

Johannesburg, South Africa

Public Road and Miscellaneous

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Public Road and Miscellaneous
Contents

Chapter 1 – Interpretation 1

 1. Definitions and interpretation 1

Chapter 2 – Public roads and miscellaneous 3

 2. Ropes, wires or poles across public road 3

 3. Damage to trees 3

 4. Barbed wire, dangerous and electrical fencing 3

 5. Protection of public roads 3

 6. Cleanliness of public roads 3

 7. Article placed in building facing public road 4

 7A. Display of Household Clothes and Fabric, etc. 4

 8. Damaging of Council's property 4

 9. Cleaning and repairing on public roads 4

 10. Excavations in public roads 4

 11. Defacing, marking or painting public roads 4

 12. Races and sports events 4

 13. Loitering on public roads 5

 14. Loitering and touting at places of public entertainment 5

 15. Public decency 5

 16. Trolleys 5

 17. Public road collections 6

 18. Control of stormwater and watercourses on public road 6

 19. Obstruction on public roads 6

 20. Planting on sidewalks 7

 21. Permission to hoard in footway 7

Chapter 3 – Traffic matters 7

 22. Control of traffic 7

 23. Clinging to moving vehicles 7

 24. Removal of obstructions 7

 25. Games, throwing stones, on public roads 8

 26. Shoeing and cleaning of animals on public roads 8

 27. Animals on public roads 8

 28. Parking meters 8

 28A. Parking coupon devices 10

 29. Medical practitioner exempt 11

Chapter 4 – General provisions 12

 30. Offences and penalties 12

 31. Repeal of by-laws 12

 32. Short title 12

Schedule 1 12

Schedule 2 13

Johannesburg South Africa

Public Road and Miscellaneous By-law, 2004

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The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), publishes the Public Road and Miscellaneous By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council and as concurred with by the Premier: Gauteng Province in terms of section BOA of the National Road Traffic Act, 1996 (Act 89 of 1996), as set out hereunder.

Chapter 1 Interpretation

1. Definitions and interpretation

- (1) In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996) including any regulations made thereunder or the Gauteng Provincial Road Traffic Act, 1997 (Act No. 10 of 1997) including any regulations made thereunder, has that meaning and, unless the context otherwise indicates -

"**authorised official**" means -

- (a) a member of the Johannesburg Metropolitan Police established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995); or
- (b) any person or official authorised in writing as such by the Council.

"**cashcard**" is a contact less smart card that is used to make cashless electronic payment for parking at the parking bay.

"**Council**" means -

- (a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, 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 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.

"**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 the 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 meter**" means a device for registering and visibly recording of a parking period in accordance with the insertion of a coin or other prescribed object therein and includes a post or fixture to which it is attached;

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

"**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 a 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 63 of Local Government Ordinance, 1939 (Ordinance No 17 of 1939) or any other law;

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

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

"**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);.

- (2) 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 employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.
- (3) 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

2. Ropes, wires or poles across public road

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.

3. Damage to trees

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 authorised to do so in terms of these By-laws or any other law.

4. Barbed wire, dangerous and electrical fencing

(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 the nature of its construction or design, is or may become a danger to any member of the public using such public road;
- (b) including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, or after one year from the date of commencement of these By-laws, have along a public road any electrified 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 metres 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); or
- (c) may erect, or cause, or permit to be erected, any electrified 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).

(2) 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.

5. Protection of public roads

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.

6. Cleanliness of public roads

- (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 annoyance, 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.

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

7. Article placed in building facing public road

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, in any near a public road without taking all reasonable steps to prevent it falling onto the public road.

7A. Display of Household Clothes and Fabric, etc.

No person shall, with 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 fronting on any street or public place.

8. Damaging of Council's property

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

9. Cleaning and repairing on public roads

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.

10. Excavations in public roads

- (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 authorised to do so in terms of these By-laws or any other law.
- (2) A person, who requires the permission in terms of subsection (1), must comply with the requirements contained in Schedule 2 to these By-laws.
- (3) A person referred to in subsection (2) must pay the prescribed fee.
- (4) A person referred to in subsection (2) must, if applicable, pay the prescribed fee for lane rental provided for in Schedule 2 to these By-laws.

11. Defacing, marking or painting public roads

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

12. Races and sports events

- (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.
- (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

- (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 metres 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.
- (2) Any person contravening subsection (1) must, upon instruction by an authorised official, discontinue doing so.

14. Loitering and touting at places of public entertainment

- (1) No person may loiter or, except when forming part of a queue, congregate on any public road within 20 metres of the entrance to any place of public entertainment so as to obstruct traffic or persons proceeding to, attending at, or departing from such place of entertainment.
- (2) No person may, without the prior written permission of the Council 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 thereat or the departure therefrom.

