



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

PIETERMARITZBURG

Vol. 12

25 OCTOBER 2018
25 OKTOBER 2018
25 KUMFUMFU 2018

No. 2012

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

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IMPORTANT NOTICE:

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No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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Closing times for **ORDINARY WEEKLY** **2018** **KWAZULU-NATAL PROVINCIAL GAZETTE**

*The closing time is **15:00** sharp on the following days:*

- **28 December 2017**, Thursday for the issue of Thursday **04 January 2018**
- **04 January**, Thursday for the issue of Thursday **11 January 2018**
- **11 January**, Thursday for the issue of Thursday **18 January 2018**
- **18 January**, Thursday for the issue of Thursday **25 January 2018**
- **25 January**, Thursday for the issue of Thursday **01 February 2018**
- **01 February**, Thursday for the issue of Thursday **08 February 2018**
- **08 February**, Thursday for the issue of Thursday **15 February 2018**
- **15 February**, Thursday for the issue of Thursday **22 February 2018**
- **22 February**, Thursday for the issue of Thursday **01 March 2018**
- **01 March**, Thursday for the issue of Thursday **08 March 2018**
- **08 March**, Thursday for the issue of Thursday **15 March 2018**
- **14 March**, Wednesday for the issue of Thursday **22 March 2018**
- **22 March**, Thursday for the issue of Thursday **29 March 2018**
- **27 March**, Tuesday for the issue of Thursday **05 April 2018**
- **05 April**, Thursday for the issue of Thursday **12 April 2018**
- **12 April**, Thursday for the issue of Thursday **19 April 2018**
- **19 April**, Thursday for the issue of Thursday **26 April 2018**
- **24 April**, Tuesday for the issue of Thursday **03 May 2018**
- **03 May**, Thursday for the issue of Thursday **10 May 2018**
- **10 May**, Thursday for the issue of Thursday **17 May 2018**
- **17 May**, Thursday for the issue of Thursday **24 May 2018**
- **24 May**, Thursday for the issue of Thursday **31 May 2018**
- **31 May**, Thursday for the issue of Thursday **07 June 2018**
- **07 June**, Wednesday for the issue of Thursday **14 June 2018**
- **14 June**, Thursday for the issue of Thursday **21 June 2018**
- **21 June**, Thursday for the issue of Thursday **28 June 2018**
- **28 June**, Thursday for the issue of Thursday **05 July 2018**
- **05 July**, Thursday for the issue of Thursday **12 July 2018**
- **12 July**, Thursday for the issue of Thursday **19 July 2018**
- **19 July**, Thursday, for the issue of Thursday **26 July 2018**
- **26 July**, Thursday for the issue of Thursday **02 August 2018**
- **02 August**, Friday for the issue of Thursday **09 August 2018**
- **08 August**, Wednesday for the issue of Thursday **16 August 2018**
- **16 August**, Thursday for the issue of Thursday **23 August 2018**
- **23 August**, Thursday for the issue of Thursday **30 August 2018**
- **30 August**, Thursday for the issue of Thursday **06 September 2018**
- **06 September**, Thursday for the issue of Thursday **13 September 2018**
- **13 September**, Thursday for the issue of Thursday **20 September 2018**
- **19 September**, Wednesday for the issue of Thursday **27 September 2018**
- **27 September**, Thursday for the issue of Thursday **04 October 2018**
- **04 October**, Thursday for the issue of Thursday **11 October 2018**
- **11 October**, Thursday for the issue of Thursday **18 October 2018**
- **18 October**, Thursday for the issue of Thursday **25 October 2018**
- **25 October**, Thursday for the issue of Thursday **01 November 2018**
- **01 November**, Thursday for the issue of Thursday **08 November 2018**
- **08 November**, Thursday for the issue of Thursday **15 November 2018**
- **15 November**, Thursday for the issue of Thursday **22 November 2018**
- **22 November**, Thursday for the issue of Thursday **29 November 2018**
- **29 November**, Thursday, for the issue of Thursday **06 December 2018**
- **06 December**, Thursday, for the issue of Thursday **13 December 2018**
- **12 December**, Wednesday for the issue of Thursday **20 December 2018**
- **18 December**, Tuesday for the issue of Thursday **27 December 2018**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [_____](#)

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website _____.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [free of charge](#), should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

E-mail: submit.egazette@gpw.gov.za

For queries and quotations, contact: Gazette Contact Centre:

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 45 OF 2018**NOTICE: MITIGATION OF AFFECTED HUMAN REMAINS IN GRAVES**

Notice is hereby given that:

On behalf of Ikwezi Mining, PGS Heritage (Pty) Ltd and a local Funeral Undertaker

intend applying in terms of the KwaZulu Natal Heritage Act (Act 4 of 2008); the National Heritage Resource Act (Act 25 of 1999); the National Health Act (Act 61 of 2003) and any other relevant National, Provincial or local Acts, Regulations and By-laws;

to the:

- *Provincial Administration of the Province in which the graves are located;*
- *Amafa-Akwazulu Natali / Heritage KZN;*
- *Relevant District and Local municipalities and*
- *The local Tribal authority (if required)*

for approval to exhume and re-inter in a local cemetery, or to mitigate by other means, the remains of graves buried at these locations near the town of Dannhauser in the Province of KwaZulu Natal:

- Remaining Extent of the Farm Klip Rand No. 8627 HT

The human remains will be exhumed from their current place of burial and reburied in a new location *as per* the request of the deceased's families. All persons and communities' descendant from the buried individuals, all persons and communities by tradition concerned with the graves or any person or communities with an interest in the graves are invited to participate in the process and must forward their contact particulars to the address listed below **within 14 days of the date of this notice**:

Mr: *Bonani Ndlovu / Duan de Villiers*
Tel: *+27 10 446 8452*
Cell: *+27 73 396 3727 / +27 82 444 5540*
Email: bonani@ikwezi.co.za / duan@ikwezi.co.za
Fax: *+27 11 318 0922*
PO Box: *Postnet Suite 490*
Private Bag X1
Melrose Arch
Gauteng
2076

ISAZISO: ISICELO SOKUSUSWA KWAMATHUNA

Isaziso sinikezwa ukuthi:

Egameni le-Ikwezi Mining, i-PGS Heritage (Pty) Ltd kanye ne-Undertaker yomngcwabo; ihlose ukufaka isicelo ngokwemigomo yoMthetho waKwaZulu Natali Heritage Act (“uMthetho 4 ka 2008”); UMthetho weNational Heritage Resource Act (“uMthetho 25 ka 1999”); uMthetho wezeMpilo kaZwelonke (uMthetho 61 ka 2003) kanye nanoma yikuphi okunye okusebenzayo kweZwelonke, ezesiFundazwe noma ezendawo, iMithethonqubo nemithetho kamasipala; kuya ku:-

- *UkuPhathwa kwesiFundazwe esifundazweni lapho amathuna atholakala khona;*
- *I-Amafa-Akwazulu Natali / iGugu le-KZN;*
- *Abomasipala abaHulumeni baseKhaya nabaseKhaya futhi*
- *Isiphathimandla sendawo yezizwe (uma kudingeka)*

ukuze kuvunyelwe ukuba baphume futhi baphinde bangene emathuneni wendawo, noma banciphise ezinye izindlela, izinsalela zamathuna angcwatshwe kulezi zindawo eduze kwedolobha laseDannhauser esifundazweni saKwaZulu Natali:

- *Kungxenye yePulazi Klip Rand No. 8627 HT*

Amangcwaba azoxoshwa endaweni yawo yokungcwaba futhi aphinde akhiwe endaweni entsha njengokwesicelo semindeni yomuntu oshonile. Bonke abantu kanye nemindeni yemiphakathi evela kubantu abagcotshiwe, bonke abantu kanye nemiphakathi ngokweziko eziphathelene namathuna noma yimuphi umuntu noma imiphakathi enentshisekelo emathuneni bayamenywa ukuba babambe iqhaza kule nqubo futhi kumele bathumele imininingwane yabo yokuxhumana ekhelini elibalulwe ngezansi zingakapheli izinsuku eziyi-14 zosuku lesaziso:

