

MUNISIPALITEIT VAN THEEWATERSKLOOF

PUBLIC BUSES AND TAXIES BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Municipal Council of the Theewaterskloof Municipality, hereby enacts as follows:

PREAMBLE

The purpose of this by-law is to -

- (a) improve the safety of passengers using public transport;
- (b) provide for procedures, methods and practices to control public transport; and
- (c) regulate public transport facilities for all forms of public transport, subject to legislation.

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1. INTERPRETATION

In this by-law the English text prevails in the event of any conflict with the Afrikaans text, and unless the context indicates otherwise—

“authorized official”, means any peace officer authorized in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, or any employee of the Theewaterskloof Municipality, who is authorized by the Theewaterskloof Municipality to enforce the provisions of this by-law;

“bus”, means a motor vehicle designated, or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, to carry more than 16 passengers, including the driver, and includes a **“bus train”** or any variation thereof;

“bus stop”, means any temporary or permanent designated place or demarcated area in or on a public road, indicated by a road sign as a bus stop, which is exclusively reserved for the stopping of buses to load or off-load passengers;

“bus parking place”, means any marked parking place in or on a public road indicated by a road sign as a parking place for buses, which is exclusively reserved for the parking of buses;

“driver”, in relation to a taxi or a bus, means any person who is the driver of such a vehicle;

“Municipality”, means the Theewaterskloof Municipality, and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements of the Theewaterskloof Municipality;

“owner”, means with regard to any taxi or bus, the owner of a taxi or bus which is registered in an area to transport passengers for compensation;

“public road”, means any public road as referred to in section 1 of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and includes any municipal road, alley or road reserve;

“road traffic sign”, has the meaning assigned to it in the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and the regulations promulgated in terms thereof;

“road transport permit”, means an authorization to transport passengers on a specific route, as determined by a competent authority;

“taxi”, means a mini bus, motorcar or any other vehicle, excluding a bus or vehicle used as a school bus, used to transport passengers for compensation;

“taxi rank facility”, means a temporary or permanent designated place or demarcated area, in or on a public road, indicated by a road sign as a taxi rank facility, which is exclusively reserved for the stopping of taxi's to load or off-load passengers;

“to transport someone for compensation or charter”, means to use a vehicle to transport passengers or to make a vehicle available to transport passengers to a destination, on payment of a fee or for compensation;

“the Act”, means the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and the regulations promulgated in terms thereof; and

“traffic officer”, means an official appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended.

CHAPTER 1: FACILITIES FOR BUSES

2. BUS STOPS AND SPECIAL PARKING FOR BUSES

- (1) A Municipality may establish bus stops for use by buses to load and off-load passengers and may provide special parking places for buses.
- (2) No bus may be parked at a bus stop, where passengers are loaded and off-loaded, except when waiting for passengers to embark.
- (3) Road traffic signs and road markings shall be placed at bus stops and bus parking places, to confirm the reservation thereof as bus stops or bus parking places, and to regulate the use thereof.
- (4) A bus stop or a bus parking place may be reserved by the Municipality for a specific operator or only for specific buses or shall be made available for use by all buses.
- (5) The Municipality may reserve special areas, by demarcating and designating such areas by means of road traffic signs and notice boards, for the parking of buses during special occasions or on specific days.
- (6) Any person who parks a vehicle other than a bus on a bus stop or a bus parking place, shall be guilty of an offence.

3. LOADING AND OFF-LOADING OF PASSENGERS

No person, except for a traffic officer or an authorized official, shall stop a public bus or any other bus at any place to load or off-load passengers, except at a bus stop or at a bus parking place.

4. DISPLAY OF DESTINATION

The person in charge of a public bus, shall display the destination of a bus distinctly on such bus.

