

MUNICIPALITY BRAKPAN: OMNIBUS BY-LAWS

The Administrator is hereby, in terms of section 101 of the Local Government Ordinance, 1939 publishes the by-laws set forth hereunder, which have been approved by him in terms of section 99 of the said Ordinance.

Definitions

1. For the purpose of these bylaws, unless the addicts otherwise indicates:

"Adult" means any person 13 years or older;

"Bus" means any vehicle used for the conveyance of passengers on the Council's bus system or any part thereof

"Bus driver" means any person plays by the Council in charge of any bus;

"Central terminus" means the area in the vicinity of the Town Hall from time to time determined by the solution of the Council within which area are fixed the points where all transport vehicles commence and terminate their journeys on the various sections of the bus system;

"Child" means any person between the age of three years and 13 years;

"Coloured person" includes any Black, Asiatic or other coloured person;

"Council" means the Town Council of Brakpan, the Council's Management Committee, acting under the powers delegated to it in terms of the provisions of section 58 of the Local Government (Administration and Elections) Ordinance, 1960, and any officer to whom that Committee has been empowered by the Council in terms of the provisions of section (3) of the said section to delegate and has in fact delegated the powers, functions and duties vesting in the Council in relation to these bylaws;

"Coupon" means a piece of paper gearing a certain face value and issued by the Council to the passenger, which may be purchased at that price mentioned in the tariff for the time being in force under these bylaws that such places as the Council may from time to time appoint, and shall be valid only on the section and over the distance and for the class of passenger for which such coupon has been issued;

" Director of Transport" means the person for the time being holding the position or acting in the capacity of Director of Transport in the service of the Council, or any person authorised to carry out the functions assigned to or to exercise the duties in those on the Director of Transport under these bylaws;

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"fare" means the amount prescribed by the Council by resolution from time to time to be payable by a passenger or class of passenger for the distance traveled upon the Council's buses;

"Inspector" means the person or persons for the time being holding the positions or acting in the capacity of Chief bus inspector, senior and bus inspector or inspector in the service of the Council;

"Passenger" means any person travelling or offering himself for conveyance on any bus: Provided always that no person in the employ of or engaged on work for or on behalf of the Council's bus service, while actually carrying on his duties upon any bus showed being to be included in this definition;

"Stage" means a section of any transport route fixed from time to time at the discretion of the Council;

"Student" means any person studying in a full-time capacity at any educational institution;

"ticket" means a ticket which upon the face of it, authorises the passenger to travel upon a bus for a specific distance and which has been duly received by him from an authorised official of the Council in return for the fare demanded therefore

Application of By-laws.

2. These bylaws and regulations shall extend and applied to all buses of the Council and to all places to which the Council has power to make bylaws and regulations.

Time-Tables

3. The official public timetables as published by the Council from time to time, all intended merely to fix the time before which the buses and shall not be allowed to start, and the Council does not undertake that the buses will start all arrived at the time is specified in the timetables, nor does it guaranteed the connection with any bus and serious junction points, terminal or centre Central terminus. The Council shall not be liable for delay and correction, however occasioned, or any consequences arising therefrom.

Method of Payment of Fares

4(a) Fare shall be payable either by tendering in cash the amount of the prescribed fair for the distance traveled or to be troubled, or by attending a single coupon having a face value of not less than the prescribed cash fare for the journey: Provided, however, that it shall not be lawful to tender more than one coupon for any journey notwithstanding that such coupons may together have a face that you either equal to or in excess of the prescribed cash fare for the distance traveled or to be traveled.

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(b) permits issued to pensioners in terms of section 35A of the Council's repealed Omnibus By-laws promulgated and dirt and demonstrators notice 807 of 24 September 1952, shall remain that for the duration of such permit.