Mr: *Bonani Ndlovu / Duan de Villiers*

Ucingo: +27 10 446 8452

Iseli: +27 73 396 3727 / +27 82 444 5540

Imeyili: bonani@ikwezi.co.za / duan@ikwezi.co.za

Ifeksi: +27 11 318 0922

I-PO Box: *Postnet Suite 490*

Private Bag X1

Melrose Arch

Gauteng

2076

NOTICE 46 OF 2018



NOTICE OF APPLICATIONS RECEIVED

1. CONSENT TO ACQUISITION OF A FINANCIAL INTEREST IN A LICENSEE, IN TERMS OF SECTION 43A OF THE KZN GAMING AND BETTING ACT, NO.08 OF 2010, AS AMENDED

In terms of Section 34, read with Regulation 14 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010), as amended, notice is hereby given of an application received for consent to acquire a financial interest in a licensee in terms of Section 43A of the Act, received from the applicant mentioned below:

APPLICANT / CORPORATE BODY / ENTITY	APPLICANT'S ADDRESS	CURRENT LICENSEE	TYPE OF LICENCE	LICENSEE'S ADDRESS	INTEREST ACQUIRED
VTS Company (Pty) Ltd	37 Fricker Road, Illovo Johannesburg Gauteng	Robin Michael Sinclair and Louise Sinclair t/a Gateway Tattersalls	Bookmaker	1 st Floor Stonebridge Sports Centre, 9-12 Shortbridge Place Stonebridge Phoenix, Durban	100%

2. APPLICATION RECEIVED FOR APPROVAL OF RELOCATION OF A BUSINESS TO OTHER PREMISES IN TERMS OF SECTION 44 (1) OF THE KWAZULU-NATAL GAMING AND BETTING ACT NO. 08 OF 2010, AS AMENDED

In terms of sections 4(1) (b) and 4(3), read with section 4(4) of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000) as amended, notice is hereby given of an application received in terms of Sections 44 (1) and 120 (1) of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No.8 of 2010), as amended, for the relocation of the below mentioned betting business, the full particulars of the applicant is set out in the table below:

APPLICANT	TYPE OF LICENCE	CURRENT LOCATION OF PREMISES	PROPOSED LOCATION OF PREMISES
Krugerbets (Pty) Ltd	Bookmaker	Shop 57, The Atrium 430 Ridge Road Overport Durban	1 st Floor, 9-12 Shortbridge Place, Stonebridge, Phoenix, Durban

3. Public inspection of application

The above mentioned applications will, subject to any ruling by the Board to the contrary in accordance with the provisions of section 34 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010) as amended, read with Regulation 14, be open for public inspection at the offices of the Board at the addresses mentioned below for the period from **25 October 2018 to 05 December 2018**.

KwaZulu-Natal Gaming & Betting Board
1 George MacFarlane Drive
Redlands Estate, Wembley
Pietermaritzburg
3201

Or

KwaZulu-Natal Gaming & Betting Board
22 Dorothy Nyembe Road
18th Floor Marine Building
Durban
4000

4. Invitation to Lodge Representations

Interested persons are hereby invited to lodge any representations in respect of any of the applications by **no** later than **16:00** on **05 December 2018**. Representations should be in writing and must contain at least the following information:

- (a) The name of the applicant to whom the representations relate
- (b) The ground(s) on which representations are made.
- (c) The name, address and telephone number of the person submitting the representations.
- (d) An indication as to whether or not the person making the representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all of the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to:
The Chief Executive Officer
KwaZulu-Natal Gaming and Betting Board
Private Bag X9102
PIETERMARITZBURG
3200

Or faxed to: (033) 3427853

KENNISGEWING 46 VAN 2018



KENNISGEWING VAN AANSOEKE ONTVANG

1. AANSOEK ONTVANG VIR TOESTEMMING OM 'N FINANSIËLE BELANG IN' N LISENSIEF TE VERKRY, INGEVOLGE ARTIKEL 43A VAN DIE WET OP DOBBEL EN WEDDENG, NO.08 VAN 2010, SOOS GEWYSIG

Ingevolge Artikel 34, saamgelees met Regulasie 14 van die KwaZulu-Natalse Dobbel en Weddeng, 2010 (Wet No. 8 van 2010), soos gewysig, word hierby kennis gegee van 'n aansoek ontvang vir toestemming om 'n finansiële belang in 'n lisensiehouer ingevolge Artikel 43A van die Wet, ontvang van die onderstaande aansoeker:

AANSOEKER	AANSOEKER ADRES	HUIDIGE LISENSIE	TIPE LISENSIE	HUIDIGE LISENSIES ADRES	GESOEKTE PERSENTASIE
VTS Company (Pty) Ltd	37 Fricker Road, Illovo Johannesburg Gauteng	Robin Michael Sinclair and Louise Sinclair t/a Gateway Tattersalls	Bookmaker	1 st Floor Stonebridge Sports Centre, 9-12 Shortbridge Place Stonebridge Phoenix, Durban	100%

2. AANSOEK ONTVANG VIR GOEDKEURING VAN VERHOUDING VAN 'N BESIGHEID TOT ANDER PREMIES INGEVOLGE ARTIKEL 44 (1) VAN DIE KWAZULU-NATAL GAMING AND BETTING ACT NO. 08 VAN 2010, SOOS GEWYSIG

Ingevolge artikel 4 (1) (b) en 4 (3), saamgelees met artikel 4 (4) van die Wet op die Bevordering van Administratiewe Geregtheid, 2000 (Wet No.3 van 2000) kennisgewing word hiermee gegee van die aansoek ontvang ingevolge artikels 44 (1) en 120 (1) van die KwaZulu-Natal Gokkie en Weddery Wet, 2010 (Wet nr 8 van 2010), vir die hervestiging van die onderstaande primêre weddery besigheid, die volledige besonderhede van die aansoeker word uiteengesit in die tabel hieronder:

AANSOEKER	DIE SOORT VAN LISENSIE	HUIDIGE ADRES	VOORGESTELDE ADRES
Krugerbets (Pty) Ltd	Bookmaker	Shop 57, The Atrium 430 Ridge Road Overport Durban	1 st Floor, 9-12 Shortbridge Place, Stonebridge, Phoenix, Durban

3. Openbare inspeksie van aansoeke

Die aansoeke lê, behoudens enige teenstrydige reëling deur die raad in ooreenstemming met die bepalings van artikel 34 van die KwaZulu-Natal Dobbelaar en Weddery Wet, 2010 (Wet No. 08 van 2010) soos gewysig, gelees met Regulasie 14, vir openbare inspeksie ter insae by die kantoor van die Raad by die ondergemelde adres vir die tydperk van **25 Oktober 2018 tot 05 Desember 2018**.

KwaZulu-Natal Dobbelaar en Weddery Raad
1 George MacFarlane Drive
Redlands Estate
Wembley
Pietermaritzburg
3200

Of

KwaZulu-Natal Dobbelaar en Weddery Raad
22 Dorothy Nyembe Street
18th Floor, Marine Building
Durban
4300

4. Uitnodiging om vertoë te rig

Belanghebbende persone word hierby uitgenooi om enige vertoë ten opsigte van die aansoeker te rig teen nie later as **16:00** op **05 Desember 2018**. Vertoë moet skriftelik geskied en moet minstens die volgende inligting bevat:

- (a) Die name van die aansoeker waarop die vertoë betrekking het;
- (b) Die grond(e) waarop die vertoë berus;
- (c) Die naam, adres en telefoonnommer van die persoon wat die vertoë rig en
- (d) 'n Aanduiding of die persoon wat die vertoë rig ook mondelikse vertoë wil rig, aldan nie, wanneer die raad die aansoek aanhoor.

Enige vertoë wat nie al die besonderhede bevat wat in paragraaf 3 vermeld word nie, sal geag word nie by die raad ingedien te wees nie en sal nie deur die raad oorweeg word nie.