CHAPTER 2: FACILITIES FOR TAXIES

5. TAXI RANK FACILITIES AND SPECIAL PARKING PLACES FOR TAXIES

- (1) A Municipality may establish taxi rank facilities for use by taxis to load or off-load passengers and may provide special parking places for taxis.
- (2) Road traffic signs and road markings shall be placed at taxi facilities and taxi parking places, to confirm the reservation thereof as taxi rank or taxi parking places, and to regulate the use thereof.
- (3) A taxi rank facility or a parking place for taxis may be reserved by the Municipality for a specific operator or only for use by a specific taxi association or shall be available for use by all taxis.
- (4) The Municipality may reserve special areas, by demarcating and designating such areas by means of road traffic signs and notice boards, for the parking of taxis during special occasions or on specific days.
- (5) Any person who parks a vehicle other than a registered taxi on a taxi rank or a taxi parking place, shall be guilty of an offence.

6. USE OF TAXI RANK FACILITIES

- (1) No person shall park or stop a taxi, or allow it to be stopped or be parked in a taxi rank facility, when such vehicle is not roadworthy.
- (2) No person shall operate a taxi from a taxi rank facility, or tender it for the transport of passengers, when the owner or operator is not in possession of a valid receipt or proof that the fees and tariffs levied by the Municipality for the use of the facility concerned have been paid.
- (3) Subject to the provisions of this by-law or any other regulation promulgated in this regard, the driver of a taxi shall comply to the following operational directives for a taxi rank facility, when tendering his or her taxi for the transport of passengers at a taxi rank facility -
 - (a) all taxi's shall queue in order of arrival to pick up passengers;
 - (b) a taxi shall only move along in a queue, when the taxi in the front of the queue has picked up passengers and left the taxi rank;
 - (c) no taxi in the queue may be left alone for longer than ten (10) minutes; and

- (d) taxies queuing shall be available and ready at all times to transport passengers on payment of the required fee, and no driver may unreasonably refuse to transport any passenger, on condition that a seat is available in the taxi concerned and that the passenger's destination correlate with the route of the taxi in terms of the allocated road transport permit for the taxi.

7. GENERAL CONDITIONS FOR TAXIES AND TAXI DRIVERS

- (1) No person may tender a taxi for the transport of passengers, which is not roadworthy.
- (2) No taxi driver may –
- (a) tender his or her taxi for use in any other place, than a taxi rank;
 - (b) prevent the driver of any other taxi to pick up passengers, or try to prevent that another taxi driver legally obtain and transport passengers;
 - (c) offer to transport passengers on a route or in an area, for which the allocated road transport permit of the taxi concerned do not provide for;
 - (d) prevent or try to prevent passengers, to use bus transport out of their own choice;
 - (e) misbehave, act disorderly, cause a disturbance or act in such a way, that his or her conduct give offence or create a nuisance for the general public; and
 - (f) park or stop a vehicle used as a taxi in such a way, that such taxi creates an obstruction for other taxies and road traffic in general.
- (3) The owner or person in charge of a taxi shall display the approved route that the taxi may operate on in terms of a valid road transport permit, distinctly on the taxi concerned.

CHAPTER 3: GENERAL PROVISIONS

8. FEES AND TARIFFS

Fees and tariffs for the use of facilities for buses and taxies shall be annually determined by the Municipality.

9. EXCEMPTIONS

Notwithstanding the provisions of this by-law, the Municipality may on written application, exempt any person or group of persons from any or all the requirements of this by-law and when considering such application for exemption, the Municipality may impose any condition or requirement for approval it deems appropriate.

10. COMMUNITY LIAISON FORUMS

- (1) The Municipality may establish liaison forums in a community for the purposes of –
 - (a) creating opportunities for the local community to participate in the affairs of the Municipality;
 - (b) to advise the Municipality on matters, referred to a liaison forum by the Municipality, and
 - (c) promoting a safe environment .
- (2) A liaison forum may consist of –
 - (a) a member or members of an interested group or affected persons or parties;
 - (b) a member or members of a community; and
 - (c) a designated official or officials of the Municipality or other organs of state.
- (3)(a) The Municipality may, when considering an application for an approval, a permit or an exemption in terms of this by-law, request the input of a liaison forum.
- (b) A liaison forum or any person or persons contemplated in subsection 10(2) of this by-law, may on their own initiative provide input to the Municipality for consideration.

