Johannesburg, South Africa

Public Roads By-Law, 2024

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South Africa

Public Roads By-Law, 2024

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Chapter 1
Definitions and interpretation

1. Definitions

In this By-law, 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 member of the Johannesburg Metropolitan Police established in terms of the provisions section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995) as amended by the South African Police Service Amendment Act 83 of 1998 and carrying out functions in terms of the provisions of section 64E of Act 83 of 1998 or any person or official authorised in writing as such by the Council;

"**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; or

e) authorised representative;

"**cycle lane**" means a portion of a public road set aside by the Municipality or other competent authority by means of appropriate road traffic signs as an exclusive use lane for pedal cycles;

"**cyclist**" means a person riding or using a bicycle or tricycle, which are both defined as pedal cycles in the National Road Traffic Act;

"**National Road Traffic Act**" means the National Road Traffic Act, 1996 (Act No. 93 of 1996).

"**National Road Traffic Regulations**" means the National Road Traffic Regulations, 2000, made in terms of the National Road Traffic Act, 1996;

"**non-motorised transport**" means transport by any mode other than a motor vehicle, including but not limited to, walking, cycling, animal-drawn vehicles and motorized or non-motorised wheelchairs;

"**park**" in relation to a vehicle means to keep the vehicle, whether occupied or not, stationary for longer than is reasonably necessary actually to load or unload persons or goods, but does not include keeping the vehicle stationary owing to a cause beyond the control of the person in charge of the vehicle;

"**park and ride facility**" means an area designated and controlled by the Council or other competent authority, for the purpose of parking a vehicle and thereafter utilising a different mode of transport;

"**parking area**" means an area controlled by Council or other competent authority, for the purpose of parking a vehicle, either on or off street but for purposes of this by-law should be regarded as part of a public road;

"**parking bay**" means a space designated by the Council or other competent authority, 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 notice, which may be a slip of paper or electronic notice 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 device which may or may not be hand held and which when activated, issues a parking coupon and registers the particulars reflected on such coupon in that device;

"**parking manager**" means a person or body appointed by the Council or other competent authority, to manage a paid parking service;

"**parking marshal**" means a person appointed by the Council or other competent authority, or by a duly appointed parking manager to render a parking service to a person parking a vehicle in a parking bay;

"**parking equipment**" means any equipment deployed to manage parking including transponders, hand held devices and parking meters;

"**parking period**" means the maximum continuous period during which a vehicle is permitted to park in a parking bay;

"**pedestrian lane**" means a road or path designated by the Council or other competent authority for the exclusive use of pedestrians, or for the shared use of cyclists and pedestrians, by means of appropriate road traffic signs or road markings;

"**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 75A of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), or any other applicable legislation;

"**public road**" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes the verge of any such road, street or thoroughfare; any bridge, ferry or drift traversed by any such road, street or thoroughfare; any other work or object forming part of or connected with or belonging to such road, street or thoroughfare square, road, sidewalk, island in a road, subway, avenue, bridge, public passageway and any thoroughfare including the road reserve 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;

"**road reserve**" means the full width of the public road including the space up to the erf boundary line;

"**Security Access Restrictions**" means an authorised restriction to a public place in terms of section 45 of the Rationalisation of Local Government Affairs, 1998 (Act No. 10 of 1998); read in conjunction with paragraph 4 of the Security Access Restriction Policy 2018 of the City;

"**traffic signal**" means a traffic signal contemplated in the National Road Traffic Regulations;

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

"**wayleave**" means a formal written approval issued by the Council to carry out work in the road reserve, which entails the full width of the public road including the verge and the roadway as per the City of Johannesburg's Wayleave By-law published in *Provincial Gazette* No. 298 of 23 August 2023.

2. Interpretation

(1) If any provision in this by-law 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.

(2) Unless the context indicates otherwise, these By-laws are in addition to, and not a substitution of any provision of the National Road Traffic Act or the National Road Traffic Regulations.

