



**CITY OF EKURHULENI METROPOLITAN
MUNICIPALITY**

PUBLIC TRANSPORT BY-LAW 2020

As enacted by the Council of the City of Ekurhuleni in its resolution: A-TP (01-2019)

BY-LAW

To provide for the establishment and issuing of permits for public transport facilities; to provide for the duties of operators, drivers, conductors, marshals, and passengers; to regulate metered taxis; to provide for a rapid public transport system; to provide for the regulation of non-motorised transport; to provide for prohibited and restricted routes and areas; to provide for enforcement of this By-Law; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS sections 156(1)(a) and (b) of the Constitution of the Republic of South Africa 1996 provide that a municipality has executive authority in respect of and the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, and any other matter which has been assigned to it by national or provincial legislation;

AND WHEREAS section 156(2) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has a right to administer;

AND WHEREAS section 156(5) of the Constitution provides that a municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS the City of Ekurhuleni Metropolitan Municipality (hereafter, “Ekurhuleni Metropolitan Municipality”) is responsible for the functions of municipal public transport, traffic and parking, and municipal roads in terms of Parts B of Schedule 4 and Part B of Schedule 5 of the Constitution, read with section 11(1)(c) of the National Land Transport Act 5 of 2009, as amended;

AND WHEREAS there is need to regulate public transport within the area of the City of Ekurhuleni Metropolitan Municipality to ensure the well-being and safety of passengers, and the efficient and effective operation of the public transport industry;

AND WHEREAS section 80 of the Local Government Ordinance 17 of 1939, and section 80(A)(1) of the National Road Traffic Act 93 of 1996, as amended, read with section 26 of the Gauteng Provincial Road Traffic Act 10 of 1997, grant the City of Ekurhuleni Metropolitan Municipality the power to make by laws,

BE IT THEREFORE ENACTED by the Council of the City of Ekurhuleni Metropolitan Municipality, as follows:

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SCHEDULE: REPEALED BY-LAWS

CHAPTER 1

INTRODUCTORY PROVISIONS

Interpretation

- 1(1) If there is a conflict in the interpretation of any of the translated versions of this By-Law, the English version of this By-Law shall prevail.
- (2) The provisions of this By-Law are subject to the applicable provisions of the Act and the provincial legislation.
- (3) In the event of a conflict between a section of this By-Law and –
 - (a) an Act of Parliament or regulation made in terms of that Act, the Act of Parliament prevails; and
 - (b) provincial legislation, the provincial legislation prevails.

Definitions

- 2 In this By-Law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or the National Road Traffic Act has the same meaning –

“the Act”	means the National Land Transport Act 5 of 2009;
“accessible transport”	means transport that is accessible to all persons in the municipal area, as well as those travelling to and from that area, including, but not limited to, special categories of passengers, pedestrians and cyclists to their intended destinations in a safe and convenient manner, and in relation to infrastructure means the design of facilities that are usable by all people to the greatest extent possible, with or without the need for adaptation or specialised design;
“association”	means a formal grouping of operators or an organisation to which two or more of these bodies are affiliated, which is formed not for gain, its main object being to promote the collective interests of its members;

“authorised official”

means a person authorised by the Municipality to administer, implement, and enforce the provisions of this By-law, including but not limited to:

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act 51 of 1977, as amended);
- (b) a traffic officer appointed in terms of section 3A of the National Road Traffic Act;
- (c) municipal or metropolitan police officers as contemplated in the South African Police Services Act 68 of 1995); and
- (d) such employees, agents, delegated nominees, representatives, and service providers of the Municipality as are specifically authorised by it in this regard.

“bib”

means a garment that fits around the chest of a person, has a recognisable insignia identifying the person as a conductor, warder, marshal, or whatever capacity he/she acts in;

“bus”

means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act to carry more than 35 seated passengers, including the driver;

“bus association”

means an association of bus owners which has been recognised by the provincial regulatory entity or other appropriate authority;

“bus holding area”

means a place, other than a rank, where a bus remains stationary until space for it becomes available at a rank or stopping place;

“bus rank”

means a facility set aside by the Municipality in terms of this By-Law on municipal property for the exclusive use of buses, at which buses may pick up and drop off passengers, and includes privately-owned land where a lease agreement has been concluded between the owner of such land and the Municipality for establishing and operating the facility;

“bus rapid transport system”	means the Harambee bus rapid transit system developed by the City of Ekurhuleni Metropolitan Municipality;
“bus stop”	means a place designated by the Municipality, where a bus may stop to pick up or drop off passengers, or a lay-by, other than a bus rank;
“By-Law”	means this By-Law;
“Chief Licensing Officer”	means the head of the Municipality’s Metropolitan Police Department, or any person authorised by the Municipality to act as such on its behalf, or any person acting in its stead, and any person designated by the Municipality to enforce this By-Law;
“CITP”	means the Municipality’s Comprehensive Integrated Transport Plan, contemplated in section 36 of the Act, together with the Minimum Planning Requirements promulgated under or recognised by the Act;
“conductor”	means a person who renders a conductor service to public transport drivers and passengers, including: <ul style="list-style-type: none"> (a) soliciting and touting for business; (b) controlling and managing access to vehicles; and (c) collecting fares, except where a smart card or other non-cash-based payment mechanism has been implemented;
“Constitution”	means the Republic of South Africa Constitution 1996
“controlled facility”	means a public transport facility for which a rank permit is required, and which has been proclaimed in the <i>Gazette</i> as a public transport facility, managed by a rank permit system and which is empowered to impose a fee on operators for the use of such a facility;
“Council”	means the Council of the City of Ekurhuleni Metropolitan Municipality, as contemplated in section 157 of the Constitution;
“cycle lane”	means a road or path designated or to be designated by the Municipality or other competent authority for the exclusive use of cyclists, by means of appropriate road traffic signs or road markings;

“cyclist”	means a person riding or using a bicycle or tricycle, defined as a pedal cycle in the National Road Traffic Act;
“decal”	means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a rank permit;
“disaster management framework”	means the Municipality’s Disaster Management Framework contemplated in section 42 of the Disaster Management Act 57 of 2002 and the Disaster Management Amendment Act 16 of 2015;
“disc”	means a disc or other means of identification issued by the Municipality to the holder of a public transport facility permit;
“driver”	means a driver as defined in the National Road Traffic Act;
“examiner of vehicles”	means an examiner of vehicles registered and appointed in terms of section 3A of the National Road Traffic Act;
“facility”	means a public transport facility;
“marshal”	means a person appointed by a minibus taxi association or a bus association to manage and coordinate the flow of vehicles and passengers in a public transport facility;
“meter”	means a meter that must be installed in a metered taxi in terms of the definition of “metered taxi service” in section 1 of the Act, and includes a taximeter;
“metered taxi”	means a motor vehicle designed for conveying passengers and which is fitted with a taximeter which records distance travelled or time taken in undertaking a journey and in line with the provisions of the National Land Transport Act, also include hotel or privately-operated transfer vehicles;
“metered taxi service”	means a public transport service operated by means of a motor vehicle contemplated in section 66 of the Act which –

- (a) is available for hire by hailing while roaming by telephone, an electronic application, or otherwise;
- (b) may stand for hire at a rank; and
- (c) is equipped with a sealed meter, in good working order, to determine the fare payable, that is calibrated for such fare, or complies with any other requirements applicable to such meters;

“Metro Police” means the Metropolitan Police Service established by the Municipality in terms of Chapter 12 of the South African Police Service Act 68 of 1995;

“Metro police officer” means a member of the Metro Police;

“midi-bus” means a motor vehicle designed or modified solely or principally for conveying more than sixteen (16) but not more than 35 seated persons, including the driver, and for the purposes of the National Road Traffic Act, is a type of sub-category of bus;

“minibus” means a motor vehicle designed or modified solely or principally for conveying more than 9 (nine) but not more than 16 (sixteen) seated persons, including the driver;

“motorcar” means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle, as defined in the National Road Traffic Act, designed or modified solely or principally for conveying not more than nine (9) persons, including the driver;

“Municipal area” means the geographical or spatial area of jurisdiction of the Municipality;

“Municipal Systems Act” means the Local Government: Municipal Systems Act 32 of 2000;

“Municipality” means the City of Ekurhuleni Metropolitan Municipality, and includes authorised agents appointed by it;

“National Road Traffic Act” means the National Road Traffic Act 93 of 1996;

“National Road Traffic Regulations” means the National Road Traffic Regulations, 2000, made in terms of the National Road Traffic Act;

“non-motorised transport”	means transport by any mode other than a motor vehicle, including, but not limited to, walking, cycling, and animal-drawn vehicles, but for purposes of this By-Law, includes cycles, scooters, and wheelchairs assisted by motors of a prescribed type and capacity whereby the speed of the cycle, scooter, or wheelchair is not significantly enhanced;
“non-motorised transport infrastructure”	means and includes cycle paths, walkways, public open spaces, and other buildings and structures used or intended for, or to promote non-motorised transport;
“operator”	means a person carrying on the business of operating a public transport service and, for purposes of this By-Law, is limited to persons holding valid operating licences or permits as required by section 50(1) of the Act;
“park”	in relation to a vehicle, means to keep the vehicle, whether occupied or not, stationary for longer than is reasonably required for purposes of the actual loading and off-loading of passengers or goods, but does not include keeping the vehicle stationary owing to a cause beyond the control of the driver or person in charge of the vehicle;
“passenger”	means a person who is conveyed or carried in or on a passenger transport vehicle, and includes a person who is boarding a passenger transport vehicle;
“pedestrian”	means a person travelling on foot, whether walking, jogging, or running;
“prescribed”	means prescribed by the Municipality by notice in the <i>Gazette</i> ;
“prohibited area”	means an area declared as a prohibited area in terms of chapter 9 in which the operation of specified types of public transport services or vehicles may be prohibited in the manner specified in the prescribed notice;

“prohibited route”	means a road or street or number of roads or streets declared as a prohibited route or situated in a prohibited area declared as such in terms of chapter 9 on which the operation of specified types of public transport services or vehicles may be prohibited in the manner specified in the prescribed notice;
“Province”	means the Province of Gauteng;
“provincial”	means relating to the Province of Gauteng;
“Provincial Regulatory Entity”	means the Provincial Regulatory Entity established for the Province in terms of section 23 of the Act;
“public road”	means a public road as defined in the National Road Traffic Act;
“public transport facility”	means and includes a – <ul style="list-style-type: none"> (a) bus terminus; (b) rapid transport station; (c) minibus taxi rank; (d) metered taxi rank; (e) stopping place dedicated to minibus taxi-type services; (f) bus or taxi stop; (g) holding area; and (h) taxi depot.
“public transport interchange”	means a location where facilities are provided for specified types of public transport services for the interchange of passengers between those services;

“public transport service”	means a scheduled or unscheduled service for the carriage of passengers by road or rail, whether subject to a contract or not, and where the service provided for a fare or any other consideration or reward, including cabotage, in respect of passenger transport as defined in the Cross-Border Road Transport Act 4 of 1988, and except where clearly inappropriate, the term “public transport” must be interpreted accordingly;
“public transport vehicle”	means a vehicle used for the provision of passenger transport services, and includes buses, midi-bus, minibus, and metered taxis;
“rank permit”	means a permit issued in terms of Chapter 3 of this By-Law to entitle an operator to use a controlled facility;
“rapid transport lane”	means a rapid transport lane as defined in Regulation 1 of the National Road Traffic Regulations, and demarcated by the Municipality 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;
“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;
“restricted area”	means an area declared as a restricted area in terms of Chapter 9 of this By-Law, in which the operation of specified types of public transport services or vehicles may be restricted in the manner specified in the prescribed notice;
“restricted route”	means a road or street or number of roads or streets declared as a restricted route or situated in a restricted area declared as such in terms of chapter 9 of this By-Law on which the operation of specified types of

	public transport services or vehicles may be restricted in the manner specified in the prescribed notice;
“road traffic sign”	means a road traffic sign contemplated in the National Road Traffic Act;
“route permit”	means a permit issued by the Municipality in terms of Chapter 9 of this By-Law, to entitle an operator to use a prohibited or restricted route;
“road traffic and transport legislation”	means any Act, Regulation, and by-law which has been promulgated by a competent authority for the regulation and control of road traffic or transportation, or the use of any road traffic or transport infrastructure;
“SAPS”	means the South African Police Service, as contemplated in the South African Police Service Act 68 of 1995 and the South African Police Service Amendment Act 10 of 2012;
“SPLUMA”	means the Spatial Planning and Land Use Management Act 16 of 2013;
“stop”	used as a verb, means, in relation to a public transport vehicle, to keep a vehicle, whether occupied or not, stationary for a period longer than is reasonably required for the actual loading or off-loading of people or goods, but does not include stopping owing to a cause which is beyond the control of the driver of the vehicle;
“stopping place”	means an area falling within the road reserve, specifically designated by the municipality as a point at which passenger transport service vehicles may stop for purposes of loading and off-loading passengers;
“taxi”	means a midi-bus, minibus, or metered taxi;
“time-related rapid transport lane”	means a rapid transport lane where loading or parking in the lane may occur only during certain hours and usually outside of peak operating hours, as indicated by appropriate road traffic signs;
“traffic signal”	means a traffic signal, as contemplated in the National Road Traffic Regulations;

“Transport Management Centre”	means the Central Control Centre established by the Municipality to manage and control its transport system;
“tuk-tuk”	means a three-wheeled motor vehicle designed or modified solely or principally for conveying not more than three seated persons, including the driver; and
“website”	means the Municipality’s official website contemplated in section 21B of the Municipal Systems Act.

