eTHEKWINI MUNICIPALITY: NON-MOTORISED TRANSPORT AND ENVIRONMENTALLY FRIENDLY VEHICLES, 2024

Adopted by Council on the:

NON-MOTORISED TRANSPORT AND ENVIRONMENTALLY FRIENDLY VEHICLES, 2024

To provide for measures to promote, and regulate the use of bicycles, scooters and other environmentally friendly vehicles; to ensure safe use of public roads; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Municipality has competence in terms of section 156(2) of the Constitution of the Republic of South Africa to make and administer By-laws for the effective administration of the matters which it has the right to administer;

WHEREAS the Municipality has competence in terms of Part B of Schedule 4 and 5 of the Constitution to administer matters relating to municipal public transport, traffic and parking and municipal roads;

AND WHEREAS a lack of proper facilities for pedestrians, cyclists and other vulnerable road users can cause road deaths and severe injuries and is not conducive to promoting the use of non-motorised transport;

AND WHEREAS there is a need to promote non-motorised transport, both in terms of infrastructure and transport operations, to benefit the environment by reducing traffic and air pollution, encouraging persons to exercise and by creating a more attractive environment for people moving from point to point in the municipal area;

NOW THEREFORE the Municipal Council of the eThekwini Metropolitan Municipality acting in terms of section 156 read with Part B of schedule 4 and 5 of the Constitution of the Republic of South Africa, 1996, read with section 11(1)(c) of the National Land Transport Act, 2009 (Act No. 5 of 2009), hereby makes the following By-law;

TABLE OF CONTENTS

CHAPTER 1
INTERPRETATION

1. Definitions
2. Interpretation of By-law

CHAPTER 2
OBJECTS OF BY-LAW

3. Objects of By-law

CHAPTER 3
APPLICATION

4. Application of By-law

CHAPTER 4
NON-MOTORISED TRANSPORT INFRASTRUCTURE

5. Establishment of infrastructure relating to non-motorised transport
6. Use of facilities
7. Parking and removal of vehicles in facilities
8. Abandoned bicycles
9. Obstructing sidewalks, cycle lanes and cycle paths
10. Planning of infrastructure, and travel demand management
11. Standards, specifications, audits and requirements for non-motorised transport infrastructure

CHAPTER 5

RECYCLING TROLLEYS

12. Specific provisions for recycling trolleys

CHAPTER 6

DUTIES OF PEDESTRIANS, CYCLISTS AND DRIVERS

13. Duties of cyclists
14. Use of cycle lanes and cycle paths
15. Protection of pedestrians
16. Protection of passengers, scholars and students
17. Duties of drivers of motor vehicles in relation to pedestrians, joggers and cyclists
18. Duties of pedestrians and joggers
19. Duties of cyclists while riding on a public road

CHAPTER 7

BICYCLE RENTING SYSTEM

20. Bicycle rental facility

CHAPTER 8

ENFORCEMENT

21. Powers of authorised officials
22. Presumptions
23. Offences and penalties

CHAPTER 9

MISCELLANEOUS PROVISIONS

24. Pedicabs
25. Cargo bikes
26. Power assisted pedal cycles (e-bikes)
27. Appeals
28. Delegations
29. Transitional provisions
30. Short title and commencement

CHAPTER 1
INTERPRETATION

Definitions

1. In this By-law, unless the context otherwise indicates–

"authorised official" means a person authorised to implement the provisions of this By-law, including but not limited to –

(a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

(b) municipal or metropolitan Police Officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and

(c) such employees, agents, delegated nominees, representatives and service providers of the municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

"bicycle" includes any pedal cycle as defined in terms of the National Road Traffic Act;

"bus" means a motor vehicle designed or modified to carry more than 35 persons, including the driver;

"cargo bike" means a bicycle or tricycle designed or modified solely or principally for conveying cargo, where "cargo" includes goods, luggage or passengers;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"CPA" means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

"cycle lane" means a designated portion of a public road set aside by the Municipality or other competent authority by means of appropriate road traffic signs and intended for the exclusive use of persons riding pedal cycles or for the shared use of such riders and pedestrians;

“cycle path” means a lane or path constructed or separated from the roadway on a public road by a physical barrier, by the Municipality or other competent authority, and designated by means of appropriate road traffic signs for the exclusive use of persons riding pedal cycles or for the shared use of such riders and pedestrians;

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

“environmentally friendly vehicles” includes power assisted pedal cycles, e-bikes and other types of motorised or non-motorised cycles that are permitted to be used on a public road in terms of the National Road Traffic Act and which have a limited impact on the environment due to reduced carbon emissions or reduced impact on road traffic;

