Umzimvubu Local Municipality

UMZIMVUBU
LOCAL MUNICIPALITY

DRAFT PUBLIC ROAD AND MISCELLENEOUS BY-LAW

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UMZIMVUBU LOCAL MUNICIPALITY

DRAFT FOR PUBLIC ROAD AND MISCELLANEOUS BY LAWS.

The Municipal Manager of Umzimvubu Local Municipality hereby, in terms of Section 13(a) of the Local Systems Act, 2000 (Act No 32 of 2000) and Section 162 of the Constitution of the Republic of South Africa(Act 108 of 1996) publishes the Public Road and Miscellaneous By-laws for the Umzimvubu Local Municipality as approved by the Council and as concurred by the Premier: Eastern Cape Province in terms of section 80A of the National Road Traffic Act, 1996 (Act 93 of 1996), as set out hereunder.

PUBLIC ROAD AND MISCELLANEOUS BY-LAWS

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CHAPTER I
DEFINITIONS & INTERPRETATION

1. Definitions and interpretation

In these By-laws, any word or expression that has been defined in the Nation Road Traffic Act, 1996 (Act 93 of 1996) including any regulations made thereunder or the Eastern Cape Provincial Road Traffic Act, 2003 (Act 03 of 2003) including any regulations made thereunder, has that meaning and, unless the context otherwise indicates-

"**Authorized official**" means-

(a) A member of Umzimvubu Local Municipality appointed as a traffic officer in terms of section 3A of National Road Traffic Act, 1996 (Act No 93 of 1996), or
(b) Any person or official authorized in writing as such by the Council.

"**Cash card**" is a contactless smart card that is used to make cashless electronic payment for parking at the payment bay.

"Council" means

(a) The Council of Umzimvubu Local Municipality or any committee thereof to which any function of the Council under these by-laws has been lawfully delegated and is exercising its legislative and executive authority through its municipal council; or
(b) Its successor in title; or
(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 contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or
d) A service provider fulfilling a responsibility under these bylaws, assigned to it in terms of section 81 (2) of the Local Government: Municipal System Act, 2000 (Act No 32 of 2000) or any other law, as the case may be.

"**Dangerous goods**" shall have the same meaning as defined under the Transportation of Dangerous Goods Act, RSC, 1985, c T-19, or any other Act enacted in its stead.

"**Emergency Vehicle**" means any vehicle of the Fire Department, traffic police, any licensed ambulance, any military vehicle or any vehicle designated as an emergency vehicle by a competent authority, government department or the Municipality.

"**Heavy Vehicle** "means: a vehicle with a gross weight registration exceeding (10000) kg or, a vehicle, including any combination of motor vehicle trailer, machinery, equipment and load with a total weight exceeding ten thousand (10,000) kg.

"**Lane rental**" means the rental which is paid to the road authority by a service agency whose work in the road reserve results in time delay costs (TDC) being incurred by the users of the road reserve.

"Municipal store" means the municipal store of the Council.

"Parking bay" means a space designated by the Council and marked on a public road or on a parking area controlled by the Council, for the purpose of parking of a vehicle.

"**Parking coupon**" means a slip of paper that is issued by means of a parking coupon device on which the parking period , the amount paid, the registration number of the vehicle concerned and the parking bay in which the vehicle is parked, is recorded;

"**Parking coupon device**" means a portable hand held device which when operated issues a parking coupon and registers the particulars reflected on such coupon in that device;

"**Parking marshal**" means a person appointed by the Council to render a parking service in terms of this section to a person parking a vehicle in a parking bay;

"**Parking period**" means the maximum continuous period during which the vehicle is permitted to park in a parking bay as specified on a relevant parking coupon or by means of activating a parking coupon device;

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

"**Prescribed fee**" means a fee determined by the Council by resolution in terms of section 10G (7) (a) (ii) of the Local Government Transition Act, 1993 (Act No 209 of 1993), or any other applicable legislation;

"**Public road**" means a square, road, sidewalk, island in a road, subway, avenue, bridge, public passageway and any thoroughfare shown on the general plan of township or in respect of which the public has acquired a prescriptive or other right of way and which is vested in the Council in terms of section 1 of NRTA 93 of 1996n or any other law.

"**Token**" in respect of a trolley, means a sign on which the name or trade name and the address of the owner appear;

"**Trolley**" means a push trolley, push cart or any table, stand or basket on wheels;

"**Watercourse**" means a watercourse as defined in section 1 of the National Water Act, 1998 (Act No 36 of 1998);

"**Road reserve** "means the full width of a public road, and includes the verge and the roadway.

"**Storekeeper**" means the person in the service of the Council who holds the position of storekeeper or a person acting in that capacity.

"**Street entertainer**" means a person who mimes, plays a musical instruments for entertainment or engages in other performing or visual arts.

If any provision in these By-Laws vests or imposes any power ,function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), or any other law been assigned to a service provider , the reference to such an employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

The provisions of the Code of Practice for work in the road reserve set out in Schedule 2 to these by laws, form part and parcel of these Bylaws for all purposes.

CHAPTER 2

PUBLIC ROADS AND MISCELLANEOUS

1. Ropes, wires or poles across public road,

1.1 No person may place any rope, wire or pole on, under or across any public road, or hang, or place anything whatsoever thereon, without the prior written permission of the Council.

2. Damage to trees,

2.1 No person may climb upon, or break or damage or in any way mark or paint on any tree on any public road within the municipal area of the Council, and no person may, without the prior written permission of the Council, lop, top, trim, cut down or remove any such tree unless the person is authorized to do so in terms of these by-laws or other law.

3. Barbed wire, dangerous and electric fencing,

3.1 No owner or occupier of land-

(a) other than an owner or occupier of an agricultural holding or farm 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 nature of its construction or design, is or may become a danger to any member of the public using such public road;

(b) an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, or after one year from the date of commencement of these by-laws, have along a public road any electric fence, railing or other electrified barrier unless-

(i) 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 1,8 m high; and

(ii) the fence, railing or other barrier is designed and installed in accordance with any relevant specifications determined by the Council and any standard issued in terms of the Standards Act, 1993 (Act No 29 of 1993,)

(c) may erect, or cause , or permit to be erected, any electric fence, railing, wall or other electrified barrier referred to in paragraph (b) without the prior written permission of the Council, in terms of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977).

d) the full technical details of the proposed electrified fence, railing, wall or other electrified barrier must accompany any application for permission submitted to the Council.

4. Protection of public roads,

4.1 No person may place upon or off-load on a public road any material or goods that are likely to cause damage to a public road unless the person has taken reasonable precautions to protect the surface of the public road against damage.

5. Cleanliness of public roads,

5.1 No person may spill, drop or place or permit to be spilled, dropped or placed, on a public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause nuisance, danger or accident to any person, animal, vehicle or other traffic using the public road, without removing it or causing it to be removed from the public road immediately.

5.2 If the person referred to in subsection (5.1), fails to remove the matter or substance, the Council may remove such matter or substance and cover the costs of removal from the person concerned.

6. Articles placed in buildings facing public road,

6.1 No person may place any article likely to cause injury or damage to any person or property if it were to fall on a public road, or near any public road without taking all reasonable steps to prevent it from falling onto the public road.

7. Display of household Clothes and Fabric, etc.

7.1 No person shall within the municipal area of the Council, display in any manner to the view of the public, except as an article for sale in a shop window or on a sidewalk, any article of clothing or any household, domestic or other linen or any other fabric (except when used as curtains) from any window or on or from any wall or balcony or veranda or facial of the building on any street or public place.

8. Damage of Council property,

8.1 Subject to the provisions of section 10, no person may deface or tamper, damage, remove, or in any way interfere with any of the Council property or work on or along any public road. Notwithstanding, the above mentioned provisions;

(i) No person shall use a vehicle on a street if the vehicle could cause damage to the surface of the street.

(ii) No person shall use any equipment, device or any instrument or such like if it will or is likely to cause damage to the surface of such street or roadway provided that, the use of such equipment, device or instrument cannot be avoided then the responsible person or owner of such equipment, device or instrument shall ensure that any damage to the surface of such street or roadway is reinstated to its previous state.

(iii) No person shall drive, propel or move any vehicle, tractor or similar machine having contact with the road surface by motorized tracks, including a crawling crane upon, along or across any paved street without a permit.

9. Cleaning and repairing on public road,

9.1 No person may clean or repair any part of a vehicle or wash, dry or paint any article or object on any public road except in the case of an emergency breakdown of a vehicle, when emergency repairs may be done.

9.2 No person shall wash any vehicle on any public open space or on or near any municipal owned property.

[redacted]

9.4 For the purposes of this By-Law an Emergency Repair means to ensure that in the event of an incident to a vehicle beyond the control of the driver, basic measures are undertaken to either remove the vehicle or make vehicle safe for removal to the nearest place of repair within a period of three (3) hours.