11. SERVING OF NOTICES AND OTHER DOCUMENTS

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law is deemed to be duly issued, when a duly delegated official of the Municipality has signed it.
- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served –
 - (a) when it has been delivered to that person personally;

- (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa, and proof of the posting thereof is provided;
 - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa, in a manner as provided in subsections 11(2)(a), 11(2)(b) or 11(2)(c) of this by-law;
 - (e) if that person's address and agent or representative in the Republic of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purpose of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupant, or holder of the property or rights in question, and it is not a requirement to name that person.
- (4) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

12. APPEALS

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such a decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty one (21) days of the date of the notification of the decision.

13. OFFENCES AND PENALTIES

Any person who -

- (a) fails to comply to the instructions of an authorized official issued in terms of this by-law;
- (b) fails to comply with any notice served in terms of this by-law;
- (c) contravenes any provision of this by-law;

- (d) fails to comply to any instruction posted on a notice board; or
- (e) deliberately obstructs an authorized official in the execution of his or her duties in terms of this by-law,

is guilty of an offence and is liable on conviction, for -

- (i) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
- (ii) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
- (iii) any further amount as an order of court for costs, equal to any costs and / or expenses, deemed by the Court to have been incurred by the Municipality as a result of such contraventions.

14. CONFLICT BETWEEN LEGISLATION

When any stipulation of this by-law is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

15. 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.

16. SHORT TITLE

This by-law shall be called the Public Buses and Taxies By-law of the Theewaterskloof Municipality.

17. OPERATIVE DATE

This by-law shall take effect on the date of publication.

MUNISIPALITEIT VAN THEEWATERSKLOOF

VERORDENINGE INSAKE OPENBARE BUSSE EN TAXI'S

Kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Munisipale Raad van die Munisipaliteit van Theewaterskloof hiermee soos volg:

AANHEF

Die doel van hierdie verordening is om -

- (a) die veiligheid van passasiers wat van openbare vervoer gebruik maak te bevorder;
- (b) om voorsiening te maak vir prosedures, metodes en praktyke om openbare vervoer te beheer; en
- (c) om onderhewig aan wetgewing, openbare vervoerfasiliteite te reguleer vir alle vorme van openbare vervoer.

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1. INTERPRETASIE

In hierdie verordening, geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, en tensy dit uit die samehang anders blyk, beteken:

“**bestuurder**”, met betrekking tot ‘n taxi of ‘n bus, enige persoon wat sodanige voertuig bestuur;

“**bus**”, ‘n motorvoertuig bestem, of wettiglik in ooreenstemming met die Nasionale Padverkeerswet, 1996 (No 93 van 1996), soos gewysig, deur ‘n geregistreerde vervaardiger omskep, om meer as 16 passasiers te vervoer, wat die drywer van sodanige voertuig insluit, en sluit in enige “**bus trein**” of variasie daarvan;

“**bushalte**”, enige aangewese plek of afgebakende oppervlak, hetsy tydelik of permanent, in of op ‘n openbare pad, wat deur ‘n padverkeersteken aangedui word as ‘n bushalte, wat uitsluitlik vir die stilhou van busse vir die op en aflaai van passasiers gereserveer word;

“**busparkeerplek**”, enige gemerkte parkeerplek in of op ‘n openbare pad wat deur ‘n padverkeersteken aangedui word as ‘n busparkeerplek, en wat uitsluitlik gereserveer word vir die parkering van busse;

“**die Wet**”, die Nasionale Padverkeerswet, 1996 (No 93 van 1996), soos gewysig, en die regulasies daarkragtens uitgevaardig;

