



DRAFT TAXI RANK BY-LAWS



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POLICY GOVERNANCE



1. PURPOSE OF BY-LAW

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

2. OBJECTIVE OF POLICY

To regulate and control of the taxi facilities.

1. Subject to the provisions of sub-sections (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 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 a 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 according to the appropriate priority 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 provide information related to the operation of the taxis operating at that or other taxi facility 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 the taxi facilities, especially at loading areas and in accordance with the provisions of section 15 and 17.
 - b) To allow only operating license 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 taxis to a rank.

3. SERVICING & 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 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 align 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 from any taxi whilst in motion.

4. SCOPE

- 1. If a taxi become defective or for any reason whatever, 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 fares they are 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 taxi 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 drives and conduction authorised officer, travelling in or any taxi.

ANIMALS:



No passengers may enter a taxi with any animals other than a guide dog assisting a blind person. Actions prohibited on a taxi:

1. Smoking
2. Playing offensive or excessively loud music
3. Using obscene or offensive language
4. Committing an offensive act
5. Interfering with the comfort of any passenger
6. Damaging any taxi or the fitting thereof
7. Forcibly cause the driver to deviate from his or her routes
8. Endangering the lives of other people or
9. 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 BEHAVIOR

Any person causing disturbance in 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 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, stein heifer, calf, mule, lamb, goat, swine, ostrich, cat or dog.

AUTHORISED OFFICER MEANS:

- Municipal police officer / traffic officer appointed under the South African Service Act, Act 68 of 1995.
- A peace officer as contemplated in Section 334 of the Criminal Procedure Act, Act 51 of 1997
or



- Any member of the South African Police Service as contemplated in the South African Police Service Act, Act 68 1995.

COUNCIL MEANS:

1. Municipal Council of Umsobomvu Local Municipality exercising its legislative and executive authority through Municipality.
2. Its successor the title.
3. 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
4. A service fulfilling a responsibility under these By-Laws.

LEGISLATIVE FRAMEWEORK

The By-Law will be guided by the following legislative frameworks:

- 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 System Act (no. 32 of 2000)
- National Road Traffic Act
- Criminal Procedure Act (no. 51 of 1977)
- Disaster Management Act (2002).

POLICY PROCEDURE

Issue of a rank permit.

1. No permit must be issued until the applicant procedure:
 - a) A valid certificate of road worthiness in respect to 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 license issued under the NTLA 5 of 2009. Section 14 of the NRTA
 - c) A valid identification document or a valid temporary identity document issued by the Department of Home Affairs for the owner or the operator thereof but in the



event of a temporary identification documentation document, it must be accompanied with a passport photo of the operator thereof and

d) 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, determined the tariffs for the issue of a rank permit and such tariffs may different for different facilities.
5. A rank permit must be issued unless the provisions of this section have compiled with.
6. A rank permit not collected within 3 months lapses unless a written extension of time has been requested and granted by the Municipality.
7. Any permit issued contrary to the provisions of these BY-LAWS is an unlawful manner with or without the knowledge of the applicant must be void and the holder thereof must on demand by 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 provision 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 issue thereof and must be renewed annually.
2. An applicant 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 and eligible 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.

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 authorising him or her to do so.

The setting aside of special parking places or stands shall be affected and defined by the erecting marking or 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 19/1988 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.



