

## **PUBLIC ROADS BY-LAWS**

Be it enacted by the Council of ....., and approval of the Member of the Executive Council responsible for local government 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 32 of 2000), as follows:

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## **CHAPTER 1**

### **DEFINITIONS**

#### **Definitions**

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

"**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 Municipal 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;

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

"**obstruction**" means any hindrance, obstacle or barrier closing/blocking the public road;

"**occupier**", in relation to any premises, means any person-

- (a) Occupying the premises
- (b) Leasing the premises: or
- (c) Who is not occupying the premises but is entitled to do so; and

"**owner**", in relation to any premises, means-

- (a) The person in whose name the title to the premises is registered; or
- (b) If the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

## **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 the 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-**

- (a) contravenes or fail to comply with any provisions of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) obstructs or hinders any authorized official in the execution of his or her duties under these by-laws-

will be guilty of an offence and will be liable on conviction to a fine not exceeding.....  
or imprisonment for a period not exceeding .....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 will be called the Public Roads By-laws, ....., with effect from.....**