Application of this By-Law

- 3(1) This By-Law applies to any person who provides public transportation services in and across the areas which fall under the jurisdiction of City of Ekurhuleni Metropolitan Municipality, and is binding on all persons to the extent applicable.
- (2) This By-Law does not apply to parking meters and issues relating to parking meters that are dealt with in the Ekurhuleni Metropolitan Municipality Police Services By-Law.
- (3) Where any activity contemplated in this By-Law involves a provincial road as defined in the Gauteng Transport Infrastructure Act 8 of 2001 or legislation replacing that Act, this By-Law is subject to the provisions of that Act or superseding legislation.
- (4) Unless the context indicates otherwise, this By-Law is in addition to, and not in substitution, of any provisions of –
 - (a) the Act;
 - (b) the National Road Traffic Act; and
 - (c) the National Road Traffic Regulations;

CHAPTER 2

PUBLIC TRANSPORT FACILITIES

Establishment of public transport facilities

- 4(1) The Municipality shall establish public transport facilities for the exclusive use of public transport service vehicles by notice in the *Gazette*.
- (2) Before establishing such a facility, the Municipality must give notice of its intention to establish it by –

- (a) publishing a notice in the *Gazette* in English and in another official language used in the specified area;
 - (b) publishing it in at least one English newspaper and one newspaper in another official language circulating in the area;
 - (c) displaying the notice at the Municipality's head office, satellite offices, and libraries in the applicable area; and
 - (d) displaying the notice on its website, describing the type and location of the proposed facility, and allowing interested and affected persons not less than thirty (30) days to provide written comments and representations in relation to the establishment of the facility, and ensuring compliance with section 21(4) of the Municipality Systems Act.
- (3) The Municipality must consider all comments received and then take a decision whether to proceed with the establishment of the facility, taking into account factors including, but not limited to –
- (a) the need for, location, and feasibility of the proposed facility;
 - (b) any environmental impact study or assessment required by the National Environmental Management Act 107 of 1998, or similar legislation;
 - (c) the Municipality's integrated transport plan contemplated in section 36 of the Act;
 - (d) the Municipality's special development framework contemplated in section 20 of the SPLUMA; and
 - (e) the Municipality's Town Planning Scheme.
- (4) In the notice published under subsection (1), and subject to the applicable provisions of the National Road Traffic Act, the Municipality must demarcate such facilities as –
- (a) a bus terminus for the exclusive use of buses;
 - (b) a rapid transport station;
 - (c) a minibus taxi rank for the exclusive use of minibus taxis;
 - (d) a metered taxi rank for the exclusive use of metered taxis;
 - (e) a stopping place for the exclusive use of minibus taxis;
 - (f) a bus stop, which may also be used as a stop for minibus taxis;
 - (g) a parking ground;
 - (h) a public transport interchange;
 - (i) a holding area for public transport vehicles;

- (j) park-and-ride facilities, or
 - (k) a combination of all the above.
- (5) The Municipality may proclaim in the *Gazette* that one or more public transport facilities, called in this By-Law a controlled facility, shall be managed by a rank permit system, and may impose fees on operators for use of such a facility.
 - (6) The fees imposed in terms of subsection (5), must, as far as possible, be calculated to cover at least the operational and maintenance costs of the facility concerned, with annual increases taking account of the inflation rate.
 - (7) Where the Municipality establishes a rank or terminus, it must provide sufficient toilet facilities within or near the facility.
 - (8) The Municipality may, subject to the Businesses Act 71 of 1991, make provision for trading at or in a facility.
 - (9) The Municipality shall keep a list of all public transport facilities within the municipal area and their location, and make it available on request to interested parties at the prescribed fee.
 - (10) Where a rank permit is required, the specific facility may only be used in terms of and subject to conditions imposed by the Municipality when issuing the permit.
 - (11) The facilities contemplated in subsection (1) may be established and demarcated for the exclusive use of public transport vehicles or services of specified types or that operate on specified routes or in specified areas, or operators who belong to a specific association or operate a defined type of service or vehicle.
 - (12) Each demarcated facility must be distinguished by the appropriate road traffic signs to indicate the type of public transport vehicle permitted to use that facility.
 - (13) The Municipality may establish and demarcate a facility on private land if the Municipality has concluded a lease agreement with the owner of that land.
 - (14) The agreement referred to in subsection (13), may provide for the fees referred to in subsection (5), to be paid in part or in full to the owner of the land on which the facility has been or is proposed to be established.
 - (15) A public transport vehicle may not use a filling station as a bus terminus or taxi rank, or park in the premises of a filling station, except with the written permission of or in terms of an agreement with the owner of the filling station, notwithstanding aforesaid, this subsection does not prevent the Municipality from authorising the construction of a filling station within a facility.
 - (16) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary facilities suitable for ranking, parking, or holding of public transport vehicles, without proclaiming or establishing them in terms of these By-Law.

Public transport facility rules

- 5** The Municipality may –
- (1) when establishing a public transport facility, make rules regarding the operation of that facility; and
 - (2) at any time thereafter, amend or replace those rules.

Queuing by public transport vehicles at public transport facilities

- 6(1)** No owner or driver of any public transport vehicle shall allow that vehicle to stand or stop in:
- (a) any part of a public transport facility other than an area demarcated by road traffic markings or signs as a loading bay; or
 - (b) a loading bay demarcated as such for a specific route, if that vehicle is not authorised to travel that route.
- (2) Every driver of a public transport vehicle shall obey any road traffic markings and/or signs regarding queuing in the facility, and any instructions issued by a marshal in this regard.

Vehicles to be in good working order

- 7** No person may stop a vehicle which is not in good working order in a public transport facility, or cause or permit the vehicle to remain there.

Washing and servicing vehicles at public transport facilities

- 8** No person may –
- (1) undertake any repair or maintenance of a motor vehicle at a public transport facility; or
 - (2) wash any motor vehicle at a public transport facility, except at a wash bay at the facility that has been designated for this purpose.

Abandonment of vehicles

- 9** No driver of a public transport vehicle may –
- (1) abandon his or her vehicle; or
 - (2) allow any other person to drive a public transport vehicle under his or her control, without the consent of the holder of the operating card or public permit concerned.

Marshals

- 10(1) Subject to sub-sections (2) and (3) below, a recognised mini-bus taxi association or bus association may appoint one or more marshals at a public transport facility to undertake the following duties:
- (a) in respect of passengers:
 - (i) to regulate queuing according to the appropriate priority and route destination systems;
 - (ii) to ensure the orderly loading of passengers;
 - (iii) to control the appropriate number of passengers per vehicle to prevent overloading and to ensure a higher level of service to passengers and equal opportunities for drivers;
 - (iv) to direct passengers and to provide information about the activities of the public transport vehicle operating at that facility or other facilities; and
 - (v) to inform drivers about expected passenger demand and any other related matters.
 - (b) in respect of public transport vehicles:
 - (i) to control the arrival of vehicles at public transport facilities;
 - (ii) to allow only public transport facility permit holders to enter the facilities;
 - (iii) to coordinate the movement of public transport vehicles between loading and holding areas;
 - (iv) to control public transport vehicle departures according to loading patterns; and
 - (v) to direct public transport vehicle to holding areas and to redirect them to ranks.
- (2) If a public transport facility or a portion of it has been allocated exclusively to a specific mini-bus taxi association or bus association, only that association may appoint marshals in respect of that facility or portion of it.
- (3) In the case of a dispute about which mini-bus taxi association is entitled to appoint a marshal or marshals at a specific public transport facility, the mini-bus taxi forum or bus forum shall decide on the issue.
- (4) The Municipality may lay down a code of conduct for marshals at public transport facilities and amend the code from time to time.
- (5) No person may act as a marshal at a public transport facility unless the mini-bus taxi association or bus association concerned has appointed him or her in writing.

- (6) Any person acting as a marshal or purporting to act as marshal must, on the instruction of an authorised official, produce the document in terms of which he or she was appointed as marshal.
- (7) No owner or driver of a public transport vehicle, mini-bus taxi association or bus association, may appoint any armed security guard to provide services in respect of any public transport facility, unless authorised in writing by the Municipality's duly authorised personnel.

Stops and holding areas

11 A driver of a public transport vehicle may –

- (1) park a mini-bus taxi or a bus only at a special parking place or holding area designated for that type of vehicle; and
- (2) pick up or drop off passengers only at a rank, special parking place, or a stop designated for that type of vehicle.

Re-direction to holding areas

12 If a marshal indicates that no space is available at a mini-bus taxi rank, mini-bus-taxi stop, bus rank, or mini-bus taxi stop at any specific time, mini-bus taxis or buses must be parked at a holding area specified by the marshal or by any authorised official.

Mini-bus taxi owners and drivers' forums and bus owners and drivers' forums

- 13(1)** The Municipality may establish a forum of mini-bus taxi owners and drivers forum, a forum of metered taxi owners and drivers, and a bus owners and drivers forum to make recommendations to it on matters relevant to the mini-bus taxi and bus industries in general.
- (2) Any mini-bus taxi association or bus association may become a member of the appropriate forum established under subsection (1).

Duty of bus driver to stop

14(1) If a bus operating on a bus route is carrying less than the maximum number of passengers that the bus is lawfully entitled to carry, and the driver of the bus sees a person waiting at a bus stop, apparently intending to get on the bus, the driver must, subject to subsection (4) stop the bus at the bus stop, as close as possible to the kerb or edge of the public road, in order to enable the person to get on.

- (2) The driver of a bus that has a notice that it is an “express”, “limited stop” or “special” vehicle is not required to stop until reaching the destination specified by the notice.
- (3) No driver of a bus may stop the bus to pick up a passenger at a place that is not a demarcated bus stop.
- (4) A conductor (if there is one) of a bus may not allow a person to get on a bus, and no person may get on a bus, at any place that is not a demarcated stopping place or stand.

Fares

15 All public transport vehicles entering a public transport facility must display a suitable sign on the left-hand door or left-hand side of the vehicle showing in legible characters:

- (1) the tariff of fares;
- (2) the number of passengers the vehicle is permitted to carry; and
- (3) the registration number of the vehicle.

CHAPTER 3

PERMITS

Application for rank permit

- 16(1)** No operator may use a controlled facility without holding a valid rank permit issued by the Municipality.
- (2) A person may apply for a public transport facility or rank permit if:
 - (a) he or she owns a mini-bus, metered taxi or a bus, as the case may be;
 - (b) he or she has been issued with an operating license in respect of routes serviced by the public transport facility or rank permit concerned;
 - (c) the mini-bus taxi or bus in respect of which the application is submitted has a valid certificate of roadworthiness;
 - (d) the proposed driver has a valid driving licence; and
 - (e) he or she does not have any outstanding warrants for the non-payment of traffic fines.
- (3) An application for a rank permit must be made on the application form prescribed by the Municipality from time to time and be lodged with the Municipality by hand or by electronic mail at the place or address directed by the Municipality.

- (4) An application for a rank permit must be accompanied by –
 - (a) a certified copy of a valid identification document or a temporary identity document or passport issued by the Department of Home Affairs for the owner or operator, or a certificate of incorporation or other form of identification that is acceptable to the Municipality;
 - (b) the prescribed application fee;
 - (c) a copy of the valid operating licence or permit issued for the vehicle as required by section 51 of the Act;
 - (d) a copy of the current vehicle licence certificate of the vehicle issued in terms of the National Road Traffic Act;
 - (e) an original letter of recommendation from the recognised taxi or bus association;
 - (f) a certified copy of a valid certificate of roadworthiness in respect of the mini-bus taxi concerned, as required in terms of Regulation 138 of the regulations made in terms of the National Road Traffic Act; and
 - (g) proof of registration and licensing of the motor vehicle in terms of the National Road Traffic Act.
- (5) The operator must indicate on the application form the controlled facility or facilities that he or she wishes to use.
- (6) Where an operator applies at the same time for a rank permit for five or more vehicles, the Municipality may grant a discount on the application fee for the additional vehicles.
- (7) The Municipality may refuse to grant an application for a rank permit if there is insufficient ranking space in the facility, subject to the Municipality's CITP.
- (8) No one may knowingly supply incorrect or false information on such an application form or in relation thereto.
- (9) Where the Municipality rejects an application for a rank permit, the applicant may appeal in writing to the Municipal Manager or his delegated representative, who must consider the appeal within thirty (30) days of receipt thereof and may then confirm or reverse the decision to refuse the application and notify the applicant accordingly.
- (10) Subsection (9) shall also apply where a holder is dissatisfied with any condition that the Municipality has attached to a rank permit.

