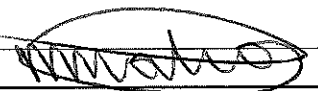


TAXIS AND TAXI RANKS BY-LAWS.



APPROVED BY:


MR M NAKO
MUNICIPAL MANAGER
DATE: 23/06/21

APPROVED BY:

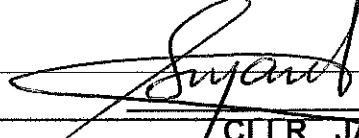

CLLR JANDA
EXECUTIVE MAYOR
DATE: 23/06/21

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1. PURPOSE OF BY LAW

2. The purpose of this By Law is to provide for the control of taxis and taxi ranks within the municipal area of the Municipality and to provide for matters incidental thereto.

3. OBJECTIVE OF POLICY

Regulation and control of taxi facilities

(1) Subject to the provisions of subsections (2), (3) and (4), the Municipality or a recognised taxi association may appoint marshals to perform the functions as set out in subsection (4) and (5), but where a taxi facility or portion thereof has been allocated exclusively to a particular taxi association, that association or the Municipality only may appoint marshals in respect of that particular taxi facility, or portion thereof.

(2) In the case of a dispute as to which taxi association is entitled to appoint a marshal or marshals at a particular taxi facility, the Municipality must decide the issue, and its decision must be final.

(3) No person must act as a marshal at any taxi facility, unless his or her appointment has been made in writing by the taxi association concerned or the Municipality.

(4) The duties of a marshal in relation to passengers must be-

- (a) to regulate the queuing of passengers according to the appropriate priority and route destination systems;
- (b) to ensure the orderly loading of passengers into appropriate vehicles;
- (c) to control the number of passengers per vehicle to prevent overloading and to ensure a higher level of service to passengers and equal opportunities to drivers;
- (d) to direct passengers and to provide information related to the operation of the taxis operating at that or other taxi facilities; and
- (e) To inform drivers about expected passenger demand and any other related matters.
- (f) Sign posts for temporal ranks be made

(5) The duties of a marshal in relation to taxis, must be-

- (a) to control the arrival of taxis at taxi facilities, especially at loading areas and in accordance with the provisions of Sections 15 and 17;
- (b) to allow only permit holders to enter and exit such facilities;
- (c) to communicate and coordinate taxi movements between loading and holding areas;
- (d) to control taxi departures according to loading patterns; and
- (e) to direct a taxi to a holding area and to redirect such taxi to a rank.

Servicing and washing of taxis at taxi facilities

(1) No person must repair or maintain any motor vehicle in any way whatsoever at any taxi facility, except where provision is made for this purpose.

(2) No person must wash any motor vehicle at any taxi facility, except at a wash bay specially constructed thereat for this purpose.

NB: The municipality should impose the fines for the above offences.

Entering and alighting of taxis

(1) No person must enter a taxi until all persons desiring to alight from the taxi have done so.

(2) No person must insist on entering a taxi, which contains the total number of passengers, which it is authorised to carry.

(3) No person must enter or alight or attempt to enter or alight from any taxi whilst in motion.

4. SCOPE

1) If a taxi becomes defective or for any reason whatsoever, is unable to proceed, the passenger must at the request of the driver, alight from the defective taxi and should the passengers have already paid their fares and is entitled to a refund to the amount of their fares so paid.

(2) On agreement with the driver of the defective taxi, passengers must be allowed to travel with the next available taxi for the remainder of the distance in respect of their paid fares, at the cost of the defective taxis owner.

Dangerous or offensive articles

An authorised officer may remove any person, in possession of any article, instrument or implement, which may be considered dangerous or offensive by the passengers, driver, and conductor, authorised officer, travelling in or on any taxi.

Animals

No passenger may enter a taxi with any animal other than a guide dog assisting a blind person.

Animals like, horses and donkeys with (kart) should not be allowed to come to town.

Actions prohibited on a taxi

The following actions are prohibited on a taxi-

- (a) smoking;
- (b) playing offensive or excessively loud music;
- (c) using obscene or offensive language;
- (d) committing an offensive act;
- (e) interfering with the comfort of any passenger;
- (f) damaging any taxi or the fittings thereof;
- (g) interfering with the equipment of the taxi in any way;
- (h) forcibly cause the driver to deviate from his or her route;
- (i) endangering the lives of other people; or
- (j) Interfering with the actions of the driver.

Any person committing any of the mentioned actions or another offence stipulated in any other legislation, must in addition to incurring the penalty provided for in these By-Laws, forfeit his or her fare and be immediately removed from the taxi.

Riotous or indecent behaviour

Any person causing a disturbance or behaving in a riotous or indecent manner is guilty of an offence in terms of these By-Laws and may be removed from a taxi, a queue or the vicinity of a ranking facility by any authorised officer or authorised official of the Municipality.

