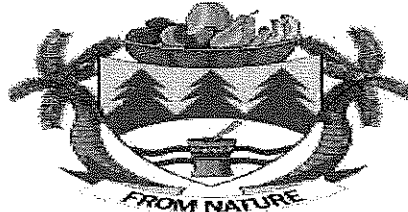
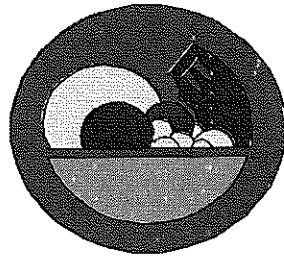


LOCAL AUTHORITY NOTICE 159 OF 2019

Greater Tzaneen Municipality



PUBLIC TRANSPORT BY LAW



Greater Tzaneen Municipality

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PREAMBLE

In terms of section 156 (1) (a) of the Constitution 1996 (Act 108 of 1996) as amended from time to time, the Greater Tzaneen Municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, falling within its area of Jurisdiction which include Municipal Transport regulation.

The object of the Greater Tzaneen Municipality in these by-laws is to promote social and economic development for its community through Public Transport. The Municipality recognizes the key role that Public Transport plays in poverty alleviation, income generation and entrepreneurial development and, in particular, the positive impact that informal it has on historically disadvantaged individuals and communities.

The Municipality acknowledges the need to adopt a developmental, safe and protective approach to the community in order to create an environment that is conducive to the general safety and public order to the Public Transport sector through harmony, good public transport relations and abeyance of the local, national, provincial and national laws and policy governing Public Transport.

The Municipality further acknowledges the need for a balanced relationship between the Public Transport vehicle owners and the local communities in order to promote good Public Transport relationship, social and economic development within a well managed municipal area.

SCOPE AND APPLICATION

These by-laws apply to any area falling under the jurisdiction of the Greater Tzaneen Municipality in terms of the Local Government Demarcations Act 27 of 1998 as amended from time to time.

Greater Tzaneen Municipality**CHAPTER 1****INTERPRETATION****Definitions**

1. (1) In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996); Road Traffic Act, 1989 (Act No. 29 of 1989), Administration and Adjudication of Road Traffic Offenses Act, 1998 (Act No. 46 of 1998), Criminal procedure Act, 1977, Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999), The National Land Transport Transition Act, 2000 (Act No.22 of 2000), Northern Province Interim Passenger Transport Act, 2000, Road Transportation Act, 1977 (Act 74 of 1977) has that meaning and, unless the context otherwise indicates –

“authorised official” means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;

“Council” means –

- (a) means a municipal council referred to in section 157 (1) of the Constitution;
- (b) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be.

“Traffic Police” means the municipal police department of the Council established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995);

“lift club” means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such a club

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or other persons designated by such members, to or from specified places for a specific purpose;

“Health officer” means any person appointed as health officer under section 80 of the National Health Act, 2003 (Act No. 61 of 2003) or designated as such in terms of that section;

“prescribed fee” means a fee determined by the Council by resolution in terms of section 168 of Municipal Finance Management Act, 2003 (Act No. 56 of 2003), or any other applicable legislation.

“public road” means a public road as defined in the National Road Traffic Act, 1996;

“queue marshal” means a person designated by a taxi association to regulate minibus taxi-type services; and

“rank” means a facility set aside by the Council for use by public passenger road transport;

“cab licence” means a payment that may be charged annually as a once-off charge, and which gives road-based public transport operators the “right” or “permission” to operate within the Council’s municipal boundary.

“road-based public transport operators” mean operators of metered taxis, minibuses, midibuses and buses.

(2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

CHAPTER 2**Driver to take shortest route**

2. (1) A driver of any metered taxi must, while the metered taxi is hired, drive to the passenger’s destination along the shortest route, unless another route is agreed on or directed by the

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passenger.

(2) A metered taxi driver must have a current map of the municipal area in his or her possession, which must be made available by the driver to a passenger on request.

Driver to keep engagement

3. (1) A driver of any metered taxi must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver.

(2) Should the driver of a metered taxi for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another metered taxi for the passenger, or let the passenger arrange for transport to get to his or her destination.