10. Excavation in the public road,

10.1 No person may make or cause to be made any hole, trench, pit or tunnel on or under any public road or remove any soil, metal, or macadam therefrom without the prior written permission of the Council, unless such person is authorized to do so in terms of these By-Laws or any other law.

10.2 A person who requires permission in terms of subsection (10.1) must comply with the requirements contained in schedule (2) to these By-Laws.

10.3 A person referred to in subsection (10.1) must pay the prescribed fee.

10.4 A person referred to in subsection (10.1) must, if applicable, pay the prescribed fee for lane rental provided for in Schedule to these by-laws.

11. Defacing, marking or painting public roads,

11.1 No person in any way deface, mark or paint any public road or part of a public road or any structure related to such public road, without the prior written permission of the Council.

12. Races and sport events,

12.1 An application for consent to hold a race or sports event on any public road in terms of regulation 317 (2) of the National Road Traffic Regulations, 2000, under the National Road Traffic Act, 1996 (Act No 93 of 1996) must be submitted in writing to the Council on the prescribed form at least 60 days prior to the envisaged event.

12.2 The applicant must pay the prescribed deposit for the costs to be incurred by the Council during and after the race or sports event, to the Council prior to commencement of the race or sports event and an adjustment must be made after the conclusion of the race or sports event as soon as the Council has determined actual costs incurred by it.

13. Loitering on public roads,

13.1 No person may –

(a) lie, sit, stand, congregate, loiter or walk, or otherwise act, on any public road in a manner that may obstruct traffic;

b) Jostle or loiter at or within 20 meters of the entrance of any place of public worship during the time of divine service or during an assembly at the place of worship or departure from such place of the congregation so as to obstruct or annoy any person going to, attending at, or leaving such place of worship.

13.2 Any person contravening subsection (13.1) must, upon instruction by an authorized official, discontinue doing so.

14. Loitering and touting at places of public entertainment,

14.1 No person may loiter or, except when forming part of a queue, congregate on any public road within 20 meters of the entrance to any place of public entertainment so as to obstruct pedestrians or vehicular traffic proceeding to, attending at, or departing from such place of entertainment.

14.2 No person must, without the prior written permission tout or solicit a driver of any motor vehicle who parks a motor vehicle at a place of entertainment for the purpose of or under pretext of looking after or watching over the motor vehicle during the assembly threat or the departure therefrom.

41.3 Every permit granted in terms of subsection (2) hereof shall, unless cancelled or suspended in terms of the provisions of these by-laws, be valid until 31st December of the year of issue.

14.4 No person authorized in terms of these by-laws to act as a motor vehicle attendant shall demand any payment for his services in connection with any one motor vehicle.

14. 5 Every motor vehicle attendant shall, upon demand by any authorized official or a member of the public who engages or proposes to engage his services, produce the permit issued to him in terms of these By-Laws.

14.6 A permit granted in terms of these by-laws hereof may be revoked or suspended by the Manager: Traffic & Licensing if the holder thereof-

(a) commits a breach of these by-laws or of any condition subject to which the permit was granted;
(b) leaves unattended any motor vehicle left in his care;
(c) while performing his duties as a motor vehicle attendant is or becomes intoxicated;
(d) directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
(d) fails to observe or carry out the lawful instructions of any authorized official or member of the South African Police Service (SAPS).

14.7 An applicant who wishes to be registered as a Motor Vehicle Parking attendant shall first comply and submit the following documentation together with a written application, and
(a) Certified copy of Identity Book
(b) Fingerprints Clearance Certificate
(c) Proof of Address

14.8 No person under the age of 18 shall act as a motor vehicle attendant.

15. Public decency,

15.1 No person may appear unclothed or indecently clothed on any public road.

15.2 No person may on or in view of any public road urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act.

15.3 No person may on any public road sing any obscene or profane song or use any profane, foul, indecent or obscene language.

15.4 No person may on any public road in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging.

15.5 No person may on any public road use any threatening, abusive or insulting words or gestures or behavior with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned.

16. Trolleys,

16.1 The owner of a trolley must affix a prescribed token in a conspicuous position on the trolley.

16.2 The owner or the person who controls or has the supervision over a trolley or who offers it to be used by any person, or who uses it for any purpose whatsoever, may not leave or abandon it or permit it to be left or abandoned on any public road.

16.3 Any trolley which has been left or abandoned on a public road, may be removed, or caused to be removed, by an authorized official and be placed under the care of the storekeeper.

16.4 The storekeeper must store any trolley which has been placed under his or her care in terms of subsection(16.3) at the municipal store and the Council must publish once a month in respect of eleven months of a year calculated from the first day of January, a notice in two newspapers circulating within the municipal area which states-

(a) the name of the owner of every trolley being stored, if known

(b) the number of trolleys that are stored;

(c) that the trolley may be claimed by the owner from the Council on payment of the prescribed storage fee;

(d) that any trolley which has not been claimed after a period of three months from the date of publication of the said notice, may be sold by the Council by public auction; and

(e) that the proceeds of the public auction will accrue to the Council.

17. Public Road Collection,

17. 1 No collection on the public road may be organized or held without prior written permission of the Council.

17.2 Application for such permission must be made on a form provided for this purpose by the Council.

17.3 Every application must be accompanied by a proof that the organization or a person intending to hold the public road collection is authorized to collect a contribution in terms of the Nonprofit Organization Act, 1997 (Act No 71 of 1997), or the Fundraising Act, 1978 (Act No 107 of 1978), as the case may be.

17.4 The Council may grant permission referred to in subsection (17.1) to an organization or a person to hold a collection on a specified public road, date and at a specified time and reserves the right to determine the number of collections which may be held on any one day on the public road so specified.

17.5 Every organization or a person, holding public road collection is entitled to use his, her or its own identifiable collection boxes and if any organization or a person does not have the abovementioned boxes, the Council`s collection boxes may be used upon payment of the prescribed fee.

18. Control of Storm water and watercourses on public roads,

18.1 No person may without prior written permission of the Council, which permission may be conditional or unconditional-

(a) lead or discharge any water on or over or across a public road; or

(b) by any means whatsoever, raise the level of water in any river, dam or watercourse so as to cause interference with or damage any public road.

18.2 The Council may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned-

(a) deviate any watercourse, stream or river if the deviation is necessary for the protection of the public road
or structure related to a public road or for the construction of a structure connected with or belonging to a public road,

(b) divert storm water from or under any public road on to private property other than land occupied by
buildings, other structures or improvements; and

(c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any
damage caused as a result of any action taken in terms of paragraph (a) or (b) above or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act No 42 of 1965).

(d) When there is water, mud or slush is lying on the street, the driver or operator of a vehicle shall drive on
the street in a manner so as not to splash any pedestrian who is using the sidewalk or pedestrian crosswalk.

19. Obstruction on public roads,

19.1 No person may deposit or cause to be deposited or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on any portion of any public road, sidewalk or footway unless it is deposited within an enclosure in respect of which the prior written permission of the Council has been obtained.

20. Planting on sidewalks,

20.1 No person may plant or cause to be planted, any tree, shrub or other plant on any public road or any sidewalk, footway or road reserve forming part thereof, which obstructs or interferes with pedestrian traffic on such sidewalk, footway or road reserve or allow any such tree, shrub or plant to remain on that sidewalk, footway or road reserve.

21. Permission to hoard in footway,

21.1. Any person who intends erecting, removing, altering, repairing or painting any part of a building or structure or carrying out any excavation, on part of any land which is within 2 metres 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, structure or land by means of a hoarding, fence or other enclosure or an enclosure specified in a permit issued in terms of subsection (21).

21.2 If the enclosure contemplated in subsection (21.1), occupies or projects over any portion of a public road, the person concerned must apply for a written permission to the Council and if the person making the application is not the owner of the building or land on which the work is to be done, the owner must countersign the application.

21.3 The Council may determine what portion of the public road is necessary for the purpose

of carrying out any operations contemplated in subsection (1), and in every case where it determines that portion of a public road may be used for such purposes, grant a permit in writing specifying the portion which may be occupied for such purpose and the conditions under which such permit is granted.

21.4 The Council reserves the right to withhold the issue of a permit required in terms of subsection (2), until all prescribed fees have been paid and the acceptance of any such permit by the applicant without objection, is taken to indicate that all kerbs, gutters and other works in the portion of the public road concerned were in good order and condition on the date of issue of such permit.

21.5 Every permit granted by the Council for the erection of a hoarding, fence, scaffolding or an enclosure or a planked shed, must specify the area and precise position of that part of the public road where the enclosure, overhanging or covering is permitted and the period for which the permit is granted.

CHAPTER III

TRAFFIC MATTERS

1. Control of traffic,

1.1 An authorized official may direct any form of traffic by means of any visible or audible signal and every person must obey such signal.

