

- [3] The Municipality, on receipt of an application for registration, may call for documentary or other proof of the capacity of the organization to provide parking attendants, including information regarding the finances of the organization.
- [4] When approving an organization's application for registration regarding a specified geographic area, the Municipality must issue a permit prescribing the geographic areas within which the organization may operate and the period of time for which it is granted, and the permit issued is valid for a period not exceeding 12 months from the date of issue.

[78] CONDITIONS

- [1] Subject to the provisions of section 79, an organization must adopt and sign the Code of Conduct for Organisations as supplied by the Municipality before being registered with the Municipality.
- [2] An organization must keep detailed attendance and duty records reflecting the following in respect of its parking attendants:
 - [a] Name of parking attendant;
 - [b] Time at which the parking attendant goes on and off duty;
 - [c] Place of assignment of the parking attendant; and
 - [d] Incidents and occurrences.
- [3] Each parking attendant in the employ of an organization must sign the Code of Conduct for Parking Attendants as supplied by the Municipality.

[79] REGISTRATION FEE PAYABLE

After the Municipality has registered an organization, the organization must pay to the Municipality a registration tariff, the amount of which is determined by Municipality and fixed in the registration.

[80] GARMENTS AND IDENTIFICATION OF PARKING ATTENDANTS

- [1] An organization is responsible for issuing the following to its parking attendants free of charge or at the parking attendant's own cost:
 - [a] A bib or jacket and equipment;
 - [b] a supply of vouchers; and
 - [c] an identification card.
- [2] A parking attendant must, before undertaking any duties, equip himself with such bib or jacket, supply of vouchers and identification card.
- [3] Every parking attendant must, while on duty and presenting himself as available for service, be neatly dressed in a bib or jacket, and must ensure that the identification card is visibly displayed.
- [3] A parking attendant must, whenever he undertakes to guard a vehicle, hand the driver of the vehicle a voucher.

[81] CONDUCT OF ORGANISATIONS

- [1] An organization must –
 - [a] register with the Municipality;
 - [b] train parking attendant;
 - [c] supervise its parking attendants, preferably by means of direct radio contact with the organization's control office;
 - [d] supply uniforms [bibs or jackets], identification cards and the other relevant equipment to the parking attendants;
 - [e] resolve all parking disputes or differences that may arise in the assigned areas of the parking attendants;
 - [f] instruct all parking attendants under contract to comply with the Policies and Code of Conduct.
 - [g] ensure that the organization's officials make themselves available to attend meetings with the Municipality as when requested to do; and
 - [h] establish communication with the South African Police Services and the Safety and Security Business Unit.
- [2] No organization may permit a person who has his permit cancelled or suspended to act as a parking attendant.

[82] CONDUCT OF PARKING ATTENDANTS

- [1] No parking attendant may, when on duty:
 - [a] Tamper with, activate or operate a parking meter;
 - [b] wash or clean or offer to wash or clean a car on a public road or in a public place;
 - [c] interfere with the movement of traffic or pedestrians;
 - [d] demand a donation or fee for guarding a driver's vehicle;
 - [e] fail to obey a lawful order from an authorized officer or an authorized official;
 - [f] harass or threaten a driver, or damage a vehicle in any way;
 - [g] involve himself in any form of criminal Activity;
 - [h] be under the influence of alcohol or any narcotic substance or consume or use any alcohol or narcotic substance;
 - [i] be untidily dressed;
 - [j] refuse to produce proof of his identity when requested to do so by an authorised officer or authorised official of a person who requires it for his information relating to the service rendered;
 - [k] behave abusively towards a member of the public;
 - [l] insert money into a parking meter; or
 - [m] inform or threaten the driver or person in charge of a motor vehicle that such vehicle will or may be damaged or stolen unless it is left in his care or under his supervision or unless that parking attendant is remunerated for his services;
 - [n] act as a parking attendant or hold himself out to be available to act as a parking attendant at any place other than the place allocated to him in writing by a registered organization and in accordance with the provision of these by-laws.
- [2] No parking attendant may refuse to subject himself to a security check as prescribed by the Private Security Industry Regulation Act, 2001 [Act No. 56 of 2001].

[83] CANCELLATION OR SUSPENSION OF REGISTRATION

- [1] The Municipality may suspend registration on the grounds that the organization has allegedly committed an offence in terms of these by-laws.
- [2] The Municipality may instruct an organization to immediately suspend the services of a parking attendant who –
 - [a] tampers with or activate or operates a parking meter;
 - [b] fails to observe or carry out the lawful instructions of an authorised person or an authorised officer;
 - [c] is intoxicated while performing his duties as parking attendant;
 - [d] cleans or washes any motor vehicle on a public road or in a public place;
 - [e] offers to clean or wash any motor vehicle on a public road or in a public place;
 - [f] interferes with the movement of vehicular traffic or the parking or vehicles;
 - [g] interferes with the movement of pedestrians;
 - [h] through intimidation, demands a donation or fee for guarding a vehicle;
 - [i] damages or threatens to damage a vehicle in any way for not receiving a donation or fee; or
 - [j] fails to produce the permit or an identification card on request.
 - [k] behaves abusively towards a member of the public;
 - [l] inserts money into a parking meter; or
 - [m] informs or threatens the driver or person in charge of a motor vehicle that such vehicle will or may be damaged or stolen unless it is left in his care or under his supervision or unless that parking attendant is remunerated for his services

[84] VICARIOUS RESPONSIBILITY AND LIABILITY OF ORGANIZATION

When a person who is a member of an organization acts illegally as a parking attendant or commits any other offence in terms of this Chapter, the directors of that organization are equally responsible and liable for the offence.

