

BY-LAW

To provide for the establishment, maintenance and management of municipal taxi ranks in the EMTHANJENI municipality; and for matters connected therewith.

BE IT ENACTED by the Emthanjeni municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates –

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

“**financial year**” means a year starting on the first day of July of any year and ending on the last day of June of the next year;

“**Manager: Traffic Services**” means the municipal traffic officer appointed by the Municipality as head of the component of the Municipality responsible for the administration of road traffic matters;

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

“**Municipality**” means the Emthanjeni municipality;

“**Municipal Manager**” means the person appointed by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

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

“**municipal traffic officer**” means a traffic officer appointed by the Municipality in terms of the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or an Act repealed by that Act, as the case may be;

“**parking permit disc**” means a disc issued in terms of section 4 to be displayed by a taxi making use of a municipal taxi rank;

“**taxi**” means any motor vehicle, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and

“**this By-law**” shall include the rules to be observed at municipal taxi ranks as contemplated in section 2.

Municipality may establish, maintain and manage municipal taxi ranks

2. (1) The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal taxi ranks.
- (2) A municipal taxi rank must be demarcated by notice in the *Provincial Gazette*.
- (3) At the entrance of each municipal taxi rank, as well as at the entrance of its waiting area, a signboard must be displayed setting out the rules to be observed at that rank or area, respectively, by –
- (a) taxi drivers;
 - (b) taxi owners; or
 - (c) members of the public,
- who enters into, parks at or makes use of taxi services at that rank or area.
- (4) Rules contemplated in subsection (3) must be adopted by the Municipality and promulgated in the *Provincial Gazette*.

Taxis to display parking permit discs when being driven into or parked at municipal taxi ranks

3. (1) No taxi shall be driven into or parked at a municipal taxi rank without displaying a valid parking permit disc attached in the manner set out in subsection (2).
- (2) The parking permit disc referred to in subsection (1), shall be displayed on the left side of the front windscreen of the taxi, in such a manner that the face thereof may be clearly visible to, and the inscriptions thereon easily legible by a person standing in front of or to the left front of the taxi.
- (3) A parking permit disc shall –
- (a) be of the design and contain the particulars set out in the Schedule; and

- (b) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

Application for, issue and duration of a parking permit disc

4. (1) The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.
- (2) An application for the issue of a parking permit disc must –
 - (a) be in the form determined by the Municipality;
 - (b) be directed to the Municipal Manager;
 - (c) be accompanied by the fees determined by the Municipality;
 - (d) in respect of the next ensuing financial year, be made no later than the last day of April of each year.
- (3) On receipt of the application, the Municipal Manager must consider the application and, no later than the last day of May of the year concerned –
 - (a) issue the parking permit disc to the applicant; or
 - (b) in writing, notify the applicant that the application was not successful, stating the reasons for his or her decision.
- (4) If an application was turned down by the Municipal Manager –
 - (a) because of a shortcoming in the application that can be rectified by the applicant, the applicant may rectify the shortcoming and, without the payment of any further fee, submit the application again;
 - (b) for any other reason, a new application for the same period may not be brought for the same taxi, but the applicant may appeal against the decision of the Municipal Manager, in which case the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply.
- (5) In the case where application for the issue of a parking permit disc is made during a financial year for the remainder of that financial year, the Municipal Manager shall process and finalise the application within a reasonable time.

- (6) The owner of a taxi, making use of a municipal taxi rank, must –
- (a) at all times keep written record of the identity of the driver of such taxi at any specific time, if he or she is not the driver of the taxi concerned;
 - (b) keep such records for at least one year after the end of the financial year in which it was made; and
 - (c) on request by a municipal traffic officer, make the records available for inspection by the Municipality.
- (7) A parking permit disc shall lapse at the end of each financial year.

Presumption that owner drove or parked taxi

5. Notwithstanding the provisions of section 4(6), the provisions of section 73 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), shall, *mutatis mutandis* apply to a taxi making use of a municipal taxi rank.

Seizure and impoundment of taxis at municipal taxi ranks

6. (1) Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a taxi at a municipal taxi rank for a period of 7 days –
- (a) if the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);
 - (b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or
 - (c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.
- (2) A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.
- (3) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

Delegation

7. The Municipal Manager may, in writing, delegate the powers and functions vested in him or her by section 4, to the Manager: Traffic Services.

Penalty clause

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

Repeal of laws and savings

9. (1) The following laws are hereby repealed:
- All previous by-laws with regard to this matter are hereby repealed.**
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

10. This By-law shall be called the Municipal Taxi Ranks By-law, 2008

SCHEDULE

(Section 3(3)(a))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimeter.
2. The words “PARKING PERMIT • MUNICIPALITY/PARKEERPERMIT • MUNISIPALITEIT” shall be printed on the disc and provision shall be made on the disc for inscriptions indicating –
 - (a) the name of the owner of the taxi;
 - (b) the registration number of the taxi;
 - (c) the financial year in respect whereof the permit was issued; and
 - (d) the number of the permit.