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Knysna Municipality

Roads & Traffic By-Law

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Knysna Municipality, enacts as follows:

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1. Definitions

In this by-law words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of any inconsistency between the different texts and unless the context otherwise indicates-

“animals” means any horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches, indigenous mammals and other wild animals;

“authorised official” means an inspector of licenses, a traffic officer, a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or a police officer in terms of the South African Police Services Act, 1995 (Act No 58 of 1995), and includes any other person whom the Minister of Local Government may from time to time by regulation declare to be an authorised officer;

“caravan” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“Council” means the Municipal Council of Knysna;

“demarcated area” means an area designated or reserved in terms of the town planning scheme and used as public areas or in such other areas as may be specifically approved by Council for the use of parking attendants or car guards;

“Municipality” means the Municipality of Knysna established in terms of section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 484 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“municipal area” means the area of jurisdiction of Knysna Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

“Municipal Manager” means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“motor vehicle” means any self-propelled vehicle and includes -

- (a) a trailer; and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include –
 - (i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - (ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted for the use of any person suffering from some physical defect or disability and used solely by such persons.

“nuisance” means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace of the area or part thereof or the rights of reasonable comfort, convenience, peace or quiet of any neighbourhood within the area and includes any act, exhibition, or publication contrary to public decency or morals;

“park” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

“parking area” means any area of land set aside by the Municipality, or any area controlled by, or of which the Municipality has gained control, as a parking ground or garage for the parking of vehicles therein by members of the public, whether or not charges are prescribed by this by-law for use thereof;

“parking attendant” means a person who, whether for fixed or agreed remuneration or benefit, or otherwise, guides or assists persons desirous of parking or removing their vehicles from such demarcated area in entering or leaving any parking space or place;

“public road” means a public road as defined in the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended;

“semi-trailer” means a trailer having no front axel and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

“sidewalk” means that portion of a street between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings, which is intended for the use of pedestrians;

“street” means any street, road, cycle path, thoroughfare or any other place, and includes-

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, which has at any time been –
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the Municipality or other competent authority; or
 - (iv) constructed by a local authority.
- (e) any land, with or without buildings or structures thereon, which is shown as a street on-
 - (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon; or
 - (ii) any general plan as defined in the Land Survey Act; 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General ‘s office,

unless such land is on such plan or diagram described as a private street;

“tare” in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of -

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of –
 - (i) fuel; and
 - (ii) anything attached to such vehicle which is not of the nature referred to in sub-section (a) or (b);

“town planning scheme” means the town planning scheme(s) in course of preparation applicable to the Knysna Municipal are, as constituted from time to time, and includes any development control document or regulations submitted therefor;

“trailer” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a side-car fitted to a motor cycle;

“vehicle” means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails;

"work" means work of any nature whatsoever undertaken on any land within the area of jurisdiction of Knysna Municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of a new building or alterations or additions to any existing building, the laying of cables and pipes, the dumping of building or other material anywhere in a street or public place, or delivery to or removal from any site of any soil or material of any nature whatsoever.

2. Purpose of by-law

The purpose of this by-law is to promote the achievement of a safe environment for the benefit of residents within the area of jurisdiction of the Municipality and to provide for procedures, methods and practices to manage the use and utilisation of streets in the area of jurisdiction of the Municipality.

3. Construction of streets

No person may-

- (a) make, construct, reconstruct, or alter a street or sidewalk except with the written permission of the Municipality and in accordance with the requirements prescribed by the Municipality; or
- (b) construct a verandah, stoep, steps or other projection or erect a post in a street except with the written permission of the Municipality.

4. Advertisements visible from streets

- (a) No person may display any advertisement, placard, poster or bill in a street except with the written permission of the Municipality and subject to any conditions that may be imposed by the Municipality.
- (b) This section does not apply to signs which have been exempted under the provisions of the municipality's by-law relating to Advertising Signs.

5. Animals or objects causing an obstruction

No person, except with the written permission of and subject to any conditions that may be imposed by the Municipality, may-

- (a) deposit or leave any goods or articles in a street or other than for a reasonable period during the course of the loading, off-loading or removal thereof; or
- (b) obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a perambulator or wheel-chair which is being used for the conveyance of children or the disabled); or
- (c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street; or
- (d) cause or allow any security lights or floodlights, to cause a glare or obstruct the vision of drivers of vehicles passing by his or her property.