“facility” means a cycle lock-up or storage facility or bicycle rental facility established by or under the control of the Municipality, contemplated in section 4(4)(a) and (e) of this By-law respectively;

“integrated transport plan” mean’s the Municipality’s integrated transport plan contemplated in section 36 of the National Land Transport Act read with the Minimum Requirements for ITPs;

“jogger” means a person running, or running and alternately walking, on a public road for the purpose of recreation or exercise;

“Land Use Management By-Law” means the Spatial Planning and Land Use Management By-Law of the Municipality promulgated in response to SPLUMA under Local Authority Notice 62 of 2016 published in *Provincial Gazette* No. 3709 of 18 July 2016;

“MFMA” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“Municipal area” means the geographical area of jurisdiction of the eThekwini Municipality;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"Municipal Council" or **"Council"** means the eThekwini Municipal Council, a municipal council referred to in section 157(1) of the Constitution;

“National Land Transport Act” means the National Land Transport Act, 2009 (Act No. 5 of 2009);

“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;

“non-motorised transport” means transport by any mode other than a motor vehicle including, but not limited to, walking, bicycling, skates, rickshaws, skateboards, scooters, wheelchairs, cycling and animal-drawn vehicles, but for purposes of this By-law also includes pedal cycles and environmentally friendly vehicles;

“non-motorised transport infrastructure” means and includes cycle paths, pedestrian walkways, public open spaces, bicycle rental facilities and other buildings and structures used or intended for, or to promote, non-motorised transport;

“park” in relation to a vehicle means to keep the vehicle, whether occupied or not, stationary for longer than is reasonably necessary or 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;

“pedestrian” means a person travelling on foot, whether walking or running. In some communities, those travelling using roller skates, skateboards, and similar devices are also considered to be pedestrians. This includes walkers who are assisted by a walking tool;

“pedicab” means a three-wheeled cycle used to carry passengers for a fare, consideration or reward, and designed or modified solely or principally for conveying not more than two seated persons, including the driver;

“power assisted pedal cycle” or **“e-bike”** means a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or electric motor, or both such pedals, engine or electric motor;

"prescribed fee" means a fee determined by the Council by resolution in accordance with the Tariff Policy adopted by the Council in terms of section 74 of the Systems Act;

“provincial legislature” means the provincial legislature of KwaZulu Natal;

“public road” means a public road as defined in section 1 of the National Road Traffic Act;

“**recycling trolley”** means a non-motorised vehicle that is used to collect recyclable waste and pulled or pushed by a pedestrian;

“road traffic sign” means a road traffic sign as defined in section 1 of the National Road Traffic Act;

“shoulder” means that portion of a road street or thoroughfare between the edge of the roadway and the kerb line;

“SPLUMA” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) and the Regulations made under that Act, and includes the Land Use Management By-Law;

“taxi” means a public transport motor vehicle, other than a public bus, used for the conveyance of passengers or of passengers and goods for hire or reward such as a minibus or a midibus, and includes metered taxis;

"traffic signal" means a traffic signal as defined in the National Road Traffic Regulations;

"Transit (transport) oriented development" (TOD) means development taking place in a mixed-use residential or commercial area designed to maximize access to public transport, which may incorporate features to encourage transit ridership, and includes travel demand management; and

"Website" means the Municipality's official website contemplated in section 21B of the Municipal Systems Act.

Interpretation of By-law

2. (1) Where any activity contemplated in this By-law involves a national road as defined in the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) or similar replacing legislation, this By-law is subject to the provisions of that Act.

(2) Where any activity contemplated in this By-law involves a provincial road as defined in the KwaZulu Natal Provincial Roads Act, 2001 (Act No.4 of 2001), this By-law is subject to the provisions of that Act.

(3) Where there is a conflict between this By-law and any other By-laws of the Municipality on a matter relating to non-motorised transport or environmentally friendly vehicles, this By-law will prevail.

(4) If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

CHAPTER 2
OBJECTS OF BY-LAW

Objects of By-law

3. (1) The objects of this By-law are to–

(a) provide a regulatory framework for non-motorised transport and environmentally friendly vehicles in the municipal area;
(b) provide for ancillary issues such as safety and security of pedestrians, cyclists, joggers and vulnerable road users;
(c) provide for the promotion of non-motorised transport, environmentally friendly vehicles and accessible transport in terms of operations and infrastructure;
(d) promote and facilitate more efficient transit (public transport) oriented development, and to ensure the integration of the planning and implementation of non-motorised transport infrastructure with spatial planning and land use management; and
(e) provide penalties for the breach of its provisions.

