Statutory Instrument ….. of 2022.

[CAP.29:13] [CAP. 29:15]

Manyame RDC Roads By-laws, 2022

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Local Government and Public Works, in terms of section 94 of the Rural District Manyame RDC *[chapter 29:13*], approved the following by-laws made by the Manyame RDC:-

*Title*

1. These by-laws may be cited as the Manyame RDC (Roads By-laws, 2022.

*Application*

2. These by-laws shall apply to the area under the jurisdiction of the Manyame RDC*.*

*Interpretation*

3. In these by-laws –

“road” As defined in *the Roads Act means…….* A **way on land between two places that includes, bridges, culverts, shelvets, drifts and has been paved or otherwise opened, constructed or planned to allow travel by foot or by some form of conveyance** (including a motor vehicle, cart, bicycle, or horse).

“road works” includes development works, maintenance works, rehabilitation works and emergency works; in accordance to the Roads Act (to be copied from the Roads Act)

“road furniture” refers to all fixtures in the road and road reserve including but not limited to road signs, guide posts, markings, cat eyes etc

“periodic maintenance”, in relation to roads, means activities undertaken at intervals of several years to preserve the integrity of a road or in response to measured deterioration in the condition of a road;

“routine maintenance” means work that is undertaken each year to preserve a road from degradation caused by environmental effects;

“ Council” means Manyame RDC

”storm water” means water that originates from heavy rain including storms.

“ storm water drain” means infrastructure designed to drain excess rain water from surfaces such as roads

“spoil material” means material which has been produced or which results from repairing or making a road.

**Chapter 1***GENERAL PROVISIONS RELATING TO ROADS AND DRAINAGE*

*4. Construction of roads and drains*

(1)No person shall within the Manyame council area—

(a)make, construct, reconstruct, or alter a road or storm water drain —

(i)except with the written permission of the Council, or

(ii)otherwise than in accordance with the requirements prescribed by the Council,

(b)construct a veranda, stoep, steps or other projection or erect a post in a road or drain except with the written permission of the Council, or

(c)without the permission of the Council display, advertise or offer for sale any motor vehicle, motorbike, boat, vessel, caravan, trailer or any other vehicle in or on a road.

(2) Subject to any enactment relating to the protection of the environment, the Council shall have power to construct such drains as may be necessary for the purpose of safely leading storm-water, which would otherwise naturally gather or impinge upon a road, to the nearest natural drainage.

(3) If any owner or occupier of any land adjoining any road has, subject to any enactment relating to the protection of the environment, constructed drains or contour ridges for the purpose of protecting his property, he shall not cause or permit, except in the case of flooding or other natural disasters, storm-water to discharge from the drains or contour ridges on to the road or into any existing road drain on the road without the permission of the Council concerned.

(4) In the event of any application for permission in terms of subsection (1), the Council shall grant permission if the applicant agrees to pay the expense of any enlargement or alteration of the road drains which is considered necessary by the road authority.

(5) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level 7 or to imprisonment not exceeding 6 months or to both such fine and such imprisonment.

*5. Advertisements visible from roads in the Manyame rdc area of jurisdiction*

(1)No person shall display any advertisement, placard, poster or bill in a road

(a)except with the written permission of the Council, and having paid for such services as highlighted in the tariff schedule.

(b)subject to such conditions as may be determined by the Council.

(2)This section shall not be applicable to signs which have been exempted under the provisions of the Council applicable by-law relating to advertising and signage such as informative signs.

*6. Animals or objects causing an obstruction*

No person shall-

(a)deposit or leave any goods or articles in a road, or in an area designated therefore, or otherwise

(b)in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a pram or wheelchair which is being used for the conveyance of children or the disabled), or

(c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a road i)except with the written permission of the Council, and(ii)subject to such conditions as may be determined by the Council.

*7. Trees in roads*

The management and protection of trees in roads, roads or public places will be undertaken in terms of the Council tree policy and any person who wishes to plant, remove, prune or cut down any tree or shrub in a road,  or public place must obtain the permission of the  Council to do so.