Issuing and refusal of rank permit

- 17(1)** When the Municipality grants an application for a rank permit, it shall issue the permit to the operator together with a decal specific to the permit.

- (2) No public transport vehicle may enter or use a controlled facility unless the vehicle displays the decal issued with the rank permit or issued to replace that decal in respect of that vehicle.
- (3) The operator must also ensure that the original rank permit is always kept in the vehicle to which it relates while the vehicle is being operated in the municipal area.
- (4) A rank permit is valid for a maximum of twelve (12) months from the date of issue and it must specify the following:
 - (a) the rank to which the permit applies;
 - (b) the make and registration number of the vehicle;
 - (c) the operating licence number; and
 - (d) the routes on which the vehicle is permitted to operate.
- (5) The Municipality may attach conditions to the rank permit which are not in conflict with the Act, the National Road Traffic Act, or this By-Law, and which must appear on the permit or in an annexure thereto.
- (6) A rank permit issued to a partnership must specify the full names of all the partners and the name under which the partnership conducts its business.
- (7) If a change in the composition of a partnership is occasioned by the admission or by the death or withdrawal of a partner, the current stand licence granted in respect of the motor vehicle that is owned by such partnership continues for the unexpired period thereof.
- (8) When a rank permit is issued, and the operator does not uplift it within ninety (90) days after he or she has been notified that it is ready for uplifting, the permit shall lapse, unless the Municipality grants a written extension on the written request of the operator.
- (9) Subject to section 74 of the Act, on temporary replacement of vehicles, a rank permit is valid only for the vehicle in respect of which it was issued.
- (10) The Council may determine the fees for the issue of a stand licence and such fees may be different for different vehicles (based on a size of a vehicle/taxi/bus).
- (11) The Municipality may, in consideration of the application for a rank permit:
 - (a) Reject the application if there is insufficient ranking space in the municipal area or based on continuous offences committed by the driver or owner of the public passenger vehicle concerned relating to the Act or any other by-laws of the City of Ekurhuleni Metropolitan Municipality;
 - (b) Request that additional information be furnished within a specified time frame; or
 - (c) Reject the application and provide reasons therefor.

- (12) The Municipality may take the following factors into account when considering an application for a rank permit:
 - (a) the need to give preference to –
 - (i) previously disadvantaged persons;
 - (ii) unemployed applicants;
 - (iii) new entrants; and
 - (iv) applicants who do not share a household with an existing permit-holder, unless the applicant is not a dependent of or financially reliant upon that permit holder.
- (13) A person who knowingly supplies incorrect or false information when applying or re-applying for a permit commits an offence.
- (14) Notwithstanding the aforesaid, if a permit is issued contrary to any provisions of this By-Law, the permit holder must, on demand by the Municipality, immediately deliver the disc and permit to the Municipality.
- (15) The taxi association and association of bus operators operating within the area of jurisdiction of the Municipality must submit to the Municipality a Customer Care Plan before 31 March each year.
- (16) A Customer Care Plan must address at least the following issues:
 - (a) a customer needs assessment;
 - (b) service frequencies;
 - (c) vehicle cleanliness;
 - (d) discount structures;
 - (e) safety;
 - (f) care for special groups, including the aged, disabled and school children; and
 - (g) vehicle specifications, including model, type, and seating capacity.

Renewal of a rank permit

- 18(1)** The holder of a rank permit must apply for the renewal of the permit not later than thirty (30) days before the permit expires, failing which the permit shall expire, but the holder shall not be precluded from applying for a new permit.
- (2) The Municipality may refuse an application for renewal of a rank permit if there is insufficient space in the facility concerned, subject to the Municipality's CITP.
- (3) In the event of temporary substitution of a vehicle –

- (a) the holder of a rank permit in terms of this By-Law may substitute the motor vehicle in respect of which such rank permit has been issued, with another motor vehicle for a fixed period not exceeding twenty-one (21) days after such substitution, where the motor vehicle in respect of which the stand licence has been issued, has become defective or, due to an accident, has been temporarily withdrawn from service: Provided that the holder of the rank permit may apply to the Municipality for temporary approval of the substitution of the motor vehicle, and the Municipality issues such approval in writing.
- (b) Where the holder of a rank permit substitutes the motor vehicle to which that rank permit relates, he or she must always carry that rank permit and the approval referred to in subsection (3)(a) in the substitute motor vehicle for the period of the substitution.

Transfer of a rank permit

- 19(1)** A rank permit is not freely transferable; however, it may be transferred with the Municipality's consent in the event of the –
- (a) retirement, permanent incapacity or death of the rank permit holder; or
 - (b) sale of the business of the rank permit holder's permit; or
 - (c) provisional or final sequestration of the rank permit holder's estate; or
 - (d) liquidation of the rank permit holder, if the permit holder is a company or a close corporation.
- (2) The successor in title, executor, trustee, liquidator, or curator of the rank permit holder may, in the circumstances mentioned in subsection (1), apply to the Municipality for transfer of the rank permit, for its unexpired period.
- (3) The Municipality is entitled to demand satisfactory proof from the applicant contemplated under subsection (2) that the requirements of subsection (1) have been met.
- (4) If the Municipality consents to the transfer of the rank permit, it may impose such other requirements or conditions it deems fit.

Issuing and display of decals

- 20(1)** The decal issued with a rank permit shall state –
- (a) the name of the operator;
 - (b) the rank permit number allocated by the Municipality;
 - (c) the controlled facility or facilities that the operator may use by colour-coding or any other method chosen by the Municipality;

- (d) the vehicle registration number; and
 - (e) the expiry date of the authorisation.
- (2) The holder of a decal must –
- (a) where the vehicle concerned is fitted with a clear windscreen, affix the decal in a conspicuous place on the front left-hand inside of the windscreen in an upright position, with the printed side facing the front in such a way that the particulars on the decal are clearly legible to any person standing on the left front side of the vehicle;
 - (b) where the vehicle is fitted with a tinted or smoked glass windscreen, display the decal in a watertight holder in a conspicuous place on the outside left-hand front of the windscreen in such a way that the information on the decal are clearly legible to any person standing on the left front side of the vehicle; and
 - (c) ensure that the decal is always kept displayed while the vehicle is operated in the municipal area for public transport services.
- (3) No one may operate a public transport vehicle in the municipal area with a rank permit or decal that has been defaced or is no longer clearly legible or with a rank permit or decal that does not relate to the vehicle in question.
- (4) A holder may apply in writing to use additional facilities by following the procedures in paragraph 16 of this By-Law, and if the Municipality grants the application, it shall issue an additional or replacing rank permit and decal to the holder.

Duplicate rank permit or decal

- 21(1) Where a rank permit or decal has been lost, destroyed, or damaged to the extent that the particulars thereon are no longer legible, the holder of the rank permit must, on prescribed form, apply to the Municipality for a duplicate and the application must be accompanied by an affidavit describing the reasons for the loss, destruction, or damage of the permit or decal.
- (2) If the Municipality is satisfied that the lost, destroyed, or damaged permit was valid and, in the case of the decal, that it relates to a valid permit, the Municipality shall, on receipt of the prescribed fee, issue a duplicate permit or decal, clearly marked as a duplicate.
 - (3) Where a duplicate decal is issued, the holder must immediately on receipt of the decal affix it to the windscreen of the vehicle in the prescribed manner.
 - (4) If mini-bus taxi is being operated without a permit or decal, it is presumed that the owner or operator does not have a valid rank permit or decal until he/she/it proves to an authorised official that he/she/it does have such a rank permit or has applied for a duplicate.

- (5) A person commits an offence if he or she –
 - (a) unlawfully produces or duplicates a permit or decal;
 - (b) attaches an unauthorised decal onto a public transport vehicle;
 - (c) operates a public transport vehicle on which a decal is in any way concealed, obscured, or has become illegible, unless such concealment, obscurity, or illegibility is temporary, owing to a cause beyond the control of the person who operates the vehicle.
- (6) No person may forge, imitate, deface, mutilate, alter, or make a mark upon a rank permit.

Amendment of details on a rank permit

- 22(1) Where the holder of a rank permit or decal becomes aware that the information on that permit or decal are incorrect, he or she must immediately, but within ten (10) days upon becoming aware, submit the permit or decal to the Municipality for amendment and/or issuing of a correct permit or decal.
- (2) If the Municipality becomes aware that the information contained in a rank permit or decal is incorrect, it may, despite anything to the contrary in this By-Law –
 - (a) notify the holder concerned in writing;
 - (b) where applicable, require the holder to give a satisfactory explanation; and
 - (c) require the holder to return the permit or decal for amendment within ten (10) days from the date of the notification.
- (3) A notice referred to in subsection (2)(a) that is posted to the holder by registered post to his, her or its last known address available to the Municipality, is deemed to have been received by him, her or it ten (10) days after posting.
- (4) When a rank permit or decal is surrendered for it to be amended or replaced in terms of this section, the Municipality shall provide the holder with a temporary permit or decal, which is valid until the amended permit or decal is returned to the holder.
- (5) Where a holder fails to submit a permit or decal to the Municipality as required by this section within the required time, the permit concerned shall lapse, but the holder may apply to the Municipality for a new permit.

Withdrawal or suspension of a rank permit

- 23(1) A rank permit lapses with effect from the date on which the operating licence or certificate of roadworthiness lapses or is cancelled.
- (2) The Municipality may, subject to subsection (3), suspend a rank permit for a specified period or withdraw the permit if –

- (a) the holder does not –
 - (i) comply with a lawful instruction or direction issued in terms of this By-Law; or
 - (ii) comply with any conditions in the permit; or
 - (iii) always maintain the vehicle in sound running condition and repair;
 - (b) an authorised officer inspects the vehicle and finds that it –
 - (i) is constructed or has been adapted in such a way or is in a condition that renders it unsafe for the ferrying of passengers; or
 - (ii) does not comply with this By-Law, the Act, or the National Road Traffic Act; or
 - (c) the owner of the public transport vehicle is found to have wilfully supplied incorrect information or details to the Municipality when required to do so.
- (3) Before acting under subsection (1), the Municipality shall notify the holder by registered post or e-mail of the proposed action and allow the holder not less than twenty-one (21) days to provide reasons why the permit should not be withdrawn or suspended.
- (4) The Municipality shall consider the reasons provided by the holder before deciding to withdraw or suspend the permit.
- (5) Where the Municipality has acted in terms of subsection (1), it shall report the matter to the Provincial Regulatory Entity.
- (6) No person may use or drive a motor vehicle as a public transport vehicle in or at a controlled facility or allow it to be so used while the permit relating to that vehicle has been suspended or withdrawn or has expired.
- (7) A holder who transgresses or fails to comply with the conditions of a rank permit commits an offence.

Prohibition on entering a public transport facility without a permit

- 24(1)** No person may enter or park at a public transport facility without –
- (a) a valid public transport facility permit in respect of the vehicle which is entering the facility; and
 - (b) a valid decal, displayed on the vehicle concerned in terms of this By-Law.
- (2) No person operating a public transport vehicle from outside the jurisdiction of the Municipality may enter a public transport facility without obtaining a valid public transport facility permit and disc.

- (3) The Municipality may issue distinct permits and discs in respect of public transport vehicles which operate from outside its jurisdiction.

Use of public transport facilities

- 25(1) The Municipality shall not be liable for loss of or damage to any public transport vehicle, however caused, or any accessories or contents of that vehicle while it was operated, stopped, or parked in a public transport facility.
- (2) Persons in public transport facilities shall heed all applicable road traffic signs and other signs erected by the Municipality in the facility.
- (3) No person may in a public transport facility –
 - (a) trade or carry on a business, except in terms of a licence or permit granted by the Municipality;
 - (b) wash a vehicle, except at a washing bay specially demarcated for that purpose;
 - (c) repair, maintain or service a vehicle, except in an area specially demarcated for that purpose;
 - (d) drive a vehicle in a manner that endangers other persons, or property; or
 - (e) tamper with any vehicle, or other property, whether movable or immovable.

Parking and removal of vehicles in public transport facilities

- 26(1) Vehicles in a public transport facility shall be parked and driven in compliance with instructions or directions given by an authorised official or facility marshal.
- (2) If no parking space is available at the facility at any specific time for the parking of a vehicle to which a rank permit relates, the vehicle shall be parked at a holding area specified by an authorised official or facility marshal on duty at the facility, until that official or marshal directs the driver to park it at the facility.
- (3) Vehicles may only enter or exit a public transport facility through the demarcated entrance or exit.
- (4) Where areas in a public transport facility have been demarcated for parking, drivers must –
 - (a) park only in a place at the facility that is demarcated for such purpose, unless instructed to park elsewhere by an authorised official or facility marshal;
 - (b) park in a parking bay in such a position that the vehicle is entirely within the demarcated area; and

- (c) not encroach upon a vacant parking bay or one that is already occupied by another vehicle.
- (5) No person may park a vehicle –
 - (a) on a sidewalk or in the roadway within a public transport facility; or
 - (b) in such a facility in a manner which obstructs or inconveniences other users of that facility.