2. Diversion of Traffic for Parade,

a. The Chief Law Enforcement Officer, in conjunction with the Umzimvubu Traffic Police, is hereby empowered to barricade whichever street they deem necessary for the passage of any parade and to divert traffic to other streets.

b. During any parade, all pedestrians not taking part therein shall be restricted to the use of the sidewalk and shall not cross through or in any way obstruct or interfere with the parade.

c. Except with permission in writing by the Council or a person authorized therefore, all parades must proceeds must proceed all parades must proceed on the left side of the street and shall not interfere with traffic proceeding from the opposite direction.

d. No person shall leave any vehicle on any street that has been cleared or is about to be cleared or a parade.

3. Clinging to moving vehicles,

3.1 No person travelling upon any pedal cycle, motor cycle, coaster, roller-skates, or any other similar device to any other moving vehicle, upon a public road.

3.2 No person shall race, run, crowd, ride a human powered device or jostle other pedestrians on a street or sidewalk so as to create discomfort or confusion for other pedestrians.

4. Towing of Vehicles,

4.1 No person shall tow a vehicle on a street in an unsafe manner or with an unsafe tow rope, tow chain or other connecting device or in such a manner that is deemed to be unsafe in t he opinion of any traffic officer/ law enforcement officer.

4.2 No person shall tow a vehicle in a manner that contravenes the National Road Traffic Act, 93 of 1996.

5. Removal of obstructions,

5.1 If any person causes an obstruction on a public road, an authorized official, may order such person to refrain from causing, or to remove the obstruction.

5.2 If a person causing an obstruction cannot be found, or fails or neglects to remove, or to cease causing such obstruction, an authorized official may take such steps as may be necessary to remove the obstruction, or to prevent its continuance and the Council may if the person fails or neglects to remove or cease causing the obstruction, recover the costs of the removal of theobstruction from that person.

6. Games, throwing stones, on public roads,

6.1 No person may roll a hoop or fly a kite or throw stones or use a bow and arrow, or by any means discharge any missile upon, over or across any public road, or play cricket, football or any other game on a public road.

6.2 No person may erect a tent or place chairs or any article on a public road for the purpose of a funeral, party or any other event without the prior written permission of the Council.

6.3 Notwithstanding the above mentioned provisions in these By–Laws, the Chief Law Enforcement Officer shall have the authority to temporarily close to vehicular traffic or restrict traffic, parking or stopping on any street for the purpose of:

(i) enabling work to be carried out by or on behalf of the Town, including road maintenance ,street cleaning snow removal or sewer or water line construction, repair or improvements;

(ii) facilitating the moving of any building, structure, machine or other object for which a permit has been issued under these by laws.

(iii) Facilitating the construction, repair or demolition of a building, structure or other object for which a permit has been issued under these by-laws and

(iv) Facilitating public gatherings.

7. Shoeing and cleaning of animals on public roads,

6.1 No person may shoe any animal, or clean, dress, train or break-in livestock on any public road.

8. Animals on public roads

7.1 No person may turn any livestock loose on a public road.

7.2 No person may leave any injured, feeble, emaciated, diseased or dying animal on a public road except for the purpose of seeking assistance for the removal of such animal.

7.3 Any livestock at large on a public road may be taken to a place designated by the Council, by any authorized official.

7.4 Any person contravening subsection (7.1) is liable, in addition to any penalty which may be imposed by a Court of Law, to pay to the Council the costs incurred by it in acting in terms of subsection 7.3.

7.5 No person may walk a dog on a public road unless it is on a leash and under control of that person.

7.6 Any excretion left by a dog on a public road, must be removed immediately by the person in charge of the dog and deposit the excretion in a waste receptacle provided by the Councilor removed from the road.

9. Parking meters

9.1 No person shall park a vehicle or cause a vehicle to be parked in a parking bay unless a coin or other prescribed token is inserted forthwith-

(a) Into the meter allocated to such bay; or

(b) if the meter controls more than one parking bay, into the meter controlling such parking bays as indicated by markings or signs on the roadway or sidewalk, and thereafter such meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the coin or other prescribed token inserted.

(c) Provided that-

(i) such coin or prescribed object need only be inserted during such hours indicated on the meter as prescribed;

(ii) a vehicle may be parked in a parking bay without the insertion of a coin or other prescribed object in the parking meter allocated to such bay for such part only of any parking period as such meter may indicate to be expired.

(iii) where such meter is out of operation or not operating properly, the driver of a vehicle may leave his or her vehicle in the parking bay appropriate to such meter for so long as the parking meter continues to be out of order but not for longer than the parking period determined for that bay and the vehicle may not be returned on such bay within 15 minutes of removing it therefrom.

9.2 No person may with or without the insertion of an additional coin or other prescribed token into a parking meter, leave a vehicle in a parking bay after the expiry of the parking period as indicated by the parking meter allocated to such bay or return his or her vehicle to that bay within 15 minutes after that expiry or prevent the use of that bay by any other vehicle.

9.3 The insertion of a coin or other prescribed object into a parking meter and the putting into operation of such meter where necessary in accordance with the instructions appearing on such meter entitles the person inserting it to park a vehicle in the parking bay for the period corresponding with the payment so made , provided that, notwithstanding the making of a payment as aforesaid, nothing in this section contained shall entitle any person to contravene a notice or a road traffic sign displayed by the Council in terms of these by laws.

9.4 The period during which a vehicle may be parked in any parking bay and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to such bay shall be as prescribed and the said period and the coin or other prescribed object to be inserted in respect thereof must at all times be clearly indicated on the parking meter itself.

9.5 No person may –

(a) Insert or attempt to insert into a parking meter a coin or object except;
(i) A coin of South African currency of a denomination as prescribed;
(ii) An object which is prescribed as another method of payment;
(b) Damage or deface, or write or draw on, or affix any handbill, poster, placard or other document, whether or not of an advertising nature, to a parking meter, unless the Council determines otherwise;
(c) In any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed

object;

(d) Jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose;

(e) Deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any sign or notice erected for the purpose of this section;

(f) Remove or attempt to remove a parking meter or any part thereof from the post of other fixture to which it is attached.

9.6 Every vehicle must be so placed in a parking bay, other than one which is at an angle to the kerb line, that its near side wheels are not more than 450mm from the kerb line and that it is laterally within that bay and that the driver`s seat, or in the case of a motor vehicle with left hand driver, the front passenger`s seat is opposite and close to the mark known as the driver`s mark, painted on the surface of the road or in the case of a one way street in which parking on the right hand side thereof is permitted on the roadway.

9.7 No person may place or cause or permit to be placed or to stand any vehicle not specially designed or constructed for the carriage of goods in any loading bay in any portion of a public road in which parking meters have been erected, otherwise than for the shortest possible time necessary for the loading or unloading of passengers.

9.8 Where a vehicle parked in a parking bay occupies by reason of its length so much of an adjoining bay that another vehicle cannot be parked in such bay in the manner referred to in subsection (6), the person parking the first mentioned vehicle must immediately after parking it insert an appropriate coin or other prescribed object into the parking meters of both the said bays.

9.9 No person may park a two- wheeled vehicle without a side-car in any parking bay unless such bay is designed for the use of such vehicle by means of a road traffic sign or notice

10. Parking for heavy motor vehicles,

10.1 A driver or operator of a heavy vehicle shall not park the vehicle on any street except where designated as "truck parking only" and as designated by the appropriate signs. The Chief Law Enforcement Officer shall keep a register of such area.

10.2 The Chief Law Enforcement Officer shall ensure that appropriate and sufficient signage is displayed at all entrances to Town and where necessary indicating where such "truck parking only" areas are located, if any or alternatively, appropriate signage indicating that there are "No truck parking "areas.

10.3 Such signage shall be positioned in a place that will send a clear message to the driver not to enter such areas or the Town itself, on the outskirts of Town limits.

10.4 An authorized official may have any heavy vehicle who fails to comply with these provisions, removed by an appropriate breakdown vehicle to any pound or designated yard for safe-keeping.

10.5 Any vehicle removed and impounded shall remain in the custody of such authority until such time as all fees and necessary costs incurred are settled and paid for before being released.

10.6 No heavy motor vehicle may be stopped or parked in any residential areas between the hours of 19h00 and 06h00 the following day unless such a vehicle was engaged in the removal or delivery of goods for which the driver can produce documented proof thereof.

11. Parking for vehicles transporting dangerous goods,

11.1 No person shall park a vehicle transporting or designed to transport dangerous goods in bulk within one hundred and fifty (150) metres of any residence, educational institution or place of public assembly.