CHAPTER 6: TAXIS AND BUSES

PART 1: SPECIAL PARKING PLACES FOR TAXIS, PERMITS AND DECALS

[85] SPECIAL PARKING PLACES FOR TAXIS

- [1] The Municipality, acting in terms of section 53 of the Passenger Transportation [Interim Provisions] Act, 1999 [EC] [Act No. 11 of 1999], may establish special parking places in the Municipality for use by or the parking of a taxi belonging to a person to whom a permit to use the parking place or park a taxi rank permit has been issued by the Municipality as provided for in section 88.

- [2] A taxi rank permit may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.
- [3] If no space is available in a special parking place at any particular time for the parking of a taxi by a taxi rank permit holder or for a taxi to which the taxi rank permit relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place as contemplated in section 107 until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.
- [4] No person or motor vehicle other than the person or motor vehicle referred to in subsection [2] may, except by virtue of a taxi rank permit, use or be parked at the special parking place or its subdivision.

[86] APPLICATION FOR TAXI RANK PERMIT

- [1] An application for the granting of a taxi rank permit referred to in section 85 must be lodged with the Municipality on the particular form obtainable from the Municipality and must be accompanied by the fee contemplated in section 87[4].
- [2] The applicant must answer all questions in the application form and in all other respects fully comply with all the requirements of the form.
- [3] The Municipality may refuse a taxi rank permit, subject to section 87[6] of the National Road Traffic Act, 1996 [Act No. 93 of 1996], and the provisions of these by-laws, on the grounds that there is insufficient ranking space in the municipal area.
- [4] No person may knowingly supply incorrect information in the form contemplated in subsection [2].

[87] ISSUING OF TAXI RANK PERMIT

- [1] Where an application for a taxi rank permit is granted, the taxi rank permit must, subject to subsections [2] and [3], be issued in a form determined by the Municipality provided that the prescribed fee contemplated in section 86[1] had been paid.
- [2] The Municipality may not issue a taxi rank permit until the applicant provides the Municipality with –
 - [a] a valid Certificate of Road Worthiness in respect of the motor vehicle concerned as required in terms of section 42 of the National Road Traffic Act, 1996 [Act No. 93 of 1996];
 - [b] a valid public road carrier permit issued under the Road Transportation Act, 1977 [Act No. 74 of 1977], authorizing the road transportation to be undertaken;
 - [c] proof of registration and licensing of the motor vehicle concerned in terms of section 14 of the National Road Traffic Act, 1996 [Act No. 93 of 1996];
 - [d] a valid identification document or a valid temporary identity document issued by the Department of Home Affairs, of the owner or the operator thereof, however, in the event of a temporary identification document, it must be accompanied with a passport photo of the owner or the operator thereof; and
 - [e] a letter of recommendation from the relevant taxi association.
- [3] Such taxi rank permit must be issued in terms of the conditions determined by the Municipality.
- [4] The Municipality may determine the fees for the issue of a taxi rank permit and such fees may be different for different facilities.
- [5] A taxi rank permit not collected within three months lapses, unless a written extension of time has been requested and granted by the Municipality.
- [6] Any taxi rank permit issued contrary to the provisions of these by-laws in an unlawful manner with or without the knowledge of the applicant, is void and the holder thereof must on demand by the Municipality forthwith deliver such taxi rank permit to the Municipality.
- [7] The Municipality is not obliged to issue a taxi rank permit, even if the applicant has a valid operating licence or public road carrier permit.
- [8] No taxi rank permit will be issued unless the provisions of this section have been complied with.

[88] RENEWING OF TAXI RANK PERMIT

- [1] A taxi rank permit is valid for one year from the date of issue and must be renewed annually.
- [2] An application for the renewal of a taxi rank permit must be made before the taxi rank permit expires.

- [3] After a person applying to renew a taxi rank permit has submitted a duly completed application form to the Municipality, together with the documents referred to in section 87[2] in respect of the motor vehicle, the taxi rank permit must be renewed on payment of the prescribed fee, and subject to the good conduct of the person.

[89] TEMPORARY SUBSTITUTION OF TAXI RANK PERMIT

- [1] Subject to subsection [2], a taxi rank permit issued in terms of section 88 for a motor vehicle does not authorise the taxi rank permit holder to park any other motor vehicle as a taxi under that taxi rank permit.
- [2] If the taxi to which a taxi rank permit relates has become defective or has been temporarily withdrawn from service owing to an accident, the taxi rank permit holder may substitute any other vehicle of the same passenger-carrying capacity for that taxi for a maximum period of seven days, on condition that, whenever such other vehicle uses the taxi facilities, the taxi rank permit holder must ensure that –
- [a] the taxi rank permit relating to the defective taxi is always kept in such other vehicle; and
- [b] a decal is always displayed on the other vehicle as required by section 92[3].

[90] TRANSFER OF TAXI RANK PERMIT

- [1] The executor, trustee, liquidator or curator of property, as the case may be, may, on payment of the prescribed transfer fee, carry on the business undertaking for the unexpired period of the taxi rank permit if –
- [a] the taxi rank permit holder dies;
- [b] the taxi rank permit holder's estate is provisionally or finally sequestrated;
- [c] the taxi rank permit holder is a company or a close corporation which is being liquidated; or
- [d] the taxi rank permit holder becomes in any way incapable in law of carrying on business.
- [2] No taxi rank permit may, subject to subsection [1], be transferred by the taxi rank permit holder to another person.

