

PROVINCIAL NOTICE 47 OF 2019

COLLINS CHABANE LOCAL MUNICIPALITY

**COLLINS CHABANE
LOCAL MUNICIPALITY**
Since 2016



TRANSPORTATION OF GOODS BY LAW, 2019

COLLINS CHABANE LOCAL MUNICIPALITY

TRANSPORTATION OF GOODS BY-LAW, 2019

The Municipal Manager of Collins Chabane Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the transportation of goods by-law for Collins Chabane Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

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PART1: DEFINITIONS AND INTERPRETATIONS

1. DEFINITIONS

In these By-laws, unless the context otherwise indicates –

“**Block**” means the portion of a street which lies between two (2) other streets neither of which is a lane and which both intersect the first named street;

“**Curb**” means the dividing line of the street between that part of the street intended for use of vehicles and that intended for use by pedestrians whether marked with a curb stone or not;

“**Dangerous Goods**” shall have the same meaning as defined under the transportation of Dangerous Goods Act, R.S.C., 1985, c. T-19, or any other Act enacted in its stead;

“**Double-park**” means the standing of a vehicle, whether occupied or not, parallel to a vehicle parked beside the curb in a designated parking area, **or** parking to the rear of any vehicle that is angle-parked at the curb in a designated angle-parking area for any reason other than delay due to traffic signs or traffic control signals;

“**Driver or Operator**” means any person who drives, operates, is in charge of or is in actual physical control of a vehicle including a driver, leader or rider of an animal;

“**Emergency Vehicle**” means any vehicle of the Fire Department, the Collins Chabane Local Municipality Traffic Police, any licensed ambulance, any military vehicle or any vehicle designated as an emergency vehicle by a competent authority, government department or the Chabane Local Municipality;

“**Heavy Vehicle**” means: a vehicle with a gross weight registration exceeding ten tons, or a vehicle, including any combination of motor vehicle, trailer, machinery, equipment and load, with a total weight exceeding ten tons.

“**Holiday**” means any Day determined to be a public holiday, or by proclamation by the South African Government as a public holiday, and when any Holiday falls on a Sunday, the expression “holiday” includes the following day;

“**Intersection**” means that portion of the roadway where two (2) or more streets intersect;

“**Lane**” means that kind or type of a street intended primarily to give access to the rear of real property and intended primarily for the use of vehicles;

“**Lane Intersection**” means that area bounded by property lines or a lane where it meets with the street;

“**Loading Zone**” means that portion of a street adjacent to the curb designated by a sign or a marking for the exclusive use of vehicles loading or unloading of goods;

“**Marking**” means any pavement marking installed on the street for the guidance, regulation, warning, direction or prohibition of traffic;

“**Municipality**” means the Municipality of Collins Chabane or its successor in title as envisaged in section 155(1) of the Constitution, established by Notice No 308 and Notice No 397 of 2000 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

“**Municipal Manager**” means the person appointed as the Collins Chabane Local Municipality Municipal Manager in terms of section 54A of the Municipal Systems Act and includes any person acting in that position or to whom authority has been delegated;

“**Obstruction**” in relation to a road, means any motor vehicle or any other thing which blocks or is likely to block traffic flow;

“**Overnight**” means the period from 19h00 in the evening to 06h00 in the morning;

“**Parking**” means the standing of a vehicle, whether occupied or not, on a street, otherwise than temporarily for the purpose and while actually engaged in loading or unloading or in abeyance to traffic regulations, signs or signals;

“**Parking Stall**” means a portion of a street or an area indicated by a sign, marking, meter or a physical barrier as a parking space for one (1) vehicle only;

“**Pedestrian**” means any person on foot or confined to a wheelchair and shall include a baby carriage;

“**Pedestrian Crosswalk**” mean: (1) that portion of a street designated by a sign or a marking for the use of pedestrians to cross a street; (2) a crosswalk that has been designated as a pedestrian crosswalk that has an overhead pedestrian crossing sign equipped with a red or yellow flashing signal; (3) where there is no sign, marking or flashing signal, that portion of a street within the prolongation of the lateral boundary lines of the adjacent or intersecting sidewalks at the end of a block; or (4) where there is no sign, marking, sidewalk, or flashing signal, that portion of the street measured five (5) metres back from the intersection and parallel across the roadway;

“**Person**” means any corporation, firm, partnership, association, registered company, and unincorporated group of persons, natural person or other aggregation of the same;

“**Police Officer**” means a member of the Collins Chabane Local Traffic Police or a member of the South African Police Service or Traffic Warden appointed by the Collins Chabane Local Municipality;