15. Public decency

- (1) No person may appear unclothed or indecently clothed on any public road.
- (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.
- (3) No person may on any public road sing any obscene or profane song, or use any profane, foul, indecent or obscene language.
- (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.
- (5) No person may on a public road use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned.

16. Trolleys

- (1) The owner of a trolley must affix a prescribed token in a conspicuous position on the trolley.
- (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.
- (3) Any trolley which has been left or abandoned on any public road, may be removed, or caused to be removed, by an authorised official and be placed under the care of the storekeeper.
- (4) The storekeeper must store any trolley which has been placed under his or her care in terms of subsection (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 being so stored;
- (c) that the trolley may be claimed by the owner from the Council on payment of the prescribed storage charge;
- (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 collections

- (1) No collection on a public road may be organised or held without the prior written permission of the Council.
- (2) Application for such permission must be made on a form provided for this purpose by the Council.
- (3) Every application must be accompanied by proof that the organisation or person intending to hold the public road collection is authorised to collect a contribution in terms of the Nonprofit Organisations Act, 1997 (Act No. 71 of 1997), or the Fund-raising Act, 1978 (Act No. 107 of 1978), as the case may be.
- (4) The Council may grant permission referred to in subsection (1) to an organisation or 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.
- (5) Every organisation or person, holding a public road collection is entitled to use his, her or its own identifiable collection boxes and if any organisation or person does not possess any boxes, the Council's collection boxes may be used upon payment of the prescribed fee.

18. Control of stormwater and watercourses on public road

- (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 whatever, raise the level of water in any river, dam or watercourse so as to cause interference with or endanger any public road.
- (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 a 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 stormwater from or under any public road onto 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) or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act No 42 of 1965).

19. Obstruction on public roads

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

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

- (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 (3).
- (2) If the enclosure contemplated in subsection (1), occupies or projects over any portion of a public road, the person concerned must apply for a written permit 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.
- (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 purpose, grant a permit in writing specifying the portion which may be occupied for such purpose and the conditions under which such permit is granted.
- (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.
- (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 3 Traffic matters

22. Control of traffic

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

23. Clinging to moving vehicles

No person travelling upon any pedal cycle, motor cycle, coaster, sled, rollerskates, or any other similar device may cling to or attach himself or herself or such cycle coaster, sled, roller-skates or device to any other moving vehicle, upon a public road.

24. Removal of obstructions

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

- (2) If a person causing an obstruction cannot be found, or fails or neglects to remove, or to cease causing, such obstruction, an authorised 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 concerned fails or neglects to remove or cease causing the obstruction, recover the cost of the removal of the obstruction from that person.
- (3) An act done in terms of section 218 of the Standard Building By-Laws, adopted by the Council under Administrator's Notice 726, dated 16 June 1976, is for the purposes of this section deemed not to cause an obstruction except if permission of the Council in respect of that act is revoked.

25. Games, throwing stones, on public roads

- (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.
- (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.

26. Shoeing and cleaning of animals on public roads

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

27. Animals on public roads

- (1) No person may turn any livestock loose on a public road.
- (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.
- (3) Any livestock at large on a public road may be taken to a place designated by the Council, by any authorised official.
- (4) Any person contravening subsection (1) is liable, in addition to any penalty which may be imposed by a Court of Law, to pay to the Council the cost incurred by it in acting in terms of subsection (3).
- (5) No person may walk a dog on a public road unless it is on a leash and under control of that person.
- (6) Any excretion left by a dog on a public road, must immediately be removed by the person in charge of the dog and be deposited in a waste receptacle provided by the Council or removed from the road.

28. Parking meters

- (1) No person shall park a vehicle or cause a vehicle to be parked in a parking bay unless a coin or other prescribed object is forthwith inserted-
 - (a) into the meter allocated to such bay; or
 - (b) if the meter controls more than one parking bay, into the meter controlling such 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 object inserted.

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 unexpired;
 - (iii) where such parking 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 to such bay within 15 minutes of removing it therefrom.
- (2) No person may, with or without the insertion of an additional coin or other prescribed object 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.
- (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 road traffic sign exhibited by the Council in terms of these by-laws prohibiting the parking.
- (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.
- (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 determine 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 or other fixture to which it is attached.
- (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 450 mm 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 drive, the front passenger's seat, is opposite and close to the mark known as the driver's marker, 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.
- (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.

- (8) Where a vehicle parked in a parking bay occupies by reason T 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) 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.

28A. Parking coupon devices

- (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 any 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.
- (2)
 - (a) In any area contemplated in subsection (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 parking 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 sufficient notice to the public of the content thereof.
- (3) No person may park a vehicle in a parking bay contemplated in this section, unless -
 - (a) he or she has paid to a 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 cashcard;
 - (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.
- (4)
 - (a) The prescribed fee contemplated in subsection (3)(a), must only be paid for the hours specified on a notice board contemplated in subsection (2).
 - (b) A vehicle may remain parked in a parking bay only for the duration of the parking period selected in terms of subsection (3)(a).
- (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
- (6) No person may 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.