[91] ISSUE, DISPLAY AND DUPLICATION OF DECALS

- [1] A decal containing the particulars of the taxi rank permit is issued with every taxi rank permit, and must immediately be affixed to the taxi concerned as contemplated in subsection [3].
- [2] A taxi rank permit holder may apply to use additional taxi facilities.
- [3] An additional decal or more decals may be issued to the taxi rank permit holder to identify additional taxi facilities allocated to that taxi rank permit holder.
- [4] On obtaining a decal or decals in terms of subsection [1] or [2], the taxi rank permit holder must immediately –
- [a] where the taxi concerned is fitted with a clear windscreen, affix the decal in a conspicuous place on the left-hand front inside of the windscreen in an upright position with the printed side facing to 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 taxi; and
- [b] where the taxi is fitted with a tinted or smoked glass windscreen, display the decal in a watertight holder in a conspicuous place on the left-hand front outside of the windscreen in such a way that the particulars on the decal are clearly legible to any person standing on the left front side of the taxi.
- [5] The taxi rank permit holder must ensure that the decal or decals are kept displayed at all relevant times as contemplated in subsection [3].
- [6] If a taxi rank permit holder –
- [a] satisfies the Municipality by affidavit that the taxi rank permit or a decal has been lost or destroyed; or
- [b] produces a taxi rank permit or decal that has been damaged to the extent that the letters and figures on it are no longer clearly legible, the Municipality must, after the taxi rank permit holder has applied for a duplicate permit or decal on a form and has paid the prescribed fee, issue him with a duplicate that is clearly endorsed 'DUPLICATE'.
- [7] The taxi rank permit holder must immediately affix the duplicate decal contemplated in subsection [6] to the vehicle concerned in accordance with subsection [3].

- [8] If a taxi is being operated without a decal, it is presumed that the taxi rank permit holder does not have a valid taxi rank permit until he proves to an authorised officer that he does have such a taxi rank permit or has applied for a duplicate decal.
- [9] No person may –
- [a] unless he is authorised to do so, produce or duplicate a taxi rank permit or decal;
 - [b] affix an unauthorised decal onto a taxi;
 - [c] operate a taxi on which a decal is in any way concealed or 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 taxi.
- [92] **PAYMENT OF TAXI RANK PERMIT FEES**
- [1] The taxi rank permit fee payable for a taxi rank permit issued for less than one full year is reduced pro rata to the number of months out of 12 months of the taxi rank permit's validity.
 - [2] All taxi rank permit fees and moneys must be paid at the relevant municipal office as determined by the Municipality.
 - [3] The payment of any amount in terms of these by-laws does not absolve a person from criminal liability arising from his failure to obtain a taxi rank permit.
 - [4] The conviction of a person for an offence under these by-laws does not relieve him of the liability to pay the fees in terms of these by-laws.
- [93] **AMENDMENT OF PARTICULARS OF TAXI RANK PERMIT**
- [1] If the information contained in a taxi rank permit or decal is incorrect, the Municipality may, notwithstanding anything to the contrary in these by-laws –
 - [a] notify the taxi rank permit holder concerned;
 - [b] require him to give a satisfactory explanation; and
 - [c] require him to return the taxi rank permit or decal for amendment not later than 10 days after the date of notification.
 - [2] If it comes to the notice of the taxi rank permit holder that the particulars on a taxi rank permit or decal are incorrect because they have changed or are incorrect for any other reason, the taxi rank permit holder must submit the taxi rank permit or decal to the Municipality for amendment within 10 days of this coming to his notice.
 - [3] A taxi rank permit holder may not, subject to subsection [4], substitute a different motor vehicle for the motor vehicle to which the taxi rank permit relates.
 - [4] When a taxi rank permit or decal is surrendered for it to be amended in terms of this section, the Municipality must provide the taxi rank permit holder with a temporary taxi rank permit or decal, which is valid until the amended taxi rank permit or decal is returned to the taxi rank permit holder.
- [94] **OUTSTANDING PAYMENTS**
- All outstanding payments must be paid before a taxi rank permit is issued.
- [95] **TAXI RANK PERMIT FOR PARTNERSHIP**
- [1] A taxi rank permit issued to a partnership must specify the full name of each of the partners and the type of business that is being carried on.
 - [2] If a member of a partnership ceases to be a partner for any reason whatsoever during the year for which the taxi rank permit is valid, the remaining partner or partners may, on submitting proof that a new partnership has come into existence and on payment of the prescribed transfer fee, carry on the business or undertaking for the unexpired period of the taxi rank permit.
- [96] **TAXI RANK PERMIT TO BE PRODUCED ON DEMAND**
- [1] The holder of a taxi rank permit in terms of these by-laws must –
 - [a] maintain such taxi rank permit in a good and legible condition; and
 - [b] keep it in the motor vehicle to which it relates at all relevant times when such vehicle is being operated as a taxi.
 - [2] Any authorised official of the Municipality may call upon the driver of any taxi to stop and may demand from him –
 - [a] to produce the taxi rank permit required under the provisions of these by-laws; and