*8. Trees or growth causing an interference or obstruction*

(1)Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a road or storm water drainage, the  may by notice in writing order the owner Council or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.

(2)If any person fails to comply with a notice in terms of this section, the Council may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

*9. Dumping of materials on the road*

No person shall

(a)dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any road or storm water drainage, or

(b)permit any such objects or substances to be dumped or placed in a road  from premises owned or occupied by him, except with the written permission of the  Council  and subject to such conditions as may be determined by the Council**.**

*10. parking of heavy vehicles and caravans*

(1)No person shall,

Park on undesignated places, road or drain except on reserved parking places for such vehicles,

(a)a motor vehicle with a tare exceeding 3500 kg;

(b)a trailer;

(c)a semi-trailer, or

(d)a caravan,

(2) Heavy vehicles (from 12 tonnes to exceeding 30 tonnes) with no permits to park or use roads other than Primary and secondary roads as Specified in the Roads Act shall have access to Manyame rdc roads.

(3)Whenever a vehicle is parked in contravention of subsection (1) and (2) , it is deemed that such vehicle has been parked by the owner thereof unless the contrary is proved.

(4) Any person who contravenes this section shall be guilty of an offence and the vehicle shall be clamped and penalised as per the tariff schedule and liable to a fine not exceeding level 7 or to imprisonment not exceeding 6 months or to both such fine and such imprisonment.

*11. Encroachments*

(1)Subject to such further conditions as it deems necessary, the Council may by agreement permit encroachment on Council property or the erection or maintenance of a veranda, balcony, sign, projecting sign or similar structure which projects in or over any road or  drain;

(2)When any immovable property owned by Council or under the control or management of the Council  is encroached upon without permission, the Council may take the steps necessary to remove such encroachment.

(3)The Council may, in addition to any other penalty which may be imposed, and subject to an appropriate court order—

(a) Demolish, remove or fill in the projection or projecting structure concerned; or

(b) Cause such projection or projecting structure to be demolished, removed or filled in, at the cost of the owner thereof or the person responsible for such encroachment.

**Chapter 2  
PROHIBITION OF CERTAIN ACTIVITIES IN ROADS**

*12. Vehicle repairs in roads*

No person shall, in a road or drain—

(a)effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or

(b)clean or wash a vehicle.

*13. Games and other acts in roads*

No person shall do anything in a road or drain which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public.

*14. Use of explosives*

No person shall in or upon a road or drain use explosives or undertake blasting operations—

(a)except with the written permission of the Manyame rdc, and

(b)subject to such conditions as may be determined by the Manyame rdc.

*15. Conveyance of animal carcasses or other waste products through roads*

No person shall carry or convey through a road or drain the carcase of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand—

(a)unless it is properly covered, and

(b)unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the road.

*16. Fences on road boundaries*

Subject to the provisions of the Manyame rdc’s applicable by-law relating to fencing and boundary walls no person shall erect a barbed-wire-, razor wire-, electrified fence or other dangerous fence on the boundary of a road or drain except with the written permission of the Manyame rdc.

*17. Building materials in roads*

No person shall bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials or any other materials in a road except with the written permission of the Manyame rdc and subject to the requirements prescribed by the Manyame rdc.

*18. Damaging/ vandalism of road traffic signs and furniture*

No person shall deface, damage or in any way interfere with any notice-board, road traffic sign, road-name board or other similar sign or any hoarding which has been erected by the Manyame rdc.

*19. Animals in a road.*

No person shall allow an animal to be unattended or at large in any road or drain or allow such animal to be a danger or annoyance to the public.

*20. Restriction of access to roads*

No person shall, without the approval of the Manyame rdc, close or barricade any road or restrict access thereto.

(2) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level 7 or to imprisonment not exceeding 6 months or to both such fine and such imprisonment.