Onus on Passenger to Effect Payment

5. Any passenger shall-

(a) and the first opportunity and before alighting pay in cash the fare prescribed for the distance travelled or tender use coupon or permit for the purpose of cancellation or scrutiny;

(b) the deuce he is ticket, coupon or permit when required to do so by an authorised officer of the Council;

(c) if the passenger cannot be deuce is ticket, coupon or permit a duly authorised officer of the Council may gain demand payment of the applicable fare from the passenger. The passenger must obtain a ticket in exchange for his money, and the onus rests on the passenger to prove that he has paid for the trip.

Special Or Non-transferable Coupons Or Tickets

6. Now passenger shall-

(a) use all attempt to use any ticket or coupon intended only for fares use of a class of passenger to which he himself does not belong, or a non-transferable ticket, coupon or permit issued to another person;

(b) transfer all attempt to transfer to any person a non-transferable ticket, coupon or permit.

Evasion Of Payment Of Fares

7.(a) no person travelling or having travelled on any bus shall avoid all attempt to avoid payment of his proper fare.

(b) no passenger having paid his fare for a certain distance shall knowingly and wilfully proceed or attempt to proceed in any bus beyond such distance without paying the fare for such additional distance.

(c) no passenger shall knowingly or wilfully refused or neglect on arriving at that point to which he has paid his fare to quit such bus.

Chewing

8. No passenger shall to tobacco, opium, betel, bhang, or or other like substance in or on any part of any bus.

Spitting

9. No person shall spit in or on any bus.

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Annoying Passengers

10. No person shall, while travelling in all or on any bus, play or perform on any musical instrument and no person shall sing, shall, harangue or make a noise to the annoyance of any passenger.

Intoxication

11. No person in such a state of intoxication as to be noisy, offensive, quarrelsome or objectionable, or as otherwise to interfere with the comfort or peacefulness of any passenger shall enter or mount any bus, and if found on or upon any such bus, may immediately be removed by the driver or other duly authorised officer of the Council or any member of the South African Police.

Swearing

12. (a) no passenger or other persons shall swear we use indecent or offensive language in or upon any bus or permit any nuisance in or upon or against any bus, or wilfully interfere with the comfort of any passenger.

(b) any passenger of person so conducting himself upon any bus, who refuses to comply with a request by the driver or other authorised officer or a member of the South African Police, or any person found committing an act of indecency may be removed from such a bus by the driver or any other such official or by a member of the South African Police.

Damaging Fittings

13. No person shall wilfully or negligently, tear, soil or damage the cushions, linings etc, all fittings of any bus or removed or deface any number plate advertisement, printed or other notice, in or on any bus, or break or scratch any wonder or otherwise wilfully or negligently damage any bus. Any person acting in contravention of these regulations shall be liable to a penalty prescribed by these bylaws and regulations, in addition to the liability to pay the amount of any damage done.

Interference

14. Now passenger or other an authorised person shall take charge of, use all interfere in any way with the control mechanisms, breaks, motive power, machinery, the hectic switchers or any other mechanism of a bus.

Dirty and Offensive Persons

15. No person whose dress or clothing may in the opinion of any duly authorised officer of the Council, soil or cause damage to the linings or cushions of any bus or the clothing of any passenger, and any person who may for any other reason being offensive to passengers, shall be entitled to enter or remain in or on any bus and may be prevented from entering or mounting upon any bus after having been requested not to do so by the driver or inspector, and if found in or on any bus shall on the request of the driver or inspector or any member of the South African police believe the bus, should the fare, is previously paid be returned to him.

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Persons Afflicted with Infectious or Contagious Diseases

16. No person suffering from any infectious or contagious disease shall enter or mount any bus, and any such person found in or upon any bus, in addition to incurring the penalty provided, for his or her fare and shall immediately be removed by or under the direction of the driver or inspector.

Luggage and Goods

17. No luggage or goods shall be brought on or into any bus by any passenger. Personal and other luggage of passengers which is capable of being carried by hand (including the tools of artisans, mechanics and daily paid labourers) and which does not appear to the driver, by reason of its nature or weight to be likely to cause annoyance, inconvenience or obstruction, may with the permission of the driver be placed on the platform or such other part of the bus as directed.