- [b] to supply his full name and address and also the name and address of the owner or operator of such taxi.
 - [3] No driver referred to in subsection [2] may, when called upon to do so by any authorised officer –
 - [a] refuse to stop;
 - [b] refuse to supply his full name and address;
 - [c] refuse to supply the correct name and address of the owner or operator of the vehicle in his charge;
 - [d] refuse to produce a taxi rank permit; or
 - [e] give a false name or address.
- [97] SUSPENSION OR WITHDRAWAL OF TAXI RANK PERMIT**
- [1] Where the owner, taxi rank permit holder or person in charge of a taxi has been found guilty of contravening these by-laws, and irrespective of whether any other penalty by a court of law has been imposed, the Municipality may, subject to the provisions of section 99 and after all the circumstances of the case have been taken into consideration, act in terms of subsection [2].
 - [2] The Municipality may, after taking all the circumstances of the case into consideration, suspend the taxi rank permit for a taxi for a period or withdraw the taxi rank permit if –
 - [a] the owner of the taxi does not –
 - [i] comply with an instruction issued in terms of these by-laws; or
 - [ii] maintain the taxi at all times in a clean state and in sound running condition and repair; or
 - [b] an authorised officer inspects the taxi and finds that the taxi –
 - [i] is constructed in such a way or is in such a condition that the taxi is unsafe for the number of passengers that it is authorised to carry; or
 - [ii] does not comply with the conditions specified in these by-laws or the Act.
 - [3] No person may use a vehicle as a taxi at a taxi facility or allow one to be used as a taxi at a taxi facility if the vehicle's taxi rank permit has been suspended or withdrawn.
- [98] PROCEDURE FOR PROPOSED SUSPENSION OR WITHDRAWAL OF TAXI RANK PERMIT**
- [1] A taxi rank permit may not be suspended or withdrawn unless –
 - [a] the Municipality has given the taxi rank permit holder and any taxi association of which the taxi rank permit holder is a member, at least 14 days written notice by certified mail of the Municipality's intention to suspend or withdraw the taxi rank permit, and such a notice must give –
 - [i] the reasons for the proposed action and an adequate statement setting out the nature of the action;
 - [ii] the gist of the matter which could be prejudicial to the taxi rank permit holder, together with an invitation to make representation on the matter;
 - [iii] an address for the submission of a representation as contemplated in subsection [2]; and
 - [iv] the date, time and place of a hearing, which may not be less than 28 days from the date of the notice, to consider the suspension or withdrawal, and an indication that the taxi rank permit holder may submit representations and appear at the hearing; and
 - [b] the taxi rank permit holder is given an opportunity to, either personally or through his duly authorised representative, appear at a hearing and to make representations, before the Municipality or a committee of the Municipality.
 - [2] If a taxi rank permit holder who has received a notice referred to in subsection [1] wishes to appear and to oppose the proposed action, he must, within 14 days of receiving the notice or within a further period that the Municipality may allow, submit representations in writing by hand or by certified mail to the address indicated in the notice.
 - [3] After the hearing referred to in subsection [1], the Municipality must give a ruling on whether or not to suspend or withdraw the taxi rank permit and must give the taxi rank permit holder its reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.
 - [4] A record of the proceedings at the hearing referred to in subsection [1] must include –
 - [a] the evidence given, if any;
 - [b] any objection made to any evidence received or submitted; and
 - [c] the ruling given at the hearing.

[99] CHANGE OF ADDRESS

The holder of a taxi rank permit must give notice to the Municipality in writing of any change of address within 14 working days thereof by pre-paid registered post, telefax or hand delivery.

[100] AMENDMENT OF THE PARTICULARS ON A TAXI RANK PERMIT

If the particulars reflected on a taxi rank permit are incorrect by virtue of a change in such particulars or for any other reason, the holder of such taxi rank permit must submit the taxi rank permit to the Municipality for the amendment thereof.

PART 2: TAXI ASSOCIATIONS, TAXI FORUM, AND TAXI FACILITIES**[101] TAXI FORUM**

- [1] The Municipality may establish a taxi forum to make recommendations to it on matters relevant to the taxi industry in general.
- [2] A taxi association may become a member of the taxi forum.

[102] CLASSES OF TAXI FACILITIES

The Municipality may designate any taxi facility in the municipal area as –

- [a] a special parking place, such as a taxi rank or a stand;
- [b] a taxi stopping place; or
- [c] a taxi holding area.

[103] TAXI PARKING

- [1] Subject to subsection [2], no driver may –
 - [a] park a taxi anywhere except at a special parking place or taxi holding area; or
 - [b] apply for hire, or pick up or drop off passengers except at a special parking place or a taxi stopping place provided.
- [2] In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.

[104] USE OF TAXI RANKS

- [1] A driver –
 - [a] may, subject to subsection [3], park a taxi at the taxi rank specified on the taxi rank permit concerned, if space is available; and
 - [b] must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 86.
- [2] The driver must, when plying for hire at a taxi rank, do so in a queue and must –
 - [a] position his taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
 - [b] move his taxi forward as the queue moves forward.
- [3] When plying for hire at a taxi rank, a driver –
 - [a] must be in close and constant attendance of his taxi so long as it remains in the first, second or third position from the front of any queue at a rank;
 - [b] may not position his taxi ahead of any taxi that arrived and took up a position in the queue before he did; and
 - [c] may respond to the call for a taxi if his taxi is the first taxi in the queue, unless the person calling for a taxi clearly indicates his preference for a taxi not in front of the queue.
- [4] No person may park or stop a taxi which is not in good working order as required by the Act or the by-laws, in a taxi rank, or cause or permit the taxi to remain in a rank.
- [5] No person may park or stop any vehicle in a taxi rank except a taxi for which a taxi rank permit and decal, specifying the rank, have been issued for the year in question, as contemplated in Part 1 of this Chapter.