6. Trees in streets

(i) No person may in a street-

- (a) plant, cut down or remove a tree or shrub in or from, except with the written permission of the Municipality; or
- (b) climb, break or damage a tree; or
- (c) mark or paint any tree or attach any advertisement thereto.

(ii) Any tree or shrub planted in a street is the property of the Municipality.

7. Trees or growth causing an interference or obstruction

- (a) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a street, the Municipality may by written notice order the owner or occupier to prune or remove such tree or growth to the extent and within the period specified in such notice.

- (b) Any person who fails to comply with a notice issued in terms of subsection (1) commits an offence.
- (c) If any person fails to comply with a notice in terms of this section, the Municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

8. Dumping of waste

No person may -

- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street; or
- (b) permit any such objects or substances to be dumped or placed in a street.

9. Prohibition of certain activities in connection with objects in streets

No person may, in a street –

- (a) repair or service a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident; or
- (b) clean or wash a vehicle.

10. Control of parking attendants

- (a) Co-ordination of activities

Council may appoint one or more authorised officials to oversee and co-ordinate the activities of parking attendants in demarcated areas on such terms and conditions as Council may agree with such authorised officials.

- (b) Demarcated areas where parking attendants may render services

- (i) The provision of the services of parking attendants is only permitted in demarcated areas.
- (ii) Except in those areas referred to in section b(i), no person may offer or render service as a parking attendant, whether for agreed remuneration or in expectation of a reward or benefit, in or on –
 - (a) any public road under the jurisdiction or in the ownership of Council; or
 - (b) any off-street parking area normally used by the public or to which the public has the right of access.
- (iii) For the purposes of sub-section b (i), Council may extend the application of this by-law to an area in private ownership used for parking purposes by members of the public, but only on the application of the owner of such property or an application made by the lessee or other occupier thereof with the written consent of the owner.

- (c) Registration as an approved service provider

- (i) Any person intending to operate as an approved service provider to manage the control of parking attendants, shall make an application to Council in written format, and is only allowed to operate as such once Council has approved the application, and on the conditions prescribed by Council.
- (ii) Council has the right to restrict the number of approved service provider to a number which can reasonably represent the number of parking attendants

- (d) Registration as a parking attendant

- (i) No person shall operate as a parking attendant unless he or she –
 - (a) has applied to an approved administrator for registration as a parking attendant in the area and has been approved as a parking attendant by such approved administrator;

- (b) at all times carries a clear identification card in a format to be prescribed by Council from time to time;
 - (c) wears a uniform/bib approved by Council, which clearly distinguishes between parking attendants and authorised officials.
- (ii) Council may –
- (a) restrict the number of registered parking attendants' operating within its area of jurisdiction.
 - (b) refuse or withdraw the registration of any parking attendant if:
 - 1) such person has been convicted in a court of law of any criminal offence;
 - 2) such person causes wilfully damage to person or property; or
 - 3) such person is found at any stage while rendering services to be under the influence of intoxicating liquors or illegal substances
 - (c) enter into an agreement, or impose conditions upon the administrator for the effective control of parking attendants.
- (e) Duties of the approved service provider/authorised official
- (i) The approved service provider/authorised official shall ensure that no person rendering services as a parking attendant shall:
 - (a) take up a position or place himself or herself on a sidewalk or in a manner so that pedestrian traffic is obstructed;
 - (b) in any way obstruct free access to any –
 - 1) entrance or exit from a building;
 - 2) fire hydrant;
 - 3) Council service or service works;
 - (c) sleep overnight at a public place if services are rendered at or on such public place or part thereof,
 - (d) in the course of rendering services as a parking attendant:
 - 1) create a public nuisance by his/her behaviour;
 - 2) create a traffic hazard to motor vehicles;
 - 3) hinder or prevent proper traffic control in a public area.
 - 4) engage in any other activities that may have a negative impact on his/her service as attendant; or
 - 5) engage in any activity that is in contradiction with any other legislation.
 - (e) contravene any condition imposed by Council.
- (f) Offences and penalties for above-mentioned section
- (i) Any person who –
 - (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof; or
 - (b) threatens, resists, interferes with or obstructs, any Council employee in the performance of his or her duties or functions in terms of this by-law or any other law; or
 - (c) deliberately or negligently furnishes false or misleading information to any authorised officer or any Council employee:
- shall be guilty of an offence, and liable upon conviction, to a fine or imprisonment for a period as determined by the relevant competent authority.
- (g) Cancellation/Withdrawal of approval
- (i) Notwithstanding section (f), Council may withdraw or cancel the registration of any approved service provider or registered parking attendant who contravenes any provision of this by-law or any conditions imposed by Council.