CHAPTER 3
APPLICATION

Application of By-law

4.This By-law applies to all areas which fall under the jurisdiction of the eThekwini Municipality and is binding on all persons to the extent applicable.

CHAPTER 4
NON-MOTORISED TRANSPORT INFRASTRUCTURE

Establishment of infrastructure relating to non-motorised transport

5.(1) The Municipality may establish non-motorised transport infrastructure either for the exclusive or shared use of pedestrians or cyclists on any land or in any building or development.

(2) Before establishing such infrastructure, the Municipality must give notice of its intention to do so by−

(a) publishing a notice in the Gazette in English and at least one other official language widely spoken in the municipal area;
(b) publishing such notice in English and at least one other official language in at least one newspaper circulating in the area where the infrastructure will be situated;
(c) displaying the notice at the City Hall notice board and local libraries in the municipal area; and
(d) displaying the notice on the Website,

describing the type and location of the proposed infrastructure and allowing interested and affected persons not less than 30 days to provide written comments and representations in relation to the establishment thereof, and also complying with section 21(4) of the Municipal Systems Act and any other requirements of applicable legislation.

(3) The Municipality must consider any comments received and then make a decision whether or not to proceed with the establishment of the infrastructure taking into account factors including, but not limited to, the following—

(a) the need for, desirability, location and feasibility of the proposed infrastructure;
(b) any environmental impact study or assessment that is required by the National Environmental Management Act, 1998 (Act No. 107 of 1998) or similar legislation;
(c) the Municipality's integrated transport plan contemplated in section 36 of the National Land Transport Act; and
(d) the Municipality's Local Spatial Development Framework contemplated in section 20 of SPLUMA read with the Land Use Management By-Law.

(4) In the notice published under subsection (1), subject to the National Road Traffic Act, the Municipality must demarcate such infrastructure as–

(a) cycle storage facilities;
(b) pedestrian paths or walkways;
(c) cycle paths;
(d) cycle lanes;
(e) bicycle rental facilities;
(f) foot bridges;
(g) subways;
(h) street trading facilities, or

(i) a combination of the above.

(5) The Municipality may, subject to the MFMA, impose a prescribed fee on users of such infrastructure related to the costs of providing and managing it.

(6) The prescribed fee imposed in terms of subsection (5), must as far as possible, at least be calculated to cover the operational and maintenance costs of the infrastructure concerned, with increases as may be determined annually by the Council in line with its Tariff Policy.

(7) The Municipality may, subject to the applicable laws provide facilities for trading, including street trading, at or in a facility and regulate such trading in terms of all other applicable laws.

(8) The Municipality must keep a list of all facilities within the municipal area that have been established or controlled by the Municipality including their location and make the list available on the Municipality's website and on request, to interested parties.

(9) Each demarcated facility must be distinguished by the appropriate road traffic signs to indicate the types of vehicles or persons entitled to use that facility.

(10) The Municipality may establish and demarcate a facility on private land or land belonging to another organ of state or public entity if the Municipality has concluded an agreement to such effect with the owner of that land.

(11) The agreement referred to in subsection (10) must regulate amounts to be paid in part or in full to the owner of the land on which the facility has been established.

(12) At any recreational or tourism promotional events and other similar functions, the Municipality may set aside temporary facilities for pedestrians or cyclists without proclaiming or establishing them in terms of this By-law for a period not exceeding the duration of the event or function.

Use of facilities

6.(1) The Municipality will not be liable for loss of or damage, arising out of the use of the facilities, to any bicycle or private property, however caused, while the bicycle was ridden, stopped, placed, rented, stored or parked in a facility or where other property was stored or placed therein.

(2) Persons making use of the facilities must pay attention to and comply with any road traffic signs and other signs erected by the Municipality in the facility.

(3) No person may, in a cycle storage facility or bicycle rental facility−

(a) trade or carry on a business except in terms of a licence or permit granted by the Municipality;
(b) wash, repair, maintain or service any vehicle except in an area specially demarcated for that purpose;
(c) ride a bicycle or drive any other vehicle in a manner that endangers other persons or property;
(d) tamper with any bicycle, or other property, whether movable or immovable;
(e) leave a bicycle parked after closure of the facility, where such facility is closed on certain days or during certain hours, provided that the closing days or hours are clearly notified to users of the facility by appropriate signage; or
(f) loiter or remain in the facility except for the purpose of parking or removing a bicycle.