Abandoned vehicles

- 27(1)** Subject to regulation 305(6) of the National Road Traffic Regulations, the Municipality may impound a vehicle that has been left in the same place in a public transport facility for a continuous period of more than seven (7) days.
- (2) The Municipality shall take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if that owner or the person entitled to possession of the vehicle cannot be found within ninety (90) days after the vehicle has been removed, the Municipality may, subject to subsection (4), sell the vehicle in the manner prescribed by any law applicable to the Municipality and governing the sale of movable property.
 - (3) The Municipality must, fourteen (14) days before the sale contemplated in subsection (2), publish a notice of the sale in at least two (2) newspapers circulating within the municipal area, and in two languages predominately spoken in the area.
 - (4) If the owner or the person entitled to the possession of the vehicle concerned claims the vehicle before the sale has taken place, the vehicle may not be sold, and the person who claims the vehicle must pay to the Municipality the prescribed fees and the applicable cost in terms of subsection (5).
 - (5) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (4) and thereafter to defray –
 - (a) the costs incurred in tracing the owner;
 - (b) the costs of removing the vehicle;
 - (c) the costs of publishing the notice of sale;
 - (d) the cost of effecting the sale of the vehicle; and
 - (e) the costs, calculated at a rate determined by the Municipality, of keeping the vehicle secure.
 - (6) Where the owner of a motor vehicle or the person who is entitled to its possession claims that vehicle after the sale referred to in subsection (2), the balance, if any, of the proceeds of the sale after the fees and costs contemplated in subsection (5) have been deducted, shall be paid to that owner or person if he or she can prove his or her right or title to the vehicle.

- (7) If a claim is not lodged within one (1) year of the date of the sale referred to in subsection (2), the balance of the proceeds contemplated in subsection (6) shall be forfeited to the Municipality.

Rights of public transport facility permit holders

- 28(1) A public transport facility permit entitles its owner or operator to enter a public transport facility in the public transport vehicle referred to in the public transport facility permit and on the accompanying disc.
 - (2) A public transport vehicle owner or operator may not enter or park at a public transport facility in any motor vehicle other than the vehicle referred to in his or her public transport facility permit and disc.

Public transport facility fees

- 29(1) The Municipality is empowered to charge any public transport facility permit-holder an annual public transport facility permit fee.
 - (2) A public transport vehicle owner or operator may not enter or park at a public transport facility in a motor vehicle other than the vehicle referred to in his or her public transport facility permit and disc.
 - (3) The Municipality shall, from time to time, to fix the amount of the application fee, the annual public transport facility permit fee, and the duplicate fee.
 - (4) If a public transport facility permit is issued partway through a year, then the annual public transport facility permit fee shall be reduced proportionately.

Change of address or status

- 30(1) A public transport facility permit holder must give written notice to the Municipality –
 - (a) of any change in his or her address; or
 - (b) if he or she sells or otherwise disposes of the public transport vehicle in respect of which the public transport facility permit was issued and, if the vehicle has been sold or disposed of, the –
 - (i) name and address of the person to whom it was disposed of; and
 - (ii) the reason for selling or disposing of the vehicle, within ten (10) days of the happening of such event.
- (2) The permit holder must, at the same time as giving notice in terms of subsection (1), submit his or her public transport facility permit and disc to the Municipality for amendment.

- (3) If a public transport facility permit is damaged in a manner that the details thereon cannot reasonably be ascertained, the holder of a damaged public transport facility permit must submit it to the Municipality and the authorised official may replace such damaged public transport facility permit at the cost of the holder of the rank disc.

Transfer of public transport facility permits

- 31(1) A permit is not freely transferable, but may be transferred with the Municipality's written consent in the event of the –
 - (a) retirement, permanent incapacity, or death of the public transport facility permit holder; or
 - (b) sale of the public transport facility permit holder's business; or
 - (c) sale of the vehicle to which the permit relates; or
 - (d) provisional or final sequestration of the public transport facility permit holder's estate; or
 - (e) liquidation of the public transport facility permit holder, if the permit holder is a company or a close corporation.
- (2) The successor in title, executor, trustee, liquidator, or curator of the public transport facility permit holder may, in the circumstances mentioned in subsection (1), apply to the Municipality for transfer of the specific public transport facility permit, for its unexpired period.
- (3) The authorised official may demand satisfactory proof from the permit-holder that the requirements of subsection (1) have been met.
- (4) If the authorised official consents to the transfer of a public transport facility permit, he or she may impose such requirements as deemed fit.

Public transport facility permit to be produced on demand

- 32(1) The holder of a public transport facility permit must maintain the public transport facility permit in a good and legible condition.
- (2) Any authorised official may call upon the driver of any public transport vehicle to stop, and may demand from him or her to –
 - (a) produce his or her public transport facility permit to the Municipality within five (5) days of having been ordered to do so by an authorised official; and
 - (b) supply his or her full name and address and also the name and address of the owner or operator of such vehicle.

- (3) No driver referred to in subsection (2) may, when called upon to do so by any authorised official –
 - (a) refuse to stop; or
 - (b) refuse or fail to supply his or her full name and address; or
 - (c) refuse or fail to supply the correct name and address of the owner or operator of the vehicle in his or her charge; or
 - (d) refuse or fail to produce a public transport facility permit within the time period referred to in subsection (2); or
 - (e) give a false name or address.

Prohibition on forging permits or discs

- 33(1) No person may forge, imitate, deface, mutilate, alter, or make a mark upon a public transport facility permit.
 - (2) No person may use or allow a vehicle to be used as a public transport vehicle at a public transport facility if the public transport facility permit of such public transport vehicle has been suspended, or withdrawn, or has expired.
 - (3) If an operating card has been suspended, cancelled, or withdrawn by the licensing authority, the public transport facility permit issued by the Municipality is automatically suspended, cancelled, or withdrawn.

Return of public transport facility permits and discs

- 34(1) A public transport facility permit-holder must immediately return his or her permit to the Municipality when the permit expires or if the –
 - (a) Municipality suspends or withdraws the permit; or
 - (b) permit-holder is refused permission to transfer the permit; or
 - (c) permit-holder ceases trading for a period of twenty-five (25) or more days; or
 - (d) permit-holder no longer wishes to operate a public transport vehicle from the approved public transport facility.

CHAPTER 4

DUTIES OF OPERATORS, DRIVERS, AND PASSENGERS

Duties of operators

- 35(1) The operator of a bus used for scheduled services must ensure that a destination sign is displayed on the bus.
- (2) Operators must ensure that all public transport vehicles operated by them are clean when leaving a depot or place where the vehicle is based, and kept in a sanitary and tidy condition while being used for public transport services.
- (3) Where property is left in a public transport vehicle, the operator and driver must ensure that it is delivered to the lost property office or Call Centre contemplated in section 82, for safekeeping and reclaiming by the person who left it in the vehicle.
- (4) Where a public transport vehicle becomes defective while conveying passengers, the operator must promptly arrange a substitute vehicle or alternative transport for them, failing which the passengers shall be entitled to a refund of the ticket price, as required by the Consumer Protection Act 68 of 2008.
- (5) Operators must ensure that all vehicles used by them have been properly licensed and have been issued with a valid roadworthy certificate, as required by the National Road Traffic Act, and must comply with all other laws applicable to such vehicles.
- (6) Where facilities have been set aside for use by a specified association or group of operators, those operators must keep the facilities clean and in good condition, and promptly report to the Municipality on any repairs or maintenance that are needed.
- (7) Operators may not use facilities that are demarcated by road traffic signs for use by specific types of public transport services where their services are not included in those specified types of services.

Duties of drivers

- 36(1) The driver of a vehicle providing scheduled services must stop at every bus stop designated as such by the Municipality on its designated route to pick up passengers, unless the capacity of the vehicle will be exceeded, or the Transport Management Centre directs the driver not to stop at specified bus stops.
- (2) The driver of a vehicle providing a minibus taxi-type service may not –
 - (a) abandon his or her vehicle; or
 - (b) allow any other person to drive the vehicle under his or her control without the consent of the holder of the permit for that vehicle; or

- (c) pick up or set down passengers at any place other than a designated rank or stopping place, unless no such rank or stopping place exists within a radius of five-hundred (500) metres from that place; or
 - (d) roam or tout for passengers or be hailed by the public with a view to picking up passengers at any place other than on a designated route, rank, terminus, or stopping place.
- (3) The driver of a public transport vehicle may not –
- (a) allow the number of passengers in the vehicle to exceed the number allowed by the National Road Traffic Regulations as shown in the approved roadworthy certificate or in the operating licence or permit; or
 - (b) park the vehicle at any stopping place longer than is necessary to load or offload passengers, unless directed to do so by an authorised official or marshal; or
 - (c) drink alcohol, take narcotic drugs, smoke, or use offensive language while driving the vehicle; or
 - (d) use a hooter or other sounding device to tout for passengers or in contravention of regulation 310A of the National Road Traffic Regulations.
- (4) Drivers of public transport vehicles must always be clean and neatly dressed while driving the vehicle.
- (5) The driver of a public transport vehicle must refuse access to a passenger carrying baggage that could pose a danger or inconvenience to other passengers or result in the overloading of the vehicle.

Duties of passengers

- 37(1)** Passengers may board or alight from a bus or midi-bus only at the entrance thereof, unless the driver or conductor directs otherwise, or if an emergency necessitates a different entrance or exit.
- (2) No passenger may board a public transport vehicle –
- (a) except at a facility designated by the Municipality, unless the vehicle is a metered taxi or is providing a charter service or tourist transport service; or
 - (b) while refusing or failing to pay the fare charged for the public transport service; or
 - (c) act in a manner inconsistent with the provisions of section 41.
- (3) Standing passengers in a public transport vehicle must always hold onto hanging straps, rails, or seats when the vehicle is in motion.
- (4) A passenger may not evade or attempt to evade payment of fares.

- (5) If at any time a bus or taxi becomes defective or for any reason whatever is unable to proceed, the passengers must, at the request of the driver or conductor, alight from the defective bus or taxi, and if such passengers have paid their fares, they are entitled to a refund in the amount of their fares paid or must be allowed to travel by the next bus or taxi available, at the cost of the defective bus or taxi's owner, for the remainder of the distance in respect of which they have paid their fares.

Seats for special categories of passengers

- 38(1) The operator or driver of a public transport vehicle may –
 - (a) set aside seats in the vehicle for special categories of passengers; and
 - (b) prevent any passenger from occupying such a seat who is not part of such a special category.
- (2) No passenger may occupy such a seat unless he or she forms part of such a special category of passengers.