[105] PROHIBITION ON PARKING OF TAXI AT STOPPING PLACE

No taxi driver may park a taxi at a stopping place.

[106] REGULATION AND CONTROL OF TAXI FACILITIES

- [1] Subject to subsections [2] and [3], a recognised taxi association may appoint marshals at taxi facilities to perform the duties set out in subsections [4] and [5]; provided that if a taxi facility or a portion of it has been allocated exclusively to a particular taxi association, only

that association may appoint marshals in respect of that particular taxi facility or portion of it.

- [2] In the case of a dispute about which taxi association is entitled to appoint a marshal or marshals at a particular taxi facility, the taxi forum must decide on the issue.
- [3] The duties of a marshal regarding passengers are --
 - [a] to regulate the queuing of passengers according to the appropriate priority and route destination systems;
 - [b] to ensure the orderly loading of passengers into appropriate vehicles;
 - [c] 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;
 - [d] to direct passengers and to provide information about the activities of the taxis operating at that facility or other taxi facilities; and
 - [e] to inform drivers about expected passenger demand and any other related matters.
- [4] The duties of a marshal regarding taxis are --
 - [a] to control the arrival of taxis at taxi facilities and specifically at loading areas in accordance with the provisions of sections 85 and 104;
 - [b] to allow only taxi rank permit holders in respect of taxi facilities in and out of the facilities;
 - [c] to coordinate the movement of taxis between loading and holding areas;
 - [d] to control taxi departures according to loading patterns; and
 - [e] to direct taxis to a holding area and to redirect them to a rank.
- [5] The Municipality may, after consultation with the taxi forum, lay down a code of conduct for marshals at taxi facilities and amend the code from time to time.
- [6] No person may act as a marshal at a taxi facility unless the taxi association concerned has appointed him thereto in writing.

[107] SERVICING AND WASHING TAXIS AT TAXI FACILITIES

- [1] No person may repair or maintain any motor vehicle in any way whatsoever at a taxi facility, except where provision is made for this purpose.
- [2] No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.

PART 3: GENERAL USE AND OPERATION OF TAXIS

[108] PREVENTING ENGAGEMENT OF TAXI

No person may, by using force, intimidation, threats or by any other means, prevent or try to prevent --

- [a] a person from obtaining or engaging a taxi; or
- [b] the driver of a taxi from taking on passengers.

[109] CONVEYING DANGEROUS OR OFFENSIVE ARTICLES IN TAXIS

A person who is in charge of any person or thing may not knowingly convey that other person or thing or allow that other person or thing to be conveyed in a taxi, whether or not the taxi has been engaged, if that other person or thing --

- [a] is not permitted to be conveyed in terms of an existing law; or
- [b] has obviously been exposed to or contaminated by an infectious or contagious disease as contemplated in the Act or the by-laws.

[110] DISINFECTING TAXI AFTER CONVEYING PASSENGERS WITH INFECTIOUS OR CONTAGIOUS DISEASES

[1] The owner, driver or person in charge of a taxi must take immediate steps to have the taxi disinfected as soon as it has come to his knowledge that there has been conveyed in the taxi --

- [a] a passenger suffering from an obvious infectious or contagious disease;
- [b] the body of a person who has died of an obvious infectious or contagious disease; or
- [c] anything that has been exposed to or contaminated with the infection of an obvious infectious or contagious disease.

[2] The owner, driver or other person in charge of the taxi may not convey any passengers in the taxi until the taxi has been disinfected.

- [3] The owner, driver or other person in charge of a taxi must notify, and carry out all instructions of a municipal official with regard to the disinfection of a taxi referred to in subsection [1].
- [4] No person suffering from a contagious disease may enter any taxi.

[111] BOARDING AND ALIGHTING OF TAXIS

- [1] No person may board a taxi until all persons desiring to alight from the taxi have done so.
- [2] No person may insist on boarding a taxi, which contains the total number of passengers, which it is authorized to carry.
- [3] No person may board or alight or attempt to board or alight from any taxi whilst the taxi is in motion.

[112] QUEUES AT FACILITIES

- [1] At any established taxi rank facility, the Municipality may erect or cause to be erected a queue sign that consists of a notice board indicating the location and the manner in which persons waiting to enter a taxi, will stop and form a queue and such sign may be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.
- [2] All passengers intending to enter any taxi at an established ranking facility or stopping place, must queue from the point at which it is indicated that such vehicle will leave.
- [3] Where no queue sign has been erected, passengers waiting to enter a taxi, must form themselves into a queue not exceeding two abreast, or in a single file when required to so by an approved taxi marshal or authorised official of the Municipality.
- [4] A passenger may only enter a taxi when he gets to the front of the queue.
- [5] Every passenger queuing must comply with all the instructions given by an approved taxi marshal, authorised officer or authorised official when on duty.

[113] PAYMENT OF FARES

A passenger must pay the determined fare for the journey on request.