Vertoë moet gerig word aan:
Die Hoof- Uitvoerende Beampte
KwaZulu-Natal Dobbelaar en Weddery Raad
Private sak 9102
Pietermaritzburg
3200

Of per faks gestuur word na: (033) 342-7853



ISAZISO NGOKWEZICELO EZAMUKELIWE

1. ISICELO SELUNGELO LOKUHLUMULA NGOKWEZIMALI NGOKWEZINHLENGEKO ZESIGABA 43A SOMTHETHO WEZOKUPHATHWA WEZOKUGEMBULA WAKWAZULU-NATALI NO 08 KA 2010, KUNYE NEZICHIBIYELO ZAWO

Ngokomthetho 34 wezokuGembula, ufundwe kanye Nomthethonqubo 14 waKwaZulu-Natali, (uMthetho No. 08 ka 2010), ngalokhu lapha kunikezwa isaziso ngesicelo esamukeliwe selungelo lokuhlomula ngokwezimali ngokomthetho Section 43A we KwaZulu-Natal Gaming and Betting Act no. 08 of 2010, kunye nezichibiyelo zawo, esisuka kumnini eminingwane ebalulwe ngaphansi:

UMFAKISICELO	IKHELI LOMFAKISICELO	UMNINILAYISENSI	UHLOBO LWE LAYISENSI	INDAWO YOKUSEBENZELA YAMANJE	INTEREST ACQUIRED
VTS Company (Pty) Ltd	37 Fricker Road, Illovo Johannesburg Gauteng	Robin Michael Sinclair and Louise Sinclair t/a Gateway Tattersalls	Bookmaker	1 st Floor Stonebridge Sports Centre, 9-12 Shortbridge Place Stonebridge Phoenix, Durban	100%

2. IZICELO EZAMUKELIWE ZOKUSHINTSWA KWENDAWO YOKUSEBENZELA

Ngokwesigaba 4(1)(b) no 4(3), sifundwa nesigaba 4(4) ngaphansi koMthetho oKhuthaza Ukwaziswa koMphakathi (uMthetho No. 3 ka 2000), nangokwe sigaba 44(1) kanye nesigaba 120(1) ngaphansi koMthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010), kunye nezichibiyelo zawo, ngalokhu lapha kunikezwa isaziso ngesicelo sokushintshwa kwendawo yokugembula. Ngenzansi igama lenkampani efake isicelo kanye nekheli layo:

UMFAKISICELO	UHLOBO LWE LAYISENSI	INDAWO YOKUSEBENZELA YAMANJE	INDAWO OKUZOTHUTHELWA
Krugerbets (Pty) Ltd	Bookmaker	Shop 57, The Atrium 430 Ridge Road Overport Durban	1 st Floor, 9-12 Shortbridge Place, Stonebridge, Phoenix, Durban

3. Ukuhlolwa kwezicelo ngumphakathi

Lezi zicelo ezibalulwe ngenhla, kuye ngokuhambisana nanoma yisiphi isinqumo seBhodi esiphikisayo ngokwezinhlinzeko zesigaba 34 soMthetho wezokuGembula waKwaZulu-Natali ka2010 (uMthetho No. 08 ka 2010) kunye nezichibiyelo zawo, ufundwe kanye Nomthethonqubo 14, izicelo zizokwazi ukubonwa ngumphakathi emahhovisi eBhodi kuleli kheli elibhalwe ngezansi esikhathini esisukela kumhlaka **25 kuMfumfu 2018 kuyakumhlaka 05 kuZibandlela 2018**.

iBhodi YokuGembula NokuBheja YaKwa-Zulu Natal
1 George MacFarlane Drive
Redlands Estate
Wembley
ePietermaritzburg
3201

Noma ku

iBhodi YokuGembula NokuBheja YaKwa-Zulu Natal
Ku 22 Dorothy Nyembe Street
Esitezini 18 Esakhiweni iMarine
eThekwini
4000

4. Isimemo sokwenza izethulo

Abantu abanentshisekelo bayamenywa ukuba benze izethulo kungakadluli **05 kuZibandlela 2018** ngaphambi **kwehora lesine ntambama**. Izethulo kufanele zibhalwe futhi zibe naleminingwane elandelayo:

- (a) Igama lomfakisicelo izethulo eziqondene naye;
- (b) Izizathu izethulo ezenziwa ngaphansi kwazo;
- (c) Igama, ikheli kanye nenombolo yocingo yomuntu oletha izethulo; kanye;
- (d) Nokubalula ukuthi umuntu owenza izethulo ufisa ukwenza izethulo ngomlomo uma iBhodi isilalela isicelo.

Noma iziphi izethulo ezingaluqethe lonke lolu lwazi olubalulwe endimeni 3 ngenhla zizothathwa ngokuthi azikaze zethulwe kwiBhodi futhi iBhodi angeke izicubungule.

Izethulo kufanele zithunyelwe ku:

The Chief Executive Officer
KwaZulu-Natal Gaming and Betting Board
Private Bag X9102
PIETERMARITZBURG
3200

Noma zithunyelwe ngesikhahlamezi kule nombolo: (033) 3427853

NOTICE 47 OF 2018

NOTICE: MITIGATION OF AFFECTED HUMAN REMAINS IN GRAVES

Notice is hereby given that:

On behalf of Ikwezi Mining, PGS Heritage (Pty) Ltd and a local Funeral Undertaker

intend applying in terms of the KwaZulu Natal Heritage Act (Act 4 of 2008); the National Heritage Resource Act (Act 25 of 1999); the National Health Act (Act 61 of 2003) and any other relevant National, Provincial or local Acts, Regulations and By-laws;

to the:

- *Provincial Administration of the Province in which the graves are located;*
- *Amafa-Akwazulu Natali / Heritage KZN;*
- *Relevant District and Local municipalities and*
- *The local Tribal authority (if required)*

for approval to exhume and re-inter in a local cemetery, or to mitigate by other means, the remains of graves buried at these locations near the town of Dannhauser in the Province of KwaZulu Natal:

- Remaining Extent of the Farm Klip Rand No. 8627 HT

The human remains will be exhumed from their current place of burial and reburied in a new location *as per* the request of the deceased's families. All persons and communities' descendant from the buried individuals, all persons and communities by tradition concerned with the graves or any person or communities with an interest in the graves are invited to participate in the process and must forward their contact particulars to the address listed below **within 14 days of the date of this notice:**

Mr: Bonani Ndlovu / Duan de Villiers
Tel: +27 10 446 8452
Cell: +27 73 396 3727 / +27 82 444 5540
Email: bonani@ikwezi.co.za / duan@ikwezi.co.za
Fax: +27 11 318 0922
PO Box: Postnet Suite 490
Private Bag X1
Melrose Arch
Gauteng
2076

ISAZISO: ISICELO SOKUSUSWA KWAMATHUNA

Isaziso sinikezwa ukuthi:

Egameni le-Ikwezi Mining, i-PGS Heritage (Pty) Ltd kanye ne-Udertaker yomngcwabo; ihlose ukufaka isicelo ngokwemigomo yoMthetho waKwaZulu Natali Heritage Act (“uMthetho 4 ka 2008”); UMthetho weNational Heritage Resource Act (“uMthetho 25 ka 1999”); uMthetho wezeMpilo kaZwelonke (uMthetho 61 ka 2003) kanye nanoma yikuphi okunye okusebenzayo kweZwelonke, ezesiFundazwe noma ezendawo, iMithethonqubo nemithetho kamasipala; kuya ku-:

- *UkuPhathwa kwesiFundazwe esifundazweni lapho amathuna atholakala khona;*
- *I-Amafa-Akwazulu Natali / iGugu le-KZN;*
- *Abomasipala abaHulumeni baseKhaya nabaseKhaya futhi*
- *Isiphathimandla sendawo yezizwe (uma kudingeka)*

ukuze kuvunyelwe ukuba baphume futhi baphinde bangene emathuneni wendawo, noma banciphise ezinye izindlela, izinsalela zamathuna angcwatshwe kulezi zindawo eduze kwedolobha laseDannhauser esifundazweni saKwaZulu Natali:

- *Kungxenye yePulazi Klip Rand No. 8627 HT*

Amangcwaba azoxoshwa endaweni yawo yokungcwaba futhi aphinde akhiwe endaweni entsha njengokwesicelo semindeni yomuntu oshonile. Bonke abantu kanye nemindeni yemiphakathi evela kubantu abagcotshiwe, bonke abantu kanye nemiphakathi ngokweziko eziphathelene namathuna noma yimuphi umuntu noma imiphakathi enentshisekelo emathuneni bayamenywa ukuba babambe iqhaza kule nqubo futhi kumele bathumele imininingwane yabo yokuxhumana ekhelini elibalulwe ngezansi zingakapheli izinsuku eziyi-14 zosuku lesaziso:

Mr: *Bonani Ndlovu / Duan de Villiers*

Ucingo: +27 10 446 8452

Iseli: +27 73 396 3727 / +27 82 444 5540

Imeyili: bonani@ikwezi.co.za / duan@ikwezi.co.za

Ifeksi: +27 11 318 0922

I-PO Box: *Postnet Suite 490*

Private Bag X1

Melrose Arch

Gauteng

2076

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 111 OF 2018**MUNICIPAL NOTICE NO: 214 of 2018****Parking & Related Matters By-Law 2018**

The Ray Nkonyeni Municipality, acting under the authority of Section 156(2) of the Constitution, 1996, read with Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes the following bylaws as adopted by the Council at its meeting held on 25 September 2018, under resolution **C143/9/2018**, which bylaws shall come into effect on the first day of December 2018.