11.2 Notwithstanding subsection (11.1), a vehicle carrying or transporting dangerous goods may be parked within one hundred and fifty (150) metres of any residence, educational institution or place of assembly for such period of time only as is necessary to unload the contents provided that:

(a) it is not possible for the contents to be unloaded from any other area; and

(b) the vehicle and unloading procedure are under constant supervision during the entire period of time that the vehicle is parked.

12. Parking coupon devices

12.1 (a) The Council as defined in paragraphs (a), (b) or (c) of the definition of Council in section 1(1), may designate an area where on-street parking takes place or an area where off-street parking takes place under the control of the Council, where parking is to be regulated by parking coupon devices.

(b) If in an area or part of an area designated in terms of paragraph (a), parking meters are present, the provisions of this section apply to the exclusion of section 28.

12.2 (a) In any area contemplated in subsection (12.1)(a), the Council must provide and maintain notice boards so positioned that no parking bay in that area is further than 20 meters from any such board and the content thereof is legible from any such bay.

(b) A notice board contemplated in paragraph (a), must specify-

(i) That parking in the area concerned is regulated by means of coupon devices;

(ii) The hours during which parking is permitted, and prohibited if relevant, and the hours during which a prescribed fee is payable for parking in that area; and

(iii) The prescribed fee payable for parking in a parking bay in that area.

(c) A notice displayed in terms of paragraph (a) serves as a sufficient notice to the public of the content thereof.

12. 3 No person may park a vehicle in a parking bay contemplated in this section, unless-

(a) he or she has paid to the parking marshal in attendance the prescribed fee for the parking period selected by him or her, after parking the vehicle, in cash or by means of a cash card;

(b) that parking meter marshal has caused a parking coupon for the parking period concerned to be issued and has handed it to the person concerned, and

(c) The parking coupon issued in terms of paragraph (b) has been placed on the dashboard of the vehicle concerned in such a way that the time of the parking period is clearly visible from outside the vehicle.

12.4 (a) The prescribed fee contemplated in subsection (12.3) (a), must only be paid for the hours specified on a notice board contemplated in subsection (21.2).

(b) A vehicle may remain parked in a parking bay only for the duration of the parking period selected in terms of subsection (12.3) (a).

12.5 if a parking coupon device to be operated by a parking meter marshal in attendance at a parking bay is out of order, the vehicle may without payment be parked in that parking bay and such marshal must issue a certificate confirming that the device is out of order to the person concerned and he or she must place that certificate on the dashboard of the vehicle concerned in such a way that it is clearly visible from outside the vehicle.

12.6 No person shall leave a vehicle in a parking bay after the expiry of the parking period as indicated on the parking coupon concerned or return it to that bay within 15 minutes after removing it therefrom or prevent the use of that space by any other vehicle.

12.7 No person may-

(a) Deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the parking area, contemplated in the definition of "parking bay"

(b) Remove, damage or deface any notice displayed in terms of subsection (2);

(c) Write on or deface a parking coupon or certificate contemplated in subsection (5) or

(d) In any way take possession of or handle or temper with a parking meter device in the possession of a parking marshal.

12.8 Subject to the provisions of subsection (12.9), every vehicle must be so parked in a parking bay that it is wholly within that bay.

12.9 If a vehicle parked in a parking bay, by reason of its length or its length and the length of any vehicle being drawn or towed by it, occupies any portion of an adjoining parking bay the person parking the vehicle must pay the prescribed fee for the duration of the parking period for both parking bays occupied by the vehicle.

12.10 No person may in any area contemplated in subsection (12.1), park a two wheeled vehicle without a side- car in any parking bay unless such bay is designated for the parking of such vehicle by means of a road traffic sign or notice.

12.11 If any vehicle has been parked in contravention of this section, it is deemed to have been parked by the person in whose name the vehicle has been registered, unless the contrary is proved.

a) For the purpose of this section a traffic officer appointed by the Council as contemplated in subsection , (1) may-

(i) Attach a wheel clamp to any unlawfully parked vehicle or

(ii) Act in terms of regulation 305 (6) of the National Road Traffic Regulations published in the Government Gazette under Government Notice R. 225 OF 17 March 2000.

b) A prescribed fee is payable to the Council before the removal of a wheel clamp attached in terms of paragraph (a) (i).

12.12 The provisions of this section relating to parking and payment of a prescribed fee do not apply in respect
of:

(a) A fire-fighting or a fire fighting response vehicle;

(b) An ambulance, emergency medical response vehicle or rescue vehicle;

(c) A vehicle driven by the member of the South African Police Service, municipal police or traffic department while rendering police duties.

(d) A vehicle engaged in a disaster management as contemplated in the Disaster Management Act, 2002(Act No 57 of 2002);

(e) A vehicle used in connection with the construction or maintenance of a public road or the rendering of an essential public service; or

(f) A vehicle of a medical practitioner on an emergency call on condition that the vehicle is being parked for any service or purpose contemplated in this subsection.

12.13 A medical practitioner is exempt from paying the prescribed fee, while the vehicle used by that practitioner that parked in a demarcated space to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that is legible from outside the vehicle.

CHAPTER IV

GENERAL PROVISIONS

1. Offences and penalties

1.1 Any person who-

(a) Contravenes or fails to comply with any provisions of these by-laws;

(b) Fails to comply with any notice issued in terms of these by-laws; or

(c) Fails to comply with any lawful instruction given in terms of these by-laws; or

(d) Who obstructs or hinders any authorized representative or employee of the Council

in the execution of his or her duties under these by-laws,
Is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.
Repeal of by laws

1.2 All other by laws that might be in existence regarding Public Road and Miscellaneous by laws are hereby repealed. Short title

1.3 These By-laws are called the Public Road and Miscellaneous By-Laws of 2018

UMZIMVUBU LOCAL MUNICIPALITY

CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE

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15. COMPLETION AND CERTIFICATE OF COMPLETION

1. Definitions

In this Code unless the context otherwise indicates-

"Authorized agent" means an agent which is authorized by the Council to perform specified services.

"Code" means the Code of Practice for work in the Road Reserve as approved by the Council and as agreed to by the parties including any appendices attached thereto.

"Council" means-

(a) the uMzimvubu Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 and includes any political structure or political office bearer as defined in the said Act, Councillor, duly authorized agent thereof or any employee thereof acting connection with these by-laws by virtue of a power vested in the Municipality and delegated to such political structure, political office bearer, Councillor, agent or employee;

(b) Its successor in title, or

(c) A structure or a 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 contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), or

(d) A service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act, or any other law, as the case may be.

"Lane rental" means the rental which is paid to the road authority by a service agency whose work in the road reserve results in time delay costs (TDC) being incurred by the users of the road reserve.

"Road authority" means the organization or authorized agency appointed by the Council that is responsible for providing and maintaining the road network within the municipal area of the Council.

"Road reserve" means the full width of a public road, and includes the verge and the roadway.

"Service" means any system of supplying a public need that a service agency has on the road reserve.

"Service agency" means any municipal department, public agency, company or utility that has a service in the road reserve.

"Wayleave" means a formal approval to carry out work in the road reserve.

"Work in the road reserve" means any activity including the activities provided for in section 2 of this Cod, carried out within the road reserve.

2. Procedure

2.1 The basic procedure which is required for work in the road reserve is as follows;

2.2 Approval must first be obtained for the proposed work from the relevant municipal department or authorized agent.

2.1.2 A wayleave must then be applied for in accordance with the procedure set out in this document, before any approved work can be carried out in the road reserve.

2.1.3 If the wayleave application conforms to the requirements in this document, a wayleave will be issued by the road authority which allows for the work to be carried out.

2.1.4 The road authority must be informed 48 hours prior the commencement of the work;

2.1.5 The work must be carried out according to the procedures and specifications in the Code, the conditions under which the work was approved and any other requirement of every affected service agency.

2.1.6 On completion of the work all trenches and excavations in the road reserve must be backfilled and reinstated according to the specifications contained in this Code.

2.1.7 On completion of the work and temporary or permanent reinstatement, as applicable, a completion notice must be sent to the road authority by the wayleave holder. A reinstatement order must accompany the completion notice if the road authority has to do the permanent reinstatement.

2.1.8 The road authority will then carry out an inspection and issue a certificate of completion once all requirements have been met.

2.2 The Code applies to every person who carries out work in municipal road reserves in the municipal area of the Council, such as internal municipal departments, external organizations, service agencies and contractors. It does not apply to work in motorway reserves or in national or provincial road reserves within the municipal area of the Council.

2.3 The road authority undertakes to inform the relevant service agency in writing before commencing with any work in the road reserve that may affect the services of the service agency in the road reserve.

3. Work in the road reserve

3.1 Work in the road reserve includes the digging of trenches, tunneling, erection of signboards, erection of structures, shaping and landscaping and any other work that may affect motorists, cyclists, pedestrians, the road, footways, kerbing, traffic signs, street lighting, underground or overhead services or any other structure or service that is contained within the road reserve.