[114] RIGHTS AND DUTIES OF PASSENGERS WHEN A TAXI BECOMES DEFECTIVE

- [1] If a taxi becomes defective or for any reason whatsoever is unable to proceed, the passengers must at the request of the driver, alight from the defective taxi and should the passengers have already paid their fares, they are entitled to a refund to the amount of their fares so paid.
- [2] Upon agreement with the driver of the defective taxi, passengers are allowed to travel with the next available taxi for the remainder of the distance in respect of there paid fares, at the cost of the defective taxi's owner.
- [3] No driver may refuse to refund a passenger as contemplated in subsection [1] or refuse to allow a passenger to travel in the manner as contemplated in subsection [2].

[115] ANIMALS

No passenger may enter a taxi with any animals other than a guide dog assisting a blind person.

[116] ACTIONS PROHIBITED ON A TAXI

- [1] The following actions are prohibited on a taxi:
 - [a] Smoking;
 - [b] playing offensive or excessively loud music;
 - [c] using obscene or offensive language;
 - [d] committing an offensive Act No.;
 - [e] interfering with the comfort of any passenger;
 - [f] damaging any taxi or the fittings thereof;
 - [g] interfering with the equipment of the taxi in any way;
 - [h] forcibly causing the driver to deviate from his route;
 - [i] endangering the life of another person; and
 - [j] interfering with the Actions of the driver.
- [2] A person who contravenes a provision of subsection [1] forfeits his fare and may be removed from the taxi immediately.

[117] BEHAVIOUR PROHIBITED AT TAXI RANK

No person may cause a disturbance or behave in a riotous or indecent manner at a rank and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised officer or authorised official of the Municipality.

PART 4: METERED TAXIS

[118] TAXIMETERS

- [1] No person operating a motor vehicle contemplated in paragraph [b] of the definition of "taxi" must be issued with a taxi rank permit, contemplated in section 85, for a metered taxi unless and until a taximeter has been fitted to the vehicle.
- [2] No taximeter may be used until it has been tested and sealed by an examiner of vehicles.
- [3] No person may operate a metered taxi or allow one to be operated unless it is fitted with a tested and sealed taximeter that is in working order.
- [4] No person may seal a taximeter unless it registers a fare in accordance with the tariff published by the Municipality.
- [5] The use of a separate indicator to indicate to the passenger the charge for extras is permitted on condition that this indicator is part of the taximeter.

[119] METERED FARES

- [1] The fares to be charged in respect of metered taxis must be in accordance with the tariff published by the Municipality.
- [2] No driver of a metered taxi may charge, demand or attempt to obtain from a passenger a fare lower or higher than the tariff published by the Municipality.

[120] TARIFFS TO BE DISPLAYED ON TAXIS

The driver of a metered taxi must affix a sign on the left front door of the taxi so that the tariffs are plainly visible to the passenger, and this sign must show in legible characters –

- [a] the appropriate tariff of fares;
- [b] the number of passengers the metered taxi is permitted to carry;
- [c] the registration number of the metered taxi; and
- [d] the relevant portion of the taxi rank permit [decal] reference number.

[121] POSITION OF METER

The taximeter fitted to a taxi must be –

- [a] fitted on the inside of the taxi in such a position that the recorded fare is plainly visible at all times by a passenger occupying the rear seat; and
- [b] illuminated after dark.

[122] OPERATION OF METER

- [1] Except as provided for in sections 124 and 125, the taximeter must be operated electronically or mechanically either solely from the gearbox or left front wheel of the taxi or from another portion of the mechanism of the taxi that the Municipality may approve.
- [2] The driver of a metered taxi must ensure that the taximeter correctly indicates to the passenger the fare that may be charged by the driver in accordance with the tariff published by the Municipality.

[123] METER INDICATORS

The owner of a metered taxi must ensure that –

- [a] the taximeter has an indicator which –
 - [i] is incorporated in the taximeter or attached to it;
 - [ii] has the words "For hire" on it when the taxi is available for hire; and
 - [iii] may be hand-operated;
- [b] the indicator of a taximeter has a –
 - [i] "Pay" or "For hire" position, denoting that the taximeter is not in operation;
 - [ii] "Hired" or recording position, denoting the recording by the taximeter of the fare by a combination of time and distance; and
 - [iii] "Time not recording" position or light, denoting that the clock mechanism is not recording.

[124] STARTING OF METER

The driver of a metered taxi must –

- [a] on arrival at the passenger's departure point, and not sooner, start the taximeter in the "Hired" position and, on termination of the hiring, immediately stop the taximeter from recording; and
- [b] stop the taximeter from recording for the duration of a stoppage if the stoppage is not caused by traffic congestion or by the action of the passenger or at the request of the passenger.

[125] TAXI CALLED BUT NOT ENGAGED

- [1] A person who calls for or summons a metered taxi and who, on its arrival, fails to engage it, must pay the fare at the tariff published by the Municipality for the distance from the stand, rank or place from which the metered taxi had been despatched to the place to which the person had called or summoned the metered taxi.
- [2] If a metered taxi is kept waiting through no fault of the driver before the driver is told that the taxi's services are not required, the person who called for or summoned the taxi must, in addition to the normal fare, pay the driver waiting at the tariff published by the Municipality.

[126] METER SEALS TO BE KEPT INTACT

- [1] The owner of a metered taxi must at all times keep intact and undamaged all seals that were affixed to a taximeter by an examiner of vehicles or an approved organisation.
- [2] If the seal or seals of a taximeter are accidentally broken or defaced, the driver of the taxi must immediately, before the taxi is used as a passenger-carrying vehicle, apply to the Chief Traffic Officer or an organisation approved by the Municipality to replace or renew the seal or seals.