- (7) No person may -
- (a) deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on a 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 tamper with a parking meter device in the possession of a parking marshal.
- (8) Subject to the provisions of subsection (9). every vehicle must be so parked in a parking bay that it is wholly within that bay.
- (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.
- (10) No person may in any area contemplated in subsection (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.
- (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 is 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 Government Gazette under Government Notice R225 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) 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 fire-fighting response vehicle;
 - (b) an ambulance, emergency medical response vehicle or rescue vehicle;
 - (c) a vehicle driven by a member of the South African Police Service or Metropolitan Police Department while rendering a police service;
 - (d) a vehicle engaged in 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.

29. Medical practitioner exempt

A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is 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 it is readily legible from outside the vehicle.

Chapter 4 General provisions

30. Offences and penalties

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 authorised 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 a 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.

31. Repeal of by-laws

The by-laws listed in Schedule 1 are hereby repealed.

32. Short title

These By-laws are called the Public Road and Miscellaneous By-laws, 2003.

Schedule 1

REPEALED BY-LAWS

Number and year	Name of by-law	Extent of repeal
Administrator's Notice 281 dated 27 June 1934	Road Traffic By-laws (JHB)	The whole
Administrator's Notice 368 dated 14 March 1973	Standard Street and Miscellaneous By-laws (Randburg Municipality)	The whole
Administrator's Notice 652 dated 24 April 1974	Standard Street and Miscellaneous By-laws (Sandton Municipality)	The whole
	Standard Street and Miscellaneous By-laws (Roodepoort Municipality)	The whole

Number and year	Name of by-law	Extent of repeal
	Standard Street and Miscellaneous By-laws (Midrand Municipality)	The whole
Government Notice R.2606 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to Streets and Street Collections as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Local Authority Notice 741 dated 22 March 1989	Standard Traffic By-laws (Randburg)	The whole
Local Authority Notice of Roodepoort Municipality on page 5161 in Official Gazette dated 21 December 1988	Standard Traffic By-laws (Roodepoort)	The whole
Administrator's Notice 901 dated 19 August 1970 as amended by Administrator's Notice 1692 dated 24 October 1973	Parking Meter By-laws (Roodepoort)	The whole

Schedule 2

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY - CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE

FOREWORD

Although the road authority is solely responsible for its own road network, the value of other services in the road reserve are often more than that of the road itself and therefore require as much or more maintenance, rehabilitation and replacement. These activities, together with the work that has to be carried out on the road itself, result in considerable delays, inconvenience, danger and additional costs to the road users. Furthermore, any work which is done in the road reserve can have serious cost implications as a result of any of the following:

damage to roads and other services; damage to vehicles; injury to vehicle occupants or pedestrians; reduction of the effective life of the road, footway or other services; and time and social costs caused by delays.

There is therefore a need to ensure careful control and co-ordination of all work in the road reserve. This is the duty of the road authority who is the custodian of all municipal road reserves. In order to fulfil this duty, the road authority produced this document that attempts to ensure maximum co-ordination and co-operation between all the various departments and agencies that have to share the road reserve to provide Services to their customers.

It is the aim of this document to minimise the effect of all work in the road reserve to the benefit of all concerned, and in particular the ratepayers, road users (motorists and pedestrians), service agencies and the road authority. Included are the procedures to apply, process and approve wayleaves, procedures to follow while doing the work and on completion of the work as well as specifications according to which the work must be done.

This initiative can only succeed if every agency and department that works in the road reserve co-operate by working according to this Code and by providing feedback on how the system can be improved.

DEFINITIONS

In this Code, unless the context otherwise indicates -

"authorised agent" means an agent which is authorised 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 Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, 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 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 organisation or authorised 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 for 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 Code, carried out within the road reserve.

1. PROCEDURE

1.1 The basic procedure which is required for work in the road reserve is as follows:

- 1.1.1 Approval must first be obtained for the proposed work from the relevant municipal department or authorised agent.
- 1.1.2 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.
- 1.1.3 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.
- 1.1.4 The road authority must be informed 48 hours prior to the commencement of the work;
- 1.1.5 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.

- 1.1.6 On completion of the work all trenches and excavations in the road reserve must be backfilled and reinstated according to the specifications contained in the Code.
- 1.1.7 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.
- 1.1.8 The road authority will then carry out an inspection and issue a certificate of completion once all requirements have been met.
- 1.2 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 organisations, 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.
- 1.3 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.