“**Public Place**” means— (a) a public road; (b) any parking area, square, park, recreation ground, sports ground, open space, shopping centre, unused or vacant municipal land or cemetery which has (i) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(ii) at any time been dedicated to the public;

(c) a public transportation motor vehicle,

(d) but will not include public land that has been leased or otherwise alienated by the Town;

“**public road**” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming PART of or connected with or belonging to such road, street or thoroughfare;

“**Sidewalk**” means the actual sidewalk where constructed on or adjacent to a PART of a street or that portion of a street intended primarily for use by pedestrians, or any structure in a park or other public place designed and intended for use by pedestrians;

“Sidewalk Crossing” means that PART of a sidewalk permanently improved or designated for passage of vehicular traffic whether intended for private or public use;

“Sign” means any sign, signal, marking or other device installed for the guidance, regulation, warning, direction or prohibition of traffic, parking, standing or stopping;

“Slow-Moving Vehicle” means any slow-moving vehicle or equipment, any animal-drawn vehicle or any other machinery designed for use at a speed of less than forty (40) kilometres per hour or that normally travels or is used at a speed of less than forty (40) kilometres per hour;

“Stop” means: when required, a complete cessation from movement; or when prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Traffic Officer or traffic control signal;

“Street” means a road, lane or other place designated and intended for or used by the general public for the passage of vehicles and pedestrians but does not include: (1) a parking lot, whether privately or publicly owned; or (2) a provincial highway as designated pursuant to the provisions of The Road Traffic Act, 1996, or such Act as may be enacted in its stead from time to time;

“Traffic” means the movement of pedestrians, vehicles or animals on any street;

“Vehicle” means a “motor vehicle” as defined in The Road Traffic Act or any Act as may be passed in its stead from time to time and includes a device in, upon or by which a person or thing is or may be transported or drawn upon a street and includes special mobile machines and agricultural implements, and, for the purpose of parking and stopping restrictions, includes any portion of a vehicle but does not include a wheelchair.

2. PURPOSE OF THE BY-LAW

Purpose of this By-Law is to assist Collins Chabane Local Municipality to regulate any activity related to transportation of goods within its area of jurisdiction; to ensure proper management of movement of transportation vehicle and delivery hours; to control traffic within the municipal area and CBD and to provide procedures of applying for parking and loading bay permits.

3. APPLICATION OF THE BY-LAW

- 1) This By-Law applies to all vehicles registered in the Republic of South Africa, wherever they may be, and to all vehicles other than those registered in the Republic, whenever they are within the Republic, in or on which goods are transported, and to such dangerous goods.

CHAPTER 2: TRAFFIC CONTROL AND ERECTION OF PERMANENT SIGNS

- (i) The Municipal Manager is hereby authorized to erect and maintain signs for the purpose of controlling, warning, stopping, yielding, guiding, informing and directing traffic in conformity with the provisions of this By-Law.
- (ii) The Municipal Manager shall keep a register of the location of all permanent traffic control systems, signs, devices and zones where parking, stopping and speed limits are restricted by permanent signs and the register shall be open for inspection at the office of the Municipal Manager during normal business hours.

4. TEMPORARY STREET CLOSURES

- 1) Notwithstanding any other provision in this By-Law, the Municipal Manager shall have the authority to temporarily close to vehicular traffic or restrict traffic, parking or stopping on any street for the purpose of:
 - a) 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;
 - b) facilitating the moving of any building, structure, machine or other object for which a permit has been issued pursuant of this By-Law;
 - c) facilitating the construction, repair or demolition of a building, structure or other object for which a permit has been issued pursuant to of this By-Law;
 - d) facilitating public gatherings.
- 2) Notwithstanding any other provision of this By-Law, a Traffic Officer or a person authorized by the Municipal Manager to enforce this By-Law shall have the authority to temporarily close to vehicular traffic or restrict traffic, parking or stopping on any street to avoid traffic congestion, danger, accident, traffic signal malfunction or other emergency.
- 3) Where a street has been closed pursuant to subsection 5.1, the Municipal Manager shall install such temporary stop, yield, parking or detour signs as may be required.
- 4) For the purpose of street repair and maintenance, the Municipal Manager may move, for such distance as is necessary, any vehicle that is parking on any street or portion thereof which is roped off, barricaded or indicated by notice or sign as being closed.
- 5) No person shall drive, park or stop a vehicle or walk on any street or portion there of that is roped off, barricaded or indicated by sign or notice as being closed.
- 6) Notwithstanding any other provisions of this By-Law, a Traffic Officer is hereby authorized to direct traffic in any manner he deems necessary to expedite traffic, safeguard pedestrians, prevent accidents or meet any unforeseen conditions, whether or not in conformity with this By-Law or The Road Traffic Act, in event of a fire, accident, traffic control system device malfunction or other emergency.
- 7) Notwithstanding any other provision of this By-Law, in the case of fire or other emergency and no Traffic Officer or Municipal Manager is present, an officer of the Fire Department is authorized to direct traffic in such a manner as he deems necessary whether or not his directions are in conformity with the provisions of this By-Law or The Road Traffic Act.