General duties

- 39(1) The driver, conductor or operator of a public transport vehicle –
 - (a) may not force any person to board or leave the vehicle against their will, except that the driver or conductor of the vehicle may do so in the interests of public safety or if so directed by an authorised official or marshal;
 - (b) may not prevent any person from using a lift club contemplated in section 69 of the Act, or boarding a vehicle lawfully used as part of a lift club;
 - (c) may not show films or videos in the vehicle or display advertisements in or on it that may be offensive to any sector of the public, or play loud music in the vehicle;
 - (d) may not tout or solicit passengers by calling out, hooting, or in any manner that is offensive or a nuisance to the passengers and the public;
 - (e) may refuse to allow a passenger to board a public transport vehicle where the passenger fails or refuses to pay the fare, or where the lawful capacity of the vehicle will be exceeded, and may oblige the passenger to leave the vehicle in such a case; and
 - (f) may not knowingly convey a person or thing if that person or thing may not be conveyed in terms of any law, or that person has an infectious or contagious disease or has recently been exposed to such a disease.
- (2) No person may –
 - (a) threaten or intimidate a passenger on a public transport vehicle or in or at a facility; or

- (b) use force, intimidation, threats, or by acting in a clandestine manner or by any other means, prevent or try to prevent any passenger, driver, or operator from obtaining or engaging a public passenger transport vehicle or prevent the driver thereof from loading or offloading passengers; or
 - (c) hang onto the exterior of a public transport vehicle, or stand or sit on any step or other part of the exterior of the vehicle, at any time while the vehicle is in motion; or
 - (d) bring any animal onto a public transport vehicle or into a rapid transport station except assistance dogs being used to guide persons with disabilities; or
 - (e) interfere with, harass, intimidate, insult, or use bad language to the driver or conductor of a public transport vehicle or to passengers in that vehicle or in a public transport facility; or
 - (f) enter a public transport vehicle or rapid transport station while suffering from an infectious disease or while wearing filthy clothes; or
 - (g) leave any baggage unattended in a public transport vehicle or public transport facility; or
 - (h) obstruct the passage of or delay a public transport vehicle in any way, except where necessary in an emergency or as allowed by law; or
 - (i) bribe or attempt to bribe an authorised official or marshal; or
 - (j) bring any of the following onto a public transport vehicle:
 - (i) any firearm or ammunition, unless the person possesses a proper and valid licence for the firearm or ammunition, and complies with all legislation applicable to the carrying thereof; or
 - (ii) any explosives or explosive devices; or
 - (iii) any dangerous weapon as defined in the Dangerous Weapons Act 71 of 1968; or
 - (iv) any other dangerous, offensive, or filthy article, object or thing.
- (3) The driver or conductor of a public transport vehicle may remove any animal from the vehicle, unless it is a guide dog contemplated in subsection (2)(d), or direct the person who brought the animal to remove it, and that person must comply with such direction.
- (4) The owner, driver, or person in charge of a public transport vehicle must take immediate steps to have the vehicle disinfected as soon as it has come to his or her knowledge that there has been conveyed in the vehicle –
- (a) a passenger suffering from an infectious or contagious disease; or
 - (b) the body of a person who died from a disease; or

- (c) anything that has been exposed to or contaminated by such a disease.
- (5) The owner, driver or person in charge of a public transport vehicle may not convey any person in the vehicle until it has been so disinfected, and must carry out the instructions of an authorised official regarding such disinfection.
- (6) A passenger may bring a fold-up bicycle onto any public transport vehicle that is a midi-bus or bus, but not a motor car or minibus, and not if the bicycle is of such a size or nature that it is likely to cause a danger or disturbance to other passengers.
- (7) On routes where stops or facilities are provided, a person may not enter or attempt to enter or alight or attempt to alight from any bus or taxi at any point along the road other than at a designated bus or taxi stop or facility, if such stop or facility is demarcated along the road.
- (8) A person may not enter or attempt to enter or alight or attempt to alight from any bus or taxi while that bus or taxi is in motion.
- (9) Any person intending to travel in or on any bus or taxi with any article, instrument, or implement that may be considered dangerous or offensive by the passengers, driver, conductor, or a law enforcement officer, shall not be allowed to enter the taxi or bus.
- (10) The following actions are prohibited on a bus or taxi:
 - (a) smoking;
 - (b) playing offensive or excessively loud music;
 - (c) using obscene or offensive language;
 - (d) committing an offensive act;
 - (e) interfering with the comfort of any passenger;
 - (f) damaging any bus or taxi or the fittings thereof;
 - (g) interfering with the equipment of the bus or taxi in any way;
 - (h) forcibly causing the driver to deviate from his or her route;
 - (i) endangering the lives of other people;
 - (j) unnecessary use of the hooter by the driver; and
 - (k) forcing a driver to stop at a place not in accordance with this By-Law.
- (11) A person committing any of the actions in subsection (1), in addition to incurring the penalty provided for in this By-Law, forfeits his or her fare and may be summarily removed from the bus or taxi.

CHAPTER 5

BEHAVIOUR OF DRIVERS, CONDUCTORS, AND PASSENGERS

Preventing use of a public transport vehicle

- 40(1)** No person at a public transport facility may, by using force, intimidation, threat or by any other means, prevent or try to prevent –
- (a) any person from using a public transport vehicle; or
 - (b) the driver of a public transport vehicle from taking on passengers.

Boarding and disembarking of public transport vehicles

- 41(1)** No person may, at a public transport facility –
- (a) board a public transport vehicle until all persons desiring to disembark such vehicle have done so; or
 - (b) insist on boarding a public transport vehicle where the number of passengers would exceed the total number of passengers which it is authorised to carry; or
 - (c) get off or get on to, or attempt to get off or get on, a public transport vehicle while the vehicle is moving.

Queues by passengers at public transport facilities

- 42(1)** The Municipality may, at a public transport facility, erect –
- (a) queue signs or notice boards indicating the location and the way persons waiting to enter a public transport vehicle must stop and form a queue; and
 - (b) rails or lines marked on the surface of the area to be demarcated for queuing.
- (2) All passengers intending to enter any public transport vehicle at a public transport facility must queue from the point at which it is indicated that such public transport vehicle will leave.
- (3) Where no queue sign has been erected, passengers waiting to enter a public transport vehicle at a public transport facility must form themselves into a single file queue when required to so by a marshal, a conductor, or an authorised official of the Municipality.
- (4) A passenger may only enter a public transport vehicle at a public transport facility when he or she reaches the front of the queue.

Identification of conductors

- 43(1)** Every conductor must, while on duty –
- (a) wear a reflective bib or jacket; and
 - (b) display an identification card.

Payment of fares

- 44** A passenger boarding a public transport vehicle at a public transport facility must on request pay the determined fare for the journey.

Breakdowns

- 45(1)** If a public transport vehicle at a public transport facility becomes defective or, for any reason whatsoever, is unable to proceed, the passengers must, at the request of the driver, disembark from the defective vehicle.
- (2) If the passengers have already paid their fares, they are entitled at their option to –
- (a) a refund in the amount of their fares; or
 - (b) be allowed to travel with the next available public transport vehicle for the remainder of the distance, at the cost of the owner of the defective public transport vehicle.

Property left in public transport vehicles

- 46(1)** The driver of a passenger-carrying vehicle must examine the vehicle after a trip, and if any passenger has left behind any property in the vehicle, the driver shall –
- (a) first attempt to trace and deliver that property to the person who left it behind; or
 - (b) if he or she is unable to trace and/or deliver that property to the person who left it behind, take the property, as soon as possible, to the rank office, or lost property office established in terms of section 82 of this By-Law, or the ticket office, or the nearest police station, and deposit it with the officer on duty and obtain a receipt for it.

CHAPTER 6

METERED TAXIS

Marking of metered taxis

- 47(1)** All metered taxis operating in the municipal area shall be fitted with an illuminated roof sign that complies with the Municipality's specifications, and an indicator that may be incorporated in the roof sign with the words "For hire" displayed when the taxi is available for hire, and the roof sign must be maintained in good working order always while the taxi is operated.
- (2) In addition, all such metered taxis must display on the left hand front door in legible characters of not less than five centimetres in height a sign showing –
- (a) the fares being charged;
 - (b) the number of persons the taxi is authorised to carry in terms of law or the applicable operating licence; and
 - (c) where the operator requires a rank permit, the rank permit number.

Taxi meters

- 48(1)** All metered taxis must be fitted with a meter in working order, which has been sealed by an examiner of vehicles, and no metered taxi may be operated in the municipal area unless fitted with such a meter.
- (2) If the Minister or MEC has determined a fare structure for metered taxi services under section 66(3) of the Act, the meter must register a fare in accordance with that structure.
- (3) The meter may reflect charges for extras such as waiting time and time spent in traffic congestion.
- (4) The meter must –
- (a) be fitted to the inside of the taxi so that the recorded fare is always plainly visible by a passenger occupying the rear seat;
 - (b) be illuminated after dark; and
 - (c) must reflect whether the meter is running or not, and whether it is recording waiting time only.
- (5) The taxi meter must be operated electronically or mechanically, either solely from the gearbox or left front wheel of the metered taxi or from another portion of the mechanism of the metered taxi that the Municipality approves by notice in the *Gazette*.
- (6) No person may –

- (a) destroy, break or tamper with the seal affixed to a meter by an examiner of vehicles or by an agent appointed by the Municipality; or
 - (b) adjust, interfere, or tamper with a meter or any wire or appliance connected to a meter, or any tyre or fitting on a metered taxi that may cause that meter to register anything other than the true and correct fare chargeable.
- (7) An operator or driver may not use a metered taxi for a metered taxi service if –
- (a) the meter affixed to that taxi does not reflect the true fare; or
 - (b) the tyres fitted to that taxi are not the same size as those that were on the vehicle when the meter was tested and sealed.
- (8) The operator and driver of a metered taxi –
- (a) must ensure that the metered taxi is fitted with an odometer and speedometer in good and proper working order, and that the odometer reflects the true distance travelled; and
 - (b) may not operate the metered taxi unless the odometer and speedometer work properly.
- (9) Subject to all applicable legislation, the tolerances to be allowed on all meters when tested are –
- (a) Road test: No tolerance in deficiency or over-registration is allowed: Provided that if the vehicle’s tyres are obviously worn, a tolerance in deficiency (or over-registration) of ten (10) metres per kilometre and a tolerance in excess (or under-registration) of fifty (50) metres per kilometre is allowed;
 - (b) Time test: A tolerance in deficiency (or over-registration) of one (1) second per minute and a tolerance in excess (or under-registration) of two (2) seconds per minute is allowed.
- (10) An authorised official may by written notice instruct the operator or driver of a metered taxi to present the taxi to an examiner of vehicles for examination and testing of the meter at a time and place specified in the notice, and that operator or driver must comply with that instruction.
- (11) If a meter affixed to a metered taxi is found not to be in good order or not working satisfactorily, an examiner of vehicles may condemn the meter and remove the seal or mark placed on it in terms of this By-Law.
- (12) No person may operate a metered taxi in the municipal area with a condemned meter in the taxi, until the meter has been retested, approved, and sealed by an examiner of vehicles.

Sealing and testing of meters

- 49(1)** The operator of a metered taxi must ensure that the seals affixed to the meter by a vehicle examiner are intact and undamaged.
- (2) If the seal on a meter is broken or defaced, the operator shall immediately apply to the Municipality or an agent directed by the Municipality to replace or renew that seal, and may not operate that metered taxi in the municipal area until the seal has been replaced or renewed.
- (3) The operator of a metered taxi shall pay the prescribed fee when a meter is tested, sealed, or resealed.

Metered taxi fares

- 50(1)** The operator or driver of a metered taxi may not charge, demand, or attempt to obtain a fare lower or higher than that shown by the meter or that conflicts with a fare structure determined by the Minister or MEC in terms of section 66(3) of the Act.
- (2) The driver of a metered taxi must advise passengers of the applicable fare before the journey commences and must issue a receipt on payment of the fare and issue such receipt to each passenger when so requested.
- (3) In terms of section 66(1)(d) of the Act, a journey may be operated at a fare not determined by the meter if that fare is agreed on before the journey begins, but the meter shall be kept running for the information of passengers.
- (4) Multi-hiring (more than one passenger per journey) is permitted with the consent of all passengers if the fare for each passenger is agreed before the journey.
- (5) The meter may be stopped where the taxi is halted at the request of or due to the action of the passenger.
- (6) The meter need not be stopped when the taxi is halted due to traffic congestion or road traffic signs or signals.
- (7) A meter may be calibrated to record a lower fare where the driver agrees to wait at a fixed spot at the request of the passenger.
- (8) A person who calls for or summons a metered taxi and fails to use it on its arrival shall pay the fare for the distance from the rank, stand, or place from which the taxi was dispatched to the place where the taxi was called or summoned.
- (9) If a metered taxi is kept waiting through no fault of the driver before the driver is informed that the taxi's service is not required, the person who called for or summoned the taxi shall pay the driver the tariff for waiting time.

Duties of drivers of metered taxis

- 51(1)** The driver of a metered taxi shall take the shortest route from the departure point to the destination, unless a longer route is agreed to or directed by the passenger, or unless instructed to do so by an authorised official.
- (2) Where a longer route is taken the driver must explain to the passenger the reasons why it is being taken.
 - (3) Where the driver of a metered taxi is unable to deliver passengers and their effects to their destination because of a mechanical breakdown of the taxi or for any other reason, the driver must make best efforts to call another taxi to transport them or to arrange an alternative means of transport.
 - (4) Drivers of metered taxis shall be familiar with the areas they serve, and shall be trained or instructed by the operator as to the best routes to be taken.
 - (5) The operator of a metered taxi must keep a current street map of the municipal area in the taxi, either in hard copy or by electronic application, and make it available to passengers on request.
 - (6) When ranking at facilities or at airports, stations, hotels, conference centres, or similar places, metered taxis shall queue on a first-come-first-served basis.

Position of meter

- 52** The meter of a taxi shall be –
- (1) fitted on the inside of the vehicle in such a position that the recorded fare is always plainly visible to a passenger occupying the rear seat; and
 - (2) illuminated after dark.

Operation of meter

- 53(1)** The taximeter must be operated electronically or mechanically, either solely from the gearbox or left front wheel of the metered taxi or from another portion of the mechanism of the taxi that the relevant fitting authority may approve.
- (2) The driver of a metered taxi shall ensure that the taxi meter correctly indicates to the passenger the fare that may be charged by the driver in accordance with the tariff displayed on the taxi.

Starting of meter

- 54** The driver of a metered taxi shall –

- (1) on arrival at the passenger's departure point, and not sooner, start the taxi meter in the "hired" position;
- (2) on arrival at the passenger's destination, and not later, immediately stop the taxi meter from recording; and
- (3) stop the taxi meter from recording for the duration of a stoppage if it is not caused by traffic congestion, or by the action of the passenger, or at the request of the passenger.