2. WORK IN THE ROAD RESERVE

- 2.1 Work in the road reserve includes the digging of trenches, tunnelling, 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, traffic signals, street lighting, underground or overhead services or any other structure or service that is contained within the road reserve.
- 2.2 Work in the road reserve can be divided into two categories.
 - 2.2.1 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, e.g. Telkom, Eskom, Rand Water and Petronet or any other person. For this type of work the approval of a wayleave also constitutes the approval of the work as such.
 - 2.2.2 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.
- 2.3 The second category of work includes, but is not restricted to-
 - 2.3.1 the erection of structures that require approved building plans in terms of the National Building Regulations;
 - 2.3.2 the erection of advertising signs and structures that require approval in terms of the relevant by-laws;
 - 2.3.3 road works, such as construction of new roads, road widenings or accesses to developments, undertaken by developers;
 - 2.3.4 connections to municipal services, such as water, sewers, electricity and stormwater drainage from developments;
 - 2.3.5 erection of hoardings in the road reserve;
 - 2.3.6 installation of services by private concerns, e.g. data cables to connect different buildings;
 - 2.3.7 the installation or construction of kerbing, paving, bollards, walls, gardens, etc. on sidewalks by property owners or occupiers;
 - 2.3.8 road closures;
 - 2.3.9 traffic calming devices.

- 2.4 The procedure to obtain approval for this second category of work falls outside the scope of the Code. When applying for a wayleave for this category of work, the approved drawings together with the conditions of approval must be submitted with the wayleave application form.

3. WAYLEAVE AND LANE RENTAL

3.1 Wayleave

- 3.1.1 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.
- 3.1.2 To obtain a wayleave, a wayleave application form (see Appendix A) must be submitted, accompanied by three copies of the approved drawing showing details of the proposed work. Details required on the drawing are -
- 3.1.2.1 a clear depiction of the proposed work;
 - 3.1.2.2 where any service is to be installed, the depth of the every service below the level of the surface of the road;
 - 3.1.2.3 distance of the service from the road reserve boundary (i.e. the property boundary);
 - 3.1.2.4 position and extent of all structures including underground structures such as manholes, chambers, junction boxes, etc.
 - 3.1.2.5 the location of all other services in the road reserve (see section 4).
- 3.1.3 Once all these requirements have been complied with, a wayleave will be issued by the road authority. An example of a wayleave appears in Appendix A.
- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 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.

3.2 Lane Rental

- 3.2.1 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.
- 3.2.2 Lane rental 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 cost will be for two traffic lanes.
- 3.2.3 A prescribed fee is payable by a service agency to the road authority and such fee may differentiate between different road categories.
- 3.2.4 The road authority and the service agency must, before the commencement of the work, agree on the days that will be allowed during which the work must be completed. During the agreed days the service agency will pay a lane rental that is equal to 50 percent 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.

- 3.2.5 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.
 - 3.2.6 For the purpose of calculating lane rental, normal working hours will be considered as being between 06:00 and 19:00 on 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.
 - 3.2.7 The road authority or any organisation working on behalf 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.
 - 3.2.8 During the days that have been agreed to in terms of 3.2.6 above, no lane rental will be payable if all traffic lanes are kept open at all times. If 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 a full day will be charged (50% of TDC before the official completion date and 100 %thereafter).
 - 3.2.9 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.
- 3.2 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.

4. COSTS

4.1 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 cost of processing the wayleave application and will be prescribed by the Council on the recommendation of the roads authority, from time to time.

4.2 Reinstatement Cost

- 4.2.1 When the road authority does the permanent reinstatement, the cost 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.
- 4.2.2 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.
- 4.2.3 It is important to note that the decision on who does the permanent reinstatement lies with the road authority.

5. EXISTING SERVICES IN THE ROAD RESERVE

- 5.1 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.
- 5.2 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.

6. ROAD CATEGORIES

- 6.1 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.
- 6.2 The following definitions apply for the road categories:

Function	Category	Road Type	Administration
A (Class 1)	A1	National Roads	SANRAL
	A2	Primary- (inter) provincial	Gauteng DoT
	A3	Urban Freeway/ Motorways	Road Authority
B (Class 2)	B2	Primary - (inter) provincial	Gauteng DoT
	B3	Major (inter) urban arterials	Road Authority
C (Class 3)	C2	\(Inter) district connectors	Gauteng DoT
	C3	Minor (intra) urban arterials	Road Authority
D (Class 4)	D2	Intra district connectors	Gauteng DoT
	D3	(Intra) district collectors	Road Authority
	D4	(Intra) district collectors & industrial roads	Road Authority
E (Class 5)	E4	Urban distributors	Road Authority
F (Class 6)	F4	Local access roads	Road Authority

Function	Category	Road Type	Administration
G (Class 7)	G5	Private roads / Culs de Sac	Road Authority / Residents

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

7. PROTECTED ROADS

- 7.1 Over and above the four road categories, defined in section 6 of the Code, certain roads are further classified as protected roads (no-dig roads).
- 7.2 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.
- 7.3 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.
- 7.4 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.