Chapter 2
Public roads

3. Ropes, wires or poles across or on a public road, cycle lanes or sidewalks

No person may place any rope, wire, pole, cable including a pole bearing a security access control button on, under, across, within any public road, sidewalk, cycle lane or associated infrastructure, or hang, or place anything whatsoever thereon, without the necessary wayleave permission of the City.

4. Landscaping and trees

(1) No person may plant trees or large shrubs or erect landscaping on the verge of any public road or sidewalk that is likely to cause an obstruction to traffic, including non-motorised traffic, or impair road visibility and impact on public safety.

(2) No person may climb upon or break or damage or in any way mark or paint on any tree on any public road or sidewalk.

(3) No person may lop, top, trim, cut down or remove a tree on a public road or sidewalk without the written permission from the Council.

5. Barbed wire, dangerous and electrical fencing

No owner or occupier of land may along any public road or cycle lane 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.

6. Obstructions on public roads, cycle lanes or sidewalks

(1) No person may obstruct proper passage of traffic on a public road, cycle lane or sidewalk nor place an object on a public road that endangers or causes or may damage traffic, cyclists or pedestrians.

(2) No person may without the prior permission of the Council obstruct or interfere with pedestrians on a public road, cycle lane or sidewalk by placing:

(a) a planter box or planting or cause to be planted any tree, shrub or other plant; or

(b) public art, pots, boulders or similar structure or object.

(3) No person may place upon or off-load on a public road, cycle lane or sidewalk any material or goods that are likely to cause damage to a public road unless prior permission of the Council has been granted.

(4) 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, cycle lane, sidewalk or footway or close to a storm water kerb inlet unless it is deposited within an enclosure in respect of which the prior written permission of the Council has been obtained.

(5) Where a sidewalk is part of a building site, appropriate road traffic signs must be installed to signify that it is a building site.

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

(7) No person may dispose of litter, or store objects in, or block a storm water kerb inlet, manhole or similar Council owned structure.

(8) No person may clean or repair any part of a vehicle or wash, dry or paint any article or object on any public road, cycle lane or sidewalk except in the case of an emergency breakdown of a vehicle, when emergency repairs may be undertaken.

(9) 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.

(10) If a person referred to in this section fails to remove the matter, paint, article or substance, the Council may remove it and in addition to any penalty which may be imposed in terms of this by-law, recover the cost of removal from that person.

7. Object placed in or on a location facing a public road, cycle lane or sidewalk

(1) No person may place any movable or immovable object which may cause injury or damage to any person or property or any form of obstruction on a public road.

(2) 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.

(3) Council shall recover the cost of removal of the obstruction from any person who has caused the obstruction.

8. Damaging of Council's property

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, cycle lane or sidewalk.

9. Excavations in public roads

No person may make or cause to be made any hole, trench, pit or tunnel on or under any public road, cycle lane or sidewalk or remove any soil, metal or macadam without the prior written permission of the Council.

10. Prohibited activities on public roads, cycle lanes and sidewalks

(1) No person shall without the Council's permission on any public road, cycle lane or sidewalk—

a) lie, sit, stand, sleep, congregate, loiter, tout or walk, or otherwise act in a manner that may obstruct traffic and pedestrians.

b) on or in view of any public road, cycle lane or sidewalk 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.

c) in any way loiter, solicit, inconvenience or harass any other person for the purpose of begging.

d) tout or solicit a driver of any motor vehicle who parks a motor vehicle for the purpose of or under pretext of looking after or watching over motor vehicles.

e) throw stones or by any means discharge any missile upon, over or across any public road, cycle lane or sidewalk.

f) erect a tent or place chairs or any article for the purpose of a funeral, party or any other event without the prior written permission of the Council.

g) shoe any animal, or clean, dress, train or break-in livestock on any public road.

h) turn any livestock loose.

i) walk a dog unless it is on a leash and under control of that person; and

j) leave animal unattended.

(2) any excretion left by a dog on a public road, must immediately be removed by the person in charge of the dog.

(3) Any person contravening the provisions of this section is liable, in addition to any penalty which may be imposed in terms of this By-law, to pay to the Council recover the cost incurred by it in acting in terms of subsection (1).