Operation of taximeter

4. (1) The driver of a metered taxi fitted with a taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taximeter in motion, and must upon the termination of hiring immediately stop the taximeter from recording.

(2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taximeter from recording.

(3) The owner of a metered taxi must ensure that the provisions of subsections (1) and (2) and the minimum or maximum fare as determined in terms of National Road Traffic Act, 1996 (Act No. 93 of 1996); Road Traffic Act, 1989 (Act No. 29 of 1989), Road Traffic Management Corporation Act, 1999

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(Act No. 20 of 1999), The National Land Transport Transition Act, 2000 (Act No.22 of 2000), Northern Province Interim Passenger Transport Act of 2000, Road Transportation Act 74 of 1977; if any, are affixed to the interior of his or her taxi, in such a position that they can be easily read by a passenger in the taxi.

CHAPTER 3**BUSES****Stopping places**

5. No driver of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

Entering and alighting from a bus

6. A prospective passenger of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may only enter or alight from a bus at a stopping place designated by the Council.

Driver to stop at stopping places

7. The driver of a vehicle engaged in a public passenger road transport service, which at the time is not carrying the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if a prospective passenger is waiting at such stopping place.

CHAPTER 4**GENERAL**

Greater Tzaneen Municipality**Parking of metered taxi, minibus, midibus or bus**

8. No person may park a metered taxi, minibus, midibus or bus on any public road for the purpose of providing a public passenger road transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996) for that vehicle.

Parking at places of entertainment or funeral

9. Notwithstanding the provision of section 8 of these By-laws, a metered taxi may park on a public road for the purpose of providing a metered taxi service, where a party or private entertainment is in progress or from which any funeral or wedding procession is about to start.

Engagement of passengers

10. (1) No driver of a metered taxi, minibus, midibus or bus, or any other person, may by using force or a threat, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other metered taxi, minibus, midibus or bus or prevent or seek to prevent the driver of such other metered taxi, minibus, midibus or bus from obtaining or conveying a passenger or a load.

(2) No person may use force, a threat, or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club.

(3) The driver or conductor of a metered taxi, minibus, midibus or bus may not use a hooter or

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sounding device to attract the custom of potential passengers or customers.

Failing or refusing to pay or attempting to evade payment of the fare due

(11) No hirer of, or passenger in or on a vehicle engaged in a public passenger road transport service, may fail or refuse to pay any fare due by such hirer or passenger.

Furnishing of name and address by person conveyed in or on metered taxi, minibus, midibus or bus

(12) Any person hiring, or conveyed in or on, a vehicle engaged in a public passenger road transport service, who has failed or refused to pay any fare due by him or her, must when requested to do so by the driver, state his or her correct name and address.

Conveyance of filthy or diseased persons

(13) (1) A driver of a vehicle engaged in a public passenger road transport service may refuse to convey or carry -

(a) any person who is obviously in a state of filth or obviously suffering from any contagious disease; or

(b) any dead animal except animals or poultry intended for human consumption if the animal or poultry is properly wrapped.

(2) No person who has another person in his or her care who to his or her knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any metered taxi, minibus, midibus or bus.

(3) No person who is obviously in a state of filth or obviously suffering from any contagious disease

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may enter any metered taxi, minibus, midibus or bus or, having entered, remain upon such vehicle after being requested by the driver or conductor thereof to leave the vehicle.

Disinfection of metered taxi, minibus, midibus or bus

14. (1) The owner, driver, conductor or any other person in charge of a vehicle engaged in a public passenger road transport service must take immediate steps as soon as it comes to his or her knowledge that -

- (a) any person suffering from a contagious disease; or
- (b) the body of any person who has died of such disease; or
- (c) anything which has been exposed to or contaminated with such disease, has been conveyed in or upon such vehicle engaged in a public passenger road transport service to report the matter to the Health Officer.

(2) Any owner, driver, conductor or other person referred to in subsection (1) must carry out every instruction issued by the Health Officer with regard to the disinfection of such vehicle engaged in a public passenger road transport service.

