

## ENDUMENI MUNICIPALITY

### ROAD TRAFFIC BY-LAWS

#### Definitions

1. In these Bylaws, unless the context otherwise indicates:

**“Authorized Officer”** means:

- (a) A traffic officer or warden appointed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (b) A member of the services as defined in Section 1 of the South African Police Services Act, 1995 (Act No. 58 of 1995);
- (c) A peace officer contemplated in Section 34 of the Criminal Procedure Act, 1997 (Act No. 51 of 1997);
- (d) Any other official duly authorized by the Council;

**“Goods Vehicle”** means a motor vehicle other than a motorcar or bus, designed or adapted for the conveyance of goods on a public road and includes truck-tractor, motorcycle or motor tricycle;

**“Heavy Motor Vehicle”** means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3 500kg;

**“Licensed Motor Vehicle Attendant”** means a motor vehicle attendant who is the holder of a current licence issued in terms of these Bylaws;

**“Head Safety & Security”** means the person appointed by the municipality to this position and includes a person acting in this position;

**“Motor Vehicle Attendant”** means a person who, at the request or with the consent of the person in charge of a motor vehicle, undertakes for reward to supervise or take care of such motor vehicle while it is parked in a public street;

**“Municipality”** means the Endumeni Municipality or its successors in title, and includes the council of that municipality or its executive committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the executive committee has delegated any powers and duties with regard to these bylaws;

“**Taxi**” means a public motor vehicle designed or adapted solely or principally for the conveyance of not more than nine persons including the driver;

“**The Act**” means the National Road Traffic Act, 1996 (Act No. 93 of 1996) as amended from time to time;

“**The Regulations**” means any regulations promulgated under the Act.

### **Use of Roads Demarcated into Traffic Lanes**

2. (1) When any roadway has been demarcated into traffic lanes, a driver of a vehicle shall drive so as to be entirely within a single traffic lane and shall not cause or permit his vehicle to encroach over any lane line demarcating such traffic lane, except when moving from one lane into or across another;
- (2) All vehicles proceeding along any public road demarcated into traffic lanes at less than the normal speed of traffic at the time and place and under the conditions then existing, all animal-drawn vehicle, bicycles and all heavy motor vehicles shall be driven in the left-hand traffic lane then available for traffic or as close as practicable to the left edge of the roadway, except when overtaking another vehicle proceeding in the same direction or when making a right-hand turn.

### **Vehicles not to be Driven on Sidewalks**

3. No person shall drive, draw or propel any vehicle (other than a perambulator, invalid’s chair or the like) upon any footpath or sidewalk designed for use by pedestrians, except when it is necessary to do so to cross (by the shortest route) any such sidewalk or footpath for the purpose of entering or leaving any property abutting thereon.

### **Roller Skating and Use of Soap Box Carts**

4. No person shall use roller-skates, a skateboard, a soapbox cart or any similar article to which rollers or wheels are fixed or cause or permit them to be used upon a public road or sidewalk provided however that the council in its discretion may authorize the use of such in connection with organized events.

### **Control of Parking Places**

5. Whenever the public or any number of persons are entitled or allowed to use, as a parking place, any area of land, including land which is not part of a public road or a public place, authorized officers shall, in cases of emergency or when it is desirable in the public interest, have authority to direct and regulate traffic thereon, and no person shall disregard the instructions of any authorized officer while so engaged.

### **Repair of Motor Vehicles on Public Roads Prohibited**

6. No person shall repair any motor vehicle in any public street or place within the Municipality; provided that this Bylaw shall not prohibit the carrying out of minor repairs necessitated by a temporary or sudden stoppage of such vehicle for the purpose of setting such vehicle in motion.

### **Excessive Noise**

7. No person shall operate a motor vehicle upon a public road in such a manner as to cause any excess noise that can be avoided by the exercise of reasonable care on his part.

### **Parking Restrictions**

8. (1) No person operating or in charge of a vehicle on a public road shall:

(a) Allow such vehicle to remain stationary in a loading zone between the hours of 07h00 and 17h00 Mondays to Fridays and 07h00 to 12h00 Saturdays except where any such day is a Public Holiday or during such other restricted hours as may be specified in respect of any particular loading zone by a road traffic sign or marking.

(b) (i) In the case of a vehicle other than a goods vehicle, for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at such vehicle; or

(ii) In the case of a goods vehicle for more than thirty minutes continuously and only while the vehicle is being actually loaded or unloaded;

and no person shall keep any vehicle stationary in a loading zone for any other purpose. The driver of a vehicle other than a goods vehicle, stationary in a loading zone shall remove such vehicle therefrom immediately upon being directed to do so by an authorized officer, notwithstanding that it has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.

(c) In the case of a vehicle other than a bus, allow such vehicle to remain stationary in a bus stop between the hours of 0600 and 18h00;

- (d) Park such vehicle in any public road within the Municipality for a period beyond that indicated on any road traffic sign duly erected in terms of the Act or regulations as the case may be.
- (2) No driver or other person in charge of any vehicle which has been parked in a parking area defined as such by road traffic signs shall move such vehicle from the position in which it was parked and again park that vehicle within a distance of 23 meters of the place where it was so parked until an interval of thirty minutes shall have elapsed after so moving such vehicle.
- (3) No heavy motor vehicle designed, adopted or used for the conveyance of goods shall, without the written permission of the Head Safety & Security be parked by any person between the hours of 19h00 and 05h00 in any part of the municipality which has formally been declared as a town in terms of any applicable law, except on private land or on those portions of public roads on which there have not been displayed road traffic signs regulating such parking.
- (4) No person shall park a vehicle upon a traffic island, unless directed to do so by an authorized officer.
- (5) No dealer shall park or allow to be parked in any public road within the Municipality, any vehicle which has been placed in his custody or under his control or which is in his possession for the purpose of sale, exchange or garaging, in the course of any dealers' business carried on by him unless at the time such vehicle is being used for demonstration or testing purposes or is in the course of being delivered to the owner or purchaser thereof.
- (6) No person responsible for the control of a business or recovering or repairing vehicles shall park, cause or permit to be parked, in any public road or place within the Municipality any vehicle that is in an obvious state of disrepair which has been placed in his charge in the course of the said business.