SM MBILI
MUNICIPAL MANAGER

ARRANGEMENT OF SECTIONS**Chapter 1: Interpretations**

1. Definitions
Interpretation of By Law

Chapter 2: Objectives & Application of the By Law

2. Objectives & Application of the Bylaw

Chapter 3: General Provisions Relating to Parking

3. Control of Parking
4. Parking in a loading zone
5. Parking at a bus stop
6. Parking in a public road
7. Parking upon a traffic island
8. Parking by a dealer or seller of a vehicle
9. Parking of a vehicle under repair
10. Parking of heavy vehicles and caravans
11. Exemption of medical practitioners from parking restrictions
12. Pick-up and set-down areas at schools
13. Outspanning in public roads

Chapter 4: Parking Permits

14. Resident parking permit

15. Temporary parking permit
16. Work zone permit
17. Municipal works parking permit
18. Conditions of parking permits
19. Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified groups

Chapter 5: Parking Meters and Payment for Parking

20. The Municipality may install parking meters or use any other device to record the time parked
21. Method of parking
22. Payment for parking
23. The Municipality may prevent parking at a parking bay
24. Tampering or interfering with a parking meter or device
25. Prescribed coin only to be deposited
26. Unlawful operation of a parking meter
27. Unlawful parking and clamping or removal of unlawfully parked vehicles
28. Exemptions

Chapter 6: Parking Grounds

29. The Municipality not liable for loss or damage
30. Interference with an attendant
31. Payment of prescribed fee
32. Observance of signs
33. Parking and removal of vehicles
34. Abandoned vehicle
35. Damage to notices
36. Negligent and dangerous driving and speed restrictions
37. Entering or remaining in parking ground
38. Tampering with vehicles
39. Defacing coupon
40. Defective vehicle
41. Cleaning of vehicle
42. Refusal of admission
43. Parking hours and classes of vehicles
44. Reservation by the Municipality

Chapter 7: Mechanically Controlled Parking Ground

45. Parking of a vehicle in a mechanically or otherwise controlled parking ground
46. Removal of a vehicle from a mechanically or otherwise controlled parking ground

Chapter 8: Pay and Display Parking Ground

47. Parking of a vehicle in a pay-and-display parking ground
48. Miscellaneous offences in respect of a pay-and-display parking ground

Chapter 9 : Taxis and Busses : Special Parking Places for Taxis, Permits and Decals

49. Establishment of special parking places for taxis and taxi rank permits for special parking places for taxis
50. Taxi parking
51. Use of taxi ranks
52. Prohibition of parking of a taxi at no-stopping place
53. Servicing and washing taxis at taxi facilities
54. Behaviour prohibited at a taxi rank

Chapter 10 : Bus Facilities and Permits, and Operation of Buses

55. Establishment of special parking places for buses and bus rank permits or special places for buses
56. Establishment of bus facilities
57. Application and issue of bus permits, fees, display of decals, suspension and withdrawal of permit for the general use and operation of buses
58. Distinguishing of demarcated stops and stands for buses
59. Parking at stopping places for buses and destination signs

Chapter 11 : General Provisions

60. Powers of Authorised Officer
 61. Sale of impounded vehicles
 62. Procedure to be followed in application to court
 63. Appeals
 64. Repeals
 65. Delegations
 66. Penalties
 67. Short Title and Commencement
- Schedule 1

PARKING & RELATED MATTERS

BY-LAW, 2018

Be it enacted by Council of the Ray Nkonyeni Local Municipality, in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000).

To provide for measures to manage, control and regulate public parking with the municipal boundaries, to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Ray Nkonyeni Local Municipality and or its successor has the competence in terms of Part B of Schedule 5 of the Constitution relating to traffic and parking.

AND WHEREAS there is a need to develop legislation to govern matters relating to traffic and parking areas within the jurisdiction of the Ray Nkonyeni Local Municipality and or its successor;

NOW THEREFORE the Ray Nkonyeni Local Municipality and or its successor Municipal Council, acting in terms of section 156 read with Schedule 5 (Part B) of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 and the National Road Traffic Act, 1996 (Act 93 of 1996) the Ray Nkonyeni Local Municipality and or its successor enacts as follows:

CHAPTER 1

DEFINITIONS & INTERPRETATION

1. Definitions

1.1 In these by-laws, unless the context otherwise indicates:

“animal” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal, or reptile which is in captivity or under the control of a person, or insects, such as, but not limited to, bees which are kept or are under control of a person;

“approved” means approved by the Municipality and “approval” has a corresponding meaning;

“authorised official” means a person authorised to implement the provisions of this By-law, including but not limited to–

- a) peace officers as contemplated in Section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)
- (b) municipal or Law Enforcement Officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (c) National Road Traffic Act 1996 (Act No. 93 of 1996); and
- (d) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

“bib” or **“jacket”** means a garment which fits around the chest of a person, which garment has a recognizable insignia identifying the person as a parking attendant and which is approved by the Municipality;

“bridge” means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

“bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 35 seated persons, excluding the driver, and includes a bus train;

“bus facility” means a stand or demarcated stopping place where passengers may board or alight from

a bus for which a permit has been issued;

“bus train” means a bus which:

(a) consists of two sections that connect to form a unit;

(b) can swivel in a horizontal plane at the connections between such sections;

(c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other

persons; and

(d) has a continuous passageway over its length;

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

“Head of Public Safety Department” means the official of the Ray Nkonyeni Local Municipality in

charge of or responsible for the department of the Municipality dealing with matters relating to Law

Enforcement and Related Matters in the municipality;

“Municipality” means Ray Nkonyeni Local Municipality, a local municipality a category B municipality

as envisaged in terms of Section 155(1) of the Constitution of the Republic of South Africa and established in terms of the Municipal Systems Act of 2000 (Act No. 32 of 2000).

“Municipality card” means any document or card, irrespective of the form thereof, issued by the

Municipality in order to be used as method of payment for parking;

“combined parking meter” means an appliance in which more than one parking meter is contained;

“coupon” means anything whatsoever which, either by itself or in connection with any other thing

entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground,

whether electronic or not and includes any device approved by the Municipality from time to time;

“dealer” means a person who, for gain, carries on the business selling, buying, exchanging or garaging

vehicles;

“decals” means a colour-coded sticker or other means of identification issued by the Municipality

to the holder of a taxi permit;

“demarcated parking bay” means a place referred to in section 80A of the National Road Traffic Act,

1996 (Act 93 of 1996), as a space laid out and marked in a public road, parking ground or public place,

the time and occupation by which a vehicle is intended to be recorded by a parking meter;

“demarcated stopping place or stand” means the stand for a bus/mini bus/midi bus as contemplated

In section 56 of this by-law;

“driver” means any person who drives or attempts to drive any vehicle or who rides or attempts to

ride any pedal cycle and 'drive' or any like word has a corresponding meaning;

“examiner of vehicles” means an examiner of vehicles registered and appointed in terms of Chapter

11 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“footpath” means that portion or lateral extremities of the public road which, although not actually

defined or made, is habitually used by pedestrians as a sidewalk;

“goods vehicle” means a motor vehicle other than a motor car or bus, designed or adapted for the

conveyance of goods on a public road and includes a truck, tractor, motor cycle or motor tricycle;

“heavy motor vehicle” means a motor vehicle or a combination of motor vehicles the gross vehicle

mass of which vehicle or combination of vehicles exceeds 3,500kg;

“holding area”, in relation to a taxi, means a place, other than a rank, where a taxi remains until space

for it is available at a rank or stopping place;

“marshal” means a person who arranges passenger and vehicle-related procedures at taxi facilities;