Driver's right to refuse to convey passengers

(15) (1) The driver of a vehicle engaged in a public passenger road transport service may, if he or she so decides, or at the request of any passenger, refuse to convey any person who is obviously in a state of intoxication or who is noisy or rowdy or otherwise misbehaving himself or herself.

(2) No person referred to in subsection (1), may remain in or upon such vehicle engaged in a public passenger road transport service, after having been requested by the driver or conductor thereof to leave the vehicle engaged in a public passenger road transport service.

Greater Tzaneen Municipality**Property left in metered taxi, minibus, midibus or bus**

(16) (1) If any property left in a vehicle engaged in a public passenger road transport service is not claimed within 24 hours after it has been discovered in such vehicle engaged in a public passenger road transport service, the driver or conductor of the vehicle must – 5

(a) if he or she belongs to a taxi association, take such property to the nearest office of such association;

(b) if he or she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or

(c) if he or she does not belong to a taxi association or use a bus depot for the purposes of the business concerned, take such property to the Greater Tzaneen Traffic Police Department, and obtain a receipt from the person with whom the property is deposited, or the officer on duty at the Greater Tzaneen Traffic Police Department, as the case may be.

(2) If the property referred to in paragraphs (a) and (b) of subsection (1) is not claimed within seven days of its receipt in the office of the relevant taxi association or bus depot, the person with whom it was deposited must take it to the Metropolitan Police department, and there deposit it with the officer on duty, who must issue a receipt for such property to the person depositing it.

Possession of dangerous or offensive articles

17. (1) If the driver or conductor of a vehicle engaged in a public passenger road transport service reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm as described in subsection (2), the driver or conductor or any other passenger may request the first mentioned passenger to hand such article to the driver or conductor.

(2) If a passenger is in possession of a fire-arm, the driver or conductor may request the passenger

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to display a valid licence for such fire-arm or, if the passenger is required to carry the fire-arm as a member of the national or a municipal police service established in terms of the South African Police Service Act, 1995, or as a member of the National Defence Force established under the Defence Act, 1957 (Act No. 44 of 1957), the driver or conductor may request the passenger to display the current identity document which was issued to the passenger by such service or force.

(3) If the passenger refuses to hand the article referred to in subsection (1), or fails to display the licence or identity document referred to in subsection (2), to the driver or conductor, the driver may refuse to convey the passenger.

(4) The article referred to in subsection (1) must be returned to its owner at the conclusion of his or her journey.

Cleanliness

(18) The driver or conductor of any vehicle engaged in a public passenger road transport service must be clean and neatly dressed at all times while conveying a passenger, and must treat every passenger politely and with respect.

Queue marshal

(19) (1) A queue marshal at any rank must be clearly identifiable as to his or her employer and must display his or her name in a conspicuous manner on his or her clothing below the left shoulder.

(2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger.

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(3) Where a queue marshal is controlling the entry of passengers onto a metered taxi, minibus, midibus or bus, he or she must not allow more than the number of passengers permitted by law, to enter such metered taxi, minibus, midibus or bus.

Special Transport

No person may deny another person an opportunity to trade for the purpose of discharging special transport services.

This shall include any person who conducts transport services for the purpose of transporting school children, church congregation, community members who are engaging in personal or community services and anybody who transport workers for the purpose of going to work and from work.

Clean vehicle

(20) The owner and the driver of any metered taxi, minibus, midibus or bus must keep the vehicle clean and in good condition at all times while engaged in public passenger road transport services.

Offences and penalties

(21) Any person who –

- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice issued in terms of these By-laws;
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) who obstructs or hinders any authorised official of the Council in the execution of his or her duties under these By-laws, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requiring the discontinuance of such offence.

Greater Tzaneen Municipality**Charging of the cab licence**

(22) The Municipality may charge a cab licence to operators of all modes of road-based public transport on an annual basis as a once-off payment. The cab licence may also be reviewed annually.

Short title and Commencement

(23) This by-law shall be known as the Greater Tzaneen Municipality: Public Transport and takes effect on the date of publication in the *Provincial Gazette*.

B. S. MATLALA

27 SEPTEMBER 2019

MUNICIPAL MANAGER