

No. 285

**KOUGA MUNICIPALITY
ROADS AND TRAFFIC BY-LAW**

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

Table of contents

1. Definitions
2. Purpose of by-Law
3. Construction of Streets
4. Advertisements visible from streets
5. Animals or objects causing an obstruction
6. Trees in streets
7. Trees or growth causing an interference or obstruction
8. Dumping of waste.
9. Prohibition of certain activities in connection with objects in streets and public places
10. Prohibition of games and other acts in streets and public places
11. Animal manure and conveyance of animal carcasses or other waste products through streets and public places
12. Building materials in streets and public places
13. Balconies and verandahs
14. Drying of washing on fences on boundaries of streets and public places
15. Outspanning in streets
16. Protection of street surface and public places
17. Damaging of notice-boards
18. Collections and distribution of handbills
19. Excavations in streets
20. Poison in streets or public places
21. Processions
22. Roller-skating and skating on skate-boards
23. Persons to be decently clad
24. Overflow of water into streets and public places
25. Behaviour in streets and public places
26. Animals in a street or public place
27. Display of street number of places
28. Bridges and crossings over gutters and sidewalks
29. Control of amusement shows and devices
30. Control of animal-drawn vehicles
31. Vehicles to be attended
32. Municipality may act and recover costs
33. Closure of streets and public places
34. Construction, maintenance and naming of streets and public places
35. Declaration of streets and public places
36. Parking of heavy vehicles and caravans
37. Parking attendants
38. Encroachments
39. Penalty
40. Appeal
41. Repeal of by-laws

42. Short title and commencement

1. Definitions

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

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

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

"Council" means the municipal council of Kouga;

"municipality" means the Municipality of Kouga established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

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

"municipal manager" means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"motor vehicle" means any self-propelled vehicle and includes-

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include-

(i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

"nuisance" means any act, omission or condition on any premises, street or public place, including any building, structure or growth thereon, which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely affects the safety of the public;

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

"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 thirty years, or at any time been declared or rendered such by the municipality or other competent authority;

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

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

"**street**" means any street, road, cycle path, thoroughfare or any other place, and includes –

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, which has at any time been -
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent authority; or
 - (iv) constructed by a local authority;

(e) any land, with or without buildings or structures thereon, which is shown as a street on -

(i) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon; or

(ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's office, unless such land is on such plan or diagram described as a private street;

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

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

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

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

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

2. Purpose of by-Law

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

3. Construction of streets

No person may -

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

4. Advertisements visible from streets

(1) No person may display any advertisement, placard, poster or bill in a street except with the written permission of the municipality and subject to any conditions that may be imposed by the municipality.

(2) This section does not apply to signs which have been exempted under the provisions of the municipality's by-law relating to Advertising Signs.

5. Animals or objects causing an obstruction

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

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

6. Trees in streets

(1) No person may in a street or public place -

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

(2) Any tree or shrub planted in a street or public place is the property of the municipality.

7. Trees or growth causing an interference or obstruction

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

(2) Any person who fails to comply with a notice issued in terms of subsection (1) commits an offence.

(3) If any person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

8. Dumping of waste.

No person may –

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

9. Prohibition of certain activities in connection with objects in streets and public places

No person may, in a street or public place -

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

10. Prohibition of games and other acts in streets and public places

No person may -

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

11. Animal manure and conveyance of animal carcasses or other waste products through streets and public places

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

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

(2) The owner or person in charge of animals which are brought onto or driven along a street or public place must remove or clean up manure or droppings caused by such animals.

12. Building materials in streets and public places

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

13. Balconies and verandahs

No person may, except with the written permission of the municipality –

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

14. Drying of washing on fences on boundaries of streets and public places

No person may hang, display or dry any washing on a balcony facing onto a street or which is visible to the neighbours, neither may any person hang, display, dry or spread any washing on a fence on the boundary of a street or public place.