8. TRAFFIC SIGNS AND BARRICADING

- 8.1 It is the responsibility of the wayleave holder to ensure that any law regarding traffic, safety, traffic signs and barricading is complied with.
- 8.2 The wayleave holder must take all necessary measures and provide all necessary facilities to ensure an adequately safe and easy passage for traffic and pedestrians through areas in which work is in progress, or is uncompleted.
- 8.3 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 in Appendix B.
- 8.4 A wayleave holder may contact the relevant traffic authority to ensure that all requirements have been met for the particular location where the work is being done.
- 8.5 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.

9. ROAD CLOSURES

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

- 9.2 In exceptional circumstances permission will be granted for the closure of a road or portion of road to traffic, subject to the 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.
- 9.3 Work carried out on any arterial, major collector and CBD road will be restricted to outside the following periods, namely from 6:30 to 09:00 and 15:30 to 18:00, to ensure free flow of traffic during peak hours.

10. EXCAVATIONS

- 10.1 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.
- 10.2 The minimum depth that any service may be placed under a road is 800 mm measured from the level of the surfacing of the road to the top of the service. The minimum depth at any other place in the road reserve, e.g. on a verge, is also 800 mm 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 800 mm as this could interfere with a future service that has to be laid at a specific grade, such as sewers and stormwater pipes.
- 10.3 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 be kept open for pedestrians at all times.
- 10.4 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 have 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.
- 10.5 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 the structural layers of the road. Any water that is present in a tranche must be pumped out before backfilling. Water must be pumped into the stormwater system and not into a sewer manhole. Any material that has become wet must be removed from the bottom of the trench before backfilling.
- 10.6 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 or 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.
- 10.7 All re-usable material such as concrete blocks, slabs, kerbs, gutters, channels and stormwater inlets must be removed with care and re-used if possible.
- 10.8 If any street furniture (e.g. street names, traffic signs, bus shelters, etc.) has to be removed, arrangements must be made with the relevant authority for the removal, storage and re-erection.
- 10.9 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 properties must be kept informed at all times of how their access will be affected.

11. TRENCHLESS METHODS

- 11.1 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 7.
- 11.2 The position of every existing service must be located accurately. If any service is damaged, the way-leave holder will be responsible for all costs to repair such damage.
- 11.3 The depth to the top of any tunnel that is drilled for the installation of a new service, must be at least 800 mm measured from the level of the surfacing of the road.

12. EMERGENCY WORK

- 12.1 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.
- 12.2 The road authority must be informed of emergency work by the service agency concerned in writing within 24 hours from commencing such work. If the roads authority is not timeously informed, the work will be reinstated by the roads authority and the cost thereof will be invoiced against the service agency at the increased tariff for work without a wayleave permission.

13. SPECIFICATIONS FOR BACKFILLING AND REINSTATEMENTS

13.1 General

- 13.1.1 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.
- 13.1.2 Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade and subgrade, but excludes the surfacing.
- 13.1.3 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.
- 13.1.4 Backfilling must in every case be done by the wayleave holder in accordance with the applicable specifications in sections 13.2 and 13.3. Permanent reinstatement (100 mm asphalt layer), as specified in section 13.4 and 13.5, 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 (100 mm asphalt layer) done by the wayleave holder, is subject to a guarantee period of one year based on the performance specifications described in section 13.8.
- 13.1.5 If the permanent reinstatement must be done by the road authority, the wayleave holder must do a temporary reinstatement as specified in section 13.7. The wayleave holder will then be charged for the permanent reinstatement at the applicable rates appearing on the wayleave application form. A reinstatement order must in such case be submitted 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 the cost of the wayleave holder. These costs are over and above the normal reinstatement costs.

13.1.6 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.

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

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 300 mm is installed, the subgrade material used for the reinstatement must be soilcrete (in-situ material mixed with 8% cement), placed with poker vibrators, up to a level of 300 mm above the top of the service.

13.3 Backfilling of Roads

13.3.1 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 800 mm below the level of the surfacing of the road, must have at least the same shear strengths as those of the adjacent undisturbed structural layers.

13.3.2 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.

13.3.3 One of the following methods must therefore be used to ensure adequate shear strengths in trench backfill. The wayleave holder may use any one of the three 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 stabilisation with cement and used for the base and subbase layers during backfilling, and in the case of arterials, collectors and industrial roads also for the selected subgrade layers.

The requirements for this method is given in Figure 1 following on section 13.8.7.

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 stabilised cannot be re-used and must be discarded.

Method B. Importing material

Import a G5 gravel material and stabilise with 60 kg of cement per m³ of 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 to 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 (SDCMI for Trench Backfilling

All Road Trenches I Openings: Place 300 mm SDCM concrete of minimum

2.5 Mpa crushing strength (28 days) and manufactured to an approved manufacturer's specification. The SDCM concrete mix is to be placed 50 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.