[127] METER TOLERANCES

The tolerance to be allowed on all taximeters when tested is as follows:

- [a] Road test: No tolerance in deficiency or over-registration is allowed, but if the vehicle's tyres are obviously worn, a tolerance in deficiency of 10 meters per kilometre and a tolerance in excess of 50 meters per kilometre are allowed.
- [b] Time test: A tolerance in deficiency of one second per minute and a tolerance in excess of two seconds per minute are allowed.

[128] INTERFERENCE WITH METER PROHIBITED

- [1] No person may, so as to cause the taximeter to register anything other than the true fare chargeable by the driver in accordance with the tariffs published by the Municipality –
 - [a] destroy, break or tamper with the seal affixed to a taximeter by the examiner of vehicles or by an organisation approved by the Municipality; or
 - [b] adjust or interfere or tamper with a taximeter or a connection of a taximeter, or any tyre or fitting of a taxi.
- [2] No driver or owner of a taxi may allow the taxi to be used as a passenger-carrying vehicle if –
 - [a] the taximeter affixed to it does not register the true fare; or
 - [b] the tyres fitted to the taxi are not the same size as those which were on the vehicle when the taximeter was tested and sealed.
- [3] The driver or owner of a metered taxi –
 - [a] must ensure that the taxi is fitted with a speedometer and an odometer, both of which is in good and proper working order, and that the odometer, subject to the provisions of subsection [1], reflects the true distance travelled; and
 - [b] may not operate or allow the taxi to be operated unless the speedometer fitted to it works properly.

[129] METERS LIABLE TO BE TESTED AT ANY TIME

- [1] An authorised officer may be written notice instruct the owner or driver of a metered taxi to present the taxi concerned to an examiner of vehicles for examination and testing of the taximeter at a time and place specified in the notice.
- [2] An owner or driver must comply with an instruction as contemplated in subsection [1].

[130] CHARGE FOR TESTING METERS

The prescribed fees must be paid to the Municipality for every taximeter tested by the Municipality in terms of section 129.

[131] METERS MAY BE CONDEMNED

- [1] If a taximeter affixed to a metered taxi is found not to be in order and not working satisfactorily, an examiner of vehicles may condemn the taximeter and remove the seal or mark placed on it in terms of section 126.
- [2] No person may use a condemned taximeter in a taxi until the taximeter has been retested, approved and sealed by an examiner of vehicles.

[132] TAXI SIGNS FOR METERED TAXIS

- [1] A metered taxi that is operated within the Municipality must be fitted with an illuminated roof sign in accordance with the requirements of these by-laws.
- [2] The illuminated roof sign must be properly maintained at all times.

PART 5: BUS FACILITIES AND PERMITS AND OPERATION OF BUSES

[133] ESTABLISHMENT OF BUS FACILITIES

The provisions of section 85[1], [2] and [3] apply, with the necessary changes, to buses, and "special parking places" must, in relation to buses, be read as "demarcated stopping places or stands for buses" as contemplated in section 136.

[134] APPLICATION AND ISSUE OF BUS PERMITS, FEES, DISPLAY OF DECALS, SUSPENSION AND WITHDRAWAL OF PERMIT

- [1] The provisions of sections 86, 87, 88, 89, 92, 93, 94, 95, 97 and 98 apply, with the necessary changes, to buses.
- [2] Except for the buses provided for in subsection [3], a bus may not use a public transport facility within the municipal area unless the bus displays the necessary decal.
- [3] A bus operator who transports passengers for reward and who owns more than 20 buses, but who uses fewer than 20 buses within the Municipality for transporting passengers, must pay the permit fees due to the Municipality for his buses according to the following formula: The bus operator's maximum number of buses which on any day of the year is used for the above purposes, train buses excluded [for which individual permits and decals need to be obtained], multiplied by the prescribed permit fee payable per bus.
- [4] The permit fees for the number of buses referred to in the formula in subsection [3] are determined according to that bus of the operator which is certified to carry the largest number of passengers and which is normally used within the Municipality, and the permit issued for these permit fees is not linked to any specific bus.
- [5] The bus operator must –
 - [a] provide an audited certificate of the number of buses referred to in the formula above, together with his application to the Chief Traffic Officer; and
 - [b] each year after that, provide an audited certificate, together with any other documents that the Chief Traffic Officer may reasonably demand.

[135] GENERAL USE AND OPERATION OF BUSES

The provisions of sections 108 to 110 apply, with the necessary changes, to buses.

[136] DISTINGUISHING OF DEMARCATED STOPS AND STANDS FOR BUSES

Each demarcated stopping place or stand must be distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the stopping place or stand.

[137] DUTY OF DRIVER TO STOP

- [1] If a bus operating on a bus route for the purpose of conveying passengers 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 demarcated stopping place apparently intending to get on the bus, the driver must, subject to subsection [2], stop the bus at the stopping place, 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 stopping place or stand.
- [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.

[138] BOARDING AND ALIGHTING FROM BUS

The provisions of section 111[3], [4] and [5] apply, with the necessary changes, where a passenger intends to board or alight from a bus.