“**eienaar**”, met betrekking tot enige taxi of bus, die eienaar van ‘n taxi of bus wat as sodanig in ‘n gebied geregistreer is om sake te doen by wyse van die vervoer van passasiers teen vergoeding;

“**gemagtigde beampte**”, enige vredesbeampte gemagtig ingevolge artikel 334 van die Strafproseswet, 1977 (Wet No 51 van 1977), soos gewysig, of enige beampte van die Munisipaliteit van Theewaterskloof wat deur die Munisipaliteit van Theewaterskloof gemagtig is om die bepalings van hierdie verordening af te dwing;

“**Munisipaliteit**”, die Munisipaliteit van Theewaterskloof, wat insluit enige verwysing na behoorlik gemagtigde en / of aangestelde beamptes en / of diensverskaffers in terme van diensleweringsooreenkomste van die Munisipaliteit van Theewaterskloof;

“**openbare pad**”, wat insluit enige munisipale straat of steeg of padreserwe, of enige publieke pad, soos bedoel in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet No 93 van 1996), soos gewysig;

“**padverkeersteken**”, die betekenis wat ingevolge die Nasionale Padverkeerswet, 1996 (Wet No 93 van 1996), soos gewysig, en die regulasies daarvolgens uitgevaardig, daarin toegeskryf word;

“**padvervoerpermit**”, ‘n magtiging om passasiers te vervoer op ‘n spesifieke roete, soos bepaal deur ‘n bevoegde owerheid;

“taxi”, ‘n minibus, motor of enige ander voertuig, uitgesonderd ‘n bus of voertuig wat as skoolbus aangewend word, wat gebruik word om passasiers teen vergoeding te vervoer;

“taxistaanplek fasiliteit”, enige aangewese plek of afgebakende terrein, hetsy tydelik of permanent, in of op ‘n openbare pad, wat deur ‘n padverkeersteken aangedui word as ‘n taxistaanplek fasiliteit, wat uitsluitlik vir die stilhou van taxi’s gereserveer word vir die op- en aflaai van passasiers;

“teen vergoeding of huur iemand te vervoer”, om ‘n voertuig te gebruik om passasiers te vervoer of om ‘n voertuig beskikbaar te stel met die doel om passasiers na ‘n bestemming, teen betaling van huur of geldelike vergoeding te vervoer; en

“verkeersbeampte”, ‘n beampte soos aangestel in terme van artikel 3A van die Wet op Nasionale Padverkeer, 1996 (Wet No 93 van 1996), soos gewysig.

HOOFSTUK 1: FASILITEITE VIR BUSSE

2. BUSHALTES EN SPESIALE PARKERING VIR BUSSE

- (1) ‘n Munisipaliteit mag bushaltes vir gebruik deur busse vir die op- en aflaai van passasiers en / of en spesiale parkeerplekke vir die parkering van busse vestig.
- (2) Geen bus mag by ‘n bushalte, waar passasiers opgelaai en afgelaai word, geparkeer word nie, behalwe in afwagting vir die oplaai van passasiers.
- (3) Padverkeerstekens en padverkeersmerke moet by bushaltes en busparkeerplekke aangebring word om die reservering daarvan vir gebruik as bushalte of busparkeerplek te bevestig, en die gebruik daarvan te reguleer.
- (4) ‘n Bushalte of ‘n parkeerplek vir busse mag deur die Munisipaliteit vir gebruik deur ‘n spesifieke operateur of slegs vir spesifieke busse gereserveer word of oopgestel word vir gebruik deur alle busse.
- (5) Die Munisipaliteit mag spesiale areas reserveer, afbaken en aandui met die nodige verkeerstekens of kennisgewingborde, vir die parkering van busse tydens spesiale geleenthede of op spesifieke dae.
- (6) Enige persoon wat ‘n motorvoertuig, anders as ‘n bus, op ‘n bushalte of ‘n busparkeerplek stop of parkeer, begaan ‘n oortreding.