15. Outspanning in streets

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

16. Protection of street surface and public places

(1) No person may –

- (a) use a vehicle or allow it to be used in any street or public place if such vehicle is in such a defective condition that it will or may cause damage to any street or public place; or
- (b) drive, push, roll, pull or propel any object, machine or other material through or along a street or public place in such a way that the surface of the street or public place is damaged, broken or destroyed.

(2) If the municipality identifies a person whose actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street or public place, the cost of repairs may be recovered from the offender.

(3) Any person who is the owner of land on which any work is done is liable for any damage to any portion of a street or public place caused by or in connection with the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.

(4) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks or road verges, the owner of such land may not commence, or allow any other person to commence, any such work until such a person has deposited with the municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any such street or public place as a result of, or in connection with, the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.

- (5) (a) After completion of the work referred to in subsection (4), the municipality may repair of damage caused by such work and may set off the cost of such repairs against the deposit.
- (b) If such cost is less than the amount of the deposit, the municipality shall refund the balance to the depositor, but if the amount of the deposit does not cover such cost, the owner shall be liable for the difference.

(6) No person other than an authorised official of the municipality in the performance of his or her duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street or public place.

17. Damaging of notice boards

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

18. Collections and distribution of handbills

(1) No person may -

- (a) collect or attempt to collect money in a street or public place or organise or in any way assist in the organisation of such collection, except with the written permission of the municipality and subject to any conditions that may be imposed by the municipality;
- (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the municipality; or
- (c) distribute a handbill or similar advertising material or cause it to be distributed in any street or public place, by placing it on or in any vehicle without prior permission of the municipality.

(2) An application fee may be levied in respect of any application in terms of subsection (c).

19. Work in street or public place

(1) No person may without the prior written permission of the municipality and subject to any conditions that may be imposed undertake any work in a street or public place.

(2) A person referred to in subsection (1) must pay the prescribed fee as set out in the municipality's annual list of Tariffs.

- (3) (a) A person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any condition contemplated in subsection (1).
- (b) The municipality may -
 - (i) grant an exemption in writing and set conditions and the period for which such exemption is granted;
 - (ii) alter or cancel any exemption or condition in an exemption; or
 - (iii) refuse to grant an exemption.
- (c) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (1), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (d) If any condition of an exemption is not complied with, the exemption lapses immediately.

20. Poison in streets or public places

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

21. Processions

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

(2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) must submit a written application for permission, which must reach the municipality at least seven days before the date upon which any such action is intended to be performed or carried out, provided that persons who intend to participate actively in a procession, or gathering need not apply to the municipality for permission and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller has obtained the permission of the municipality. An application made in terms hereof must contain the following:

- (a) Full details of the name, address and occupation of the applicant;
- (b) full details of the street or public place where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times and, in the case of processions and gatherings, the number of persons expected to attend; and
- (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.

(3) Any application submitted in accordance with subsection (2) shall be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not likely to be in conflict with the interests of public peace, good order or safety, the municipality may issue a certificate granting permission and imposing conditions.

(4) The municipality may refuse to approve applications in terms of subsection (2) if an action will be in conflict with the interests of public peace, good order or safety.

(5) The municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, the action will be in conflict with the interests of public peace, good order or safety.

(6) The provisions of this section do not apply to –

- (a) wedding or funeral processions; and
- (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993).

22. Roller-skating and skating on skate-boards

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

23. Persons to be decently clad

No person may appear in any street or public place if he or she is not decently clothed.

24. Overflow of water into streets and public places

Subject to the provisions of the municipality's Storm Water Management By-law, no person may cause or allow any water other than rain water to flow into a street or public place.

25. Behaviour in streets and public places

No person may, in a street or public place –

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

26. Animals in a street or public place

No owner or person -

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

27. Display of street number of places

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

28. Bridges and crossings over gutters and sidewalks

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

29. Control of amusement shows and devices

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

30. Control of animal-drawn vehicles

No person may –

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

31. Vehicles to be attended

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

32. Municipality may act and recover costs

- (1) Notwithstanding any other provisions of this by-law, the municipality may –
- (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.