5. POLICY DEFINITION

Definitions

1. In these By-Laws, unless the context otherwise indicates-

“Animal” includes any horse, mare, gelding, foal, bull, ox, cow, bullock, steer, heifer, calf, mule, ass, lamb, sheep, goat, swine, ostrich, cat or dog;

“Authorised officer” means-

(a) Municipal Police Officer / Traffic Officer appointed under the South African Police Services Act, Act 68 of 1995;

(b) A peace officer as contemplated in section 334 of the Criminal Procedure Act, Act 51 of 1977; or

(c) Any member of the South African Police Services as contemplated in the South African Police Services Act, Act

68 of 1995;

“Council” means —

- (a) Municipal Council of Mbhashe Local Municipality exercising its legislative and executive authority through the Municipality;
- (b) its successor in title;
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-Laws has been delegated or sub delegated or an instruction given, as referred to in section 59 of the Act; or
- (d) a service provider fulfilling a responsibility under these By-Laws;

“demarcated parking place” means a place referred to in Section 80A of the National Road Traffic Act, 1996 (Act 93 of 1996), as amended and means a space laid out and marked in a public place, the time of occupation by which

a vehicle is intended to be recorded by a parking meter;

“direction sign” means a type of guidance sign provided under the South African Road Traffic Sign System and used to indicate to the road user the direction to be taken in order that they may reach their intended destination;

“Director” means the head of the Municipality’s Directorate Public Safety or any person authorised by the Municipality to act on his behalf;

“Driver” must have the meaning assigned to it by the National Road Traffic Act, Act 93 of 1996, as amended;

“Examiner of vehicles” means an examiner of vehicles registered and appointed in terms of Chapter II of the National Road Traffic Act, Act 93 of 1996, as amended;

“Inspector of licences” must have the meaning as contemplated in the National Road Traffic Act, Act 93 of 1996, as amended;

“Intersection” means an intersection as defined in Section 1 of the National Road Traffic Act, Act 93 of 1996, as amended;

“Kerb line” must mean the boundary between the roadway and the footpath, usually indicated by means of a raised kerb;

“Month” must mean a calendar month;

“Motor vehicle” means a motor vehicle as defined in Section 1 of the National Road Traffic Act, Act 93 of 1996, as amended;

“MPS” means the Municipal Police Services as established in terms of Section 64, Chapter 12 of the South African Police Services Act, (Act 68 of 1995);

“Municipality” means Mbhashe Local Municipality and its legal successors, and when referred to as-

- (a) **“a legal entity”**, means Mbhashe Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000); and
- (b) **“a geographic area”**, means the municipal area of the Mbhashe Local Municipality as determined from time to time in terms of the

“Night” means the period between sunset and sunrise;

“NRTA” means the National Road Traffic Act, Act 93 of 1996-as amended;

“operate on a public road” or any like expression, 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;

“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 laws or a contractual agreement with the titleholder of such vehicle;
- (b) Any person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); or
- (c) Any person who is registered as such in accordance with Section 14 of the NRTA;

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

“Passenger Transport Working Group” means the Passenger Transport Working Group contemplated in Chapter III of these By-Laws;

“Passenger” means any person in or on a vehicle but must not include the “driver” or the “conductor”;

“Pavement” means a sidewalk as defined in Section 1 of the NRTA;

“Province” means the Province of the Eastern Cape established in terms of Section 103 of the Constitution of the Republic of South Africa, 1996;

“Public road” means a public road as defined in Section 1 of the NRTA;

“Public place” means any foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space and includes any public road;

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“Rank” in relation to a taxi means a place upon a public road where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“Rank permit” in relation to these By-Laws means a rank permit granted by the Municipality in terms of these By-Laws;

“Registering Authority” means a registering authority appointed under Section 3 of the NRTA;

“Road traffic sign” means any road traffic sign as prescribed in Section 56, NRTA, the detailed dimensions and applications of which are controlled by the South Africa Road Traffic Sign Manual;

“Roadway” means a roadway as defined in Section 1 of the NRTA (*see infra*);

“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 that 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;

“Street” means any street, road or thoroughfare shown on the general plan of a township, agricultural holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vests in the Municipality;

“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 association” means a taxi association recognised as such by the Municipality and the Province;

“Taxi operator” means the person responsible for the use of the taxi provided that in terms of Chapter VI of the NRTA, it must mean 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;

“Taxi route” means a route determined by the Municipality from time to time;

“Vehicle” means a vehicle as defined in Section 1 NRTA;

“Waiting area” means a place where vehicles, or vehicles of a particular class or description, for public transport may wait or stand;

6. LEGISLATIVE FRAMEWORK

The By Law will be guided by the following legislative frame work:

5.1 Constitution of the Republic of South Africa Act 108 of 1996 in the Supreme Law of the Republic.

- Municipal Structures Act (no 117 of 1998)
- Constitution of the Republic of South Africa.
- Municipal Systems Act (no 32 of 2000)
- National road traffic act (93 of 1996)
- Criminal Procedure Act (51 of 1977)
- Disaster management act (2002)