“mechanically or otherwise controlled parking ground” means a parking ground to which entry is

controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of

proof that any payment was or is to be made as determined by the Municipality’s annual schedule of

tariffs;

“metered parking bay” means a parking bay in respect of which a parking meter has been installed or

in respect of which a hand held device or electronic payment system has been implemented;

“metered parking ground” means a parking ground/building/facility or any part thereof where parking is controlled by means of a parking meter or meters;

“metered taxi” means a motor car designed for conveying not more than five people, including the

driver, which must be fitted with a taximeter;

“midi-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in

compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry from 19 to 35 seated

persons, excluding the driver;

“mini-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in

compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry from 9 to 18 seated persons, excluding the driver;

“Minister” means :-

- (a) the National or Provincial Minister of Transport;
- (b) Member of the Executive Committee for Department of Transport KwaZulu-Natal responsible for KZN Province;

“motor car” means a motor vehicle, other than a motor cycle, motor tricycle or motor quadricycle as

defined in the National Road Traffic Act, 1996 (Act 93 of 1996), designed or lawfully adapted by a registered manufacturer in compliance with the Act to carry not more than eight persons, excluding the driver;

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

(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 person;

“operate”, in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used

or driven on a public road, or to have or to permit a vehicle to be on a public road;

“operator” means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act

93 of 1996), being a person carrying on the business of a public passenger road transport service;

“organization” means a group of people, company, association or body representing parking attendants that operates a parking attendant service in certain geographical areas as approved by the Municipality;

“owner” in relation to a vehicle, means -

(a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;

(b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and

(c) a person who is registered as such in accordance with Section 14 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“park” means to keep a vehicle, whether occupied or not, stationary for a period of time as stipulated

in the parking sign, or a meter, but does not include any such keeping of a vehicle by reason or a cause

beyond the control of the person in charge of such vehicle;

“parking marshals” means a person in the employ of an organization to render a parking management

service to drivers in a public place or on a public road;

“parking bay” means a demarcated area within which a vehicle is to be parked in terms of this by-law,

demarcated as such upon the surface of a parking ground or a public road;

“parking ground” means any area of land or any building set aside by the Municipality 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 the use thereof;

“parking meter” means a device commissioned in terms of this by-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or a service provider approved by the Municipality;

“parking period” means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;

“particulars” means any form of information of a person or business and includes the name, surname, company name, residential, identification number, business or e-mail address, telephone, cellular or fax number, or any other such information;

“passenger” means any person in or on a vehicle, but does not include the driver or the conductor;

“passenger-carrying motor vehicle” means a taxi or a bus used or designed to convey passengers for reward;

“pay-and-display machine” means any machine or device installed or operated at a pay-and-display parking ground for the sale of coupons;

“pay-and-display parking ground” means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;

“pedal cycle” means any bicycle or tricycle designed for propulsion solely by means of human power;

“prescribed” means determined by resolution of the Municipality, and in relation to a fee, means as set out in the tariff policy of the Municipality;

“prescribed coin” means a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act 78 of 1964), of the denomination

indicated on the parking meter concerned and includes debit, credit or Municipality cards and any other method of payment as may be approved and prescribed by the Municipality from time to time;

“public place” means any square, park, recreation ground, sports ground, sanitary lane or open space which has:

(a) in connection with any subdivision or layout of land into erven, been provided, reserved or set

apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown

on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used by the public without interruption for a period of at least 30 years, or

(d) at any time been declared or rendered such by the Municipality or other competent authority;

“public road” means any road, street, cycle path, thoroughfare, parking bay or any other place, and

includes:

(a) the verge of any such public road;

(b) any footpath, sidewalk or similar pedestrian portion of a road reserve;

(c) any bridge, ferry or drift traversed by any such public road;

(d) the whole area fenced in by a freeway;

(e) parking areas at shopping centres;

(f) any other object belonging to such public road, which has at any time been -

(i) dedicated to the public;

(ii) used without interruption by the public for a period of at least 30 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 public road 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 public road;

“regulation” means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

“rank”, in relation to a taxi, means an approved taxi rank by the municipality for hire or to pick up passengers for their conveyance for reward;

“residence” means a building, or part of a building, that is –

- (a) fixed to land; and
- (b) designed or approved by the Municipality, for human habitation by a single family unit; and
- (c) used for residential purposes;

“semi-trailer” means a trailer having no front axle and so designed that at least 15% of its tare is super-

imposed on and borne by the vehicle drawing such trailer;

“sidewalk” means that portion of a public road 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;

“special parking place” means a rank or stand established by the Municipality on a public road within

the Municipality for the parking or standing of passenger-carrying motor vehicles;

“stand”, in relation to a bus, means the place where a bus route starts or ends;

“stop” in relation to a taxi stopping on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

“stopping place”, in relation to -

(a) a taxi, means the place designated by the Municipality where a taxi may stop to pick up or drop off

passengers; and

(b) a bus, means a demarcated stop where a bus may stop to pick up or drop off passengers;

“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 subsection (a) or (b);

“taxi” means a motor vehicle which plies for hire, is operated for reward, and includes-

(a) a mini-bus, a midi-bus, motor tricycle or motor quadrocycle; and

(b) a metered taxi;

“taxi association” means a taxi association recognized as such by the Municipality and the KwaZulu-Natal Department of Transport;

“taxi facility” means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the Municipality for the exclusive use of taxis;

“taxi operator” means the person responsible for the use of the taxi, provided that in terms of Chapter

IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered

as the operator of such vehicle;

“taxi rank” means a taxi facility identified by the Municipality as a place where taxis stand to await passengers;

“temporary taxi facility” means a taxi facility contemplated in section 50(2);

“traffic warden” means a person appointed by the Municipality to enforce the parking by-laws

and the National Road Traffic Act, Act 93 of 1996;

“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;

“tri-cycle” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods

and propelled solely by human power;

“verge” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the

roadway or the shoulder;

“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;

1.2 Interpretation of By-law

In these by-laws, a word or expression that has been defined in the National Road Traffic Act, 1996

(Act 93 of 1996), has similar meaning, unless the context otherwise indicates.

CHAPTER 2

OBJECTIVES & APPLICATION OF BYLAW

2. OBJECTIVES & APPLICATION OF BYLAW

2.1 Objects of By-law

The objects of this By-law are to provide measures to regulate and control parking and related matters within Ray Nkonyeni Municipality.

2.2 Application of By-law

This By-law applies to all areas which fall under the jurisdiction of the Ray Nkonyeni Local Municipality and is binding on all persons to the extent applicable, unless permission has been given by an authorised officer.

CHAPTER 3

GENERAL PROVISIONS RELATING TO PARKING

3. Control of parking

3.1 Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.

3.2 The Municipality may manage parking and collect any fees related to parking or appoint a service

provider to manage parking and to collect any fees related to parking.

3.3 No person may without the prior written approval of the Municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.

3.4 The Municipality may operate a parking management system in areas and during times determined by the Municipality from time to time.

3.5 A person who disregards an instruction of an authorised officer in terms of Section 3 of the National Road Traffic Act (Act No. 93 of 1996) or who erects or places a sign or notice in contravention with subsection 3(3) or who contravenes subsection 3.4 commits an offence.

4. Parking in a loading zone

4.1 Subject to sections 4(2) and 4(3), no person who operates or who is in charge of a vehicle on a public road may allow, the vehicle to remain stationary in a loading zone -

(a) between the hours of 07:00 and 18:00 on Mondays to Saturdays, except where such day

is a Public Holiday;

(b) between the hours of 07:00 to 14:00 on Sundays, except where such day is a Public Holiday;

or

(c) between other restricted hours as may be specified in respect of a particular loading zone

by a road traffic sign or marking.

4.2 No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, to remain stationary in a loading zone for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.

4.3 No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously and only while the vehicle is being actually loaded or unloaded.

4.4 The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately

remove the vehicle from the loading zone upon being directed to do so by an authorised official, even

if the vehicle has not been stationary therein for longer than the maximum period allowed in respect

of a vehicle of that class.

5. Parking at a bus stop

5.1 No person who operates or who is in charge of a vehicle on a public road may, in the case of a

vehicle other than a bus, allow the vehicle to remain stationary in a bus stop between the hours of

06:00 and 18:00.

6. Parking in a public road

6.1 No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.

6.2 No person may, without the written consent of the Municipality, park a heavy motor vehicle designed, adapted or used for the conveyance of goods, between the hours of 20:00 and

06:00 anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.