Testing of taxi meters

- 55(1)** An authorised official may, by written notice, instruct the owner or driver of a metered taxi to present the taxi concerned to the Metropolitan Police Service for the examination and testing of the taxi meter, at a time and place specified in the notice.
- (2) The operator or owner of the meter taxi shall pay the prescribed fees to the Municipality for every taxi meter tested by the Metropolitan Police Service or an authorised official.

CHAPTER 7

RAPID TRANSPORT SYSTEM

Use of rapid transport lanes

- 56(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 person may, subject to subsection (2) –
- (a) drive any motorised or non-motorised vehicle in or on such lane, except a bus or other vehicle authorised by the Municipality to use that lane; or
 - (b) park or leave any vehicle in such lane at any time; or
 - (c) leave or deposit any object, refuse, or other thing on 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.
- (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 lane without doing so, and then only insofar as necessary to be able to enter or leave the premises: Provided that the driver may not turn right over the lane; or
 - (b) he or she cannot enter or leave any public road without encroaching on such lane; or

- (c) he or she intends turning at the next intersection, on-ramp, or off-ramp, but only if no turning lane is provided; or
 - (d) in compliance with the direction of an authorised official, marshal, or the Transport Management Centre.
- (3) Subsection (1) does not apply, in case of emergencies, to –
- (a) a firefighting vehicle or firefighting response vehicle; or
 - (b) an emergency medical response vehicle or ambulance; or
 - (c) a vehicle engaged in civil protection in terms of the Disaster Management Act or the Disaster Management Amendment Act; or
 - (d) an authorised official driving a properly marked vehicle in the execution of his or her duties.
- (4) An authorised official 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 alleged offence, in which case the vehicle shall be dealt with in terms of the provisions of Chapter 2 of the Criminal Procedure Act, reading in the necessary charges.
- (5) Where a rapid transport lane has been demarcated as a time-related rapid transport lane, this section shall apply only to the times when the lane may not be used by the public, except for subsection (3)(c) above.

Roadworks in rapid transport lanes

- 57(1)** A person wishing to undertake roadworks in a rapid transport lane shall apply to the Municipality for written authorisation to undertake such work.
- (2) No person may carry out any work in a rapid transport lane without such authorisation, except in an emergency.
- (3) For the purposes of this section, “emergency” means a situation where the Municipality or an authorised official or an appointed agent perceives that –
- (a) there is an immediate or imminent danger of harm or damage to persons or property; or
 - (b) public transport vehicles could be prevented from operating, thereby potentially causing major disruptions in timetables; or
 - (c) there is a danger of substantial disruption of traffic; or
 - (d) emergency vehicles could be prevented from using the lane; or
 - (e) critical electronic infrastructure could be off-line for an unacceptable period.

- (4) Persons requiring authorisation shall apply therefor not later than seven (7) days before the planned commencement of the works, by completing the form on the Municipal website and supplying the information indicated on it.

Rapid transport stations

- 58(1) No person, except an authorised official, marshal, or person authorised by the Municipality 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 fare ticket or coupon to use the rapid transport service.
- (2) No person may, in the rapid transport system, in a rapid transport station, or on a rapid transport bus –
 - (a) loiter, except for the purpose of waiting to board a rapid transport vehicle; or
 - (b) jump over or cross an access gate, except in the permitted manner; or
 - (c) attempt to open the doors of a rapid transport bus except by signalling to the driver to do so; or
 - (d) tamper with or damage any fixtures or other property; or
 - (e) enter a part of the station to which entry is prohibited by a sign displayed; or
 - (f) tamper with or damage any electronic equipment, fibre-optic cables, and any installation or structure relating thereto; or
 - (g) perform any other act that is prohibited is such a station, or in any public transport vehicle.
- (3) An authorised official or marshal may, in a rapid transport station, request any person to –
 - (a) produce a fare media or travel media card for use on the rapid transport service;
 - (b) desist from any activity that is prohibited by this By-Law or any other applicable law; and
 - (c) leave the station where his or her presence is in contravention of this By-Law or any other applicable law.
- (4) A person so requested in subsection (3) shall comply with the request forthwith.

CHAPTER 8

NON-MOTORISED TRANSPORT

Obstructing sidewalks

- 59(1)** No 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 acceptable to the Municipality.
- (2) No person 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.
 - (3) No person may plant trees or large shrubs or erect landscaping on the verge of any road that is likely to constitute an obstruction to pedestrians or traffic or impair road visibility.
 - (4) 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 free movement of pedestrians is obstructed.
 - (5) Where an authorised official perceives that a person is obstructing or blocking a sidewalk, or has planted trees or large shrubs or erected landscaping in contravention of this section, he or she may direct that person to remove the obstruction or blockage, and that person shall comply with the direction forthwith.
 - (6) Where a person fails to comply with a direction under subsection (5), the Municipality may remove the obstruction, tree, shrub, or landscaping, and claim the costs of such activity from the person responsible.

Protection of pedestrians

- 60(1)** In addition to complying with the National Road Traffic Regulations, drivers of motor vehicles must take special care to protect the safety of pedestrians.
- (2) Without derogating from the generality of subsection (1), drivers of motor vehicles shall –
 - (a) anticipate situations where pedestrians may or will cross the road in question, either legally or illegally, and reduce speed or take other precautionary measures to avoid danger or injury to them; and
 - (b) immediately reduce speed, despite the applicable speed limit, where a pedestrian is crossing or using a road either legally or illegally, to avoid causing a danger or injury to such pedestrian or other road users.

Protection of scholars and students

- 61(1)** All schools and other educational institutions in the municipal area shall provide areas that are not adjacent to busy public roads where scholars and students may be picked up or set down by motor vehicles, or provide safe inlets alongside such a road, in compliance with regulation 42(8) of the National Land Transport Regulations.
- (2) The Municipality may, by written notice, direct such a school or institution to provide such an area within a time specified in the notice, and the school or institution shall comply with such direction.
- (3) Drivers of motor vehicles may not pick up or set down scholars or students on a public road except in places –
 - (a) where it is safe to do so; and
 - (b) where the scholars or students may cross the road after being set down at a pedestrian crossing, traffic light, or other place where it is safe to cross.
- (4) Where a public transport vehicle is carrying scholars or students or loading or offloading passengers on a public road next to a school or other educational institution, all other vehicles in its vicinity shall slow down or stop to ensure the safety of the scholars or students who may or be likely to cross the road, in compliance with regulation 42(11) of the National Land Transport Regulations.

Duties of drivers of motor vehicles in relation to pedestrians and cyclists

- 62(1)** The driver of a motor vehicle, when passing a pedestrian on a public road, shall –
 - (a) exercise due care while passing a pedestrian to avoid colliding with a pedestrian or giving a jogger or runner a shock or fright so that he or she falls or swerves into the line of traffic;
 - (b) maintain a distance of at least one (1) metre between the motor vehicle and the pedestrian; and
 - (c) maintain that distance until it is safely clear of the pedestrian.
- (2) The driver of a motor vehicle when passing a cyclist on a public road shall –
 - (a) exercise due care while passing the cyclist to avoid colliding with the cyclist or giving the cyclist a shock or fright so that he or she falls or swerves into the line of traffic;
 - (b) maintain a distance of at least one metre between the motor vehicle and the cyclist; and
 - (c) maintain that distance until safely clear of the cyclist.

- (3) Where there is a solid barrier line or other road traffic sign or marking prohibiting encroachment on the other side of the road, a driver contemplated in subsection (1) or (2) may, where the roadway is not wide enough to allow him or her to comply with that subsection, encroach upon the other side of the road, but only if –
 - (a) it can be done without endangering or obstructing other persons or vehicles;
 - (b) it is safe to do so, and
 - (c) it is done for a period no longer than is necessary to pass the pedestrian or cyclist safely.

Duties of pedestrians

- 63**(1) No pedestrian may walk on the roadway of a public road where a shoulder or sidewalk has been provided, except to cross the road at a point where crossing is permitted.
- (2) Where no shoulder or sidewalk has been provided on a public road, pedestrians –
 - (a) shall not walk on the roadway, unless it is impossible or impractical not to do so; and
 - (b) when walking on the roadway, shall keep as close as possible to its left edge. (when walking on the roadway, shall preferably walk facing oncoming traffic and keep as close as possible to the edge of the road)

Duties of joggers and cyclists

- 64**(1) Where a shoulder has been provided on a public road, joggers shall jog only on the shoulder or otherwise off the roadway unless crossing the road, or where it is necessary to do so, to avoid a collision or pass an obstruction.
- (2) Where a jogger uses a public road with no shoulder, he or she must jog off the roadway if possible, or otherwise as close as possible to its left edge.
- (3) A jogger on a public road may not –
 - (a) where a sidewalk has been provided, jog on any part of that road except the sidewalk, unless when crossing the road;
 - (b) jog on the right-hand side of a parked or slowly moving motor vehicle going in the same direction, except when it is not possible to pass it on the left;
 - (c) jog abreast of another jogger going in the same direction, except when passing him or her.

- (4) A jogger shall exercise due care while passing a motor vehicle or another jogger or a pedestrian to avoid endangering him or herself or other road users or pedestrians.
- (5) A cyclist riding on a public road shall –
 - (a) if the road has a cycle lane, ride only therein, and not on any other portion of the road, except when crossing it; or
 - (b) if there is no cycle lane, ride to the left of the left edge of the roadway, or on the roadway, keeping as close as practicable to its left edge.
- (6) While riding on a public road, a cyclist shall give conspicuous hand signals as contemplated in regulations 324 and 325 of the National Road Traffic Regulations, and stop in the circumstances contemplated in regulation 307.
- (7) A person may not ride a pedal cycle on a public road –
 - (a) on the right-hand side of a motor vehicle proceeding in the same direction, except when passing that vehicle or turning right at an intersection; or
 - (b) abreast of another cyclist proceeding in the same direction, except when passing that cyclist; or
 - (c) while wearing a headset, headphones, or any other listening device other than a hearing aid; or
 - (d) while carrying another person on the pedal cycle, unless that cycle is specially equipped to carry more than one person.

Planning of infrastructure, and travel demand management

65(1) Any person planning a public transport facility, public transport interchange, shopping centre, mall, business complex, or similar development, shall ensure adequate provision for the needs of non-motorised transport in accordance with the standards, specifications, and requirements published in terms of section 39(2) of the Act.

- (2) In evaluating a traffic impact assessment or public transport assessment in terms of section 38(2)(b) of the Act, the Municipality shall give due attention to the provision of infrastructure that promotes and accommodates non-motorised transport including, but not limited to –
 - (a) secure places to store cycles;
 - (b) easy and convenient access to the premises by pedestrians and cyclists;
 - (c) safe pedestrian crossings over public roads giving access to the property;
 - (d) traffic calming measures, such as zebra crossings, pelican crossings, toucan crossings, and other midblock crossings;
 - (e) accommodating special categories of passengers and pedestrians by applying Universal Design Guidelines and Specifications; and

- (f) pedestrian walkways and cycle lanes, where appropriate.
- (3) Landscaping in developments contemplated in subsection (1) shall give due attention to non-motorised transport, including, but not limited to –
 - (a) cycle lanes and pedestrian paths;
 - (b) the separation of pedestrian, cycle, and vehicle lanes, where possible;
 - (c) planting of trees and landscaping that promotes social interaction;
 - (d) park benches, seating areas, and drinking fountains; and
 - (e) measures to promote safety and security, such as intelligent lighting and security cameras.
- (4) All parking areas planned or established after the date of commencement of this By-Law shall provide space for cycles, unless the Municipality is satisfied that adequate storage place for cycles exists in the vicinity.

Standards, specifications, and requirements for non-motorized transport infrastructure

66(1) The Municipality may develop standards, specifications, and requirements for non-motorised transport infrastructure, and once adopted by the they shall be published on the website and in the *Gazette*, and copies will be made available for inspection at the city’s offices and libraries.