Lost Property

18.(a) if any passenger shall find any article or thing in a bus, not belonging to such passenger, such article or things shall immediately be handed over to the driver of the bus.

(b) Any article or thing left in a bus by a passenger shall be taken in charge by the driver of the bus and handed over by him at the first opportunity to the Director of Transport or other official in the office, to be detained until claimed by the owner, and person presenting himself at the office and claiming any article or thing left upon any bus and delivered to the office, shall be bound to satisfy the Director of Transport and he is the bona fide owner of same before he is entitled to delivery thereof.

(c) The Council shall not be bound to regain custody of any article or thing left on any bus for a longer period than six months and on expiration of the time, if the article is still unclaimed, the Council shall be entitled to sell the article or thing or articles or things by public auction and retain the proceeds of such sale.

Travelling upon Platforms

19. No passenger or other person not being an official of the Council shall travel on any bus otherwise than on a seat provided for passengers: Provided, however that when all the seats in the bus are occupied, the driver may permit passengers to travel on the bus by standing in the interior of such bus in the aisle between the seats.

Full Vehicles

20. When the bus contains the total number of passengers which it is authorised to carry, a notice to that effect shall be placed in a conspicuous position on the bus.

When a notice to the effect that the bus contains the total authorised number of passengers has been posted, no additional passengers shall enter, mount or remain in or on any such bus.

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Stopping Places

22. No driver of any bus needs stop is bus elsewhere and then at an authorised stopping place.

Mounting and Dismounting

22. No person shall enter, mount, leave or attempt to enter, mount or leave any bus while in motion. All persons desiring to alight from any bus shall do so before any persons board such a bus for the purpose of travelling there on and all persons desiring to board a bus shall first permit such persons to alight as aforesaid.

Animals

23. No live animal shall be brought by any passenger in or on any bus, with the exception of a blind person who may take his guide dog with him onto the bus. Any animal except the guide dog, taken in to or on any bus shall be removed by the person in charge of such animal immediately upon request of the driver or other duly authorised official of the Council.

Firearms

23. No person shall travel in or on any bus of the Council with a loaded firearm.

Obstruction of Officials

24. No person shall wilfully obstruct or impede any of the civil servant of the Council in the execution of his duty, but on or in connection with any bus of the Council or in any way interfere with such official or servant by threats or otherwise in the performance of his duty.

Conversation with Driver and Interference with Vehicles

25. No person shall converse with the driver of any bus of the Council, so as to distract his attention from the performance of his duty whilst the vehicle is in motion.

Obstruction or Endangering Lives

27. No person shall do all cause to be done any thing in such a manner as to obstruct any bus or to endanger the lives of any persons therein or thereon. Any person contravening the provisions of this by-law shall be liable to a penalty not exceeding R100 as well as payment of the amount of any damage caused to the property of the Council.

Damage or Interference with Council's Property

28. No person shall wilfully or negligently cause damage, destroyed, interfere, middle with ordinary any thing likely to cause damage or destroy any building, machinery, plant, bus signs its sector or property of the Council used for or in connection with the municipal bus service.

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Touting, Force Sale of Merchandise

29. No person shall distribute or leave advertisements or tracts, or annoy the passengers by touting or soliciting business in or on any bus or attempt to commit any such offence.

Dangerous or Offensive Goods

30. No person shall carry on any bus goods which may be of a dangerous or offensive nature without the written permission of the Director of Transport.

Indecent Behaviour

31. No person shall solicit or importune any other person for any immoral purpose or behave in any indecent manner in or on any bus.

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Obstruction by Vehicles

32. No person shall leave, ride, or drive or lead any vehicle or animal upon the bus route, stops, etc. in such a manner as to obstruct, hinder or cause danger of collision to the any bus or refuse to move such obstruction when required to do so.

In shall be lawful for any official of the Council to call to his assistance any traffic officer or member of the South African police to remove such obstruction.

