

ALBERTON JURISDICTION ONLY

ANNOTATION

NOTICE	NUMBER	DATE
Administrator's Notice	118	8 February 1956
Administrator's Notice	2211	16 October 1985
Administrator's Notice	83	21 January 1987

MUNICIPALITY OF ALBERTON - BUS BY-LAWS

22/3/9/1

The Administrator hereby in terms of section *one hundred and one* of the Local Government Ordinance, 1939, publishes the by-laws, set forth in the Schedule hereto, which have been approved by him in terms of section *ninety-nine* of the said Ordinance.

SCHEDULE

MUNICIPALITY OF ALBERTON – BUS BY-LAWS

Definitions

1. For the purpose of these by-laws -

“Council” means the Municipality of Alberton;

“manager” means the person for the time being holding the position or acting in the capacity of the manager of the Council’s bus service, or any person authorised to carry out the functions or to exercise the duties imposed upon the bus manager under the municipal by-laws;

“driver” means any person placed by the Council in charge of any car or bus;

“passenger” means any person travelling or offering himself for conveyance upon any bus; provided that no person in the employ of or engaged upon the work for and on behalf of the Council’s bus service while actually carrying on his duties upon any bus shall be deemed to be included in this definition;

“conductor” means any person in the service of the Transportation Department, who is in charge of a public vehicle in so far as the collection of fares is concerned, and in the case of buses with only one employee, the Department’s official in charge of such bus;

“Coloured person” includes any Native, Asiatic or other Coloured person;

“bus” means any vehicle used or designed for the conveyance of passengers and/or parcels upon the Council’s bus system or any part thereof;

“inspector” means any person duly authorised by the Council to examine tickets and coupons;

“vehicle” means any locomotive, motor car, motor cycle, cycle, coach, carriage, omnibus, cart, cab, wagon, trolley, timber carriage, dray, draycart, jinricksha, truck, handcart, wheelbarrow, or handbarrow;

“stage” means a section of any bus route fixed from time to time in the discretion of the Council as a basis for the bus tariff;

“coupon” means a paper or token for a certain number of stages, or for a certain route or journey and issued by the Council to the passenger, which may be purchased at the price mentioned in the tariff for the time being in force under these by-laws at such places as the Council may from time to time appoint and shall be valid only upon the section and over the distance and for the class of passenger for which the coupon has been issued;

“fare” means a coupon or issued for a certain number of stages or for a certain route or journey, or the amount which may be legally demanded for such stages, route or journey: provided that in the event of the Council at any time deciding to abandon the system of payment by coupons, fare shall mean the amount legally demandable as aforesaid in money and shall cease to mean the said coupon or coupons; provided further, however, that where by means of any notice affixed to a bus in terms of these by-laws any special or minimum fare payable for conveyance by such bus is notified, the amount demandable from any passenger shall be the amount of such special fare or a sum not less than the amount of such minimum fare as the case may be;

“ticket” means a paper or other token which has been duly received by a passenger from an authorised official of the Council in return for the fare legally demandable for the specific journey which at the time is being or has been travelled by the passenger upon a bus.

Application of By-laws

2. These by-laws and regulations shall extend and apply to all buses of the Council.

Access and Departure

3. Every passenger shall leave a bus by the bus exit and not otherwise.

Payment of Fares

4. Immediately upon entering a bus, every passenger shall pay to the conductor the fare fixed for the particular stage, route or journey which he proposes to travel. Such fare shall be tendered in cash (silver or coppers) or coupon or coupons. The driver may, however, accept notes but in such cases any change due to the passenger shall be recoverable from the Transportation Department upon production of a good-for duly signed by the bus driver or conductor, stating the amount due to the passenger.

Travelling upon Platforms

5. No person other than employees of the Council's bus system shall travel on the running boards of any bus, or stand on the roof or sit on the running board or roof of any bus. Persons travelling on the platforms shall immediately cease to do so on the request of the bus driver or conductor.

Trespassing upon Buses

6. No person, excepting a passenger shall enter or mount any bus, and no person shall hold or hang on to any part of any bus or travel therein otherwise than on a seat provided for passengers, and no person riding a cycle or other vehicle shall hang on to or attempt to hang on to any bus; provided persons standing in buses shall be permitted to the legal number of standees.

Mounting or Dismounting

7. No person shall enter, mount, leave or attempt to enter, mount or leave any bus which is in motion.

Mounting and Dismounting from Stationary Buses

8. All persons desiring to leave any bus shall do so before any other person boards such bus for the purpose of travelling thereon and all persons desiring to board a bus shall first permit such persons to alight as aforesaid.

Obstruction of Officials

9. No person shall wilfully obstruct or impede any officer or servant of the Council in the execution of his duty upon or in connection with any bus of the Council, or in any way interfere with such officer or servant by threats or otherwise in the performance of his duty.