- (2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

33. Closure of streets and public places

- (1) No person may, without the approval of the municipality, close or barricade any street or public place or restrict access thereto.
- (2) The municipality may permanently close or divert any street or public place or part thereof or restrict access to any street or public place.
- (3) When the municipality decides to act in terms of subsection (2), it shall give notice of such intention in terms of its communication policy, and in the absence of

such policy the municipality shall give notice of its intention in a local newspaper in at least two official languages;

- (4) Any objection against the action referred to in subsection (2) must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (3) for submission to Council or a committee or person who has delegated powers to decide the matter.
- (5) The municipality may, without complying with subsection (3) -
- (a) temporarily close a street or public place -
 - (i) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street or public place;
 - (ii) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street or public place -
 - (aa) if such street or public place is dangerous to traffic;
 - (bb) by reason of any emergency or public event which requires special measures for the control of traffic or special provision for the accommodation of crowds; or
 - (cc) for any other reason which renders the temporary closing of a street necessary; and
 - (b) divert a street which has been temporarily closed in terms of paragraph (a).
- (6) The municipal manager has the discretion to, for general information, place a notice of such temporary closure in terms of subsection (5) in a local newspaper.

34. Construction, maintenance and naming of streets and public places

The municipality may -

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

35. Declaration of streets and public places

- (1) The municipality may -
- (a) declare any land or portion of land under its control as a street, or any street or portion thereof to be a public place;
 - (b) declare any private street or portion thereof as a public street, or any place or portion thereof to be a public place.
- (2) When the municipality acts in terms of subsection (1), it must give notice of such intention in terms of its communication policy, and in the absence of such policy, in a local newspaper in at least two official languages.
- (3) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (2) for submission to Council or a committee or person who has delegated powers to decide upon it.

36. Parking of heavy vehicles and caravans

- (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for parking of heavy vehicles, park on a street -
- (a) a motor vehicle with a tare exceeding 3500 kg;

- (b) a trailer;
 - (c) a semi-trailer, or
 - (d) a caravan,
- (2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that such vehicle has been parked by the owner thereof unless the contrary is proved.

37. Parking attendants

- (1) No person may, in exchange for money or some other thing of value or in anticipation thereof:
- (a) direct the operator or occupant of a motor vehicle to a public parking space; or
 - (b) provide any other parking or related services in a public place.
- (2) Notwithstanding subsection (1), the Municipality may, subject to such requirements and conditions as determined by it and published in the Provincial Gazette, on application by a person, permit such person, upon payment of a fee, to direct the operator or occupant of a vehicle to a public parking space or to provide any other parking or related service.

38. Encroachments

- (1) Subject to section 3 and to such further conditions as it deems necessary, the municipality may by agreement permit encroachment on municipal property or the erection or maintenance of a verandah, balcony, sign, projecting sign or similar structure which projects in or over any street or public place;
- (2) When any immovable property owned by a municipality or under the control or management of the municipality is encroached upon without permission, the municipality may take the steps necessary to remove or regularise such encroachment.
- (3) The municipality may reduce the extent of a public place or street which is encroached upon by the extent of the encroachment or by such greater extent as may be desirable.
- (4) A permit issued under subsection (1) is, for the purposes of subsection (2), deemed to be a regularisation of the encroachment referred to in such permit.
- (5) A person who wishes to obtain the permission of the municipality as contemplated in subsection (1) must complete and submit to the municipality the prescribed form, and the municipality may issue a permit subject to the prescribed fee having been paid.
- (6) A person who contravenes a provision of subsection (5) commits an offence, and a person who fails to comply with any condition imposed under subsection (1) commits an offence and the municipality may, in addition to any other penalty which may be imposed –
- (a) demolish, remove or fill in the projection or projecting structure concerned; or
 - (b) cause such projection or projecting structure to be demolished, removed or filled in,
- at the cost of the owner thereof.

39. Penalty

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

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and

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

40. Appeal

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

41. Repeal of by-laws

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

42. Short title and commencement

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