



MUNICIPAL TAXI & BUS RANK BYLAW

Bylaw Number 7 of 2008

Date Promulgated : 19 September 2008

Gazette Number : 77

• Religious institutions in terms of section 17(1)(f) of the Act.

2) **Compulsory phasing in of certain rates**

Rates levied on a newly rateable property must be phased in over a period of three or four years depending on the ownership and use of such a property in terms of section 21 of the Act.

3) **Prescribed ratios**

The municipality will comply with the ratios set by the Minister of Provincial and Local Government in concurrence with the Minister of Finance in terms of section 19 of the Act. These are determined by National Government and are published in the relevant Government Gazette.

4) **Limits on annual increases of rates**

The municipality will comply with the notice issued by the Minister of Provincial and Local Government in concurrence with the Minister of Finance regarding the set upper limit on the percentage by which rates on properties or a rate on a specific property may be increased in terms of section 20 of the Act. These set upper limits are as follows: 10%.

BY-LAWS FOR THE SETSOTO LOCAL MUNICIPALITY

TAXI AND BUS RANKS BYLAW

The Municipality of Setsoto Local Municipality hereby publishes the Taxi and Bus Ranks By-Law set out in the Schedule hereto. These By-Laws have been adopted by the Municipal Council on 28 August 2007 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

SCHEDULE

TAXI AND BUS RANKS BYLAW

TABLE OF CONTENTS

1. Definitions
2. Municipality may establish, maintain and manage municipal taxi and bus ranks
3. Taxis and Buses to display parking permit discs when being driven into or parked at the Municipal Taxi and Bus Ranks
4. Application for, issue and duration of a parking permit disc
5. Presumption that owner drove or parked Taxi and Bus
6. Seizure and impoundment of Taxis and Buses at municipal Taxi and Bus Ranks
7. Delegation
8. Penalty clause
9. Repeal of laws and savings
10. Date of Commencement
11. Short title

1. **Definitions**

In this By-law, unless the context otherwise indicates -

"bus" means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"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;

"Chief Traffic Officer" means the municipal traffic officer appointed by the Municipality as head of the component of the Municipality responsible for the administration of road traffic matters;

"motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"municipality" means the Setsoto Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"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);

"municipal taxi and bus rank" means an area demarcated in terms of section 2(2) to be used by taxis and buses displaying valid parking permit discs to park and load and off-load passengers and shall include the waiting area of such Taxi and Bus rank;

"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;

"parking permit disc" means a disc issued in terms of section 4 to be displayed by a taxi and bus making use of a municipal Taxi and Bus rank;

"taxi" means any motor vehicles, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and

"this By-law" shall include the rules to be observed at municipal Taxi and Bus Ranks as contemplated in section 2.

2. Municipality may establish, maintain and manage municipal Taxi and Bus ranks

- (1) The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal Taxi and Bus Ranks.
- (2) A municipal Taxi and Bus rank must be demarcated by notice in the *Provincial Gazette*.
- (3) At the entrance of each municipal Taxi and Bus 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 and Bus owners; or
 - (c) members of the public,
 who enters into, parks at, or makes use of Taxi and Bus services at that rank or area.
- (4) Rules contemplated in subsection (3) must be adopted by the Municipality and promulgated in the *Provincial Gazette*.

3. Taxis and Buses to display parking permit discs when being driven into or parked at municipal Taxi and Bus Ranks

- (1) No Taxi or Bus shall be driven into or parked at a municipal Taxi and Bus 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 or Bus, 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 or Bus.

(3) A parking permit disc shall -

- (a) be of the design and contain the particulars set out in the Schedule; and
- (b) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

4. Application for, issue and duration of a parking permit disc

(1) The owner of a Taxi or Bus, desirous to make use of the municipal Taxi and Bus Ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each Taxi or Bus 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 Municipal Manager;
- (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 April of each year.

(3) On receipt of the application, the Municipal Manager must consider the application and, within 30 days of application -

- (a) issue the parking permit disc to the applicant; or
- (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 Municipal Manager -

(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 or Bus, but the applicant may appeal against the decision of the Municipal Manager, 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 Municipal Manager shall process and finalise the application within a reasonable time.

(6) The owner of a Taxi or Bus, making use of a municipal Taxi and Bus rank, must -

(a) at all times keep written record of the identity of the driver of such Taxi or Bus at any specific time, if he or she is not the driver of the Taxi or Bus 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 a municipal traffic officer, make the records available for inspection by the Municipality.

(7) A parking permit disc shall lapse at the end of each financial year.

5. Presumption that owner drove or parked Taxi or Bus

(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 or Bus making use of a municipal Taxi and Bus rank.

6. Seizure and impoundment of Taxis and Buses at municipal Taxi and Bus Ranks

(1) Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a Taxi or Bus at a municipal Taxi and Bus rank for a period of 7 days -

- (a) if the Taxi or Bus is driven into or parked at that Taxi and Bus rank without displaying a valid parking permit disc in the manner set out in section 3(2);
 - (b) if the Taxi or Bus is parked and left unattended in contravention of any rule to be observed at that Taxi and Bus rank by the owner or driver of a Taxi or Bus making use of the Taxi and Bus rank; or
 - (c) if an owner or driver of a Taxi or Bus contravenes any rule to be observed at that Taxi and Bus rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.
- (2) A Taxi or Bus 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 and Bus Ranks, if the Taxi or Bus 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).

7. Delegation

- (1) The Municipal Manager may, in writing, delegate the powers and functions vested in him or her by section 4, to the Chief Traffic Officer.

8. Penalty clause

- (1) Any person who contravenes or fails to comply with -
- (a) a legitimate direction given by a municipal traffic officer at a municipal Taxi and Bus rank; or
 - (b) a provision of this By-law, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine not exceeding R500-00 or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

9. Repeal of laws and savings

- (1) Any by-laws relating to Taxi and Bus Ranks adopted by the Municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

10. Date of Commencement

- (1) These by-laws will become effective on 1 January 2009.

11. Short title

- (1) This By-law shall be called the Municipal Taxi and Bus Rank By-law, 7 of 2008

SCHEDULE

(Section 3(3)(a))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimeter.
2. The words:

**"PARKING PERMIT • SETSOTO MUNICIPALITY/
PARKEERPERMIT • SETSOTO MUNISIPALITEIT"**

shall be printed on the disc and provision shall be made on the disc for inscriptions indicating -

- (a) the name of the owner of the Taxi or Bus;
- (b) the registration number of the Taxi or Bus;
- (c) the financial year in respect whereof the permit was issued; and
- (d) the number of the permit.

**BY-LAWS FOR THE SETSOTO LOCAL MUNICIPALITY
PARKING OF VEHICLES ON PUBLIC ROADS BYLAW**

The Municipality of Setsoto Local Municipality hereby publishes the Parking of Vehicles on Public Roads By-Law set out in the Schedule hereto. These By-Laws have been adopted by the Municipal Council on 28 August 2007 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

**SCHEDULE
PARKING OF VEHICLES ON PUBLIC ROADS BYLAW
TABLE OF CONTENTS**

1. Definitions
2. Restriction on parking in public roads
3. Restriction on parking in road reserves
4. Offences and penalties
5. Repeal of by-laws
6. Date of Commencement
7. Short title