the Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do or under these by-laws and which he failed to do, may be recovered by the Municipality from the person committing the contravention or failing to do such thing.
- 27.3 Any person who, after conviction in terms of these by-laws, persists in the conduct or neglect which constituted the offence, shall be guilty of a continuing offence and liable to a fine not exceeding R10 000.00 or a term of imprisonment not exceeding three years, or both such fine and such imprisonment.

28. Presumptions

- 28.1 Where in any prosecution under these by-laws, it is alleged that an offence was committed on a public road, the road concerned shall, until the contrary is proved, be presumed to be a public road.
- 28.2 Where in any prosecution under these by-laws, it is alleged that an offence was committed on a freeway, the road concerned shall, until the contrary is proved, be deemed to be a freeway.
- 28.3 Where in any prosecution under these by-laws, it is alleged that an offence was committed on a public road in an urban area, the road concerned shall, until the contrary is proved, be presumed to be a public road in an urban area.
- 28.4 Where in any prosecution under these by-laws, it is material to prove who was the driver of a vehicle, it shall be presumed, until the contrary is proved, that such vehicle was driven by the owner thereof.
- 28.5 For the purposes of sub-sections 27.5 and 27.6, it shall be presumed, until the contrary is proved, that where the owner of the vehicle concerned is a corporate body, such vehicle was driven, as contemplated in those sub-sections by a director or servant of the corporate body in the exercise of his powers or in the performance of his duties as such director or servant or in furthering or endeavouring to further the interests of the corporate body.
- 28.6 In any prosecution under any of the provisions of these regulations, the fact that any person purports to act or has purported to act as a traffic officer or an inspector or licenses, examiner of vehicles or examiner for driver's licenses, shall be *prima facie* evidence of his appointment and authority so to act: Provided that the provisions of this sub-section shall not apply with regard to a prosecution on a charge relating to personation.

29. Conflicting laws

- 29.1 If there is any conflict between a provision in these By-laws and a provision of any other by-law of the Municipality, the provisions of these By-laws shall prevail to the extent of the inconsistency.

30. Short title commencement

- 30.1 This By-law is called Kgatelopele local Municipality By-laws.