PART 3: STOPPING, STANDING AND PARKING OF GOOD VEHICLE

5. PARKING LIMIT SIGNS

- 1) Except as otherwise provided for under this part or any other Act or in the absence of any appropriate signs;
 - a) no person shall park a goods vehicle on a street for a longer time than allowed by signs thereat,
 - b) no person shall park a goods vehicle on any street, verge or open space to advertise the sale of vehicles,
 - c) no person may park a goods vehicle on any street, verge or open space in such a manner so as to advertise or promote any business or sales provided that;
 - I. such promotion or advertising is authorised by the Council or person authorised to approve same and,
 - II. the manner in which the promotion or advertising is done does not cause any obstruction or distraction to businesses or traffic flow.

6. NO PARKING LOCATIONS

- 1) The driver or operator of a goods vehicle shall not park the vehicle
 - a) on a street or part of a street designated as a no parking area by the appropriate signs;
 - b) in any lane to load or unload goods;
 - c) within ten (10) metres of a street intersection;
 - d) within three (3) metres of a lane intersection;
 - e) within two (2) metres of any sidewalk crossing;
 - f) within five (5) metres of a fire station driveway;
 - g) within six (6) metres of a crosswalk.
 - h) (within fifteen (15) metres of a stop sign or traffic signal.

7. DOUBLE-PARKING

No person shall double-park a goods vehicle on any street.

8. LOADING ZONES AND PARKING BAYS

- 1) No person shall cause or permit a vehicle other than a goods vehicle to remain in a loading zone for a period of time greater than is reasonably necessary for the actual loading or offloading of persons or goods.
- 2) The street area adjacent to the curb designated by a sign or marking as a "loading zone" shall be used by a driver or operator of a vehicle in accordance with the time limits and directions set out on the sign.
- 3) A goods vehicle may park in an area designated as a "loading zone" for such period as necessary for the Loading or Off-Loading of goods to or from a place of business reasonably close to such "loading zone" provided that;
 - a) The owner or operator of such goods vehicle parks for the period that is deemed reasonably necessary for the loading or off-loading of goods; and
 - b) Includes a vehicle engaged in the loading or off-loading of goods within a reasonable period deemed necessary to complete such loading or off-loading.
- 4) No driver or person in charge of a goods vehicle may park or cause such goods vehicle to be parked in a demarcated parking place across any painted line marking the confines of the parking place or in such position that the said vehicle is not entirely within the area demarcated.
- 5) The owner or operator of a vehicle, excluding a goods vehicle, shall at all times whilst loading or off-loading ensure that he or she is present at the vehicle for the duration of such Loading or off-loading.
- 6) No person except a physically handicapped person may park a vehicle or permit such vehicle to be parked in any demarcated parking bay which has been reserved exclusively for the use by permanent physically handicapped persons and which has been indicated as such by an applicable information sign.

9. PRIVATE PROPERTY

- 1) The driver or operator of a goods vehicle shall not park the goods vehicle on or in any private parking space or on any private property except with the express consent of the owner, occupant or permittee of the private parking space or the private property.

10. ENGINE RUNNING

- 1) No person shall park a goods vehicle in any public parking stall or street with the engine running unless;

- a) the goods vehicle is securely locked and the emergency brake is on provided that, such parking or stopping is beyond the control of the driver or operator;
- b) the goods vehicle is occupied by or under the control of the driver, operator or another responsible person.

GENERAL PROVISIONS RELATING TO PARKING

11. LIMITATION ON PARKING

- 1) No person shall between 20h00 on one day and 06h00 on the following day, park -
 - a) a goods vehicle which exceeds 2 400 kg in tare;
 - b) a trailer; or
 - c) an animal drawn vehicle in one place on a public road within the Central Business District or General Industrial Area or in any public car park for a continuous period exceeding one hour.
- 2) The provisions of sub-section (1) shall not apply to any vehicle that has been parked as a result of an accident, breakdown or other emergency for no longer than is necessitated by such accident, breakdown or other emergency.