3.2 Work in the road reserve can be divided into two categories

3.2.1 The first category is work relating to the installation or maintenance of underground or overhead services by municipal service agencies and non-municipal service agencies for example Telkom, Eskom, Vodacom and MTN or any other person. For this type of work the approval of wayleave

also constitutes the approval of the work as such.

3.2.2 The second category is work requiring approval of the work as such, which is a separate procedure to be completed before any application for a wayleave can be made or considered.

3.3 The second category of work includes, but is not restricted to

3.3.1 The erection of structures that require approved building plans in terms of the National Building Regulations;

3.3.2 The erection of advertising signs that require approval in terms of the relevant by-laws;

3.3.3 Road works, such as construction of new roads, road widening or accesses to developments, undertaken by developers;

3.3.4 Connections to municipal services, such as water, sewers, electricity and storm water drainage from developments;

3.3.5 Erection of hoardings in the road reserve;

3.3.6 Installation of services by private concerns, e.g. data cables to connect different buildings;

3.3.7 The installation or construction of kerbing, paving, bollards, walls, gardens, etc. on sidewalks by property owners or occupiers;

3.3.8 Road closures;

3.3.9 Traffic calming devices.

3.4 The procedure to obtain approval for this second category of work falls outside the scope of the code.

3.4.1 When applying for a wayleave for this category or work, the approved drawings together with the conditions of approval must be submitted with the wayleave application form.

4. Wayleave and lane rental

4.1 Wayleave

4.1.1 The road authority has jurisdiction over the road reserve and no work may be done on the road reserve before a wayleave in respect thereof has been issued by the road authority. A wayleave is permission ("leave") to cross the "way", i.e. the road.

4.1.2 To obtain a wayleave, a wayleave application form must be submitted, accompanied by three copies of the approved drawing showing details of the proposed work. Details required on the drawing are-

4.1.2.1 A clear depiction of the proposed work;

4.1.2.2 Where any service is to be installed, the depth of every service below the level of the surface of the road;

4.1.2.3 Distance of the service from the road reserve boundary (that is the property boundary);

4.1.2.4 Position and an extent of all structures including underground structures such as manhole, chambers, junction boxes, etc.

4.1.2.5 The location of all other services in the road

Reserve.

4.1.3 Once all these requirements have been complied with, a wayleave will be issued by the road authority. An example of a wayleave to be attached at the back of the Code.

4.1.4 The application for a wayleave must be submitted timeously to ensure that a wayleave can be issued before the work is programmed to start. Work being carried out in the road reserve without a wayleave will be stopped by the road authority.

A copy of the wayleave must therefore always be on site when work is being done in the road reserve.

4.1.5 The wayleave holder accepts full responsibility for all costs associated with the work including any damage to any other service, the cost of relocation of any other service, backfilling and reinstatement, test and any claim that may result from the work.

4.1.6 Only work described in the wayleave may be done and only at the locations given in the wayleave. The work described in the wayleave must commence within 90 days of date of issue of the wayleave, failing which the wayleave lapses and re-application is required.

4.2 Lane Rental

4.2.1 Lane rental refers to the rental in respect of a demarcated traffic lane in a road reserve which is payable to the road authority by a service agency whose work in the road reserve results in time delay costs (TDC) being incurred by the users of the road reserve.

4.2.2 It is based on a cost per traffic lane (or part of a traffic lane) occupied per day (or part of a day). An occupied traffic lane is considered as being not longer than one street block. If a traffic lane is closed for two street blocks, for example, then the costs will be for two traffic lanes.

4.2.3 A prescribed fee is payable by a service agency to the road authority and such fee may differentiate between different road categories.

4.2.4 The road authority and the service agency must, before the commencement of the work, agree on the days that will be allowed during which work must be completed. During the agreed days the service agency will pay a lane rental that is equals to 50% of the TDC. However, after the agreed completion date, the lane rental will be 100% of TDC. All costs will be based on average TDC`s that have been calculated for each road category.

4.2.5 A service agency is entitled to a reduced rate if work on the road reserve is undertaken after normal working hours, but precautions must be taken by the service agency to avoid disturbance in any residential area. For every day that work is done after normal working hours and the lane is fully opened for all the normal working hours of the following day, the lane rental will only be 10% of TDC.

4.2.6 For the purpose of calculating lane rental, normal working hours will be considered as being between 06:00 and 19:00 from Monday to Friday and between 06:00 to 14:00 on Saturday. These times are not fixed and may change depending on local conditions and special events in the vicinity where work is to be undertaken.

4.2.7 The road authority or any organization working on behalf of the road authority is exempt from payment of lane rental when any construction, resurfacing, maintenance, improvement or rehabilitation work is being done on the road itself.

4.2.8 During the days that have been agreed to in terms of 4.2.6 above, no lane rental will be payable if all traffic lanes are kept open at all times. I f work continues after the agreed completion date, a

lane rental of 25% of TDC will be charged if all traffic lanes are kept open. If a traffic lane is closed for any part of a day, normal lane rental for full day will be charged (50% of TDC before the official completion date and 100% thereafter).

4.2.9 Lane rental will also be charged if a footway is affected by work. If the footway is totally closed so that pedestrians are required to use a traffic lane, then lane rental will be payable in the normal way for the occupation of a traffic lane, since the traffic lane will not be available for vehicular traffic. If a footway is partially obstructed in such a way that it causes a delay for pedestrians, then 50% of the lane rental that is applicable for that road, will be charged.

4.2.10 for the purpose of determining lane rental for footways, a footway will be considered that part of the verge that is normally used by pedestrians. For constructed footways the whole constructed width will be considered as footway.

5. Costs

5.1 Processing fee

A processing fee is a fixed amount that is payable by the applicant when submitting a wayleave application form. This fee is to cover the costs of processing the wayleave application and will be prescribed by the Council on the recommendation of the road authority, from time to time.

5.2 Reinstatement Cost

5.2.1 When the road authority does the permanent reinstatement, the costs involved will be payable by the applicant to the road authority. The cost will be determined using the relevant reinstatement rates appearing on the wayleave application form. These rates are determined by the Council and will be reviewed from time to time.

5.2.2 In this case the wayleave application form must be accompanied by official order for an amount based on the expected area to be reinstated. The final invoiced amount payable will be determined using the measured area of the final reinstatement as agreed between the road authority and the service agency.

5.2.3 It is important to note that the decision on who does the permanent reinstatement lies with the road authority.

6. Existing services in the road reserve

6.1 The wayleave holder must obtain information from every service agency supplying a service within the municipal area of the Council on the location of its service. Every service must then be indicated on the drawings to be submitted with the wayleave application form. Every service agency may impose additional conditions relating to work in the vicinity of its service.

6.2 As part of the undertaking/ indemnity on the wayleave application form, the applicant has to confirm that the necessary information has been obtained from every service agency and has to undertake to adhere to any additional condition imposed by any service agency.

7. Road categories

7.1 All roads are classified into one of the following categories as described below. The category of a road determines the nature of the specification for backfilling and reinstatement.

7.2 The following definitions apply for the road categories:

Function	Category	Road Type	Administration
A (Class 1)	A1 A2 A3	National Roads Primary-(inter) provincial Urban Freeway/Motorway	SANRAL Eastern Cape DoT Road Authority
B (Class 2)	B2 B3	Primary-(inter) provincial Major(inter) urban arterials	Eastern Cape DoT Road Authority
C(Class3)	C2 C3	(Inter) district connectors Minor (intra) urban arterials	Eastern Cape DoT Road Authority
D (Class4)	D2 D3 D4	(Intra)district connectors (Intra) district collectors (Intra) district collectors& industrial roads	Eastern Cape DoT Road Authority Road Authority
E (Class5)	E4	Urban distributors	Road Authority
F (Class 6)	F4	Local access roads	Road Authority
G (Class7)	G5	Private roads/ Cul de Sacs	Road Authority/Residents

7.3 Every road has been categorized into one of the above by the road authority and this information can be obtained from it.

8. Protected roads

8.1 Over and above the four categories, defined in section 7 of the Code, certain roads are further classified as protected roads (no-dig roads).

8.2 A protected road is a road across which no digging of trenches is permitted. A road is protected if it has been designated a protected road by the road authority. A road is designated as protected when it is of particular strategic importance or if it poses special engineering difficulties. Every arterial is, for example, protected. Any road that has been newly constructed, overlaid or resurfaced will be protected for a period of seven years.

8.3 If a road is protected it will be indicated as such on the wayleave. A protected road may only be crossed using a trenchless method. If a trenchless method cannot be used for some reason in a protected road, special permission to excavate must be obtained from the road authority.

8.4 For the purpose of planning work done by a service provider, F4 and G5 may be regarded as unprotected unless the road has been newly constructed, overlaid or resurfaced and fall within the seven years protected period: Provided that the first 20m from an intersection with any other class road is considered to be protected.