3. OP- EN AFLAAI VAN PASSASIERE

Geen persoon, met die uitsondering van ‘n verkeersbeampte of ‘n gemagtigde beampte, mag ‘n openbare bus of enige bus op enige plek stop met die doel om passasiers op- of af te laai nie, behalwe by ‘n bushalte of ‘n busparkeerplek.

4. VERTOON VAN BESTEMMING

Die persoon in beheer van 'n openbare bus moet die bestemming waarheen die bus op pad is, duidelik op die bus vertoon.

HOOFSTUK 2: FASILITEITE VIR TAXI'S

5. TAXISTAANPLEK FASILITEITE EN SPESIALE PARKERING VIR TAXI'S

- (1) 'n Munisipaliteit mag taxistaanplek fasiliteite vir gebruik deur taxis vir die op- en aflaai van passasiers en spesiale parkeerplekke vir die parkering van taxi's vestig.
- (2) Padverkeerstekens en padverkeersmerke moet by taxistaanplek fasiliteite en taxiparkeerplekke aangebring word om die reservering daarvan vir gebruik as taxistaanplek of taxiparkeerplek te bevestig, en die gebruik daarvan te reguleer.
- (3) 'n Taxistaanplek fasiliteit of 'n parkeerplek vir taxi's mag deur die Munisipaliteit gereserveer word vir gebruik deur 'n spesifieke operateur of 'n spesifieke taxi assosiasie of oopgestel word vir gebruik deur alle taxi's.
- (4) Die Munisipaliteit mag spesiale areas reserveer, afbaken en aandui met die nodige verkeerstekens of kennisgewingborde, vir die parkering van taxi's tydens spesiale geleenthede of op spesifieke dae.
- (5) Enige persoon wat 'n motorvoertuig, anders as 'n geregistreerde taxi op 'n taxistaanplek of 'n parkeerplek vir taxi's stop of parkeer, begaan 'n oortreding.

6. GEBRUIK VAN TAXI STAANPLEK FASILITEITE

- (1) Geen persoon mag 'n onpadwaardige taxi, in 'n taxistaanplek fasiliteit parkeer of stop of toelaat dat sodanige taxi in 'n taxi staanplek is nie.
- (2) Niemand mag 'n taxi vanuit 'n taxistaanplek fasiliteit bedryf of dit beskikbaar stel vir die vervoer van passasiers, tensy die eienaar of bestuurder van sodanige taxi in besit is van 'n geldige kwitansie of bewys wat aantoon dat die fooie en tariewe wat deur die Munisipaliteit vir die gebruik van die betrokke taxistaanplek fasiliteit gehef word, betaal is.
- (3) Behoudens die bepalings van hierdie verordening of enige ander regulasie uitgevaardig in hierdie verband, moet die bestuurder van 'n taxi wanneer hy of sy vanaf 'n taxistaanplek fasiliteit opereer vir die vervoer van passasiers, die volgende operasionele riglyne vir 'n taxistaanplek fasiliteit eerbiedig –
 - (a) alle taxi's tou in volgorde van aankoms, vir die oplaai van passasiers;
 - (b) 'n taxi beweeg slegs aan in 'n tou, nagelang taxi's voor in die tou passasiers oplaai en vertrek;

- (c) geen taxi in die tou mag vir langer as tien (10) minute alleen gelaat word nie, en
- (d) taxi's wat tou, moet beskikbaar en gereed wees om te alle tye passasiers teen vergoeding te vervoer, en geen bestuurder mag onredelik weier om enige passasier in sy of haar taxi te vervoer nie, met dien verstande dat 'n sitplek in die betrokke taxi beskikbaar is en die passasier se bestemming ooreenstem met die betrokke taxi se roete ingevolge die toegekende padvervoerpermit.