Separate Buses for Europeans and Non-Europeans

33. The Council May at its discretion set apart any bus for the use of passengers of the European race only and may further set apart any bus for the use of Black and Coloured passengers only.

Any person who shall enter, travel upon, or attempt to enter or travel upon any bus so set apart for a class of passenger to which he does not belong, and any driver made in any such person upon such bus, shall be deemed to have committed a breach of these bylaws.

Higher and Special Buses

34. The Council ay at its discretion from time to time-

(a) provide and set apart any bus or buses to run with or without intermediate stoppage over any stage or stages, excluding from any bus any person or persons not travelling to the first or any later stopping place to which such bus shall be appointed to run and fix the minimum fare payable by any passenger travelling or offering himself for conveyance by any such bus and the amount payable in terms of the tariff from time to time in force for conveyance by such bus to the first or only stopping place of such bus: Provided however, that any such bus so provided and set apart shall have one or more clearly legible notice or notices attached or fixed in some prominent position or positions setting forth the first or only stopping place of such bus;

(b) provide and set apart any special bus or buses to run at the any portion or portions of any bus route or routes and make such 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 and exclude from any such bus a person or persons not travelling or offering himself for conveyance over the whole distance to be travelled by such bus: Provided that any such special bus so provided and set apart shall have attached or fixed in the two in a manner as under subsection (a) year of, provide one or more clearly legible notices setting forth the destination of such bus;

(c.) lead and hire buses to any person or persons for private use, and exclude the public therefrom: Provided that a notice or notices the attached or affixed in the manner as under subsection (a) hereof set forth indicating that it is a private bus;

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(d) exclude passengers from any bus, either by means of a notice or notices the fixed or attached to such bus as under subsection (a) hereof provided, or by means of any intimation from any duly authorised officer of the Council that passengers are not to be conveyed by such vehicle;

(e) any bus set apart and provided in terms of subsection (a) hereof to be stopped to take up or set down passengers at any place between its starting point and its destination, and

(g) runs special buses for any specific purpose and make charges in connection therewith.

Special Tickets and Coupons: Students and Scholars

35. The Council may in its discretion from time to time issue special or season tickets or coupons to students and school children at such a rate and under such conditions as shall be from time to time decided by the Council: Provided that notwithstanding anything contained in section (4) of these bylaws a student or scholar, 13 years old or older, travelling to or from a school or educational institution, shall have the right to travel with a scholar coupon or at the cash fare applicable to scholars till 15h30. In the event of a student or scholar wishing to travel after 15h30 at the scholar fare, he or she shall be required to prove that he or she is or was busy with school activities; otherwise he or she shall be regarded as an adult for the purpose of determining the bus fare.

Suspension or Alteration of Bus Service

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

Powered to Request Names and Addresses

37. The inspector or any duly authorised officer of the Council shall have the right to call upon any person who in his opinion, has contravened or is attempting to contravene any of the bylaws contained herein, to give his full name and address.

Any person, when called upon in terms of the group previous paragraph, and fails to give his full name and address or gives a false name and address, shall be guilty of an offence.

Drivers to Obey Traffic Inspectors or Police

38. No driver, inspector or any other person responsible for the starting or working of any bus shall fail to obey the instructions or signals of any duly formed member of the Council's Traffic Department or the South African Police or robots in regard to the regulation of traffic. Any failure to do so shall be a breach of the Omnibus By-laws.

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Duties of Inspectors or Drivers

39. The inspectors or drivers of buses as shall enforce the these Bylaws and prevent any breach thereof to the best of their ability.

Penalty

40. Any person contravening any provisions of these bylaws or regulations shall except where otherwise stated, the liable to a penalty not exceeding R10 and pay the Council the amount of any damage caused to it by such breach.

Revocation of bylaws

The Omnibus By-laws of the Brakpan Municipality, published under Administrator's Notice 807, dated 24 September 1952, as amended, are hereby revoked.