9. Traffic signs and barricading

9.1 It is the responsibility of the wayleave holder to ensure that any law regarding traffic, safety, traffic signs and barricading is complied with.

9.2 The wayleave holder must take all necessary measures and provide all necessary facilities to ensure an adequate safe and easy passage for traffic and pedestrians through areas in which work is in

progress, or is uncompleted.

9.3 Any traffic sign and barricading must be done according to the latest edition of the South African Roads and Traffic Signs Manual (SARTSM), Volume 2, Chapter 13.An extract from that document appears at the back pages.

9.4 A wayleave may contact the relevant traffic authority to ensure that all requirements have been met for the particular location where the work is being done.

9.5 The importance of adequate traffic signs and barricading must be stressed. These measures are intended to ensure the maximum safety for motorists, pedestrians and workers and also the minimum disruption of vehicles and pedestrians. Work sites must be properly barricaded and signed irrespective of how long the work will take.

10. Road closures

10.1 The granting of a wayleave does not give the wayleave holder the authority to close the road completely to traffic. Methods of construction and programs of work must be determined on the basis that no road or portion of the road, may be completely closed to traffic for any appreciable period.

10.2 In exceptional circumstances permission will be granted for the closure of a road or portion of a road to traffic subject to provisions of any law. The wayleave holder must apply to the road authority separately for approval of such closure two weeks prior to the road being closed. Such a road closure will be approved for a specific period, i.e. from and to a specific time on a specific date and is only valid for this specific period. If the work is not completed in this specific period, an application for a new road closure will have to be made.

10.3 Work carried out on any arterial, major collector and CBD road will be restricted to outside the following periods, is from 6: 30 to 09:00 and 15:30 to 18:00, to ensure free flow of traffic during peak hours.

11. Excavations

11.1 The area which is excavated must always be kept to a minimum. The width of the trench must be uniform in length and in depth, in other words the sides must be parallel and vertical. The top of the trench must be cut with a saw to ensure smooth, uniform edges.

11.2 The minimum depth that any service may be placed under a road is 800mm measured firm the level of the surfacing of the road to the top of the service. The minimum depth to any other place in the road reserve, e.g. on a verge, is also 800mm measured from the level of the surfacing of the road and not from natural ground level. Any services not subject to being laid at a specific grade such as water pipes and cables, should not be placed at a depth in excess of the 800mm as this could interfere with a future service that has to be laid at a specific grade, such as sewers and storm water pipes.

11.3 All excavated material and equipment must be placed and demarcated in such a way as to cause the minimum disruption to vehicles and pedestrians. A safe passage must kept open for pedestrians at all times.

11.4 The wayleave holder will be responsible for any damage to any existing service. Any service indicated on the drawings or on site by a representative from any service agency, must be opened by careful hand digging. If the service cannot be found, the relevant service agency must be contacted again for further instructions. Under no circumstances may a wayleave holder dig with mechanical equipment before every known service has been found and marked. When found, a service must be marked and protected or supported as required by the owner. If any service needs to be moved,

instructions from the owner must be followed carefully. The wayleave holder will be responsible for all movement costs. If any service is damaged during excavations, the relevant service agency must be contacted immediately.

11.5 Adequate preventative measures must be taken to ensure that no water (e.g. due to rain) flows into the open trenches since this will result in the weakening of structural layers of the road. Any water that is present in a trench must be pumped out before backfilling. Water must be pumped into a storm water system and not into a sewer manhole. Any material that has become wet must be removed from the bottom of the trench before backfilling.

11.6 The wayleave holder must prevent any foreign material from entering any drain and ensure that silting does not occur either from pumping operations or as a result of rain. If any silting and other contamination does occur, the wayleave holder must clean the drain or request the road authority to do it at the cost of the wayleave holder.

11.7 All re-usable material such as concrete blocks, slabs, kerbs, gutters, channels and storm water inlets must be removed with care and re-used if possible.

11.8 If any street furniture (e g street names, traffic signs, bus shelters etc.) has to be removed, arrangement must be made with the relevant authority for the removal, storage and re-erection.

11.9 If an excavation is made through entrances to properties, access must be maintained by using steel plates, planks or other temporary bridges of sufficient strength and properly secured against movement. The occupants of the property must be kept informed at all times of how their access will be affected.

12. Trenchless methods

12.1 If a trenchless method is used, disruption of traffic flow and pedestrian movement can be reduced considerably or totally eliminated. However, it is important that the wayleave holder using such method must have all the necessary equipment and expertise to complete the work successfully. Trenchless methods can be used for all road categories, but must be used for all roads classified as protected in terms of section 8.

12.2 The position of every existing service must be located accurately. If any service is damaged, the wayleave holder will be responsible for all costs to repair such damage.

12.3 The depth to the top of any tunnel that is drilled for the installation of a new service, must be at least 800mm measured from the level of the surfacing of the road.

13. Emergency work

13.1 Emergency work is defined as any work which is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses.

13.2 The road authority must be informed of the emergency work by the service agency concerned in writing within 24 hours from commencing such work. If the road authority is not timeously informed, the work will be reinstated by the road authority and the cost thereof will be invoiced against the service agency at the increased tariff for work without a wayleave permission.

14. Specifications for backfilling and reinstatements

14.1 General

14.1.1 Any trenching activity disturbs the structural integrity of a road or footway. Backfilling and reinstatement must therefore be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.

14.1.2 Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade but exclude the surfacing.

14.1.3 Reinstatement refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.

14.1.4 Backfilling must in every case be done by the wayleave holder in accordance with the applicable specifications in sections 14.1.2 and 14.1.3. Permanent reinstatement (100mm asphalt layer), as specified in section 14.1.4 and 14.1.5, can either be done by the road authority or by the wayleave holder, subject to permission having been granted by the road authority and provided the wayleave holder has the required expertise and experience. Permanent backfilling and reinstatement (100mm asphalt layer), done by the wayleave holders subject to a guarantee period of one year based on the performance specifications described in section 14.8

14.1.5 If the permanent reinstatement must be done by the road authority, the wayleave holder must do a temporary reinstatement as specified in section 14.7. The wayleave holder will the n be charged for the permanent reinstatement at the applicable rates appearing on the wayleave application form. A reinstatement order must in such a case be submitted with together with the completion notice. The temporary reinstatement will be removed by the road authority and the backfilling will then be tested. If this does not comply with the applicable specifications, it will be replaced at a cost of the wayleave holder. These costs will be over and above the normal reinstatement costs.

14.1.6 Temporary reinstatement must also be done if the wayleave holder abandons the site for a period not exceeding two months with the view of returning to complete the work. The wayleave holder must maintain this temporary reinstatement.

14.2 Preparation of the Bottom of the Trench and Backfilling Around Service

14.2.1 The trench bottom must be prepared and compacted according to the requirements of the service agency concerned, to ensure that the service is not damaged. The same applies to the backfilling around the service. If any service with a diameter of more than 300mm is installed, the subgrade material used for the reinstatement must be soil Crete (in-situ material mixed with 8% cement, placed with poker vibrations, up to a level of 300mm above the top of the service.

14.3 Backfilling of Roads

14.3.1 The minimum requirements of the road authority are that the structural layers of the backfilled trench, i.e. the base, subbase, selected subgrade and subgrade down to a depth of 800mm below the level of the surfacing of the road, must have at least the same shear strengths as of those of the adjacent undisturbed structural layers.

14.3.2 It should be noted that it is generally very difficult to obtain the same quality structural layers in the confinement of a narrow trench as that of the undisturbed adjacent structural layers when the same materials are re-used.

14.3.3 One of the following methods must be used to ensure adequate shear strengths in trench backfill. The wayleave holder may use any one of the three following methods for backfilling:

Method A: Re-using excavated material.
During excavation of the trench, the material from
the top 400 mm of the excavation (or in the case of arterials, collectors and industrial roads, the top 550 mm) must be stockpiled separately from the rest of the material being excavated. This material must then be improved through chemical stabilization with cement and used for the base and subbase layers during backfilling, and in the below arterials, collectors and industrial roads also for the selected subgrade layers. The requirements for this method is depicted on section 14. If the material is not stockpiled separately during excavation, the road authority will require that material with the required properties be imported. Material which was originally stabilized cannot be re-used and must be discarded.

Method B: Importing material.
Import a G5 grave material and stabilize with 60 kg of cement per m3 0of material. Water must be uniformly mixed into the material. The material must then be placed in the trench in 75 to 100 mm layers and compacted to the required Mod. AASHTO densities as specified in figure 1 of the Code. The final layer must be finished to a level of 100 mm below the level of the surrounding sound surface of the road.

Method C: Low strength concrete: Specially designed concrete mix (SDCM) for trench backfilling.