(4) No person may drive in a promenade or public open space any motorised–

(a) vehicle;
(b) cart; or
(c) certain categories of e-bike.

Parking and removal of vehicles in facilities

7.(1) Bicycles in a facility must be parked, stored and ridden in compliance with instructions or directions, if any, given by an authorised official and in compliance with applicable road traffic signs.

(2) Persons and vehicles may only enter or exit a facility through the demarcated entrance or exit.

(3) Where areas in a facility have been demarcated for parking bicycles, their riders and owners must park them only in a place at the facility, which is demarcated for that purpose, unless instructed to park elsewhere by an authorised official.

(4) No person may park a bicycle−

(a) on a sidewalk, cycle path or cycle lane, or in the roadway within a facility;

(b) in such a facility in a manner which obstructs or inconveniences other users of that facility; or

(c) at the facility contrary to the time stipulated by the Municipality, except on private land, or unless doing so with the permission of the Municipality.

Abandoned bicycles

8. (1) Subject to regulation 305(6) of the National Road Traffic Regulations, the Municipality may impound a bicycle which has been left in the same place in a cycle storage facility or bicycle rental facility for a continuous period of more than seven days.

(2) The Municipality must take all reasonable steps to trace the owner of a bicycle which was removed in terms of subsection (1), and if that owner or the person entitled to possession of the bicycle cannot be found within 90 days after it has been removed, the Municipality may sell, destroy or otherwise dispose of it.

Obstructing sidewalks, cycle lanes and cycle paths

9. (1) No road traffic sign, advertising sign, pole, barrier, telecommunication mast, electrical substation or other obstruction may be erected or placed on a sidewalk or in or on a cycle path or cycle lane that obstructs the free movement of pedestrians or cyclists, unless it is essential to do so for reasons of safety or security, is required in terms of any law, or for any other reason that is acceptable to the Municipality.

(2) For purposes of subsection (1), a width of at least one comma five metres (1,5m) must be left open on a sidewalk for pedestrian use.

(3) No person may place any building material, goods, boxes, pipes or other objects on a sidewalk or in a cycle lane or cycle path for longer than is necessary for loading purposes or

where the sidewalk, lane or path is temporarily part of a building site and appropriate road traffic signs have been erected to signify that it is a building site.

(4) Where a sidewalk, cycle lane or cycle path is temporarily part of a building site, the Municipality must require the builder or developer to formulate a specific traffic plan that caters for the safe movement of pedestrians and cyclists as part of the construction management and approval process.

(5) No person may–

(a) park a vehicle on a sidewalk as contemplated in Regulation 305 of the National Road Traffic Regulations, or over or in a cycle lane or cycle path; and

(b) repair or maintain a vehicle on a sidewalk, cycle lane or cycle path where it will obstruct the movement of pedestrians.

(6) No person may plant trees or large shrubs or erect landscaping on a cycle lane or cycle path that is likely to constitute an obstruction of traffic, including non-motorised traffic, or impair road visibility.

(7) Where hawking or street vending is permitted on a sidewalk in terms of any law or Municipality's By-laws, no hawker or vendor may position his or her wares or furniture in such a position that the sidewalk is obstructed.

(8) Where an authorised official perceives that a person is obstructing or blocking a sidewalk, cycle lane or cycle path, or has planted trees or large shrubs or erected landscaping in contravention of this section, he or she may direct that person to remove such obstruction or blockage.

(9) Where a person fails to comply with a direction under subsection (8), the Municipality may remove the obstruction or blockage and claim the costs from the person responsible.

(10) In the approval of any regional spatial development framework or land development application in terms of SPLUMA, consideration must be given to the protection of pedestrians and facilitation of the movement of environmentally friendly vehicles and non-motorised transport.

Planning of infrastructure, and travel demand management

10.(1) Any person planning a public transport facility or public transport interchange or submitting a land development application in terms of SPLUMA must address adequate provision for the needs of non-motorised transport in accordance with the standards, specifications and requirements, if any, published in terms of section 10 of the National Land Transport Act.

(2) The Municipality, in considering a land development application or an appeal relating thereto in terms of the Land Use Management By-law or section 40 of SPLUMA—

(a) may impose conditions with regard to the provision of non-motorised transport infrastructure; and

(b) must consider the implications for pedestrians and cyclists when road layouts are being planned or changed.