11. Funerals, sports, recreational, collections and other events that require the temporary use of a public road

(1) An application for consent to hold any event on any public road must align to the wayleave process at least 30 days prior to the event unless the event is a funeral.

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

12. Road closures

No person or body may temporarily or permanently close a road without the approval of Council.

13. Economic activity on public roads

(1) No person may engage in selling of goods and services on a public road unless in a designated area and with prior permission of Council.

(2) Where hawking or street vending is permitted on a public road, no hawker or vendor may position his or her wares or furniture in such a position that the sidewalk is obstructed.

14. Control of storm water and watercourses on public road, cycle lane or sidewalk

(1) No person may, without prior written permission of the Council—

a) lead or discharge any water on or over or across a public road, cycle lane or sidewalk or into stormwater drainage systems.

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, cycle lane or sidewalk.

(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, cycle lane or sidewalk or structure related thereto or for the construction of a structure connected with or belonging to a public road, cycle lane or sidewalk;

b) divert storm water from or under any public road, cycle lane or sidewalk onto private property 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 section 14(2)(a) or 14(2)(b) or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act No 42 of 1965).

Chapter 3
Parking

15. Designation of parking bays

(1) No person shall park in a bay not designated for that particular vehicle type.

(2) 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.

16. Paid on-street and off-street public parking

(1) No person may designate an area where on-street parking or off-street parking takes place under the control of the council and where parking is to be regulated and charged for.

(2) No person may appoint a parking manager to manage parking and determine prescribed parking fees.

(3) No person may:

a) deface, soil, obliterate or otherwise render less visible, interfere with or amend any mark painted on a parking area, contemplated in the definition of “parking bay”;

b) remove, damage or deface any notice board displayed;

c) write on, damage or deface a parking coupon; or

d) in any way take possession of, handle or tamper with any parking coupon device and other parking equipment.

(4) The provisions of this section relating to prescribed parking fees do not apply to the following vehicles on condition that the vehicle is being parked for any purpose or service contemplated in this sub-section:

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 infrastructure under the control of the council or the rendering of an essential public service; and

f) a vehicle of a medical practitioner on an emergency call.

Chapter 4
Cycle lanes

17. Use of cycle lanes

(1) No person may use a lane on a public road, designated for the exclusive use of bicycles and non-motorised transport by, subject to subsection (2) by—

a) driving any motorised vehicle in or on such a lane, except a non-motorised vehicle;

b) parking or leaving any vehicle in such a lane at any time; or

c) leaving or depositing any object that may cause an obstruction in such a lane.

(2) The driver of a vehicle may enter a lane contemplated in sub-section (1) if—

a) that person cannot enter or leave any premises adjacent to such a lane without doing so, and then only insofar as necessary to be able to enter or leave those premises;

b) that person cannot enter or leave any public road without encroaching on such a lane, or

c) in compliance with the direction of an authorised officer.

(3) Subsection (1) does not apply in case of emergencies to—

a) a fire-fighting vehicle used in terms of the Fire Brigade Services (Act No. 99 of 1987);

b) an emergency medical response vehicle or ambulance;

c) a vehicle engaged in civil protection in terms of the Disaster Management (Act No. 57 of 2002); or

d) an authorised officer driving a marked vehicle in the execution of duties.

Chapter 5
General provisions

18. Offences and penalties

(1) Any person who—

a) contravenes or fails to comply with any provisions of these by-law;

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 duties under these by-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment or both such fine and imprisonment and in the case of a continuing offence, to a further fine or imprisonment after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

(2) The court may in addition to any penalty imposed in terms of subsection (1), order a person to repair the damage, make good the loss, rehabilitate the environment, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

19. Repeal of by-laws

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

20. Short title

This By-law is called the Public Roads By-Law, 2024.

Schedule 1

Repealed by-laws

Government Gazette number and date	Name of by-law
Notice 829 of 2004	Parking Grounds By-law
Notice 832 of 2004	Public Roads and Miscellaneous By-law