7. ALGEMENE VOORWAARDES VIR TAXI'S EN TAXIBESTUURDERS

- (1) Geen persoon mag 'n taxi wat nie padwaardig is nie, vir die vervoer van passasiers aanbied.
- (2) Geen taxibestuurder mag –
 - (a) sy of haar taxi op 'n ander plek as in 'n taxistaanplek fasiliteit, aanbied vir verhuring nie;
 - (b) die bestuurder van enige ander taxi verhoed of poog om te verhoed dat sodanige taxibestuurder wettig passasiers bekom en vervoer nie;
 - (c) aanbied om teen vergoeding passasiers te vervoer op 'n roete of in 'n gebied, waarvoor die geldende padvervoerpermit van die betrokke taxi nie voorsiening maak nie;
 - (d) verhoed of probeer verhoed, dat passasiers uit eie voorkeur van busvervoer gebruik maak nie;
 - (e) hom of haar wanordelik gedra, of op so 'n wyse optree dat sy of haar gedrag aanstoot gee of 'n oorlas vir die algemene publiek veroorsaak nie, en
 - (f) 'n voertuig aangewend as taxi, op so 'n wyse parkeer of tot stilstand bring, dat die betrokke taxi 'n hindernis vir ander taxi's of padverkeer in die algemeen veroorsaak nie.
- (3) Die eienaar of persoon in beheer van 'n taxi, moet die goedgekeurde roete waop die taxi mag opereer in terme van 'n wettige padvervoerpermit, duidelik op die betrokke taxi laat vertoon.

HOOFSTUK 3: ALGEMENE BEPALINGS

8. FOOIE EN TARIEWE

Foosie en tariewe vir die gebruik van fasiliteite vir busse en taxi's moet jaarliks deur die Munisipaliteit bepaal word.

9. VRYSTELLINGS

Nieteenstaande die bepalings van hierdie verordening, mag die Munisipaliteit indien daar skriftelik daarvoor aansoek gedoen word, enige persoon of groep van persone van enige of al die vereistes van hierdie verordening vrystel, en by die oorweging van sodanige aansoek vir vrystelling mag die Munisipaliteit enige voorwaardes of vereistes vir goedkeuring, na goeddunke daarstel.

10. GEMEENSKAPSKAKELFORUMS

- (1) Die Munisipaliteit mag skakelforums in 'n gemeenskap instel met die doel om –
 - (a) geleenthede vir die plaaslike gemeenskap te skep om die aangeleenthede van die Munisipaliteit deel te neem;
 - (b) advies oor aangeleenthede te lewer, wanneer 'n skakelforum deur die Munisipaliteit versoek word om advies te lewer, en
 - (c) die bevordering van 'n veilige omgewing.
- (2) 'n Skakelforum mag bestaan uit –
 - (a) 'n lid of lede van 'n belangegroep, of geaffekteerde persone of partye;
 - (b) 'n lid of lede van 'n gemeenskap;
 - (c) 'n aangewese beampte of beamptes van die Munisipaliteit of ander owerheidsinstellings.
- (3)
 - (a) Die Munisipaliteit mag wanneer 'n aansoek om toestemming, 'n permit of 'n vrystelling ingevolge hierdie verordening oorweeg word, waar van toepassing, die insette van 'n skakelforum versoek.
 - (b) 'n Skakelforum of enige persoon of persone bedoel in subartikel 10(2) van hierdie verordening, mag op eie inisiatief 'n inset aan die Munisipaliteit vir oorweging verskaf.

11. BEDIENING VAN KENNISGEWINGS EN ANDER DOKUMENTE

- (1) 'n Kennisgewing, bevel, aanskrywing, of ander dokument wat ingevolge hierdie verordening deur die Munisipaliteit uitgereik word, word geag behoorlik uitgereik te wees, indien 'n beampte wat deur die Munisipaliteit gemagtig is, dit onderteken het.
- (2) Wanneer dit nodig is om enige gemagtigde kennisgewing, bevel, aanskrywing of ander dokument te bedien op 'n persoon ingevolge hierdie verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees –
 - (a) wanneer dit persoonlik aan die persoon afgelewer is;