- (2) The standards, specifications, and requirements contemplated in this section –
 - (a) shall comply with the National Building Regulations and Building Standards Act 103 of 1997, and any regulations and standards made in terms of or recognised by that Act, and any other applicable national or provincial legislation, or by-laws of the Municipality; and
 - (b) may include, but need not be limited to –
 - (i) standards and dimensions for kerbs at the road edge;
 - (ii) specifications for paving placement and materials;
 - (iii) kerbs or barriers for cycle and pedestrian paths;
 - (iv) specifications for landscaping, greening, and tree planting;
 - (v) specifications for park benches, seating areas, and water fountains;
 - (vi) specifications for lighting and placement of streetlights, and minimisation of dark areas;
 - (vii) specifications for the maintenance, upkeep, cleaning, and upgrading of non-motorised transport infrastructure;

- (viii) specifications for signage and road marking, in compliance with the National Road Traffic Regulations;
 - (x) standards and specifications to make the infrastructure usable by special categories of passengers and pedestrians with disabilities;
 - (xi) the transformation of streets for the exclusive use of pedestrians or cyclists;
 - (xii) prohibiting or regulating the placing of signage, dustbins, and other structures on sidewalks and in cycle and pedestrian paths that impede the passage of pedestrians or cyclists; and
 - (xiii) standards or specifications for establishing non-motorised transport networks and preventing the interruption of journeys by pedestrians and cyclists.
- (3) Before finalising standards, specifications, or requirements, the City Manager shall publish them for comment on the Municipality’s website and allow any interested or affected person to comment on them by a date to be determined in the notice, which may not be less than thirty (30) days after publication.
- (4) The Municipality shall consider all comments received under subsection (3) before finalising the specifications, standards, or requirements.
- (5) As from a date to be determined by the Municipality and published on its website, all non-motorised transport infrastructure planned or constructed after that date shall comply with those standards, specifications, or requirements.
- (6) Where non-motorised transport infrastructure is planned or constructed in contravention of the stipulated standards, specifications, or requirements, the Municipality may direct the owner of the land in question or the developer of the infrastructure, by written notice, to adapt, reconstruct, or retro-fit it to comply with the applicable standards, specifications, or requirements, and the owner or developer shall comply with such directive within the time specified in the notice.

CHAPTER 9

PROHIBITED AND RESTRICTED ROUTES AND AREAS

Declaration of prohibited or restricted routes

67(1) The Municipality may declare one or more prohibited routes or areas, or restricted routes or areas, on or in which the operation of specified types of public transport services or public transport vehicles shall be prohibited or restricted, by notice in the *Gazette*.

- (2) The routes and areas contemplated in subsection (1) may be established and demarcated for the exclusive use of public transport vehicles, or services of specified types, or operators who belong to a particular association or operate a specific type of service or vehicle, or in terms of other service related restrictions that may be imposed on a specified route in terms of service frequencies, loading or off-loading activities, or staging or holding activities or operations, either all day or during specified times of the day.
- (3) Before declaring such a route or area as contemplated in subsection (1), the Municipality shall consult with the community and associations to which operators that will be affected by the declaration belong, in the case where a substantial number of such operators belong to an association.
- (4) Before declaring such a route or area, the Municipality must give notice of its intention to do so by –
 - (a) publishing a notice in the *Gazette* in English and in another official language;
 - (b) publishing it in at least one English newspaper and one newspaper in another official language circulating in the area;
 - (c) displaying the notice at the Municipality’s head office, satellite offices, and libraries in the applicable area; and
 - (d) displaying the notice on the website, describing or depicting the route or area, and allowing interested and affected persons not less than thirty (30) days to provide written comments and representations in relation to the proposed declaration, and in compliance with section 21(4) of the Municipal Systems Act.
- (5) The Municipality shall consider all comments received and then take a decision whether to proceed with the declaration of the route or area.
- (6) The Municipality shall –
 - (a) keep a list of all prohibited or restricted public routes and areas within the municipal area, showing their location on maps or diagrams;
 - (b) make the list available on request to interested parties at the prescribed fee; and
 - (c) table the list before Council, at least annually.
- (7) The identified prohibited or restricted route or area may only be used in terms of and subject to conditions imposed by the Municipality when issuing the route permit, as contemplated in section 68 of this By-Law.

- (8) A route permit is required to operate on or in a restricted or prohibited route or area, in addition to any operating licence or permit required under section 51(1) of the Act, and any rank permit issued in terms of section 16(1) of this By-Law.
- (9) Each prohibited or restricted route and area may be distinguished by the appropriate road traffic signs to indicate the type of public transport vehicles permitted to use that route or area.
- (10) Such routes or areas depicted in this section may be declared on private land if the Municipality has concluded an agreement to such effect with the owner of that private land.
- (11) The powers in this section are in addition to and not in substitution of those contemplated in section 65bis and 66 of the Local Government Ordinance 17 of 1939.

Application for route permit on a prohibited or restricted route

- 68(1)** No person may provide or operate public transport services on a prohibited or restricted route, or in a prohibited or restricted area –
 - (a) without holding a route permit issued by the Municipality, unless exempted from doing so in the notice contemplated in section 67(1) of this By-Law, or
 - (b) in contravention of the applicable prohibitions or restrictions specified in the notice contemplated in section 67(1) of this By-Law.
- (2) An operator must apply to the Municipality for a route permit on a prohibited or restricted route by following the steps and procedures set out in section 70 of this By-Law.

Criteria for granting or refusing a route permit

- 69(1)** The Municipality shall not grant a route permit where –
 - (a) the operator is not in possession of the necessary operating licence or permit, as required by the Act;
 - (b) the vehicle is not properly licensed and in possession of the necessary roadworthy certificate, as required by the National Road Traffic Act;
 - (c) the operator has agreed in writing with the Municipality not to operate on or in the prohibited or restricted route or area;
 - (d) the operations proposed by the operator on the applicable route or in the specific area would conflict with the Integrated Public Transport Network of the Municipality, as described in its CITP; or

- (e) the operations or services, or proposed operations or services, would be in contravention of the prohibitions or restrictions specified in the notice contemplated in section 67(1).
- (2) In addition to the criteria mentioned in subsection (1), the Municipality shall also consider the following in deciding whether to grant or refuse an application for a route permit:
 - (a) road traffic and safety considerations, and
 - (b) the nature of the operations or proposed operations.

Issuing of route permit on a prohibited or restricted route

- 70(1)** When the Municipality grants an application for a route permit, it shall issue the permit to the operator together with a decal specific to that permit.
- (2) No public transport vehicle may enter or use a prohibited or restricted route or area unless the vehicle displays the decal issued with the route permit or issued to replace that decal.
 - (3) The operator shall ensure that the original route permit is always kept in the vehicle to which it relates while it operates on or in the prohibited or restricted route or area.
 - (4) A route permit is valid for a maximum of twelve (12) months from the date of issue, but the Municipality may issue that permit for a shorter period, in which case the applicable fees shall be reduced pro rata.
 - (5) The Municipality may attach conditions to the route permit which are not in conflict with the Act, the National Road Traffic Act, or this By-Law, and which shall be printed on the permit or in an annexure thereto.
 - (6) A route permit issued to a partnership shall specify the full names of all the partners and the name under which the partnership conducts business.
 - (7) When a route permit is issued, and the operator does not collect it within ninety (90) days after he or she has been notified that it is ready for collection, the permit lapses, unless the Municipality grants a written extension on the written request of the operator.
 - (8) Subject to section 74 of the Act on temporary replacement of vehicles, a route permit is valid only for the vehicle in respect of which it was issued.

Renewal of a route permit

- 71(1)** The holder of a route permit shall apply for its renewal not later than fourteen (14) days before the permit expires, failing which the permit will expire, but the holder shall then not be precluded from applying for a new permit.

- (2) The Municipality may refuse an application for renewal of a route permit for reasons contemplated in section 69(1) and shall consider the criteria set out in section 69(2).

Transfer of a route permit on a prohibited or restricted route

72(1) Except as provided for in this By-Law, a route permit is not transferable to another person.

- (2) Where an operating licence or permit for the vehicle for which a route permit has been issued is transferred to another person under section 58 of the Act, the Municipality shall issue a route permit to the transferee on the same terms and conditions as the replaced permit, on application by the transferee, on the approved form and on payment of the prescribed fee.

(3) Where –

- (a) the holder of a route permit dies;
- (b) the estate of such a holder is provisionally or finally sequestrated;
- (c) such holder is a company or a close corporation that is being liquidated; or
- (d) such holder becomes in any way incapable in law of carrying on business,

the executor, trustee, liquidator, or curator of the holder, shall notify the Municipality within ten (10) days of being appointed as executor, trustee, liquidator, or curator of the event, and may, on payment of the transfer fee determined by the Municipality by notice in the *Gazette*, carry on operating the vehicle to which the permit relates for its unexpired period.

Issuing and display of decals

73(1) The decal issued with a route permit shall state –

- (a) the name of the operator;
- (b) the route permit number allocated by the Municipality;
- (c) the prohibited or restricted routes or areas that the operator may use by colour coding or any other method chosen by the Municipality;
- (d) the vehicle registration number; and
- (e) the expiry date of the authorisation.

(2) The holder of a decal shall –

- (a) where the vehicle concerned is fitted with a clear windscreen, affix the decal in a conspicuous place on the front left-hand inside of the windscreen in an upright position, with the printed side facing to the front in such a way that

the information on the decal is clearly legible to any person standing on the left front side of the vehicle;

- (b) where the vehicle is fitted with a tinted or smoked glass windscreen, display the decal in a watertight holder in a conspicuous place on the outside left-hand front of the windscreen in such a way that the information on the decal is clearly legible to any person standing on the left front side of the vehicle; and
 - (c) ensure that the decal is always kept displayed while the vehicle is operated in the municipal area for public transport services.
- (3) No person may operate a public transport vehicle on or in a prohibited or restricted route or area with a route permit or decal that has been defaced or is no longer clearly legible, or with a route permit or decal that does not relate to the vehicle in question.
 - (4) A holder may apply in writing to use additional prohibited or restricted routes or areas by following the procedures in section 69, and if the Municipality grants the application, it shall issue an additional or replacement route permit and decal to the holder.

Duplicate route permit or decal

- 74(1) Where a route permit or decal has been lost, destroyed, or damaged to the extent that the information thereon is no longer legible, the holder of the permit shall, on the approved form, apply to the Municipality for a duplicate, and the application must be accompanied by an affidavit describing the reasons for the loss, destruction, or damage of the permit or decal.
- (2) If the Municipality is satisfied that the lost, destroyed, or damaged permit was valid and, in the case of the decal, that it relates to a valid permit, the Municipality shall on receipt of the prescribed fee, issue a duplicate permit or decal, clearly marked as a duplicate.
- (3) Where a duplicate decal is issued, the holder shall immediately on receipt, affix it to the windscreen of the vehicle in the manner contemplated in section 73(2) of this By-Law.

Amendment of details on route permit

- 75(1) Where the holder of a route permit or decal becomes aware that the information on that permit or decal is incorrect, he or she shall submit the permit or decal to the

- Municipality for amendment within ten (10) days of this coming to his or her notice, for issuing of a correct permit or decal.
- (2) If the Municipality becomes aware that the information contained in a route permit or decal is incorrect, it may, despite anything to the contrary in this By-Law –
 - (a) notify the holder in writing;
 - (b) where applicable, require the holder to give a satisfactory explanation; and
 - (c) require the holder to return the permit or decal for amendment not later than ten (10) days after the date of the notification.
 - (3) A notice referred to in subsection (2)(a) that is sent to the holder by registered post is deemed to have been received by him or her within ten (10) days after posting.
 - (4) When a route permit or decal is surrendered for it to be amended or replaced in terms of this section, the Municipality shall provide the holder with a temporary permit or decal, valid until the amended permit or decal is returned to the holder.
 - (5) Where a holder fails to submit a permit or decal to the Municipality as required by this section within the required time, the permit concerned will lapse, but the holder may apply to the Municipality for a new permit.

Withdrawal or suspension of route permit

- 76(1)** The Municipality may, subject to subsection (2), suspend a route permit for a period determined by it, or withdraw the permit, if –
- (a) the holder does not comply with –
 - (i) an instruction or direction issued in terms of this By-Law; or
 - (ii) the conditions of the permit; or
 - (b) an authorised official inspects the vehicle and finds that it –
 - (i) is constructed or has been adapted in such a way or is in such a condition that it is unsafe for the carrying of passengers; or
 - (ii) does not comply with this By-Law, the Act, or the National Road Traffic Act.
- (2) Before acting under subsection (1), the Municipality shall notify the holder by registered post or e-mail of the proposed action, and allow the holder not less than fourteen (14) days to provide reasons why the permit should not be withdrawn or suspended.
 - (3) The Municipality shall consider the reasons provided by the holder before deciding to withdraw or suspend the permit.

- (4) Where the Municipality has acted in terms of subsection (1), it shall report the matter to the Provincial Regulatory Entity.
- (5) A person may not use a motor vehicle as a public transport vehicle on or in a prohibited or restricted route or area or allow it to be so used while the authorisation has been suspended or withdrawn.
- (6) A holder who transgresses or fails to comply with the conditions of a route permit commits an offence.