All Road Trenches/ Openings: Place 300mm SDCM concrete of minimum 2.5 Mpa crushing strength (28 days) and manufactured to an approved manufacture`s specification. The SDCM concrete to be placed 50mm below the level of the surrounding sound surface of the road. The rest of the trench is backfilled with selected approved material compacted to 90% of MOD AASHTO density.

All Footway Trenches/ Openings: Place 150mm SDCM concrete of minimum 2.5 Mpa crushing strength (28 days) and manufactured to an approved manufacture`s specification. The SDCM concrete mix is to be placed 30 mm below the level of the surrounding sound surface of the road. The rest of the trench is backfilled with selected approved material compacted to 90% of MOD AASHTO density.

14.3.4 Quality control of the backfilled structural layers can be done by measuring the shear strengths of the adjacent structural layers as well as that of the backfilled layers. The shear strength can be measured with a dynamic cone penetrometer (DCP) or a rapid compaction control device (RCCD). Although the shear strengths of the backfilled layers will be measured against undisturbed structural layers, an indication of probable acceptance on most roads can be obtained from the typical DCP and RCCD Penetration diagram depicted on figure 2 on section 14.8.7.

14.4 Backfilling of Footways

14.4.1 Any footway, where there is no possibility of vehicles crossing the footway, must be backfilled using the excavated material, placed in the trench in 150mm layers and compacted to 90% Mod AASHTO density (maximum DCP penetration of 19mm,blow) for all layers below the base and 93% Mod AASHTO density (maximum DCP penetration of 14mm/ blow) for the base.

14.4.2 Any footway where there is a possibility of light vehicles (cars and LDV`s) crossing the footway, typical where there is a mountable kerbing, must be backfilled with Method A or Method B described in section 14.3.3 according to the standards for local streets specified in figure 1 following in section 14.8.7

14.4.3 Where any heavy vehicles make use of a footway, such as loading zones in industrial areas, the footway must be backfilled using Method A or Method B described in section 14.3.3 according to the standards for arterials, collectors and industrial roads on Figure 1 following on section 14.8.7.

14.4.4 Any excavation in an unconstructed verge must be backfilled in such a way that the verge is in the same condition after backfilling as it was before excavation. All excess material must be removed and not spread over the verge. Topsoil must be removed and stored separately and replaced as the final layer.

14.5 Permanent Reinstatement of Roads

14.5.1 The same method of reinstatement must be used independent of the method of backfilling of the structural layers.

14.5.2 The permanent reinstatement of the surfacing must consist of 100mm hot-mix asphalt. The lower 70mm must be "black base" (26.5mmnominal stone size, continuously graded) and the top 30mm fine (4.75mm nominal stone size continuously graded). Cold mix may only be used for temporary reinstatement. Both these surfacing layers must be compacted to 95% Marshall density.

14.5.3 The reinstated surfacing must be at least 100mm wider than the trench on both sides to accommodate any edge break where saw cutting was not possible.

14.5.4 The material used for the reinstatement of the surfacing must comply with the relevant requirements as described earlier in the Code: Asphalt Base and Surfacing of the Committee of Land and Transport Officials (COLTO) or its successor in title, Standard Specification for Road and Bridge Works.

14.5.5 In the case of any road surfaced with interlocking paving blocks, the general procedure would be to re-use the material be used, it must be of the same type and size as the existing material and must comply with the requirements of SABS 1058-1985,as amended.

14.6 Permanent Reinstatement of Footways

14.6.1 The general procedure would be to re-use all the material removed during the excavation of the trench. If new material has to be used, it must comply with the following requirements:

(a) Precast concrete kerbs and channels: Any precast concrete kerbs and channel must comply with the requirements of section 2300: Concrete kerbing, Concrete Channeling, Open Concrete Chutes and Concrete Linings for Open Drains of the COLTO standard specification for Roads and Bridge Works. All cast in –situ concrete must be Class 25/19.

(b) Concrete paving blocks: All concrete paving blocks must comply the requirements of SABS 1058-1985 as amended.

(c) Cast In-situ concrete: All cast in-situ concrete must comply with the relevant requirements of section 6400: Concrete for Structures of the COLTO Standard specification for Roads and Bridge Works. All cast in-situ concrete must be Class 25/19.

(d) Precast concrete paving slabs: All concrete paving slabs must comply with the requirements of SABS541-1971, as amended.

14.6.2 Any constructed footway must be reinstated with the same surfacing materials that existed

originally (e.g. concrete blocks, slabs, etc.). Material may be re-used if undamaged, or else replaced with similar material.

14.6.3 If a private driveway and footway with non-standard materials are to be excavated, the owner of the property concerned must be informed in advance and in writing of the intended work. The owner must then supply the wayleave holder with the materials that are to be used for the reinstatement.

14.6.4 If any unconstructed verge has an established lawn, this must be removed, stored and replaced in sods in such a way that the lawn is in the same condition after reinstatement as it was before excavation. If the sods are allowed to dry out or become damaged in any way, they must be replaced with similar sods.

14.6.5 If an unconstructed verge has been planted with garden vegetation other than lawn, the owner of the adjacent property must be consulted before excavation, to obtain instructions on what to do with the plants that are affected. Every effort must be made to preserve all plants.

14.7 Temporary Reinstatements by the Wayleave Holder

If the permanent reinstatement is to be done by the road authority, the wayleave holder must do temporary reinstatement with a suitable material that is compacted to an adequate density to ensure that it will carry the traffic for a period of at least 14 days without deforming or potholing. The temporary reinstatement must be maintained by the wayleave holder in a serviceable condition for a period of 14 days from the date on which the completion certificate has been issued by the road authority. After the 14 days period the maintenance will be taken over by the road authority. It is recommended that cold mix asphalt be used for temporary reinstatement.

14.8 Performance Specification

14.8.1 The performance of any trench permanently reinstated by the wayleave holder will be monitored For 12 months, during which period the wayleave holder will be held responsible for any remedial work that may be required.

14.8.2 The tests that were used for quality control (density or shear strength) will be used to determine whether or not the work was done according to specifications. The road authority may do additional tests if the quality control tests are not considered to be adequate.

14.8.3 Remedial work will be required if any of the following defects exists:

(a) Depressions

(b) Humps (crowning);

(c) Edge depression (trips, vertical discontinuities) at the interface; or

(d) Cracking.

14.8.4 Any depression or hump will be measured with a straight edge across the reinstatement and will require remedial work if the following limits are exceeded over 100mm or more of the length of the trench.

Reinstatement Width	**Height of Deformation or Hump as measured with straight edge (mm)**
Up to 400	10
400 to 500	12
500 to 600	14

600 to 700	17
700 to 800	19
800 to 900	22
Over 900	25

14.8.5 Remedial work will also be required if a depression results in standing water wider than 500 mm exceeding one square meter, two hours after rain has stopped.

14.8.6 Any edge depression exceeding 10 mm over 100 mm or more of the length of the trench will require remedial work.

14.8.7 Any open crack wider than 3 mm and longer than 100 mm will require remedial work.

Layer	**Treatment**		**Layer thickness (mm)**	**Depth (mm)**
Surfacing	Temporary Surfacing Material from top 400(550) mm 4% OPC 98% Mod AASHTO	Permanent Surfacing 30mm Bitumen hot-mix fine 70mm Bitumen hot-mix : BTB	100	100
Base	Material from top 400 (550)mm stockpile Stabilize with 4% OPC Compact to 95% Mod AASHTO		150	250
Subbase	Material from top 400 (550)mm stockpile Stabilize with 4% OPC Compact to 95% Mod AASHTO		150	400
Selected Subgrade	Local streets : Compact to 93% Mod AASHTO	Arterials, collectors and Industrial streets: Material from top 550mm stockpile Stabilize with 4% OPC Compact to 93% Mod AASHTO.	150	550
Subgrade	Compact to 90% Mod AASHTO		250	800

Figure 1

Recommended method for permanent backfilling

15. Completion notice and certificate of completion

15.1 On completion of the work concerned the wayleave holder must fill in the completion notice and return it to the road authority within 24 hours. The road authority will then arrange a site meeting with the wayleave holder to do an inspection and to issue a certificate of completion if all requirements have been met. The twelve months guarantee period for permanent reinstatement by the wayleavenholder, or the 14 day maintenance period for temporary reinstatement by the wayleave holder, commences on the day after the date of issue of the certificate of completion.

15.2 Completion of the work means that all work has been completed and that all material, equipment and rubble have been removed and the site is completely cleared and cleaned and that either the permanent or temporary reinstatement, as applicable, has been done by the wayleave holder.

15.3 If work involves more than one street link (street block), a completion notice must be submitted after completion of each link.