[139] PARKING AT STOPPING PLACES FOR BUSES AND DESTINATION SIGNS

- [1] No driver or person in charge of a bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.
- [2] A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

PART 6: ENFORCEMENT**[140] TAXI RANK PERMIT TO BE PRODUCED ON DEMAND**

- [1] The holder of a taxi rank permit must –
 - [a] maintain the taxi rank permit in a good and legible condition; and
 - [b] keep the taxi rank permit in the motor vehicle to which it relates at all relevant times when the vehicle is being operated as a taxi or bus.
- [2] A traffic officer may call on the driver of a taxi or bus to stop and may demand that he –
 - [a] produce the taxi rank permit; and
 - [b] give his full name and address and also the name and address of the owner of the taxi or bus.
- [3] No driver referred to in subsection [2] may –
 - [a] fail or refuse to stop;
 - [b] fail or refuse to give his full name and address;
 - [c] fail or refuse to give the correct name and address of the owner of the vehicle in his charge;
 - [d] give a false name or address; or
 - [e] fail or refuse to produce a permit.

[141] UNAUTHORISED HANDING OVER OR ABANDONMENT OF BUS OR TAXI

No driver of a taxi or bus may –

- [a] abandon his vehicle; or
- [b] allow any other person to drive the taxi or bus under his control without the consent of the holder of the public road transportation permit concerned.

[142] ENFORCEMENT OF RIGHT OF ENTRY

- [1] An authorised officer may, in enforcing the provisions of this Chapter, at any reasonable time and without prior notice –
 - [a] enter a taxi or bus facility to inspect the facility; and
 - [b] make enquires from a person connected with the facility.
- [2] No person may interfere with an officer in the exercise of his power as contemplated in subsection [1].

PART 7: MISCELLANEOUS PROVISIONS**[143] CHANGE OF ADDRESS OF TAXI RANK PERMIT HOLDER**

If the taxi rank permit holder changes his address during the currency of the permit, he must notify the Municipality in writing of the new address not later than seven days after the change of address, and this notice must be delivered by hand, facsimile machine or certified mail.

[144] PROPERTY LEFT IN PASSENGER-CARRYING VEHICLES

The driver of a passenger-carrying vehicle must carefully examine the vehicle after a trip, and if a passenger has left behind any property in the vehicle, the driver must –

- [a] deliver that property to the person who left it behind; or
- [b] if he is unable to deliver that property to the person who left it behind, take the property as soon as possible to the lost property office of his employer or to the nearest police station and deposit it with the officer on duty and obtain a receipt for it.

CHAPTER 7: MISCELLANEOUS PROVISIONS**[145] OBEYING AND INTERFERING WITH OFFICER**

- [1] An authorised official may direct all traffic by means of visible or audible signals and no person may disobey such signals.

- [2] No person may obstruct, hinder, abuse, or interfere with any authorised official in the exercise of the powers in terms of these by-laws.

[146] **APPEAL**

- [1] A person whose rights are affected by a decision made under these by-laws may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- [2] The Municipal Manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- [3] When the appeal is against a decision taken by –
- [a] a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - [b] the Municipal Manager, the Executive Committee is the appeal authority; or
 - [c] a political structure or political officer bearer or a councilor of the Municipality is the appeal authority.
- [4] The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

[147] **MUNICIPALITY MAY ACT AND RECOVER COSTS**

- [1] Notwithstanding any other provisions of these by-laws, the Municipality may –
- [a] where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - [b] where any provision of these by-laws is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.
- [2] The Municipality may, without prejudice to its powers to take action against the any person who contravenes subsection [1] and take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

[148] **PRESUMPTIONS**

- [1] For the purpose of these by-laws, the person in whose name a vehicle which is parked in a parking ground is licensed, is deemed to be the person having control or charge of the vehicle, unless and until he adduces evidence to the contrary.
- [2] A motor vehicle that is found on a taxi or bus facility or that has stopped at a taxi or bus facility is presumed to be plying for hire, unless the contrary is proved.
- [3] Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of these by-laws it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
- [4] Whenever a vehicle is parked in contravention of any provision of these by-laws, it is be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
- [5] For the purposes of these by-laws 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 powers or in the carrying out of his duties as such director or servant or in furthering or endeavouring to further the interests of the corporate body.
- [6] In any prosecution in terms of these by-laws, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is prima facie proof of his appointment and authority so to Act however, this section does not apply to a prosecution on a charge for impersonation.
- [7] Any motor vehicle which is found on a taxi facility or which has stopped at a taxi facility will be presumed to be plying for hire, unless the contrary is proved.
- [8] Any person, who by means of any motor vehicle, conveys passengers, will be presumed to have conveyed such passengers for hire or reward and such vehicle is presumed to be a taxi unless the contrary is proved.

- [9] A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under these by-laws, be admissible in evidence and *prima facie* proof that it is such receipt, transmission report or acknowledgement.

[149] **PENALTIES**

- [1] A person who has committed an offence in terms of these by-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

[150] **SAVING AND TRANSITIONAL PROVISION**

- [1] A person on whose premises any fence contemplated in section 31[1] is erected, is allowed a period of 12 calendar months from the date of commencement of these by-laws to make the necessary structural arrangements to comply with section 31[2].
- [2] The by-law related to Parking Meter and Parking Ground approved and gazetted on 27th Dec 2006 is still retained until it has been repealed, however where there is contradiction the new by-law prevails.

[151] **REPEAL OF BY-LAWS**

- [1] Any by-laws adopted by the Municipality or of a municipality now forming an administrative unit of the Municipality and relating to streets or with regard to any matter regulated in these by-laws are hereby repealed.
- [2] Anything done under the provisions of the by-laws repealed by subsection [1] is deemed to have been done under the corresponding provision of these by-laws and such repeal will not affect the validity of any approval, authority, waiver or other act which at the commencement of these by-laws is valid under the by-laws so repealed.