6.3 Application for consent must be made on the form provided for this purpose by the Municipality.

7. Parking upon a traffic island

7.1 No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an

authorised officer or unless a parking bay has been demarcated upon such traffic island.

8. Parking by a dealer or seller of a vehicle

8.1 No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road or any

other place within the municipal area other than a business or private property, a vehicle which is

advertised for sale or for rental.

9. Parking of a vehicle under repair

9.1 No person responsible for the control of a business of recovering or repairing vehicles may park,

cause or permit to be parked, in any public road or public place within the municipal area any vehicle

that is in an obvious state of disrepair, which has been placed in his or her charge in the course of the

business of recovering or repairing.

10. Parking of heavy vehicles and caravans

10.1 No person may, for an uninterrupted period exceeding two hours, except on places reserved for

the parking of heavy vehicles, park on a public road within the municipal area -

(a) a motor vehicle with a tare exceeding 3500 kg;

(b) a trailer not attached to a vehicle;

(c) a semi-trailer, or

(d) a caravan not attached to a vehicle.

10.2 Whenever a vehicle is parked in contravention of subsection 10.1, it is deemed that the owner

thereof has parked such vehicle, unless the contrary is proved.

11. Exemption of medical practitioners from parking restrictions

11.1 (a) Registered general medical practitioners to whom an exemption permit has been issued in terms of subsection 11(3)(a) are exempt from the provisions of this by-law, subject to paragraph 11(b), relating to parking in force in the Municipality when using, on bona fide professional domiciliary visit, a motor vehicle on which is displayed an exemption permit conforming with the requirements of subsection 11(2)(a) issued to him or her by the Municipality.

11(1)(b) A person contemplated in section 11(1)(a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.

11.2 (a) The exemption permit must be a windscreen sticker exemption permit displaying on the face thereof -

- (i) a serial number; and
- (ii) the name of the person to whom it is issued.

11.3 (a) Written application for the issue of an exemption permit must be made to the Municipality

and if the Municipality approves the application, it must issue an exemption permit bearing a

registered serial number to the applicant.

(b) The Municipality must keep a register in which it records the serial number allocated by it of

the exemption permit, the issue of which has been authorised by it, and the name of the

holder.

(c) The Municipality may issue a duplicate exemption permit.

(d) Where the Municipality has reason to believe that any holder of an exemption permit is

abusing a privilege conferred by the exemption permit, it may withdraw the exemption permit

from the holder and the privileges conveyed by the exemption permit shall thereupon cease.

(e) The municipality may charge a fee for the issuing of an exemption permit or a duplicate thereof.

(f) The municipality may prescribe the period for which an exemption permit will be valid.

11.4 A person who displays a forged exemption permit or an exemption permit which was not issued

by the Municipality commits an offence.

12. Pick-up and set-down areas at schools

12.1 The Municipality may by notice designate areas in the vicinity of schools and crèches as pick-up and set-down areas.

12.2 No person may park in a pick-up and set-down area for more than fifteen (15) minutes to pick-

up or set down learners.

13. Outspanning in public roads

13.1 No person may outspan or allow to be outspanned in any public road or public place any vehicle

drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle

which is not self-propelled, however, this provision does not apply when such vehicle is being loaded

or unloaded.

CHAPTER 4 PARKING PERMITS

14. Resident parking permit

14.1 Subject to any conditions the Municipality may impose and subject to section 18(1) and 18(2) a resident parking permit may be granted to persons –

(a) who reside in a residence –

(i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time; and

(ii) in circumstances where not more than 1 person who resides in the residence is the holder of a current permit; and

(iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and

(b) whose residence does not have and cannot reasonably provide off-street parking.

15. Temporary parking permit

15.1 Subject to any conditions the Municipality may impose and subject to section 18(1) a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space or spaces for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.

15.2 A temporary parking permit may only be granted if the Municipality is satisfied that –

(a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and

(b) it is not reasonably practical for the applicant to carry out that activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.

16. Work zone permit

16.1 Subject to any conditions the Municipality may impose and subject to section 18(1) and (3) a work zone parking permit may be granted for parking or other building or construction purposes in a parking bay or parking ground or on the verge of a road or in the road reserve if the Municipality is satisfied that –

- (a) the part of the road or other area referred in subsection (1) to which the application relates is adjacent to the site of proposed building or construction work; and
- (b) the carrying out of the building or construction work is lawful; and
- (c) having regard to the nature of the building or construction work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.

17. Municipal work parking permit

17.1 Subject to any conditions the Municipality may impose and subject to section 18(1), a local government work parking permit may allow a person to park 1 or more vehicles in a designated parking space or spaces, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces if the person is –

- (a) an employee, contractor or agent of the Municipality; and
- (b) parking the vehicle or vehicles in the space or spaces –
 - (i) for the purpose of carrying out work for or on behalf of the Municipality; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

18. Conditions of parking permits

18.1 The conditions that will ordinarily be imposed on all parking permits are, amongst others that may be imposed by the Municipality –

- (a) the holder of the permit must affix the original permit to the vehicle identified in the permit facing outwards and as near as practicable to the registration label for the vehicle; and
- (b) a replacement permit will only be issued after completion by the permit holder of a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original permit.

18.2 The conditions that will ordinarily be imposed in a resident parking permit are –

(a) the permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be –

(i) the road adjacent to the place of residence identified in the permit; or

(ii) the one or more segments of road in close proximity to the place of residence identified

in the permit; and

(b) the holder of the permit must only use the permit whilst the holder remains a resident at

the place of residence identified in the permit; and

(c) a resident parking permit is not specific to any particular vehicle; and

(d) a maximum of 1 parking space per residence may be granted.

18.3 The conditions that will ordinarily be imposed in a works zone parking permit are:

(a) the permit must specify the part of the road to which the permit relates; and

(b) the holder of the permit must pay the prescribed fee, as determined by the local government, for the installation of official traffic signs, or other signs and markings, as determined by the local government to be appropriate, to identify the boundaries of the works zone identified in the permit; and

(c) materials of any kind must not be stacked, placed or otherwise left on the road or footpath

(either within or outside of the works zone); and

(d) a vehicle must not be parked, and loading or unloading or other operations must not be

carried out, in a manner which obstructs pedestrian movement along a footpath within or

adjacent to the works zone; and

(e) the permit must be kept on site and produced upon request by an authorised officer.

19. Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified groups.

19.1 The Municipality may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the Municipality and may designate such areas by notice or road signage or road traffic markings or road traffic markings.

19.2 No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.

19.3 Any person who contravenes subsection (2) commits an offence.

CHAPTER 5

PARKING METERS AND PAYMENT FOR PARKING

20. The Municipality may install parking meters or use any other device to record the time parked

20.1 The Municipality may install or cause to be installed or operate or cause to be operated in

a public road or place in the municipal area –

- (a) a parking meter at a demarcated parking bay; or
- (b) a combined parking meter at demarcated parking bays; or
- (c) any other device by which parking time can be recorded and displayed.

20.2 The Municipality may install or operate a parking meter contemplated in section 20(1) upon the kerb, footpath or sidewalk which adjoins the parking bay or bays in respect of which it is installed or at any other place in close proximity that serves the parking bay.

20.3 In the instance where a parking meter is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter or a notice board.

20.4 In the instance where a meter is out of order, an authorised official may securely place over the

meter a hood carrying in legible letters the words: "Out of order" and in such instances a vehicle may

be parked without payment of the prescribed amount.

21. Method of parking

21.1 No driver or person in charge of a vehicle may park the vehicle –

- (a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
- (b) in a parking bay which is already occupied by another vehicle; or
- (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.

22. Payment for parking

22.1 (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must:

(i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter or notice board for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter or notice board; or

(ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective whether payment is required at the beginning or end of the period so parked,

(b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one

metered parking bay, the driver or person in charge of the vehicle must:

(i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter or notice board; or

(ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective whether payment is required at the beginning or end of the period so parked,

(c) On completion of the actions prescribed in paragraph (a) and (b), the metered parking bay may be lawfully occupied by the vehicle during the period which is indicated on the parking meter, however, subject to paragraph (d), a driver or person in charge of a vehicle may, without payment, park the vehicle during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use, provided that the Municipality may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay.