Conversation with Officials

10. No passenger shall distract the attention of the driver or conductor of any bus from the performance of his duty, and no passenger or other unauthorised person shall take charge of any of the controls or brakes or in any way interfere with the motive powers or machinery of any bus.

Production of Tickets

11. Each passenger shall show his ticket or coupon when required to do so to the conductor or inspector or any duly authorised servant of the Council, and shall allow same to be clipped or otherwise marked for checking purposes, and shall also, when required to do so, either deliver up his coupon or pay the fare demandable under these by-laws for the distance travelled over or being travelled by such passenger, and no person shall use or attempt to use a *non-transferable* ticket or coupon issued to any other person. Any person tendering a coupon or any other ticket or token, shall on request advise the conductor from whom and when the passenger purchased it, and the address of the person from whom purchased. Any person selling or otherwise disposing of a *non-transferable* ticket or attempting to do so shall be guilty of a contravention of these by-laws.

Special Tickets

12. No person shall use or attempt to use any ticket or coupon intended only for the use of a class of passenger to which he himself does not belong.

Evading Payment of Fares

13. Any person entering, travelling, or having travelled on any bus, who avoids or attempts to avoid payment of his fare, or any passenger who having paid his fare for a certain distance knowingly and wilfully proceeds in any bus beyond such distance without paying the fare for the additional distance, or who attempts to avoid payment thereof, or any passenger who

knowingly or wilfully refuses or neglects on arriving at the point to which he has paid his fare, to quit such bus, shall be guilty of a contravention of these by-laws.

Cash Fares, Coupons

14. The Council may, in its tariff of fares for the conveyance of passengers, goods or luggage on any bus, provide for payment of fares by cash or by coupon or season ticket. Coupons or season tickets may be issued at such reduction of price from the cash fare as the Council may determine. No refund for unused coupons or tickets shall be payable by or claimable from the Council; provided that should the Council resolve to abandon the system of payment by coupon or to alter the number and length of stages or in any way to render invalid the coupons in use at the time, it may do so, but it shall refund the cost of all coupons already sold at the time such change is made, on application for such refund and return of such coupons being made within a reasonable time to be specified by the council.

Full Buses

15. When any bus is occupied to its full capacity (which capacity shall be conspicuously displayed upon the bus) a notice to that effect shall be placed in a prominent position on the bus, and no additional person shall enter, mount, or remain in or on any such bus when warned by the conductor not to do so, whether such person be the holder of a ticket or not; any person failing to leave the bus after being warned shall be liable to the penalty as prescribed in these by-laws.

Stopping of Buses

16. No bus shall be obliged to stop to take up or set down passengers on any spot other than the authorised stopping places and no person shall mount or leave a bus except at the approved stopping places.

Stopping of Special Buses

17. No bus set apart and provided in terms of section 40 (a) shall be obliged to stop to take up or set down passengers at any stop nearer its starting place than the farthest point to which a passenger could claim to be conveyed under the tariff for minimum fare; and no bus set apart and provided in section 40 (b) or (c) shall be obliged to stop to take up or set down passengers at any spot between its starting point and its destination.

Completion of Journey

18. Any passenger leaving a bus shall be deemed to have completed his journey, except where a passenger has been provided with a through ticket entitling him to transfer from one bus to another to enable him to complete the journey for which such ticket has been issued.

Bus Disabled

19. If at any time a bus becomes disabled or in any way damaged, or for any cause whatever is unable to proceed, the passengers shall, on request of the driver or any other authorised person leave same, and if such passengers have paid their fare they shall not be entitled to demand back the amount of their fare so paid, but on production of their tickets shall be allowed to travel by the next bus available for the remainder of the distance in respect of which fares have been paid. No person shall, except with the permission of the driver, enter a disabled or damaged bus.

Period of Journey

20. The Council shall not be bound to complete any journey in any scheduled period time.

Luggage

21.(1) Subject to the following conditions, no luggage or goods shall be brought on or into any bus by any passenger, save a reasonable amount of personal or other luggage of passengers, which is ordinarily capable of being carried by hand (including the tools or artisans, mechanics or day labourers); provided that the driver or conductor may, in his discretion, refuse to allow the carriage of any luggage or articles if the same appear to him, by reason of their nature, bulk, or weight to be likely to cause annoyance, inconvenience or obstruction, or if there does not appear to be room for such luggage or articles, and in no case shall the Council be liable for any damage whatsoever to such luggage or articles or for loss thereof, the same being conveyed at the entire risk of the persons who are the owners thereof.

(2) Parcels or packages, other than personal luggage, as provided under the preceding sub-section, shall be charged for at tariff rates as determined by the Council from time to time.