**Exemption of Medical Practitioners & Certain Nurses from Parking Restriction**

9. (1) A registered medical practitioner or nurse, shall be exempt from the provisions of any law relating to parking in force in the Endumeni Municipal area when using, on *bona fide* professional domiciliary visits, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) hereof issued on the authority of the Head Safety & Security;

- (2) (a) The badge shall be a windscreen sticker badge of a design approved by the Head Safety & Security, displaying on the face thereof, a serial number, and the name of the person whom it is issued;
- (b) The badge shall be displayed on the lower nearside corner of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked. The address shown on the card must be easily legible from outside the vehicle.
- (3) (a) Written application for the issue of a badge shall be made in a form approved by the Head Safety & Security;
- (b) The Head Safety & Security shall keep a register in which he shall record the serial number allocated by him of the badge the issue of which has been authorized by him and the name of the holder;
- (c) No duplicate badge shall be issued without the prior consent of the Head Safety & Security;
- (d) Where the Head Safety & Security has reason to believe that any holder is abusing the privileges conferred by a badge he shall notify the issuing body which shall there-upon withdraw the badge from the holder and the privileges conveyed by the badge shall there-upon cease.

### **Prohibitions and Restrictions on use of Certain Roads by All or Certain Classes of Vehicle**

- 10. (1) (a) Except with the written permission of the Head Safety and Security, no person shall operate any animal drawn vehicle on any public road within the Municipality.
- (b) In granting any permission in terms of (a) hereof, the Head Safety & Security may impose any restrictions or conditions that he may deem necessary in the interest of traffic.

### **Pedestrian Crossings**

- 11. (1) (a) Where marked pedestrian crossings are in existence within an intersection, no pedestrian shall cross or

attempt to cross such intersection except within any such marked pedestrian crossing.

- (b) Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at an intersection, no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding; provided that where no pedestrian signals are in operation at an intersection, but such intersection is controlled by a robot (or traffic control light signal), no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of such robot, or traffic control light signal is displayed in the direction opposite to that in which he is proceeding;
  - (c) Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at a pedestrian crossing elsewhere than at an intersection, no pedestrian shall commence to cross the roadway in such pedestrian crossing when the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding.
- (2) A pedestrian crossing the roadway within a demarcated pedestrian crossing, whether at an intersection or otherwise, shall walk on the left of such pedestrian crossing.
  - (3) No person or persons shall sit or lie on any sidewalk, footpath or public road, neither shall any persons stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public after being requested by an authorized officer to move on or disperse;
  - (4) No pedestrians, when in or upon a public road, shall carelessly, negligently or recklessly disregard or endanger his own safety or the safety of any person or vehicle using the public road.

### **Motor Vehicle Attendants**

- 12. (1) No person shall act as motor vehicle attendant within the Municipality, except under authority of a written permit granted by the Head Safety & Security, which permit the Head Safety & Security may grant, subject to such conditions as he may determine, or refuse;

- (2) Every permit granted in terms of subsection (1) hereof shall, unless cancelled or suspended in terms of subsection (6) hereof, be valid until the 31<sup>st</sup> December of the year of issue;
- (3) No person authorized in terms of this Bylaw to act as a motor vehicle attendant shall charge any amount for his services in connection with any one motor vehicle, and he shall rely on tips given to him by the driver of such vehicle;
- (4) Every motor vehicle attendant shall, upon demand by an authorized officer or a member of the public who engages or proposes to engage his services, produce the permit issued to him in terms of subsection (1) hereof;
- (5) A permit granted in terms of subsection (1) hereof may be revoked or suspended by the Head Safety & Security if the holder thereof:-
  - (a) Commits a breach of this Bylaw or of any condition subject to which the permit was granted;
  - (b) Leaves unattended any motor vehicle left in his care;
  - (c) While performing his duties as a motor vehicle attendant, is or becomes intoxicated;
  - (d) Directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
  - (e) Fails to observe or carry out the lawful instructions of any authorized officer.
- (6) With the exception of a person holding a permit issued in terms of subsection (1) hereof who has been authorized by the Protection Services Officer in writing specifically or generally to do so, or who is acting on the authority or under the control of an authorized officer, no person shall in a public place make an offer to provide care for or supervision of a motor vehicle whilst it is parked in such street or place;
- (7) No person shall in a public street or public place:
  - (a) Clean or wash any motor vehicle; or
  - (b) Offer to clean or to wash any motor vehicle.
- (8) No person shall in a public place inform or threaten the driver or person in charge of a motor vehicle that such vehicle will or may suffer damage or be stolen unless it is left in his care or under his supervision;

- (9) If on a charge of contravening any of the provisions of this section the accused person avers that the driver or person in charge of a motor vehicle made a request of him concerning the motor vehicle, the onus of proof in respect thereof shall rest upon the accused person.

### **Offences, Penalties and Appeals**

13. The Council's Bylaws relating to Offences, Penalties and Appeals shall apply *mutatis mutandis* to these bylaws.

### **Repeal of Regulations**

14. The previous By-Laws and regulations pertaining to Road Traffic are hereby repealed.