(d) Subsection (c) does not apply to any parking bay where unexpired time is not visibly displayed.

22.2 Subject to the provisions of subsection 22.3, the driver or person in charge of a vehicle may again, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as set out in subsection (1)(a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.

22.3 No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.

22.4 Subject to the provisions of section 14, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking meter or any other device shows that –

- (a) the time has expired; or
- (b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter,

22.5 Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if –

- (a) the indicator shows that –
 - (i) the time has expired;
 - (ii) the parking meter has not been set in operation; or

(b) a hood has been placed over the parking meter as envisaged in section 20(4), no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay,

23. The Municipality may prevent parking at a parking bay

23.1 An officer authorised by the Municipality to display road traffic signs may, whenever necessary

or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating "No Stopping" or "No Parking" at a parking bay or bays, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay or bays –

(a) while the sign is so placed or erected; or

(b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign,

24. Tampering with a parking meter or device

24.1 No person may misuse, damage or knock a parking meter or interfere, or tamper or attempt to misuse, damage or knock or tamper or interfere with the working operation or mechanism of a parking meter.

24.2 No person may, without authority from the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or any un-prescribed material on a parking meter.

24.3 No person may paint, write upon or disfigure a parking meter.

24.4 No person may, without the consent of a parking marshal or authorised officer, remove or tamper with any device from the possession of such parking marshal or authorised officer.

25. Prescribed coin only to be deposited

25.1 No person may deposit or cause to be deposited in a parking meter anything other than the prescribed coin or coins.

26. Unlawful operation of a parking meter

26.1 No person may operate or attempt to operate a parking meter by any means other than as prescribed in these by-laws.

26.2 A person who contravenes subsection (1) commits an offence.

27. Unlawful parking and clamping or removal of unlawfully parked vehicles

27.1 No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of these by-laws.

27.2 Where any vehicle is found to have been parked in contravention of these bylaws, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.

27.3 The Municipality may:

- (a) attach a wheel clamp to any unlawfully parked vehicle;
- (b) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality;

and

(c) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed from in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.

28. Exemptions

28.1 Notwithstanding any other provision in these by-laws, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:

- (a) a vehicle used as an ambulance and being at the time used to attend to a life threatening situation;

(b) a vehicle used by a fire brigade for attendance at fires and emergencies being at the time used by the brigade in attending to a fire; and

(c) a vehicle used by a member of the South African Police Service and being at the time used in connection with a crime that is either in progress or in connection with the collection or protection of evidence in the aftermath of a crime.

(d) a vehicle owned by and clearly marked, the Ray Nkonyeni Local Municipality, which at the time of parking the driver and any occupants therein is engaged in lawful Council business/work.

28.2 Subject to any time limits or restrictions regarding the stopping or parking of vehicles as prescribed by any other law, or regulations, or by-laws a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose.

CHAPTER 6**PARKING GROUNDS/PARKING FACILITIES****29. The Municipality not liable for loss or damage**

The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.

30. Interference with an attendant

30.1 No person may obstruct, hinder or in any manner interfere with an authorised officer or a parking marshal employed by an appointed service provider to the Municipality, who is the attendant of the parking grounds in the exercise of his or her duties under these by-laws.

31. Payment of prescribed fee

31.1 A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality.

31.2 The Municipality may in respect of a parking ground controlled by the issue of coupons, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.

31.3 The Municipality may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the Municipality, to park the vehicle in a parking ground specified, if space in the parking ground is available.

31.4 A coupon issued under subsection 31(2) or (3) –

(a) may not, without the prior written consent of the Municipality –

(i) be transferred to any other person; or

(ii) be used in respect of any vehicle other than the specified vehicle; and

(b) must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle; and

(c) will only be valid for the period stated on such coupon.

31.5 Application for consent contemplated in subsection 31(4)(a) must be made on a form provided for this purpose by the Municipality.

32. Observance of signs

32.1 A person in a parking ground/facility must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.

33. Parking and removal of vehicle

33.1 No person may in any parking ground/facility park a vehicle otherwise than in compliance with an instruction or direction given by an authorised officer or as indicated by way of a sign, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.

33.2 Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle –

(a) in a place on the parking ground which is not a demarcated parking bay, unless instructed to do so by the authorised attendant at the parking ground;

(b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;

or

(c) in a parking bay which is already occupied by another vehicle.

33.3 No person may park a vehicle on a sidewalk or a roadway within a parking ground.

33.4 No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.

33.5 No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.

34. Abandoned vehicle

34.1 The Municipality may remove, to the Municipality's pound, a vehicle which has been left in the

same place in a parking ground for a continuous period of more than seven days.

34.2 The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of section 34(1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the Municipality may, subject to the provisions of section 34(3) and sections 61 and 62, sell the vehicle at a public auction.

34.3 The Municipality must, 14 days before the auction contemplated in section 34(2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the Municipality all prescribed fees payable in terms of these by-laws and the applicable costs in terms of section 34(4).

34.4 The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in section 34(3) and thereafter to defray the following:

- (a) the costs incurred in endeavouring to trace the owner in terms of section 34(2);
- (b) the costs of removing the vehicle;
- (c) the costs of publishing the notice of the auction;
- (d) the costs of effecting the sale of the vehicle;
- (e) the costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;
- (f) the parking fees applicable for having left the vehicle in the parking ground as contemplated in section 34(1); and
- (g) any unpaid parking fees or unpaid traffic fines in respect of such vehicle and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.

34.5 If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in section 34(4) is forfeited to the Municipality.

35. Damage to notices

35.1 No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, notice-board, sign or infrastructure placed by the Municipality on a parking ground.

36. Negligent and dangerous driving and speed restriction

36.1 No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.

36.2 The Municipality may by sign indicate the maximum speed that may be travelled in a parking ground.

37. Entering or remaining in parking ground

37.1 No person may enter, remain or be on a parking ground other than for the purpose of parking a vehicle, or lawfully removing from the parking ground a vehicle, in respect of which he or she has paid the prescribed parking fee, however this section does not apply to:

- (a) a person in the company of a person who is parking or removing a vehicle;
- (b) an official of the Municipality engaged in official activities or on instruction from the Municipality; and
- (c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.

38. Tampering with vehicle

38.1 No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.

39. Defacing coupon

39.1 No person may in a parking ground with intent to defraud the Municipality forge, imitate, deface, mutilate, alter or make a mark upon a parking coupon issued in terms of this bylaw.

40. Defective vehicle

40.1 No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to remain in a parking ground.

40.2 If a vehicle, after having been parked in a parking ground, develops a defect which renders it immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be affected, or removed within seven (7) days.

41. Cleaning of vehicle

41.1 No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground, parking bay or upon any public road.

42. Refusal of admission

42.1 An authorised official may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.

43. Parking hours and classes of vehicles

43.1 The Municipality may, subject to the provisions of these by-laws, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.

43.2 The Municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.

43.3 The Municipality may, notwithstanding a notice posted in terms of section 43(2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.

43.4 No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under section 43(3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the Municipality from time to time.

43.5 No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.

43.6 No person may, unless he or she is the holder of a parking coupon issued in terms of these by-laws authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.

44. Reservation by the Municipality

44.1 The Municipality may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the Municipality or vehicles used by members of its staff on the business of the Municipality.

CHAPTER 7

MECHANICALLY CONTROLLED PARKING GROUND

45. Parking of a vehicle a mechanically or otherwise controlled parking ground

45.1 Subject to section 3, a person who wishes to park a vehicle and/or causes or permits a vehicle to be parked; or allows a vehicle to be parked, in a mechanically or otherwise controlled parking ground must, when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.

45.2 A person contemplated in section 45(1) may not park a vehicle –

- (a) except in a parking bay and in compliance with such directions as may be given by an authorised officer or where no such bay has been marked, except in a place indicated by the authorised officer;
- (b) after an authorised officer has indicated to the person that the parking ground is full;
- (c) after the expiry of the parking period indicated on the parking coupon; or
- (d) for a longer period than indicated as indicated by a sign.

45.3 A parking coupon obtained in terms of section 45(1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period, provided that the Municipality may implement a system where payment is required at the end of the parking period.

46. Removal of a vehicle from a mechanically or otherwise controlled parking ground

46.1 No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless—

- (a) he or she has produced to the authorised officer a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and
- (b) he or she has paid to the authorised officer the prescribed parking fee.