All Footway Trenches I Openings: Place 150 mm SDCM concrete of minimum 2.5 Mpa crushing strength (28 days) and manufactured to an approved manufacturer'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.

- 13.3.4 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 the undisturbed structural layers, an indication of probable acceptance on most roads can be obtained from the typical DCP and RCCD Penetration diagram shown on Figure 2 following on section 13.8.7.

13.4 Backfilling of Footways

- 13.4.1 Any footway, where there is no possibility of vehicles crossing the footway, must be backfilled using the excavated material, placed in the trench in 150 mm layers and compacted to 90 % Mod AASHTO density (maximum DCP penetration of 19 mm/blow) for all layers below the base and 93 % Mod AASHTO density (maximum DCP penetration of 14 mm/blow) for the base.
- 13.4.2 Any footway where there is a possibility of light vehicles (cars and LDV's) crossing the footway, typically where there is mountable kerbing, must be backfilled using Method A or Method B described in section 13.3.3 according to the standards for local streets specified in Figure 1 following on section 13.8.7.
- 13.4.3 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 13.3.3 according to the standards for arterials, collectors and industrial roads on Figure 1 following on section 13.8.7.
- 13.4.4 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.

13.5 Permanent Reinstatement of Roads

- 13.5.1 The same method of reinstatement must be used independent of the method of backfilling of the structural layers.
- 13.5.2 The permanent reinstatement of the surfacing must consist of 100 mm hot-mix asphalt. The lower 70 mm must be "blackbase" (26,5 mm nominal stone size, continuously graded) and the top 30 mm fine (4, 75 mm 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.
- 13.5.3 The reinstated surfacing must be at least 100 mm wider than the trench on both sides to accommodate any edge break where saw cutting was not possible.
- 13.5.4 The material used for the reinstatement of the surfacing must comply with the relevant requirements of Section 4200: 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.
- 13.5.5 In the case of any road surfaced with interlocking paving blocks, the general procedure would be to re-use the material removed during the excavation of the trench. If new material has to 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.

13.6 Permanent Reinstatement of Footways

- 13.6.1 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 Channelling, Open Concrete Chutes and Concrete linings for Open Drains of the COLTO Standard Specification for Road and Bridge Works. All cast in-situ concrete must be Class 25/19.
 - (b) Concrete paving blocks: All concrete paving blocks must comply with 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 insitu concrete must be Class 25/19.
 - (d) Precast concrete paving slabs: All concrete paving slabs must comply with the requirements of SABS 541-1971, as amended.
- 13.6.2 Any constructed footway must be reinstated with the same surfacing materials that existed originally (e.g. concrete blocks, slabs, etc.). Material may be reused if undamaged, or else replaced with similar material.
- 13.6.3 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.
- 13.6.4 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.
- 13.6.5 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.

13.7 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.

13.8 Performance Specifications

- 13.8.1 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.
- 13.8.2 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.
- 13.8.3 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.

13.8.4 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 100 mm or more of the length of the trench:

Reinstatement Width (mm)	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

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

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

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

Maximum Penetration

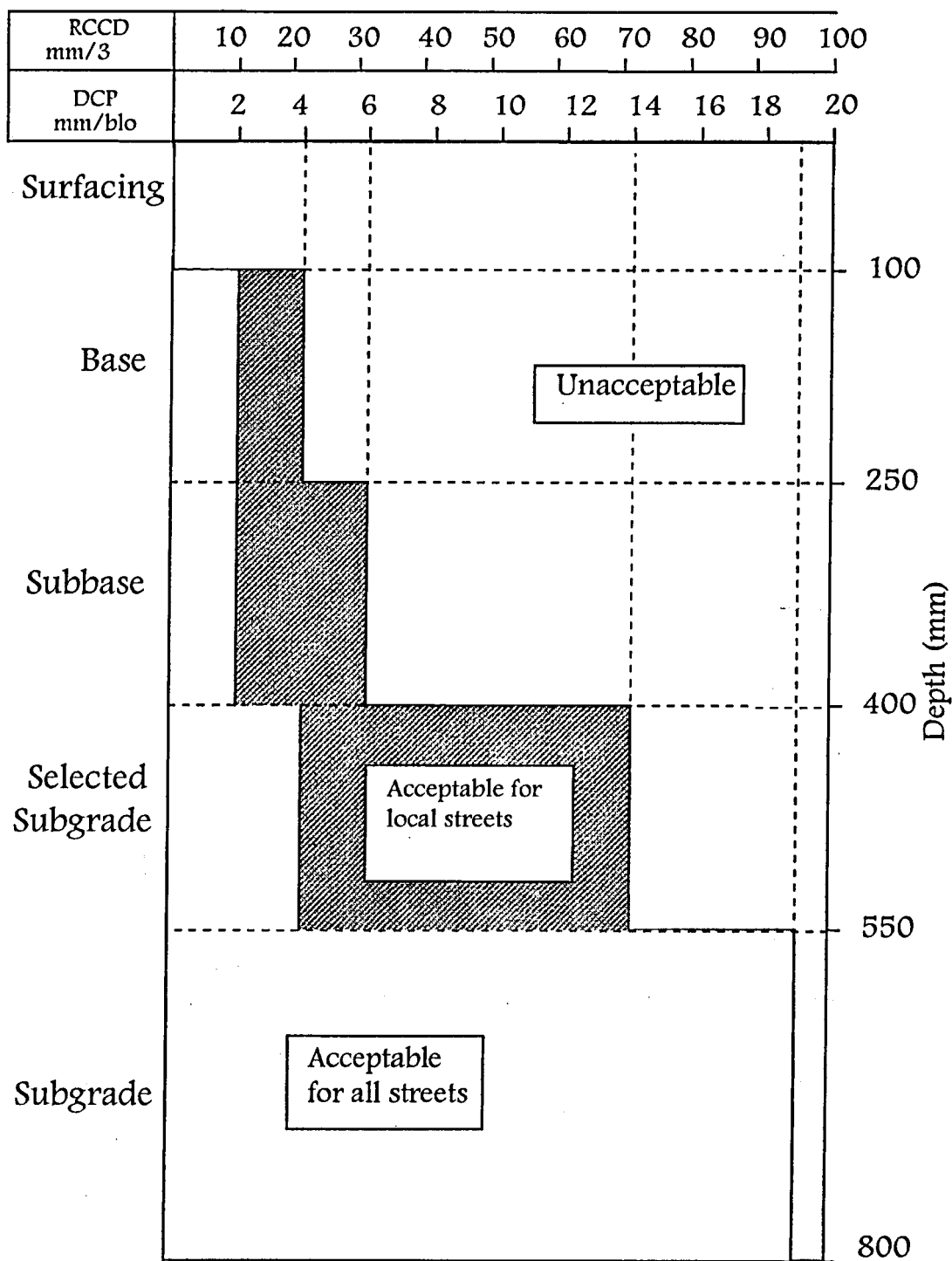


Figure 2
Typical DCP and RCCD Penetration Diagram

Layer	Treatment		Layer thickness (mm)	Depth (mm)
Surfacing	Temporary Surfacing	Permanent Surfacing:	100	100
	Material from top 400 (550)mm, 4 % OPC, 98 % Mod AASHTO	30mm Bitumen hot-mix fine and 70mm Bitumen hot-mix:BTB		

14. COMPLETION NOTICE AND CERTIFICATE OF COMPLETION

- 14.1 On completion of the work concerned the wayleave holder must fill in a completion notice and return it to the road authority within 24 hours (see Appendix A for an example of a completion notice). 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 12-month guarantee period for permanent reinstatement by the wayleave holder, 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.
- 14.2 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.
- 14.3 If work involves more than one street link (street block), a completion notice must be submitted after completion of each link.

APPENDIX A

**JOHANNESBURG ROADS AGENCY
PROCEDURE FOR WAYLEAVE APPLICATION**



STEP 1:	BY APPLICANT
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Obtain detailed information from all relevant service agencies with regard to all services adjacent to where the work is to be carried out. Provide them with a drawing at minimum scale 1:500, with NORTH POINT, BLOCK PLAN WITH STAND NUMBERS, STREET NAMES AND HOUSE NUMBERS (where possible). All service information must be obtained before applicant applies for wayleave.

Please Note:

If information of the position, or levels or the services are required, exposing and backfilling these services must be undertaken by hand. Give the relevant service agency two weeks prior notice to obtain this information.

STEP 2:	BY APPLICANT
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Prepare a drawing of the proposed work showing the following details:

1. PROPOSED WORK.
2. DEPTH OF PROPOSED SERVICE BELOW ROAD LEVEL.
3. DISTANCE OF PROPOSED SERVICE FROM BOUNDARY.
4. POSITION OF ALL STRUCTURES INCLUDING UNDERGROUND STRUCTURES.
5. EXTENT OF UNDERGROUND STRUCTURES.
6. LOCATION OF ALL OTHER SERVICES.
(If there is no service from a particular service agency for that area, written confirmation to that effect from that agency is required)

STEP 3:	BY APPLICANT
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The signed copies of the drawings and the signed application form must be handed to the central wayleave registration office, for final approval.

STEP 4:	BY APPLICANT
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The central wayleave registration office will check whether all requirements have been met.

The central wayleave registration office will register the application on the GIS and the applicant must pay the prescribed registration fee. When it has been registered a wayleave number will be allocated and the wayleave will be issued. The applicant must take note of all the special conditions. (see Annexure A to the Code).