- (b) wanneer dit by die persoon se plek van inwoning of besigheid in die Republiek van Suid-Afrika gelaat is, by 'n persoon wat duidelik ouer as sestien jaar is;
 - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan die persoon se laaste bekende woon- of besigheidsadres in die Republiek van Suid-Afrika, en 'n erkenning van die versending verskaf word;
 - (d) indien die persoon se adres in die Republiek van Suid-Afrika onbekend is, wanneer dit aan die persoon se agent of verteenwoordiger in die Republiek van Suid-Afrika bedien is op so 'n manier, soos in subartikels 11(1)(a), 11(1)(b) of 11(1)(c) van hierdie verordening bepaal;
 - (e) indien die persoon se adres en agent in die Republiek van Suid-Afrika onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom of perseel, indien enige, waarop dit betrekking het; of
 - (f) in die geval van 'n bestuursliggaam, wanneer dit by die geregistreerde kantoor of die sakeperseel van sodanige bestuursliggaam afgelewer word.
- (3) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument aan persone ingevolge hierdie verordening bedien moet word, is dit nie nodig om dit by name te noem nie, maar sal dit voldoende wees as die persoon daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom, of ander reg, wat ook al die geval mag wees.
- (4) 'n Bevel, kennisgewing of ander dokument wat waarmede vereis, moet behoorlik deur die Munisipaliteit onderteken wees.

12. APPÈLLE

'n Persoon wie verontreg voel oor 'n besluit geneem deur die Munisipaliteit, ingevolge enige gedelegeerde magte, mag in terme van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, teen sodanige besluit appèlleer deur binne een-en-twintig (21) dae vanaf datum van kennisgewing van die besluit, skriftelike kennis aan die Munisipale Bestuurder te gee van die appèl en redes vir die appèl te verstrek.

13. STRAFBEPALINGS

Enige persoon wat –

- (a) in gebreke bly om aan 'n gemagtigde beampte se instruksies uitgereik ingevolge hierdie verordening, te voldoen;
- (b) in gebreke bly om aan enige kennisgewing uitgereik ingevolge hierdie verordening, te voldoen;

- (c) enige bepaling van hierdie verordening oortree;
- (d) enige instruksie aangebring op 'n kennisgewingbord verontagsaam, of
- (e) opsetlik 'n gemagtigde beampte in die uitvoering van sy of haar pligte verhinder,

is skuldig aan 'n oortreding en mag by skuldigbevinding -

- (i) 'n boete of gevangenisstraf, of gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en sodanige gevangenisstraf, opgelê word;
- (ii) in geval van 'n voortdurende oortreding, 'n bykomende boete of bykomende termyn gevangenisstraf of tot sodanige bykomende gevangenisstraf sonder die keuse van 'n boete, of tot beide sodanige boete en gevangenisstraf, vir elke dag wat sodanige oortreding voortduur, opgelê word; en
- (iii) 'n verdere bedrag as kostebevel opgelê word, gelykstaande aan enige koste en / of uitgawes wat die Hof bevind deur die Munisipaliteit aangegaan was, as gevolg van sodanige oortreding.

14. TEENSTRYDIGHEDE MET ANDER WETGEWING

In die geval van teenstrydigheid tussen enige bepaling van hierdie verordening, en nasionale en provinsiale wetgewing of regulasies, sal sodanige nasionale en provinsiale wetgewing of regulasies voorrang geniet.

15. HERROEPING VAN VERORDENINGE

Die bepalinge van enige ander verordeninge voorheen uitgevaardig deur die Munisipaliteit, of deur enige van die afgeskafte munisipaliteite wat nou in die Munisipaliteit geïnkorporeer is, word hiermee herroep in soverre dit betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word.

16. KORT TITEL

Hierdie verordening sal bekend staan as die Verordening insake Openbare Busse en Taxi's van die Munisipaliteit van Theewaterskloof.

17. INWERKINGTREDING

Hierdie verordening tree op datum van publikasie daarvan in werking.