7. POLICY PROCEDURE

Issuing of a rank permit

(1) No permit must be issued until the applicant produces-

- (a) a valid Certificate of Road Worthiness in respect of the motor vehicle concerned as required in terms of Regulation 138 of the Regulations in terms of the NRTA;
- (b) a valid public road carrier permit issued under the Road Transportation Act, Act 74 of 1977, authorising the road transportation proposed to be undertaken;
- (c) proof of registration and licensing of the motor vehicle concerned in terms of Section 14 of the NRTA;
- (d) a valid identification document or a valid temporary identity document issued by the Department of Home Affairs, of the owner or the operator thereof, but in the event of a temporary identification document, it must be accompanied with a passport photo of the owner or the operator thereof, and
- (e) A letter of recommendation from the relevant taxi association.

(2) Where an application for a permit has been granted, it must be issued on the prescribed form, but the prescribed tariffs have been paid.

(3) Such permit must be issued in terms of the conditions determined by the Municipality.

(4) The Municipality may, from time to time, by special resolution, determine the tariffs for the issue of a rank permit and such tariffs may be different for different facilities.

(5) A rank permit not collected within 3 (three) months lapses, unless a written extension of time has been requested and granted by the Municipality.

(6) No permit must be issued unless the provisions of this section have been complied with.

(7) Any permit issued contrary to the provisions of these By-Laws in an unlawful manner with or without the knowledge of the applicant, must be

void and the holder thereof must on demand by the Municipality forthwith deliver such permit to the Municipality.

Period of validity

A rank permit issued in terms of these By-Laws is valid for a period of 12 months from the date of issue thereof subject to the provisions of Section 48.

Refusal to grant rank permit

The Municipality may refuse a rank permit, subject to Section 88 (6) of the NRTA and the provisions of these By-Laws, on the grounds that there is insufficient ranking space in the municipal area.

Renewal of rank permit

(1) A permit issued in terms of these By-Laws must be valid from the date of issuance thereof and must be renewed annually.

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(2) An application for the renewal of a permit must be made at least 30 days, but not later than 14 days, prior to the date of the expiry thereof.

(3) The applicant for the renewal of a permit must submit a duly completed and legible application form to the office of the Municipality, together with the documents referred to in section 4 in respect of the motor vehicle and must, on payment of the prescribed tariff and subject to the good conduct of the applicant be renewed.

(4) The Municipality must issue an acknowledgement of receipt to the applicant upon receipt of the application for the renewal of the rank permit.

8. GENERAL POLICY PROVISIONS

The establishment of Special parking places

The Municipality must establish special parking places within the municipal area for the use of or parking of a taxi belonging to a person to whom a permit as contemplated in section 48 has been issued authorizing him or her to do so.

The setting aside of special parking places or stands shall be effected and defined by the erecting, marking or placing at such places (whether on a public road or not) as the Council may determine of the appropriate road traffic signs and markings prescribed for taxi ranks on public roads by the Regulations made in terms of the Road Traffic Act 19/1989, as amended from time to time or, in the case of special parking places or stands not on a public road of signs and markings similar to such signs and markings so prescribed.

A permit may be issued allocating special parking places to particular persons or motor vehicles for their exclusive use only.

No person must, except by virtue of a permit, use or cause or permit a taxi to be used on any special parking place within the Municipal area, regardless whether such person has obtained a similar permit from any other Local authority or Municipality.

Should there be no space available in a special parking place or a stopping place at any given time, for the parking of a taxi that is authorised to do so, in terms of a valid rank permit, the taxi concerned must be parked at a taxi holding area specified by a duly appointed marshal as contemplated in Section 19(1) until such time that the marshal or any other duly appointed marshal, summons and permits the taxi to park at the special parking place or stopping place.

9. PROCEDURES FOR IMPLEMENTING POLICY

The By Law will affect the following stake holders –

- 1) The traffic / law enforcement officers.

- 2) The external stake holder in this case will be the Taxi associations, Rank managers and the commuters.

These By-Laws are called Taxis and Taxi Ranks By-laws 2012, and will come into operation on the date of publication in the *Provincial Gazette*.

10. POLICY GOVERNANCE

TAXIS AND TAXI RANK BY LAW

Policy Governance

Policy Title	Mbhashe Taxis And Taxi Rank By Law	
Policy Version	2019/2020	
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
Senior Manager Community Services		
Policy Custodian		
Policy Author		
The taxi associations, members of the community and the rank managers		
LLF Consultation Reference		
Council Approval Date	27 March 2019	
Council Approval Reference		
(UNIT) Chief Law Enforcement Officer		
Policy Approved		
Policy Inception Date	1 st July 2019	
Review Start Date	March 2020	
Review Completion Date	May 2020	
Legislative References		

Policy Review "Triggers"		
Comments		