CHAPTER 10

LAW ENFORCEMENT

Powers of authorised officials

77(1) An authorised official may –

- (a) exercise any power or perform any duty conferred on him or her by the Act, the National Road Traffic Act, this By-Law, or any other applicable legislation, to enforce this By-Law;
 - (b) request any passenger in a public transport vehicle to supply his or her full names and addresses, and the origin and destination of that journey; and
 - (c) request any driver or conductor of such a vehicle to –
 - (i) supply his or her full names and addresses, the name and details of the operator of the vehicle, and the origin and destination of the journey being undertaken or to be undertaken; and
 - (ii) produce for inspection the applicable operating licence or permit and, where requested, the rank permit;
 - (d) evict from a public transport vehicle or from any facility, a person who is not entitled to be there in terms of this By-Law or any other applicable law, or whom the officer suspects of having committed an offence or being about to commit an offence.
- (2) An authorised official may request a passenger in or about to board a public transport vehicle in which tickets are issued and required, to show his or her ticket for the trip in question and may, where that person is not in possession of a valid ticket –
- (a) evict that person from such vehicle; or
 - (b) prevent that person from entering the vehicle; and
 - (c) where appropriate, request that person to supply his or her name, address and other details necessary to prosecute him or her.

- (3) Drivers and operators of public transport vehicles shall obey the instructions and directions of authorised officials while operating on public roads or in facilities in the municipal areas, and shall obey the directions and instructions of marshals and parking attendants in facilities.
- (4) A person requested to supply information or produce a document or ticket in terms of subsection (1) or (3), or directed to leave or not to enter a vehicle as contemplated in subsection (3), shall comply with the request or direction forthwith.
- (5) Any person who hinders or interferes with an authorised official or marshal in the execution of his or her duties, or fails to comply with a lawful direction issued by such a person, commits an offence.

Presumptions

- 78(1) Where a vehicle is parked or driven in contravention of any provision of this By-Law, it will be presumed, in the absence of evidence to the contrary, that such vehicle was parked or driven by the owner of the vehicle.
- (2) For the purposes of subsection (1), it is presumed, in the absence of evidence to the contrary, that where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers, or in the carrying out of his or her duties as such director or servant, or in furthering or endeavouring to further the interests of that corporate body.
- (3) A bus or taxi parked or stopped at a facility is regarded as prima facie evidence that its driver is offering transport services, unless the contrary is proved.
- (4) Where a person conveys passengers by means of any vehicle that corresponds to the definition of a bus or taxi, it is regarded as prima facie evidence, unless the contrary is proved, that the vehicle is a bus or a taxi, and that the passengers are conveyed for hire or reward or some consideration.
- (5) Where the driver of a bus or taxi does not display a valid licence of such bus or taxi, this omission is regarded as prima facie evidence of contravention of this By-Law, unless the contrary is proved.
- (6) A document which purports to be a receipt of prepaid registered post, a facsimile transmission report, or a signed acknowledgement of hand delivery, shall, on being produced by a person in a prosecution under this By-Law, be admissible in evidence and be prima facie proof that it is such receipt, transmission report, or acknowledgement.

Management of accident scenes

- 79(1)** Subject to national and provincial legislation, a Metro Police officer arriving at the scene of an accident involving death of or injury to a person, or substantial damage to property –
- (a) must take control of the scene and establish and secure its perimeter until another officer who has been appointed in terms of legislation, the Disaster Management Framework, or an agreement, arrives on the scene, or control has been relinquished under subsection(b); and
 - (b) may relinquish control to another officer with specialised skills, or if that officer has been assigned by a competent person or authority.
- (2) Pending the takeover of control by another officer, the Metro Police officer shall –
- (a) take immediate steps to secure the safety of the scene and direct other responding persons and units: Provided that rapid transport lanes shall only be closed for periods that are necessary for such officer to perform his or her duties;
 - (b) tend to special needs passengers;
 - (c) request the required fire, rescue, and ambulance resources;
 - (d) evacuate injured persons and bystanders;
 - (e) establish a command post;
 - (f) determine how and where equipment and personnel should be distributed;
 - (g) arrange for transport of stranded passengers to their destinations;
 - (h) control access of bystanders and the media to the scene;
 - (i) comply with other applicable legislation, including, but not limited to, dealing with fatalities; and
 - (j) clean or otherwise deal with the spillage or escaping of dangerous liquids or gases, in accordance with the National Road Traffic Regulations.
- (3) The Municipality shall establish a network of alternative routes for the use of rapid transport vehicles in the case of a rapid transport lane being closed due to an accident or other emergency, and make these routes known to the operators and drivers affected thereby.

Offences and enforcing penalties for non-compliance

- 80(1)** Any person who contravenes or fails to comply with any provision of this By-Law, or contravenes or fails to comply with any requirement set out in a notice issued and served on him or in terms of this By-Law, shall be guilty of an offence as determined in Section 90(2) of the Act which prescribes that where a person is convicted of any one of the offences mentioned in subsection 2 paragraph (a), (b), (d), (e), and (o) of subsection 1, a term of imprisonment not exceeding two years

or a fine not exceeding one hundred thousand Rand (R100 000) may be imposed, or, in the case of any other paragraph of subsection (1), a term of imprisonment not exceeding three months or a fine not exceeding R10 000 may be imposed.

- (2) Fines may further be imposed in terms of section 341 of the Criminal Procedure Act, wherein:
 - (a) a person receiving a notification, in writing, of an alleged contravention or non-compliance with this By-Law, at a specified place, date and time, or a period specified in the notification, which shall also set out the amount of fine which a court or a municipality trying such a person for the offence allegedly committed may impose, such person may within thirty (30) days (in case of a court), and seven (7) days (in case of a municipality), deliver or transmit the notification, together with the sum of money equal to the said amount in the notification as payment for the fine, to the magistrate of the district or area (in case of court) or to the municipality where the offence is alleged to have been committed;
 - (b) such sum of money paid shall be deemed to be a fine imposed in respect of the offence in question; and
 - (c) such person shall not be prosecuted for having committed the offence.
- (3) The Municipality may, in collaboration with national government in the spirit of co-operative governance, establish municipal courts whose core functions, among others, will be to prosecute offenders of –
 - (a) traffic regulations;
 - (b) infringements of the Municipality’s by-laws, and National Building Regulations and Schemes; and
 - (c) contraventions of the national and provincial legislation that the Municipality is empowered to enforce.
- (4) Section 179 of the Constitution, read with the National Prosecuting Authority Act 32 of 1998, as amended, provide for a single national prosecuting authority in the Republic of South Africa. Section 112 of the Local Government: Municipal Systems Act provides:
 - (a) a staff member of the Municipality authorised in terms of section 22(8)(b) of the National Prosecuting Authority Act to conduct the prosecutions, may institute criminal proceedings and conduct the prosecutions in respect of a contravention of or failure to comply with a provision of –
 - (i) a By-Law or regulation of the Municipality;

- (ii) other legislation administered by the Municipality; and
 - (iii) other legislation as the National Director of Public Prosecutions may determine in terms of section 22(8)(b) of the National Prosecuting Authority Act.
- (5) The Municipality may appoint a prosecutor to prosecute infringement of traffic violations and this By-Law.
- (6) The Magistrates Court shall have jurisdiction over all matters relating to contravention of and non-compliance with the provisions of this By-Law.

CHAPTER 11

MISCELLANEOUS PROVISIONS

Codes of conduct, customer care plan, passenger charter, and other policies

- 81(1)** The Municipality may develop codes of conduct for operators, drivers, conductors, marshals, and parking attendants, and publish them in the *Gazette*.
- (2) The persons to whom such a code of conduct applies, shall comply with its provisions.
 - (3) The Municipality may develop a customer care plan or passenger charter and publish it in the *Gazette*, in which case operators, drivers, conductors, passengers, authorised officials, parking attendants, and marshals shall comply with its provisions.
 - (4) The Municipality shall develop and implement a plan for dealing with lost children found in public transport vehicles and in public transport facilities.

Call centre and lost property office

- 82(1)** The Municipality shall establish a lost property office where property left in public transport vehicles and public transport facilities can be kept for safekeeping and reclaiming by the person who so left such property.
- (2) The Municipality shall establish a call centre that will be responsible for providing information to passengers on the public transport system provided, and assist with resolving any queries related to use of the Municipality's public transport system
 - (3) The Municipality and operators of scheduled public transport services shall provide information for passengers on the public transport system provided or managed by the Municipality
 - (4) The Municipality shall, as a minimum –

- (a) provide timetables of those public transport services
 - (b) post such timetables at public transport facilities where they are easily visible to passengers.
- (5) The Municipality shall take steps to market and promote public transport, introduce integrated ticketing systems, and take other measures to enable passengers to move easily and seamlessly from one public transport mode to another, and to reduce travel time and costs in a manner that does not infringe consumer rights as provided for section 11(1)(c) of the Consumer Protection Act.

Routes for dangerous goods

- 83(1)** Where the Municipality has determined one or more routes for the transport of dangerous goods in its integrated transport plan in terms of section 36(3) of the Act, and such plan has been approved by the MEC and the Minister, the Municipality shall publish details of such route by notice in the *Gazette* and in the manner contemplated in sections 21 and 21A of the Municipal Systems Act.
- (2) As from a date specified in that notice, no person may transport dangerous goods, as defined in the National Road Traffic Act, in the municipal area on any road except on a road forming part of such a route, except for purposes of delivery or otherwise as allowed by this By-Law.
 - (3) This section is subject to the National Road Traffic Act, its regulations, and this By-Law.

Tuk-tuk services

- 84** Tuk-tuks contemplated in section 70 of the Act that are used for public transport services within the jurisdiction of the municipality shall comply with the following:
- (1) tuk-tuks shall be allowed to operate only on urban routes, road networks, or in areas designated by the Municipality, either in the CITP or in a notice published in the *Gazette*;
 - (2) a tuk-tuk may not exceed a speed of fifty (50) kilometres per hour while operating as a public transport service;
 - (3) tuk-tuk services are subject to any conditions, restrictions, or prohibitions specified in the CITP;
 - (4) the operating licence issued for a tuk-tuk service shall specify the urban route, road network, or area on or in which the service may operate; and
 - (5) a tuk-tuk may not travel more than six (6) kilometres on any one trip.

Transitional provisions

85 Any facility declared, proclaimed, or established in terms of the Local Government Ordinance 17 of 1937, or any other law before the commencement of this By-Law shall be deemed to be a facility proclaimed or established in terms of this By-Law.

Appeals

86(1) Unless provided for in this By-Law, a person whose rights are affected by any decision taken by an authorised official in terms of this By-Law, may appeal against that decision in terms of the appeal provisions contained in section 62 of the Municipal Systems Act, by giving written notice of appeal and reasons therefor to the Municipal Manager within twenty-one (21) days from the date of notification of the decision.

- (2) The Municipal Manager shall submit the appeal to the appropriate appeal authority.
- (3) The appeal authority shall consider the appeal and decide thereon within six (6) weeks from the date of receipt of the appeal.
- (4) The appeal authority has the power to confirm, vary, or revoke the impugned decision, and the decision of the appeal authority shall be binding and prevail over any impugned decision.
- (5) The appeal authority shall furnish written reasons for its decisions in all appeal matters.

Repeal of By-Laws

87 By-Laws mentioned in Schedule 1 of this By-Law are hereby repealed to the extent applicable

Short title and commencement

88(1) This By-Law is called the City of Ekurhuleni Metropolitan Municipality Public Transport By-Law 2017, and shall come into operation on the date of its publication in the *Gazette*, but the Municipality may determine by notice in that *Gazette* that any provision of this By-Law shall come into operation at a later date.

- (2) Notwithstanding subsection (1), the Municipality may, for not more than two (2) years after the date of commencement of this By-Law, relax any of its provisions or requirements in accordance with an implementation plan approved by the Council, if details of such relaxation are published by notice in the *Gazette*.

SCHEDULE:

REPEALED BY-LAWS

Number and year of law	Title	Extent of repeal
Administrator's Notice 421 of 14 July 1937	Bus By-Laws, Municipality of Nigel	The whole
Administrator's Notice 65 of 29 January 1958	Bus By-Laws, Municipality of Springs	The whole
Administrator's Notice 1040 of 28 November 1951	Bus By-Laws, Municipality of Germiston	The whole
Administrator's Notice 118 of 18 February 1956	Bus By- Laws, Municipality of Alberton	The whole
Administrator's Notice 932 of 15 June 1983	Omnibus By-Law, Municipality of Brakpan	The whole
	Ekurhuleni Police Service By-laws	<p>This By-law repeals the Ekurhuleni Police Service By-laws to the following extent:</p> <p>(i)Chapter I:</p> <p>The following definitions contained in the Ekurhuleni Police Service By-Law are hereby repealed to</p>

		<p>extent of their applicability with regards to this (Public Transport) By-law: authorized officer; authorized official; bib; By-Law; Council; decal; facility; Marshal; park; passenger; pedestrian; prescribed; prohibited area; public road; rank permit; restricted area; road traffic sign and stop.</p> <p>(ii) Chapter III of the Ekurhuleni Police Service By-Law is hereby entirely repealed to the extent of its applicability to public transport services.</p>
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For Office Use

File:

Council Resolution: A-TP (01-2019) dated 18 March 2020

Gauteng Provincial Gazette Number 116- dated 22 July 2020

Local Authority Notice Number -730