**Chapter 3  
WORK IN ROADS, PUBLIC ROADS AND SIDEWALKS AND WATER DISCHARGED ONTO ROADS AND DRAINS**

*21. Use of vehicles that may damage road surface*

(1)No person shall—

(a)use a vehicle or allow it to be used in any road or drain if such vehicle is in such a defective condition that it will or may cause damage to any road or drain;

(b)drive, push, roll, pull or propel any object, machine or other material through or along a road or drain in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the road or drainage in any way;

(2)If the Manyame rdc identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a road, the cost of repairs, as determined by the Manyame rdc may be recovered from the offender.

*22. Obstruction on public roads and restriction of access to roads*

No person shall deposit or cause to be deposited or leave or cause to be left sand, stone, earth, bricks, timber, lime, cement or other building or excavated material or burning material of whatever nature on a portion of a public road, drain or footwalk, unless it is deposited within an enclosure in respect of which the written consent of the Manyame rdc has first been obtained.

*23. Work in public roads or roads*

No person shall undertake work in any public road or on property belonging to the Manyame rdc without prior permission being obtained in terms of the operational manual as contemplated in section 31 of the Roads Act

*24. Norms, standards and guidelines*

(1)The Manyame rdc may determine and publish norms, standards and guidelines which describe appropriate measures for work in public roads, roads or other property belonging to the Manyame rdc, and such norms standards and guidelines must be kept in the form of an operational manual.

(2)The norms, standards and guidelines contemplated in subsection 24 (1) may differentiate between communities, geographical areas and different kinds of premises.

*25. Discharge of water on public road*

(1)No person shall, without prior written permission of the Manyame rdc—

(a) lead or discharge water, except storm water on, over or across a public road; or

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

(2)A person who wishes to perform an action as contemplated in subsection (1), must submit to the Manyame rdc an application which contains full technical details of the proposed action, and the Manyame rdc may refuse or grant permission and—

(a) should the Manyame rdc refuse permission, it must supply the person with the written reasons for the refusal;

(b) should the Manyame rdc grant the permission, it may do so subject to such conditions, requirements or specifications which it may determine in each individual case.

(3)The Manyame rdc may, subject to any law which may be applicable and after obtaining permission of the owner and the occupier of the land concerned, if any—

(a)deviate a watercourse, stream or river if the deviation is necessary for—

(i)the protection of a public road or structure related to a public road; or

(ii)the construction of a structure connected with or belonging to a public road; and

(b) divert storm water from or under a public road onto private property other than land containing buildings, other structures or improvements.

*~~26. Overflow of water in roads~~*

~~No person shall cause or allow any water other than rainwater to flow into a road.~~

(2) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level 7

**Chapter 4  
DISPLAY OF STAND NUMBERS**

*~~27. Stand numbers~~*

~~(1)The Manyame rdc may prescribe by notice in writing to the owner of any premises that a number allocated to such premises in terms of section 39(c) must be displayed and the owner of such premises must, within 30 days of the date of such notice, display the allocated number on the premises.~~

~~(2)A number displayed as contemplated by subsection (1) must—~~

~~(a)be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent road; and~~

~~(b)be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.~~

*28. Closure of roads or roads*

(1)The Manyame rdc may permanently close or divert any road or part thereof or restrict access to any road. (in the event of endangerment) In line with the Roads Act and Regional and Town Planning Act

~~(2)When the Manyame rdc decides to act in terms of subsection (1), it must give notice of such intention in terms of its communication policy; in the absence of such policy the Manyame rdc must give notice of its intention in a local newspaper in at least one official language`.~~

~~(3)Any objection against the intended action must be delivered in writing to the Engineer within 14 days from the date of notification in terms of subsection (2) for submission to the Manyame rdc~~

*29. Temporary closure of roads or roads (In line with the Roads Act and Regional and Town Council Planning Act)*

(1)The Manyame rdc may, without complying with the provisions of section 25–temporarily close a road—

(a)for the purpose of or pending the construction, reconstruction, maintenance or repair of such road;

(b)for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such road—

(i)if such a road is, in the opinion of the Manyame rdc, dangerous to traffic or as a plan to de congest traffic volumes;

(ii)by reason of any emergency or public event which, in the opinion of the Manyame rdc, requires special measures for the control of traffic or special provision for the accommodation of crowds, or

(iii)for any other reason which, in the opinion of the Manyame rdc, renders the temporary closing of such a road necessary, and

(2)The Manyame rdc may temporarily divert a road which has been closed in terms of subsection (1)(a).