CHAPTER 4: DRIVING; OPERATION OF GOODS VEHICLES AND OTHER PROVISIONS

12. ENTERING AN INTERSECTION

- 1) Notwithstanding any traffic signal indication to proceed, the driver or operator of a goods vehicle shall not enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the driver's or operator's goods vehicle without obstructing the passage of traffic.

13. TOWING VEHICLE

1. No person shall tow a goods vehicle on a street in an unsafe manner or in such a manner that is deemed to be unsafe in the opinion of any Police/ traffic Officer.
2. No person shall tow any goods vehicle in contravention of the National Road Traffic Act 93 of 1996 as amended from time to time.

14. MAXIMUM SPEED

- 1) No person shall drive or operate any goods vehicle on a street at a speed greater than the speed permitted by the posted signs.
- 2) No person shall drive or operate any vehicle at a speed greater than twenty (20) kilometres per hour on any lane, cemetery or public parking lot unless otherwise indicated by appropriate signs displaying such.

15. CARE IN OPENING VEHICLE DOORS

- 1) No person shall open or leave open the door of a goods vehicle that is next to moving traffic unless it is safe to do so.

16. DAMAGE TO STREET

- 1) No person shall use a goods vehicle on a street if the goods vehicle could cause damage to the surface of the street.

17. HEAVY VEHICLES AND VEHICLES TRANSPORTING DANGEROUS GOODS

- 1) No person shall operate a heavy vehicle on any street except:

- a) upon the streets set out in a register kept by the Municipal Manager whereby certain streets are established as heavy vehicle routes;
 - b) while such heavy vehicle is making collection or delivery, provided that the driver or operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest heavy vehicle route;
 - c) while such heavy vehicle is proceeding to or from the business premises of the owner, driver or operator of the heavy vehicle, provided that the driver or operator proceeds by the most direct route to or from the business premises, to or from the nearest heavy vehicle route;
 - d) while such heavy vehicle is proceeding to or from a garage for the purpose of repairs, servicing or refuelling, provided that the driver or operator proceeds by the most direct route to or from the garage, as the case may be, to or from the nearest heavy vehicle route;
 - e) While such heavy vehicle is engaged in work and in the service of the Collins Chabane Local Municipality.
- 2) No driver or operator of a heavy vehicle shall fail to comply with the request of a Traffic Officer or a person authorized to enforce this By-Law by the municipality to immediately proceed to the municipal weigh-scale and there allow the vehicle to be weighed for the purpose of determining whether the vehicle is a heavy vehicle.

18. DANGEROUS GOODS TRANSPORTATION ROUTES

- 1) The streets set out in a register kept by the Municipal Manager are hereby established as dangerous goods transportation routes.
- 2) No person shall operate a vehicle transporting or designed to transport dangerous goods in bulk other than on a dangerous goods transportation route except while such vehicle:
 - a) is making collection or delivery, provided that the driver or operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest dangerous goods transportation route;
 - b) is proceeding to or from the business premises of the owner, driver or operator of the vehicle, provided that the driver or operator proceeds by the most direct route to or from the business premises, as the case may be, to or from the nearest dangerous goods transportation route;
 - c) is proceeding to or from a garage for the purpose of repairs, servicing or
 - d) refuelling, provided that the driver or operator proceeds by the most direct route to or from the garage, as the case may be, to or from the nearest dangerous goods transportation route;
 - e) is engaged in work and in the service of the municipality.
- 3) Where the vehicle is proceeding pursuant, and where there is no dangerous goods transportation route, the vehicle shall travel on the heavy vehicle route except where necessary to reach a permitted destination.
- 4) No person shall load or deliver dangerous goods from a vehicle transporting those goods in bulk between the hours of 7:00 a.m. to 9:00 a.m. and 16:00 p.m. to 19:00 p.m. except:
 - a) when delivering heating fuel to a single-family dwelling unit; or
 - b) when loading or unloading the vehicle on a property immediately adjacent to and with direct access to the dangerous goods transportation route.
- 5) Subsection 18(4) shall not apply:
 - a) to the transportation of dangerous goods of a weight measure less than two hundred (200) kilograms or liquid measure less than two hundred and fifty (250) litres;
 - b) to fuel in the fuel tank of the vehicle transporting or designed to transport dangerous goods, provided that the fuel is carried in permanently mounted tanks with a direct line to the fuel system of the vehicle.