The central wayleave registration office will forward the details of the approved wayleave to the relevant road authority wayleave inspector in whose area the excavation will take place and he will monitor the site and make sure that the correct standards and the Code is adhered to during the excavation. The road authority wayleaves inspector must be present when the DCP tests are done to approve the backfilling.



STEP 5:	BY WAYLEAVE OFFICE
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On completion of the work the applicant must contact the road authority wayleave inspector who will arrange a site meeting to sign off the completed work.

Thereafter a completion certificate of completion will be issued once all requirements have been met. The 12 month guarantee period for permanent reinstatements by the wayleave holder or the 14 day maintenance period for temporary reinstatements by the wayleave holder, commences on the day after the date of issue of the certificate of completion.

**JOHANNESBURG ROADS AGENCY
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 latest edition of the CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE contained in Schedule 2 to the Public Roads and Miscellaneous by-laws, 2003.

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 TEL: _____
 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 _____m² : KERBS _____m²
 ASPH FOOTWAY: _____m² INTERNAL BLOCK _____m²:UNPAVED
 FOOTWAYS _____m²

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 road are considered to be protected.

THE FOLLOWING AGENCIES ARE AWARE THAT THE APPLICANT 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 A WAYLEAVE.

AGENCY	REMARKS/SIGNATURE /DATE
CITY POWER	
EGOLI GAS	
JHB WATER	
CITY PARKS	

AGENCY	REMARKS / SIGNATURE/DATE
TELKOM	
ESKOM	
Rand Water	
SASOL	

Road Authority OFFICE USE:

_____ DATE RECEIVED _____ NAME OF OFFICIAL _____ SIGNATURE

APPROVED:

YES	NO	WAYLEAVE NO:	
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UNDERTAKING/INDEMNITY:

**JOHANNESBURG ROADS AGENCY
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 area of jurisdiction of the City of Johannesburg Municipality, undertake to adhere to the conditions not applicable to this Department, e.g. TELKOM, ESKOM, RAND WATER.
- 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 Contractor, for a period of 12 months that will start 14 days after the work is signed off as completed by the JOHANNESBURG ROADS AGENCY Inspector.
 - ⇒ accepts responsibility for all costs associated with the work, including any damage to other services, backfilling and reinstatements of trenches, the cost of any tests that may be required and any claims that may result from the work done by the Contractor until the work is taken over by the road authority the permanent reinstatement is completed.
 - ⇒ accept the terms and conditions of the aforesaid Code of Practice for Work in the Road Reserve.

Signature (Applicant)

Date

Signature (Road Authority Officer)

ANNEXURE A

SUMMARY OF CONDITIONS FOR WORK IN THE ROAD RESERVE

This page is intended to provide a summary of conditions and specifications. Please refer to City of Johannesburg Municipality's Code of Practice for Work in the Road Reserve for more detail.

Before any work is done in the road reserve, a wayleave must be issued by the roads 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 the period indicated, unless approval has been obtained from the relevant wayleave office to change the dates.

The wayleave holder is responsible for all costs, including any damage to another service, backfilling, reinstatement, tests and any claim that may result. The wayleave holder is also responsible for traffic signs, barricading and the safety of motorists, pedestrians and workers.

If any trees 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 and 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. The reinstatement (100 mm asphalt layer) of the surface will be done by the road 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 should be adequate 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 stabilised with 4 % Ordinary Portland Cement (OPC) approximately 80 kg/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 100 mm 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 stabilised cannot be re-used and must be discarded.

The reinstatement of the surfacing must consist of 100 mm hot-mix asphalt. The lower 70 mm must be "blackbase" (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 manufacturer's 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 basecourse 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.

Un-constructed 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 a 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.

JOHANNESBURG ROADS AGENCY



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 onus and 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 central wayleave 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 the specifications in the Code of Practice for work in the Road Reserve.

OR

- A temporary reinstatement has been done and a 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 above date and that:

- The work has been completed; and
- The site has been cleared and cleaned; 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 INSPECTIONS**REMARKS:**

REINSTATEMENT ORDER NO: _____

The road authority waysleave inspector was present when the DCP tests were done (see site inspection remarks).

NAME: _____ **Signed:** _____ **DATE** _____
ROAD AUTHORITY INSPECTOR

APPENDIX B

ROADWORKS SIGNING FOR URBAN STREETS

(Extract from the South African Roads and Traffic Signs Manual (SARTSM), Volume 2, Chapter 13)

	Page No
General 1	3.10.1
Urban roadworks	13.10.1
Temporary traffic signals	13.10.2
Sidewalk deviation	13.10.4
Localised work site - good visibility	13.10.6
Lane closed beyond a junction	13.10.8
Work within a junction	13.10.10
Work in a one-way street	13.10.12
Road closure - CBD	13.10.14
Road closure - dual carriageway street	13.10.16
Road closure - detour	13.10.18