Damaging Fittings

22. No person shall wilfully or negligently damage, cut, tear or soil the cushions or other linings of a bus or remove or deface any number plate, printed or other notice in or on any bus, or break or scratch any window of or otherwise wilfully or negligently damage any bus.

Damaging Property of Council

23. No person shall wilfully or negligently damage, destroy, write, draw, scribble upon or deface, interfere or meddle with, or do anything likely to damage or destroy any building, machinery, plant, bus, standard, wire, road, or other works or property of the Council, used for or in connection with the particular bus service. No person shall remove or alter any part of the bus system, bus or works connected with the said system, or any portion of the above-mentioned works, neither place, leave or throw any stone, wood, wire, earth, dirt, refuse, or other obstruction on or into any part of the bus system.

Any person contravening the provisions of this by-law, shall be liable on conviction to a penalty not exceeding £50 (fifty pounds) and also to pay the equivalent of any damage caused to the Council.

Damage or Obstruction

24. No person shall do or cause to be done anything in such a manner as to obstruct any bus or to endanger the life of any person therein or thereon. Any person contravening the provisions of these by-laws, shall be liable to a penalty not exceeding £50 (fifty pounds) and also to pay the equivalent of any damage caused to any property of the Council.

Dirty and Offensive Persons

25. Any person whose dress or clothing might in the opinion of the driver or conductor of a bus soil or injure the linings or cushions of the bus or the dress or the clothing of any passenger or a person who, in the opinion of the driver or conductor might for any other reason be offensive to passengers, shall not be entitled to admission to or to remain in or on any bus, and may be prevented from entering or mounting upon any bus, and shall not enter or mount upon any bus after having been requested not to do so by the driver, and if found in or on any bus shall, on the request of the driver or conductor, leave the bus upon the fare, if previously paid, being returned; provided that nothing in these by-laws shall be taken as

applying to workmen proceeding to or returning from work in buses or portions of buses set apart for their special use.

Infectious or Contagious Diseases

26. No person shall bring into or upon, or convey or cause or permit to be conveyed, in or on any bus, any clothing or any article or thing which might communicate any infectious or contagious disease, or bring any article of an offensive or dangerous character therein or thereon and any person so doing shall be guilty of an offence against these by-laws, and may, moreover, if he refuses, upon request of the driver or conductor, to remove such article or thing from the bus, be removed summarily from such bus by the driver or any police official, and such person shall not be entitled to a refund of the fare paid by him.

Dangerous Goods or Wearing Apparel

27. No person shall carry or wear on any bus any goods, material, or wearing apparel which may be of a dangerous nature without the written permission of the Council under the hand of the town clerk.

Fire-arms

28. No person shall travel in or on any bus with a loaded fire-arm.

Smoking

29. No person shall smoke inside any bus, except in or on that portion of the bus set apart for smoking.

Chewing

30. No person shall chew tobacco, opium, betel, bhang, or other like substance, or indulge in any other objectionable habit in or on any part of a bus.

Spitting

31. No person shall spit in, on, or from any bus, shelter, or waiting-room connected with the bus system.

Intoxication

32. No intoxicated person shall enter or mount or attempt to enter or mount any bus, and if found in or upon any bus may immediately be removed by or under the direction of the driver or conductor.

Swearing or Offensive Language

33. No person shall swear or use obscene or offensive language whilst in or upon any bus; any person guilty of such conduct will, in addition to the penalty herein prescribed, forfeit his fare and may upon instruction of the driver or conductor be summarily removed from such bus.

Nuisance

34. No person shall commit any nuisance in or upon or against any bus, shelter, or waiting-room in connection with the bus system, or wilfully interfere with the comfort of any passenger.

Annoying Passengers

35. No passenger or other person shall, while travelling in or on any bus, play or perform upon any musical instrument and no person shall sing, shout, harangue, make a noise, or in any other manner annoy any passenger.

Touting or Soliciting

36. No person shall distribute or leave advertisements or tracts in any bus or beg, or annoy any passenger by touting or soliciting business in or on any bus or otherwise attempt to commit any such act.

Indecent Behaviour

37. No person shall behave in an indecent manner in or on any bus, shelter, or other property of the Council.

Animals

38. No dog or other animal shall be brought or allowed in or on any bus.

Illegal Use of Bus System

39. No person shall, without the express permission of the Council, make use of any portion whatsoever of the bus system, otherwise than as provided for in these by-laws.