19. SIGNAGE INDICATING HEAVY VEHICLE OR DANGEROUS GOODS ROUTES

- 1) The Municipality shall establish and maintain sufficient signs indicating heavy vehicle routes and dangerous goods routes throughout the Collins Chabane Local Municipality.
- 2) If a heavy vehicle route or dangerous goods route or any portion thereof is, in the opinion of the Municipal Manager, temporarily impassable or if, for any other reason, the Municipal Manager decides that a heavy vehicle route or a dangerous goods route or any portion thereof shall be temporarily closed, she or he may establish a temporary heavy vehicle route or dangerous goods route or any portion thereof by way of a detour.
- 3) Where the Municipal Manager has established a temporary heavy vehicle route or dangerous goods route the detour shall be marked by proper signs sufficient to indicate to drivers or operators of heavy vehicles or vehicles transporting or designed to transport dangerous goods in bulk and such detours shall, for the purpose of this By-Law, be the heavy vehicle route or the dangerous goods route until the temporarily closed route or routes are reopened to heavy vehicles or vehicles transporting or designed to transport dangerous goods in bulk.

20. PARKING FOR GOODS VEHICLES OR HEAVY VEHICLES

- 1) A driver or operator of a good vehicle or heavy vehicle shall not park the vehicle on any street except where designated as "truck parking only" and as designated by the appropriate signs.
- 2) The Municipality shall ensure that appropriate and sufficient signage is displayed at all entrances to the municipality 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.
- 3) Such signage as indicated position in a place or area so as to prevent vehicles from entering such areas, on the outskirts of municipal limits.
- 4) A Traffic Officer may have any heavy vehicle which fails to comply with the by-law removed by an appropriate breakdown vehicle to any pound or designated yard for safekeeping.
- 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.
- 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 vehicle was engaged in the removal or delivery of goods for which the driver can produce documented proof thereof

21. PARKING FOR VEHICLES TRANSPORTING DANGEROUS GOODS

- 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.
- 2) 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.

22. PROHIBITED BEHAVIOUR

- 1) No person, excluding Official or person acting in terms of the law, shall—
 - a) when in a public place—

- I. intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle; or
 - II. intentionally touch or cause physical contact with another person, or his or her property, without that person's consent;
 - b) approach or follow a person individually or as part of a group of two or more persons, in a manner or with conduct, words or gestures intended to or likely to influence or to cause a person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other things of value;
 - c) (c) continue to beg from a person or closely follow a person after the person has given a negative response to such begging.
- 2) Any person who blocks, occupies or reserves a public parking space with good vehicle, shall immediately cease to do so when directed by a Peace Officer or member of the Collins Chabane Local Protection Services Department.

CHAPTER 5: MISCELLANEOUS PROVISIONS

23. LOADS TO BE COVERED

No person shall, by means of goods vehicle, convey on any public road or public place any load of manure, sand, earth, gravel, grit, ashes or other substance which may be wind driven unless such load is covered by a tarpaulin or other suitable covering so as to effectively prevent any of such substances from being blown or in any other manner discharged from such vehicle.

24. OFFENCES AND PENALTIES

- 1) Any person who-
- a) contravenes or fails to comply with any provision of this By-law;
 - b) Refuses or fails to comply with any notice served on him or her in terms of or for the purposes of this By-law;
 - c) Refuses or fails to comply with the terms or conditions of any approval issued in terms of this By-law;
 - d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under this By-law;
 - e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of this Bylaw or furnishes a false or misleading document or false or misleading information;
 - f) fails or refuses to comply with any instruction given in terms of or for the purposes of this By-law; or
 - g) pretends to be an authorised official or other official of the Municipality acting under power delegated to him or her, shall be guilty of an offence and –
 - I. upon conviction, be liable to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment and the fine shall be calculated according to the ratio determined for such imprisonment in terms of the Adjustment of Fines Act; and
 - II. a person convicted of an offence under this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable to a fine, or upon conviction, to imprisonment for a period not exceeding three months or to both such fine and imprisonment, in

respect of each day on which he or she so continues or has continued with that act or omission.

- 2) Nothing in subsection (1) above shall be construed to prevent the Municipality from imposing, in addition to the civil and criminal options available, a rates penalty as per the Municipality's approved Rates Policy against an owner of a property who is in contravention of any provision of this By-law.

25. REPEAL OF FORMER BY-LAW

By-laws on transportation of goods previously made by the Thulamela and Makhado Local Municipalities' Councils or their constituents Predecessors in respect of any portion of the area of the Collins Chabane Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws

26. SHORT TITLE

These By-law is referred to as the Collins Chabane Local Municipality Transportation of goods By-laws and will come into operation on date of promulgation of the By-law in the Provincial Gazette.