

DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

PROVINCIAL GOVERNMENT NOTICE

No. , 2004

I, under powers vested in me by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and after having consulted the Minister of Provincial and Local Government Affairs and Organised Local Government in the Province, hereby make the standard By-laws contained in the Schedule hereto.

Signed at _____ on this ____ day of _____ Two Thousand and Five.

M MABUYAKHULU

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

PUBLIC ROADS BY-LAWS

Be it enacted by the Council of the Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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CHAPTER 1

Definitions

1. In these by-laws, unless the context otherwise indicates –

"authorised official" means a person authorised by the Council to perform the functions of an authorised official in terms of these by-laws;

"Council" means the Council of the Municipality;

"prescribed" means determined by resolution of the Council from time to time;

"prescribed fee" means a fee determined by the Council by resolution; and

"public road" shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

CHAPTER 2

OBSTRUCTIONS

Obstruction of public roads

2. No person may cause any obstruction of any public road.

Removal of obstructions

3.(1) If any person causes an obstruction on any public road, an authorised officer, may order such person to refrain from causing or to remove the obstruction.

(2) Where the person causing an obstruction cannot be found, or fails to remove or to cease causing such obstruction, an authorised officer may take such steps as may be necessary to remove the obstruction and the Council may recover the cost of the removal of the obstruction from that person.

CHAPTER 3

ENCROACHMENTS

Excavations

4.(1) No person may make or cause to be made any hole, trench, pit, tunnel or other excavation on or under any public road or remove any soil, tar, stone or other materials from any public road without the prior written consent of the Council.

(2) Any person who requires the consent referred to in subsection (1) must -

- (a) comply with any requirements prescribed by the Council; and
- (b) pay the prescribed fee.

Hoardings

5.(1) Any person who erects, removes, alters, repairs or paints any building or structure or carries out any excavation within 2 m of a public road must, before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building or structure.

(2) If the enclosure referred to in subsection (1) will project onto any portion of a public road, the person must –

- (a) obtain prior approval from the Council;
- (b) pay the prescribed fee; and
- (c) if the person making the application is not the owner of the building or land on which the work is done or is to be done, the owner must countersign the application.

(3) The Council may grant a permit in writing specifying -

- (a) the area and position at which the enclosure is permitted; and
- (b) the period for which the enclosure is permitted.

CHAPTER 4

DANGEROUS FENCING

Barbed wire, dangerous and electrical fencing

6. No owner or occupier of land -

(1) other than an owner or occupier of agricultural land, may along any public road erect or cause or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road; and

(2) including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause or permit to be erected along such public road any electrified fence, railing or other electrified barrier unless –

(a) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than two meters high; or

(b) the fence, railing, or other barrier is separated from the public road by another, non-electrified fence.

CHAPTER 5

PROTECTION AND CLEANLINESS OF PUBLIC ROADS

Protection of public road

7. No person may place upon or off-load on a public road any materials or goods which are likely to cause damage to the road.

Cleanliness of public roads

8.(1) No person may spill, drop or place or permit to be spilled, dropped or placed, on any public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such public road, without removing it or causing it to be removed from such public road immediately.

(2) If the person mentioned in subsection (1) fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from the person.

Defacing, marking or painting public roads

9. No person may in any way deface, mark or paint any public road or part of the public road without the prior written consent of the Council.

CHAPTER 6

RACES, SPORTS EVENTS AND GAMES

Races and sports events

10.(1) An application for consent to hold a race or sports event on any public road must be submitted in writing to the Council on the prescribed form at least 60 days prior to the event.

(2) The applicant must pay the prescribed fee and deposit to the Council at the time of making application for consent.

Games on public roads

11. No person may –

(1) play cricket, football or any other game; or

(2) by any means discharge any missile;

upon, over or across any public road.

CHAPTER 7

GENERAL

Offences

12. Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

Repeal of existing By-laws

13 The Council's existing by-laws are hereby repealed.

Short title and commencement

14 These by-laws shall be called the Public Roads By-laws, 200., and shall come into operation on