46.2 If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the Municipality from time to time.

46.3 A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised officer of his or her right to remove the vehicle, and the authorised officer –

- (a) must require the person to produce proof of identity and complete and sign an indemnity form as

supplied by the Municipality, which form has the effect of indemnifying the Municipality against claims

of whatever nature by a person relating to the removal of that vehicle; and

- (b) may require the person to furnish such security as may be determined by the Municipality.

46.4 Section 46(1)(a) does not apply where the prescribed parking fees were paid upon entering the

parking ground and the person who paid such fees produces the required coupon to the authorised

official on demand.

46.5 Where a vehicle has not been removed from a parking ground by the end of the parking period

for which the prescribed fee has been paid, a further charge as may be determined by the Municipality

from time to time is payable for the next parking period.

CHAPTER 8
PAY-AND-DISPLAY PARKING GROUND

47. Parking of a vehicle in a pay-and-display parking ground

47.1 A person who –

- (a) wishes to park a vehicle;
- (b) causes or permits a vehicle to be parked; or
- (c) allows a vehicle to be parked,

in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.

47.2 The following must be indicated on the parking coupon vending machine:

- (a) the period during which a vehicle may be parked in the pay-and-display parking ground; and
- (b) the coin or other prescribed object or method of payment to be inserted or used in respect of the parking period into or in connection with the pay and display machine.

47.3 The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.

47.4 No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of

the departure time indicated on the parking coupon and, unless evidence to the contrary is produced,

the date or day and time of departure as recorded by a parking coupon vending machine is taken, on

the face of it, to be correct evidence of date or day and time.

47.5 No person may park a vehicle, cause, permit, or allow a vehicle to be parked in a pay-and-display

parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in

the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.

47.6 If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.

47.7 Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

48. Miscellaneous offences in respect of a pay-and-display parking ground

A person commits an offence if he or she –

(a) inserts or attempts to insert into a parking coupon vending machine –

- (i) a counterfeit coin;
- (ii) where another kind of object is to be used, a false object;
- (iii) a coin which is not South African currency; or
- (iv) any object which is not meant to be inserted into the parking coupon vending machine;

(b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking

coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard,

advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking

coupon vending machine; or

(c) removes or attempts to remove a parking coupon vending machine or any part of the machine

from its mounting.

CHAPTER 9
TAXIS AND BUSES
SPECIAL PARKING PLACES FOR TAXIS, PERMITS AND DECALS

49. Establishment of special parking places for taxis and taxi rank permits for special parking places
for taxis

49.1 The Municipality may establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a permit to use the parking place or to park a taxi has been issued as provided for in section 51.

49.2 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.

49.3 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 49, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

50. Taxi parking

50.1 A driver may, subject to subsection (2) –

(a) park a taxi at a special parking place or taxi holding area only for the purpose of conducting business

directly related to the taxi; or

(b) pick up or drop off passengers only at a special parking place or a taxi stopping place provided.

50.2 In emergencies or at recreational events, peak season, the Municipality may set aside temporary taxi facilities identified by the Head of Department Public Safety as suitable for the parking and stopping of taxis.

51. Use of taxi ranks

51.1 A driver –

(a) may, subject to subsection (3), park a taxi at the taxi rank specified on the taxi permit concerned, if space is available and only for the purpose of conducting business directly related to the taxi; and

(b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 49.

51.2 The driver must, when plying for hire at a taxi rank, do so in a queue and must –

(a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and

(b) move his or her taxi forward as the queue moves forward.

51.3 When plying for hire at a taxi rank, a driver –

(a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;

(b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and

(c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.

51.4 No person as per the National Road Traffic Act of 1996, may park or stop a taxi which is not in

good working order as required by the Act or the regulations, in a taxi rank, or cause or permit the

taxi to remain in a rank.

51.5 No person as per the National Road Traffic Act of 1996 may park or stop any vehicle in a taxi rank

except a taxi for which a taxi permit and decal, specifying the rank, have been issued for the year in

question, as contemplated Section 49(2).

52. Prohibition on parking of a taxi at no-stopping place

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

53. Servicing and washing taxis at taxi facilities

53.1 No person may repair or maintain any motor vehicle in any way whatsoever at a taxi facility.

53.2 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.

54. Behaviour prohibited at a taxi rank

A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this by-law 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.

CHAPTER 10**BUS FACILITIES AND PERMITS, AND OPERATION OF BUSES****55. Establishment of special parking places for buses and bus rank permits for special parking places for buses**

55.1 The Municipality may establish special parking places for use by buses or the parking of a bus belonging to a person to whom a permit to use the parking place or to park a bus has been issued as provided for in section 51.

56. Establishment of bus facilities

The provisions of section 49(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”.

57. Application and issue of bus permits, fees, display of decals, suspension and withdrawal of permit for the general use and operation of buses

57.1 Application for bus rank facilities will be authorised by Ray Nkonyeni Municipality.

58. 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.

59. Parking at stopping places for buses and destination signs

59.1 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.

59.2 A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

CHAPTER 11**GENERAL PROVISIONS**

60. Powers of Authorised Officer-

60.1 An authorised officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.

60.2 No person may obstruct, hinder, abuse, or interfere with any authorised officer or parking marshal in the exercise of the powers in terms of these by-laws.

61. Sale of impounded vehicles

61.1 The Municipality must –

- (a) After ninety (90) days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and
- (b) in the application contemplated in section 61(1) (a), provide the Court with proof that he or she lodged a statement as contemplated in section 61(2) with the owner.

61.2 The statement contemplated in section 61(1)(b) must include the fees and costs due in terms of these by-laws.

61.3 The Court, whether the amounts set forth in the statement as contemplated in section 61(1)(b) are disputed or not, must –

- (a) summarily enquire into the matter;
- (b) enquire whether notice was given to the owner of the vehicle by the Municipality; and
- (c) make such order as it considers just and equitable, including an order –
 - (i) as to costs; and
 - (ii) on the process to be followed by the Municipality in the sale of the vehicle.

62. Procedure to be followed in application to Court

An application to Court for the sale of an impounded vehicle in terms of these by-laws, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts

of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

63. Appeals

63.1 A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons thereof to the municipal manager within 21 days of the date of the notification of the decision.

63.2 The municipal manager must promptly submit the appeal to the appropriate appeal authority.

63.3 The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

63.4 The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

63.5 The appeal authority must furnish written reasons for its decision on all appeal matters.

63.6 All appeals lodged are done so in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.

63.7 Where a conviction has been affirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process and not in terms of sections 63(1) to 63(5).

64. Repeals

The By-laws and Notices listed in Schedule 1 to this By-law are hereby repealed to the extent mentioned in the third column of the said Schedule.

65. Delegations

65.1 Subject to the Constitution and applicable national and provincial laws, any –

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty

conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

65.2 The delegation in terms of section 65(1) must be effected in accordance with the system of delegation adopted by the council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), subject to the criteria set out in section 59(2) of said Act.

65.3 Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the—

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

66. Penalties

(1) Any person who is convicted of an offence under this By-law is liable to a fine of an amount not exceeding R20 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.

(2) In the case of a continuing offence, an additional fine of an amount not exceeding R200 or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

67. Short title and commencement

64.1 This By-Law is called the Ray Nkonyeni Local Municipality: Parking and Related Matters By-law, 2018 and takes effect six months from the date of publication thereof in the Provincial Gazette or on such earlier date as may be determined by the publication of a commencement notice in the Provincial Gazette.

Schedule 1

LAWS REPEALED (in terms of Section 64 of this By-law)

BY-LAWS

Number & Year of By Law	Title	Extent of Repeal
Municipal Notice No. 127 of 1970 published in the Provincial Gazette No. 339 dated 12 March 1970	Parking Meter Bylaws for Borough of Port Shepstone	The whole

Municipal Notice No. 108 of 1977 published in the Provincial Gazette dated 10 March 1977	Parking Meter Bylaws for Margate Municipality	The whole
Municipal Notice No. 392 of 1982 published in the Government Gazette No. 1520 dated 26 August 1982	Bylaws Relating to Off-Street Parking and Stopping Places for Transport Services	The whole
Municipal Notice No. 34 of 1994 published in Provincial Gazette No. 893, 1994 dated 27 October, 1994	Bylaws Relating to Off-Street Parking and Stopping Places for Transport Services	The whole