11. Prohibition of certain acts in streets

No person may -

- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street; or
- (b) do anything in a street, which may endanger the life or safety of any person, animal or thing or create a nuisance, obstruction or annoyance to the public.

12. Conveyance of animal carcasses or other waste products through streets

No person may carry or convey through a street the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand, unless-

- (a) it is properly covered; and
- (b) it is conveyed in such type of container as will not allow any offensive liquids or hazardous or dangerous parts of the load to be spilt in the street.

13. Building materials in streets

No person may bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials or any other materials in a street except with the written permission of the Municipality, and subject to the conditions imposed by the Municipality.

14. Balconies and verandahs

No person may, except with the written permission of the Municipality -

- (a) use a balcony or verandah erected beyond the boundary line of a street for the purposes of trading or the storage of goods or for the washing or drying of clothes; or
- (b) enclose or partition a balcony or verandah erected beyond the boundary line of a street or portion thereof as a room.

15. Outspanning in streets

No person may outspan a vehicle drawn by animals in any street, or detach or leave in any street or any trailer, caravan or vehicle, which is not self-propelled, provided that this provision shall not apply to the actual loading or unloading of such vehicle.

16. Protection of street surface

(1) No person may –

- (a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may cause damage to any street; or
 - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way that the surface of the road is damaged, broken or destroyed.
- (2) If the Municipality identifies a person whose actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs may be recovered from the offender.
- (3) Any person who is the owner of land on which any work is done is liable for any damage to any portion of a street caused by or in connection with the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.
- (4) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks or road verges, the owner of such land may not commence, or allow any other person to commence, any such work until such a person has deposited with the Municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any such street as a result of, or in connection with, the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.
- (5) (a) After completion of the work referred to in subsection (4), the Municipality may repair damage caused by such work and may set off the cost of such repairs against the deposit.

- (b) If such cost is less than the amount of the deposit, the Municipality shall refund the balance to the depositor, but if the amount of the deposit does not cover such cost, the owner shall be liable for the difference.
- (6) No person other than an authorised official of the Municipality in the performance of his or her duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street.

17. Damaging of notice-boards

No person may deface, damage or interfere with any notice board, road traffic sign, street-name board or other similar sign or any hoarding, which has been erected in a street by or with the permission of the Municipality.

18. Collections and distribution of handbills

- (1) No person may-
 - (a) collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the Municipality and subject to any conditions that may be imposed by the Municipality;
 - (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the Municipality; or
 - (c) distribute a handbill or similar advertising material or cause it to be distributed in any street, or place any handbill or similar advertising material or cause it to be placed on or in any vehicle without prior permission of the Municipality.
- (2) An application fee may be levied in respect of any application in terms of subsection (c).

19. Work in street

- (1) No person may without the prior written permission of the Municipality and subject to any conditions that may be imposed undertake any work in a street or.
- (2) A person referred to in subsection (1) must pay the prescribed fee as set out in the Municipality's annual list of Tariffs.
- (3) (a) A person may by means of a written application in which the reasons are given in full, apply to the Municipality for exemption from any condition contemplated in subsection (1).
 - (b) The Municipality may-
 - (i) grant an exemption in writing and set conditions and the period for which such exemption is granted.
 - (ii) alter or cancel any exemption or condition in an exemption; or
 - (iii) refuse to grant an exemption.
 - (c) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality under subsection (1), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
 - (d) If any condition of an exemption is not complied with the exemption lapses immediately.