(3)The Joint Committee may in its discretion, for general information, place a notice of temporary closure in a local newspaper.

*30~~. Construction, maintenance and naming of roads~~*

~~The Manyame rdc shall in its area—~~

~~(a) make, construct, reconstruct, alter and maintain roads;~~

~~(b) name and re-name roads; and~~

~~(c) allocate and re-allocate numbers to properties abutting on roads.~~

*31. ~~Declaration of roads~~*

~~(1)The Manyame rdc shall—~~

~~(a) declare any land or portion of land under its control to be a road upon approval by ministry local government and ministry of transport;~~

~~(b) declare any private road or portion thereof to be a public road.~~

~~(2)When the Manyame rdc decides to act in terms of subsection (1), it must give notice of such intention in terms of its communication policy; in the absence of such policy, the Manyame rdc must give notice of its intention in a local newspaper in at least one official language.~~

~~(3)Any objection against the intended action must be delivered in writing to the Engineer within 14 days from the date of notification in terms of subsection (2).~~

**Chapter 5**

32. ~~OBTAINING ROAD MATERIALS FOR ROAD CONSTRUCTION PURPOSES~~

~~3. The Manyame rdc may take land and materials~~

~~(1) In the exercise of its powers in terms of the Roads Act, Manyame rdc shall, at all times have the power of making roads and temporary deviations across and of taking materials for making or repairing roads from and of depositing spoil material on any part of any land which is not included in any area which has been approved by the Manyame rdc under any law relating to regional, town or country planning:~~

~~Provided that, except with the consent of the owner of the land, no material shall be taken and no spoil material shall be deposited within—~~

~~(a) five hundred metres of the site of the principal homestead on that land, whether the homestead is already erected or actually in the course of erection;~~

~~(b) one hundred metres of any other building or permanent improvement the value of which is prescribed or more, or any cattle dip tank;~~

~~(c) fifty metres of any area which, in terms of any enactment providing for the protection of the environment, is required to be protected;~~

~~(d) ten metres of any other permanent farm building.~~

**~~Chapter 6~~**

~~33. Temporary Encampments~~

~~(1) Subject to subsections (2) and (3) and to any law relating to the protection of the environment, Manyame rdc shall, in the exercise of the powers conferred upon it in terms of the Roads Act, have the right on any site which the Manyame rdc considers convenient, to establish temporary encampments for the purposes of— (a) the accommodation of persons and animals; and~~

~~(b) the parking, maintenance, installation and storage of vehicles, equipment, machinery, materials and stores, as the case may be; and~~

~~(c) the construction or erection and maintenance of buildings, huts, tents, stores, structures, camps and enclosures.~~

~~(2) A temporary encampment may be established in terms of subsection (1) on any site for such period as the Manyame rdc considers to be necessary or expedient in the circumstances.~~

~~(3) Subsections (3) to (8) of section forty-one of the Roads Act shall apply, mutatis mutandis, in relation to the exercise of powers in terms of subsection (1) as they apply in relation to the power to use land or make roads in terms of subsection (2) of section forty-one.~~

~~(4) A temporary encampment and any derelict equipment shall be removed within one month of the completion of the work for which the encampment was erected or the equipment was used and the area of the land on which the encampment was erected shall be rehabilitated to the condition in which it was before its erection.~~

**~~Chapter 7~~***~~GENERAL MATTERS~~*

*~~34. Offences and penalties~~*

~~A person who contravenes any provision or fails to comply with any provision of this by-law or who fails to comply with a notice issued in terms of this by-law, commits an offence and shall on conviction be liable to—~~

~~(a) a fine not exceeding level………….. or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and demolish such illegal works and the offender will bear such costs.~~

~~(b)in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and~~

~~(c) a further amount equal to any costs and expenses found by the court to have been incurred by the Manyame rdc as result of such contravention or failure.~~