Special Buses and Fares

40. The Council may, in its discretion from time to time -
- (a) provide and set apart any bus or buses to be run with or without intermediate stoppages over any stage or route and exclude therefrom any person or persons not travelling to the first or any later stopping place on the route along which such bus shall be appointed to run, and fix the minimum fare payable by any passenger travelling, or offering to be conveyed by any such bus at the amount payable in terms of the tariff from time to time in force for conveyance to such first or later stopping place; provided that such bus so set apart shall have one or more clearly legible notice or notices thereto attached or affixed in some prominent position or positions setting forth the amount of the minimum fare payable for conveyance by such bus and the first or only stopping place of such bus;
 - (b) provide and set apart any special bus or buses to run over any portion or portions of any bus route or routes, and make special charges in terms of the tariff from time to time in force or at any higher or lower rates for conveyance over the distance to be travelled by any such bus, with power to exclude from any such bus any person or persons not travelling or offering to be conveyed over the whole distance to be travelled by such bus; provided that every such special bus so set apart shall have attached or affixed thereto in the manner as set forth under (a) above, one or more clearly legible notice or notices setting forth the amount payable for conveyance by such bus and the destination of such bus;
 - (c) let and hire buses to any person for private use and exclude the public therefrom, provided that a notice or notices be attached or affixed in manner as under (a) above set forth to any such bus indicating that it is a private bus;

- (d) exclude passengers from any bus, either by means of a notice or notices affixed or attached to such bus, as under (a) above provided, or by means of any intimation from any bus official that passengers will not be conveyed by such bus;
- (e) issue season tickets to school children at such rates and under such conditions as shall from time to time be decided by the Council and notify by notices posted in such places as the Council may decide.

Duty of Driver

41. The driver or conductor shall enforce these by-laws and prevent any breach thereof to the best of his ability.

Time-tables

42. The official public time-tables as published by the Council from time to time, are only intended to fix the time before which the buses will not start, and the Council does not undertake that the buses will start or arrive at the times specified in the tables, nor does it guarantee the connection of buses at the various junction points, termini or central terminus. The Council will not be liable for delay and detention however occasioned, or any consequences arising therefrom.

Police Signals to be Obeyed

43. Every driver and conductor of a bus, and every inspector, despatcher or other person responsible for the starting or working of any bus, shall obey the instructions or signals of any member of the police or traffic officer in regard to the general regulations of traffic under the Council's traffic by-laws, and any failure to do so, shall constitute a breach of these by-laws.

Buses Set Apart for Europeans and Coloured Persons, Respectively

44. The Council, may, in its discretion set apart any buses for the use of passengers of European (white) race only, and may further set apart any bus for the use of Coloured passengers only.

Any person entering, travelling upon, or attempting to enter or travel upon any bus so set apart, for a certain class of passenger to which he does not belong, and any driver or conductor admitting any such person upon such bus, shall commit a breach of these by-laws.

Special Permits

45. Any person holding a special permit, signed by the town clerk on behalf of the Council, duly authorising him thereto, may travel upon any bus or portion of a bus, whatsoever.

Suspension or Alteration of Bus Service

46. The Council shall not be responsible for any loss that may be occasioned by any alteration, suspension, or curtailment of its bus or any other transport service from any cause whatsoever.

Lost Property

47. When a passenger finds any article or thing not his property in a bus, and which may possible have been left by another passenger, he shall hand it to the conductor or driver of the bus.

Tariff

48. A tariff may be framed by the Council under these by-laws and may be amended from time to time.

Lost or Unclaimed Property

49. Unclaimed property found in any bus, shelter, waiting room or offices, or other places connected with the bus system will be forwarded to the transportation depot. The transportation depot shall not be responsible for any package or any article left in a bus but the lost property office shall take custody of such articles which conductors of buses entrust to it until such time as the articles are claimed by the owners. Lost property will be delivered to the owner thereof upon his producing satisfactory evidence of ownership provided a charge not exceeding sixpence (plus 1d. per day demurrage, subject to a maximum of 1s.) is paid for the custody and care thereof to such department. If such property is not claimed or removed within three months the same will be considered as abandoned and may be sold by public auction.

Perishables or any article of an objectionable nature or which may be liable to cause a nuisance may be sold, destroyed or otherwise disposed of at any time.

Offences and Penalties

50. Any person who contravenes or fails to comply with or who causes, permits or suffers any other person to contravene or to fail to comply with any provision of these by-laws or any notice given in terms of these by-laws, shall be guilty of an offence and liable on conviction to a penalty not exceeding R300 or, in default of payment, to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment, and in the event of a continuing offence, shall be deemed to be guilty of a separate offence for every 24 hours or part of such period during which the offence continues and shall be liable in respect of each such offence to a fine not exceeding R50 or, in default of payment, to imprisonment for a period not exceeding 3 months, or to both such fine and such imprisonment. In addition to such fine any cost incurred by the Council as a result of any contravention of any of the provisions of these by-laws or the failure to comply with any notice given in terms of these by-laws or in the carrying out of any work prescribed by these by-laws to be carried out by any person and not carried out by such person, shall be paid by the person guilty of such contravention or failure or failing to carry out such work.

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