20. Poison in streets

No person other than an official of the Municipality or an authorised person who administers legally approved weed-killers or poisons, may use, set or cast poison in any street.

21. Processions

- (1) Subject to the provisions of subsection (6), no person may hold, organise, initiate, control or actively participate in a procession or gathering in a street, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street, or use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the Municipality in terms of subsections (2) and (3).

- (2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) must submit a written application for permission, which must reach the Municipality at least seven days before the date upon which any such action is intended to be performed or carried out, provided that persons who intend to participate actively in a procession, or gathering need not apply to the Municipality for permission and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller has obtained the permission of the Municipality. An application made in terms hereof must contain the following:
- (a) full details of the name, address and occupation of the applicant;
 - (b) full details of the street where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times and, in the case of processions and gatherings, the number of persons expected to attend; and
 - (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- (3) Any application submitted in accordance with subsection (2) shall be considered by the Municipality, and if anyone or more of the actions to be performed or carried out as proposed in such application is or are not likely to be in conflict with the interests of public peace, good order or safety, the Municipality may issue a certificate granting permission and imposing conditions.
- (4) The Municipality may refuse to approve applications in terms of subsection (2) if an action will be in conflict with the interests of public peace, good order or safety.
- (5) The Municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, the action will be in conflict with the interests of public peace, good order or safety.
- (6) The provisions of this section do not apply to –
- (a) wedding or funeral processions; and
 - (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993).

22. Roller-skating and skating on skate-boards

No person may, except with the prior written permission of the Municipality, skate on roller-skates or a skate-board or a similar device in or on a street or where skating is prohibited by a sign.

23. Overflow of water into street

No person may cause or allow any water other than rainwater to flow into a street.

24. Behaviour in streets

No person may, in a street or -

- (a) cause a nuisance to other persons by loitering, standing, sitting or lying or begging;
- (b) sleep, overnight or erect any shelter;
- (c) wash or dry clothes, blankets or any other domestic articles;
- (d) use abusive, insulting, obscene, threatening or blasphemous language;
- (e) fight or act in a riotous manner;
- (f) discharge a fire-arm, airgun or air-pistol;
- (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
- (h) defecate, urinate or wash himself;
- (i) solicit or importune any person for the purpose of prostitution or immorality;
- (j) engage in gambling;
- (k) use intoxicating liquor or drugs; or
- (l) spit.

25. Animals in a street

No owner or person -

- (a) in charge of any wild or ferocious animal, monkey or horned cattle may allow such animal at any time to be insufficiently attended or at large in any street or may keep any such animal in such a manner as to be a danger or annoyance to the public; or
- (b) may allow, permit or cause any animal to graze or stray in or about any street.

26. Display of street number of places

- (1) The Municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the Municipality in terms of section 34(c) must be displayed, and the owner must, within 30 days of the date of such notice, display the allocated number on the premises.
- (2) A number displayed as contemplated by sub-section (1) must -
 - (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
 - (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

27. Bridges and crossings over gutters and sidewalks

No private crossing, pathway, bridge or culvert may be made or built to or in front of any dwelling or other premises in any street except with the written permission of the Municipality, and subject to the conditions imposed by the Municipality.

28. Control of amusement shows and devices

- (1) No person may set up or use in any street any circus, whirligig, roundabout or other show or device for the amusement or recreation of the public -
 - (a) except with the written permission of the Municipality and subject to such conditions as may be determined by the Municipality;
 - (b) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
 - (c) if it is in any way dangerous or unsafe for public use.
- (2) An authorised official of the Municipality shall, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

29. Control of animal-drawn vehicles

No person may-

- (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street;
- (b) drive or be in control of an animal-drawn vehicle in a street if he or she is under 16 years of age; or
- (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

30. Vehicles to be attended

No person may in a street, sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some other stand duly allocated by the Municipality.

31. Municipality may act and recover costs

- (1) Notwithstanding any other provisions of this by-law, 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 this by-law 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 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) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the Municipality may without prejudice to its powers to take action against the offender, 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.