UMZIMVUBU INFRASTRUCTURE DEPARTMENT

WAYLEAVE APPLICATION FORM

Application is hereby made by the undersigned to do work in the road reserve as detailed below. The applicant undertakes to do the work according to the CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE contained in these Public Roads and Miscellaneous by-laws 2017.

No work may commence before a wayleave is issued in respect thereof. All permanent reinstatements (100 mm asphalt layer) will be done by the road authority unless specific permission is granted to the applicant to do it for this wayleave. All applicable fees are to accompany this application.

APPLICANT

AGENCY/DEPARTMENT/ PRIVATE: _____

CONTACT PERSON _____CONTACT NUMBERS_____

CONTRACT FAX_____ E-mail _____

CONTRACTOR: _____ PROJECT NO: _____

REINSTATEMENT ORDER NO: _____

PROVISIONAL DATES

STARTING DATE: _____ COMPLETION DATE: _____

DRAWING NUMBER: _____

LOCATION OF WORK (give full details)

SUBURB : _____ STREET NAME: _____

STREET (FROM): _____ STREET (TO):_____

ERF NO`S : _____

HOUSE NO`S : _____

EXCAVATION DETAILS:

LENGTH OF EXCAVATION: RIDING SURFACE _____m: KERBS_____m

ASPH FOOTWAY: _____m INTERNAL BLOCK_____m: UNPAVED FOOTWAYS_____m

SPECIAL NOTE

For the purpose of planning work done by service providers, local streets may be regarded as unprotected unless it has been newly surfaced and provided that the first 20 m from an intersection with any other class roads are considered to be protected.

FOR EXAMPLE THE FOLLOWING AGENCIES ARE AWARE THAT THEAPPLICANT WILL BE WORKING WITHIN THE VICINITY OF THEIR SERVICES, HAVE GIVEN THE APPLICANT THEIR CONDITIONS FOR WORKING WITHIN THE VICINITY OF THEIR SERVICES AND THEREFORE HAVE NO OBJECTION TO APPLICANT APPLYING FOR THE WAYLEAVE.

AGENCY	REMARKS/ SIGNATURE/ DATE
TELKOM	
ESKOM	
PARKS	
VODACOM	
CELL C	
MTN	

ROAD AUTHORITY OFFICE USE

DATE RECEIVED	NAME OF OFFICIAL	SIGNATURE
	APROVED	

YES	NO	WAYLEAVE NO:	

UMZIMVUBU INFRASTRUCTURE DEPARTMENT

UNDERTAKING/ INDEMNITY

I, the undersigned hereby, acknowledge the receipt of a brochure containing the procedures and conditions pertaining to wayleave applications and understand that it will be my responsibility to contact the relevant service agencies within and outside the jurisdiction of Umzimvubu municipality, undertake to adhere to the conditions not applicable to this department, for example ESKOM, VODACOM etc.

- Undertake to furnish the relevant service agencies with all necessary application forms and information obtained as a result of this application, in order to obtain final wayleave approval and permission to work within the road reserve.
  - Acknowledge that service information is given in good faith and that the accuracy of this information is not guaranteed.

- Guarantee all backfilling and permanent reinstatement work done by a contractor, for a period of twelve months that would start 14 days after the work is signed off as completed by the UMZIMVUBU ROAD AGENCY Inspector.
- Accept responsibility for all costs associated with the work, including any damage to other services, backfilling and reinstatement of trenches, the costs of any tests that may be required any claims that may result from the work done by the Contractor until the work is taken over by the road authority and the permanent reinstatement is completed.
- Accepts the terms and conditions of the aforesaid Code of Practice for Work in the Road Reserve.

Signature (Applicant) Signature (Road Authority Officer)

SUMMERY OF CONDITIONS FOR WORK IN THE ROAD RESERVE

- Before any work is done in the road reserve, a wayleave must be issued by the road authority wayleaves office. This will only be done after a completed wayleave application form has been received by the wayleave officer and the reinstatement fee paid. Before submitting the form to the wayleave officer, approval must be obtained from all other agencies indicated on the form.
- In the case of emergency work, e.g. burst pipes, a wayleave application form must be submitted within 24 hours and the road authority maintenance depot must be informed.
- All work must be done according to the aforesaid Code of Practice. Only work indicated on the wayleave form may be done and only during changing the dates.
- The wayleave holder is responsible for all costs, including any damage to another service, backfilling, reinstatement, tests and any claims that may result from the approved work. The wayleave holder is also responsible for traffic signs, barricading and the safety of other road users and workers.
- If any tree or road furniture are affected by the proposed work, then the relevant office must be contacted.
- Any underground service must not have less than 800 mm cover all manhole or valve covers must be finished flush with the surface of the road or the verge.
- Backfilling and reinstatement: Backfilling must be done according to the specifications given in the aforesaid Code of Practice. The minimum requirement is that the backfilled layers must have at least the same shear strengths as those of the adjacent undisturbed pavement layers. The tests done with a DCP or a RCCD will either be done by the road authority or a copy of the results handed into the issuing wayleave office.) authority unless specific permission is granted to the wayleave holder to do the work.
- The wayleave holder is responsible for obtaining the required strengths, but the following is recommended as a method that is sufficient in most cases.
  - The wayleave holder must ensure that the top 400 mm (550 mm for arterials, collectors and industrial streets), be stockpiled separately and stabilized with 4% Ordinary Portland Cement (OPC) approximately 80kg/m3 of cement. The material must be compacted in thin (75 to 100 mm) layers with a vibratory compactor at optimum moisture content (OMC) to the required densities (base: 98%, subbase: 95%, selected subgrade: 93% and subgrade: 90% Mod AASHTO) to within 100mm of the existing road surface. This method should provide the required shear strengths in most cases, but it should be noted that material that was originally stabilized cannot be re-used and must be discarded.
  - The reinstatement of the surfacing must consist of 100 mm hot- mix asphalt. The lower 70mm must be black base (26,5 mm nominal stone size, continuously graded) and the top 30 mm fine (4,75 mm nominal stone size, continuously graded hot mix). Cold mix may only be used for temporary backfills (Emergency backfill).

- If desired the wayleave holder may place foamed concrete of a minimum 4 MPa crushed strength and manufactured to an approved manufacturers specification. The foamed concrete is to be placed to level 100 mm below the surrounding surface level. As soon as the foamed concrete has set sufficiently, a 70 mm layer of asphalt base course material must be placed on top followed by a 30 mm layer of continuously graded asphalt wearing course material.
- The top 100 mm of a trench must be backfilled by the wayleave holder, compacted and maintained in a serviceable condition for a period of 14 days commencing on the day after the date of issue of the certificate of completion.
- Constructed footways must be reinstated with the original surfacing materials and the supporting layers compacted to obtain shear strengths at least equal to those of the adjacent undisturbed footway.
- Unconstructed verges must be backfilled in such a way that the verge is in the same condition as it was before excavation.
- After completion of any work in the road reserve, the site must be cleared and cleaned and all excess material, tools and equipment must be removed.
- The wayleave form, or copy thereof, must be returned to the wayleave officer within 24 hours after completion of the work with the completion notice and signed by all parties and must be accompanied by the DCP or RCCD test results.
- Any excavation left unattended for a period of more than 5 days, will be made safe by the road authority and charged to the service agency or contractor, who made the excavation.

UMZIMVUBU INFRASTRUCTURE DEPARTMENT

CERTIFICATE OF INSPECTION AND COMPLETION

Wayleave No: _____

The road authority inspector must sign this form. The signature is just for administrative control and by no means implies that the work has been done according to the specifications and conditions of the wayleave. The responsibility of ensuring that the service has been correctly installed, is that of the applicant.

Description of wayleave Date: _____

_____	_____	_____	_____
Street on	Street from	Street to	Suburb

Responsible person (for the erection/ installation of the service)

Name: _____ Company: _____

Telephone No: (_____) _____

COMPLETION NOTICE

The infrastructure office is hereby informed that:

- The work done in terms of the above wayleave has been completed according to the conditions as prescribed in the wayleave.

AND

- The permanent reinstatement has been done in accordance with specifications in the Code of Practice for work in the Road Reserve.

OR

- A temporary reinstatement has been done and reinstatement order to the amount of R_____ is attached for the road authority to do the permanent reinstatement.

Name: _____ Signed_____ _____

Wayleave Holder Date

CERTIFICATE OF COMPLETION

It is hereby certified that the site of the work carried out in terms of the above wayleave was inspected on the date above and that:

- The work has been completed
- The site has been cleared and clean, and
- The wayleave holder did the permanent reinstatement and the 12 month guarantee period commences from date.

OR

The wayleave holder did a temporary reinstatement and the 14 day maintenance period commences from the day after the date of issue of the certificate of completion. A reinstatement order was received from the wayleave holder.

SITE INSPECTION

REMARKS:

_____

_____

_____

REINSTATEMENT ORDER NO: _____.