

BERGRIVIER MUNICIPALITY
BY-LAW RELATING TO PUBLIC BUSES AND TAXIS

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

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1. Definitions

In this by-law, unless the context otherwise indicates—

“**bus stop**” means any place designated or area demarcated by a road traffic sign as a bus stop or for the exclusive stopping of buses;

“**Chief Traffic Officer**” means the person appointed as such by the Council, or any other person legally acting in that capacity, and any officer appointed a traffic officer and authorized by the Chief Traffic Officer to implement the provisions of this by-law;

“**driver**” in relation to a taxi, means any person who is in control of or who operates a taxi and who is in the employment of the proprietor of such taxi;

“**municipality**” means the Municipality of Bergrivier, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized 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;

“**ply for hire**” means to use a motor vehicle for conveying passengers for hire or reward or to make a motor vehicle available at any place for the purpose of conveying passengers;

“**proprietor**” in relation to any taxi, means the owner of a taxi which is registered as such in an area and who conducts business by conveying passengers for reward;

“**taxi rank**” means a place designated by a road traffic sign or an area approved by the Council and demarcated as a taxi rank; and

“**taxi**” means a public motor vehicle (other than a public bus) used for the conveyance of passengers, or of passengers and such passengers' goods, for reward.

2. Purpose of by-law

- (1) The purpose of this by-law is to promote the safety of passengers making use of public transport and to provide procedures, methods and practices for the management thereof.
- (2) Subject to any law and the provisions of section 10, it is the intention of the municipality to make public transport facilities available to all forms of public transport.

3. Stopping of public buses

No person, other than a traffic officer or any other authorized officer, shall, except in the case of an emergency, stop a public bus for the purpose of permitting passengers to board or alight from such bus at any place other than a bus stop.

4. Boarding and alighting from public buses

No person, other than a traffic officer or any other authorized officer, shall, except in the case of an emergency, board or alight from a public bus at any place other than a bus stop unless directed to do so by the driver or conductor thereof.

5. Use of taxi ranks

- (1) The driver of a taxi shall, when plying for hire at a taxi rank, place his taxi in the first vacant place available on such taxi rank.
- (2) No person shall park or stop a taxi which is not in good working order in a taxi rank or cause or permit such taxi to remain in a taxi rank.

6. General provisions relating to taxis and taxi drivers

- (1) No person shall ply for hire with a taxi which is not in a good state of repair, clean and of a neat and presentable appearance.
- (2) No driver of a taxi shall—
 - (a) stand or wait with his taxi in a public street or public place when not hired or plying for hire except in the taxi rank; and
 - (b) prevent or attempt to prevent the driver of any other taxi from lawfully obtaining or conveying passengers; and
 - (c) ply for hire with a taxi in an area which is exclusively reserved for buses.

7. Presumption

If in any prosecution under this by-law it is proved that a person has conveyed passengers in a motor vehicle on a public road, it shall be presumed, until the contrary is proved, that he so conveyed such passengers for reward.

8. Offences and Penalties

A person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable 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.

9. Liaison forums in community

- (1) The municipality may establish liaison forums in a community for the purposes of encouraging a local community to participate in the implementation, development and enforcement of this by-law; and
- (2) The forums contemplated in sub-section (1) may consist of—
 - (a) a member or members of an interest group or an affected person or community;
 - (b) a designated official or officials of the municipality; and
 - (c) a councillor from the relevant council committee.
- (3) The municipality may, in the implementation and enforcement of this by-law—
 - (a) request the input of a forum;
 - (b) employ any skills or capacity that may exist in such a forum.
- (4) A forum, or a person or persons contemplated in subsection (2), may, on own initiative, submit an input to the municipality for consideration.

10. Exemptions

Notwithstanding the provisions of this by-law, the municipality may, on written application, exempt any person or class of persons from any or all of the requirements of this by-law and in considering such exemption it may impose any conditions or requirements it deems appropriate.

11. Conflict with other legislation

In the event of any conflict between any provision of this by-law and National and Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail.

12. Repeal

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.

13. Short title and commencement

This by-law shall be known as the By-law relating to Public Buses and Taxi's and shall come into operation on the date of publication thereof in the Provincial Gazette.