32. Closure of streets

- (1) No person may, without the approval of the Municipality, close or barricade any street or restrict access thereto.
- (2) The Municipality may permanently close or divert any street or part thereof or restrict access to any street.
- (3) When the Municipality decides to act in terms of subsection (2), it shall give notice of such intention in terms of its communication policy, and in the absence of such policy the municipality shall give notice of its intention in a local newspaper in at least two official languages.
- (4) Any objection against the action referred to in subsection (2) must be delivered in writing to the Municipal Manager within 30 days from the date of notification in terms of subsection (3) for submission to Council or a committee or person who has delegated powers to decide the matter.
- (5) The Municipality may, without complying with subsection (3) –
 - (a) temporarily close a street -
 - (i) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;
 - (ii) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such -
 - (1) if such street is dangerous to traffic;
 - (2) by reason of any emergency or public event which requires special measures for the control of traffic or special provision for the accommodation of crowds; or
 - (3) for any other reason which renders the temporary closing of a street necessary; and
 - (b) divert a street, which has been temporarily closed in terms of paragraph (a).
- (6) The Municipal Manager has the discretion to, for general information, place a notice of such temporary closure in terms of subsection (5) in a local newspaper.

33. Construction, maintenance and naming of streets

The Municipality may -

- (a) make, construct, reconstruct, alter and maintain streets;
- (b) name and re-name streets;
- (c) allocate and re-allocate numbers to properties abutting on streets.

34. Declaration of streets

- (1) The Municipality may-
 - (a) declare any land or portion of land under its control as a street or any street or portion thereof to be a public place;
 - (b) declare any private street or portion thereof as a public street, or any place or portion thereof to be a public place.
- (2) When the Municipality acts in terms of subsection (1), it must give notice of such intention in terms of its communication policy, and in the absence of such policy, in a local newspaper in at least two official languages,

- (3) Any objection against the intended action must be delivered in writing to the Municipal Manager within 30 days from the date of notification in terms of subsection (2) for submission to Council or a committee or person who has delegated powers to decide upon it.

35. Parking of heavy vehicles and caravans and Parking in business premises

- (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for parking of heavy vehicles, park on a street –
 - (a) a motor vehicle with a tare exceeding 3500 kg;
 - (b) a trailer;
 - (c) a semi-trailer; or
 - (d) a caravan.
- (2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that such vehicle has been parked by the owner thereof unless the contrary is proved.
- (3) Owners of businesses shall provide adequate parking for their clients and take reasonable steps to prevent clients from using street pavements as their parking.

36. Encroachments

- (1) Subject to section (3) and to such further conditions as it deems necessary, the Municipality may permit the erection or maintenance of a verandah, balcony, sign, projecting sign or similar structure which projects in or over any street;
- (2) When any immovable property owned by a Municipality or under the control or management of the Municipality is encroached upon, the Municipality may take steps necessary to remove or regularise such encroachment.
- (3) The Municipality may reduce the extent of or street, which is encroached upon by the extent of the encroachment or by such greater extent as, may be desirable.
- (4) A permit issued under subsection (1) is, for the purposes of subsection (2), deemed to be a regularisation of the encroachment referred to in such permit.
- (5) A person who wishes to obtain the permission of the Municipality as contemplated in subsection (1) must complete and submit to the Municipality the prescribed form, and the Municipality may issue a permit subject to the prescribed fee having been paid.
- (6) A person who contravenes a provision of subsection (1) to (5) commits an offence, and a person who fails to comply with any condition imposed under subsection (1) commits an offence and the Municipality may, in addition to any other penalty which, may be imposed –
 - (a) demolish, remove or fill in the projection or projecting structure concerned; or
 - (b) cause such projection or projecting structure to be demolished, removed or filled in,at the cost of the owner thereof.

37. Penalty

A person who contravenes or fails to comply with any provision of this by-law commits an offence and is liable upon conviction to -

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued, and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.

38. Appeal

A person whose rights are affected by a decision delegated by the Municipality may appeal against that decision by giving written notice of the appeal and the reasons therefor in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000, to the Municipal Manager within 21 days of the date of the notification of the decision.

39. Repeal of by-laws

The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

40. Short title and commencement

This by-law shall be known as the Roads and Traffic By-law and shall come into operation on the date of publication thereof in the Provincial Gazette.