(3) In evaluating a traffic impact assessment or public transport assessment in terms of section 38(2)(b) of the National Land Transport Act or where the Municipality requires a traffic impact assessment, the Municipality must take into consideration the provision of infrastructure that promotes and accommodates non-motorised transport including, but not limited to−

(a) secure places to store bicycles;

(b) easy and convenient access to the premises by pedestrians and cyclists;

(c) safe pedestrian crossings over public roads giving access to the property;

(d) traffic calming measures, such as zebra crossings, pelicans, toucans and midblock crossings;

(e) accommodating special categories of passengers and pedestrians;

(f) pedestrian walkways and cycle lanes or cycle paths where appropriate; and

(g) ablution facilities and dustbins.

(4) Landscaping in developments contemplated in subsection (1) must take into consideration non-motorised transport, including, but not limited to−

(a) cycle lanes, cycle paths and pedestrian paths;

(b) the separation of pedestrian, cycle and vehicle lanes where possible and appropriate;

(c) planting of trees and landscaping that promotes social interaction and creates an attractive environment for walking or cycling;

(d) park benches, seating areas and drinking fountains; and
(e) measures to promote safety and security, such as intelligent lighting and security cameras.

(5) All parking areas planned or provided for after the date of commencement of this By-law as part of a land use scheme contemplated in section 24 of SPLUMA must provide space for the parking of bicycles, unless the Municipality is satisfied that an adequate storage place for bicycles exists in the vicinity of the current land use scheme.

(6) The Municipality must impose conditions with the approval of any land development application contemplated in subsection (1) of this section and must ensure that those conditions are complied with in the relevant site development plan.

Standards, specifications, audits and requirements for non-motorised transport infrastructure

11.(1) The Municipality may develop standards, specifications and requirements for non-motorised transport infrastructure and publish them on the Municipality's website and in 2 local newspapers and keep copies available for inspection at the City Hall notice board and local libraries.

(2) The standards, specifications and requirements contemplated in this section−
(a) must comply with—
(i) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1997) and any regulations and standards made in terms of or recognised by that Act; and
(ii) any other applicable national, provincial legislation, or by-laws of the Municipality,
(b) must where appropriate take account of the Non-Motorised Transport Facility Guidelines, published by the National Department of Transport and any other applicable national or provincial guidelines or policy on non-motorised transport infrastructure;

(c) must take into account the standards and requirements imposed on the various classes of roads in terms of the Road Infrastructure Strategic Framework for South Africa published by the National Department of Transport;

(d) must take account of any non-motorised transport infrastructure policy as well as other applicable policies of the Municipality; and

(e) may include, but need not be limited to−

(i) standards and dimensions for kerbs at the road edge;

(ii) specifications for paving placement and materials;

(iii) kerbs or barriers for cycle lanes and pedestrian paths;

(iv) specifications for landscaping, greening and tree planting;

(v) specifications for park benches, seating areas, water fountains and ablution facilities;

(vi) specifications for lighting and placing of streetlights, and the avoidance of dark areas;

(vii) specifications for the maintenance, upkeep, cleaning and upgrading of non-motorised transport infrastructure;

(viii) specifications for dedicated bus or taxi lanes, subject to the National Road Traffic Regulations;

(ix) specifications for signage and road markings, subject to the National Road Traffic Regulations;

(x) standards and specifications to make the infrastructure more easily usable by special categories of passengers and pedestrians with disabilities;

(xi) the transformation of streets for the exclusive use of pedestrians or cyclists;

(xii) prohibiting or regulating the placing of signage, dustbins and other structures on sidewalks and in cycle lanes, cycle paths and pedestrian paths that impede the passage of pedestrians or cyclists;

(xiii) provision of shower and changing facilities for workers who walk, jog or cycle to and from work; and

(xiv) standards or requirements for establishing non-motorised transport networks and preventing the interruption of journeys by pedestrians and cyclists.

(3) Before finalising the standards, specifications or requirements, the Municipality must publish them for comment on the Municipality's website and in 2 local newspapers and allow

any interested or affected person to submit comments on a date to be determined in the notice, which may not be less than 30 days after publication.

(4) The Municipality must consider any comments received under subsection (3) before finalising the specifications, standards or requirements.

(5) Subject to subsection (1) the Municipality may recognise and take into consideration standards, specifications or requirements imposed by−

(a) the National Department of Transport;
(b) the Provincial legislature;
(c) the South African Bureau of Standards in terms of the Standards Act, 2008 (Act No. 8 of 2008); or
(d) the National Regulator for Compulsory Specifications in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008),

by notice in the Gazette and such standards, specifications or requirements shall have the same status as standards, specifications or requirements established in terms of subsection (1) of this section.

(6) On recognising standards, specifications or requirements under subsection (5), the Municipality must publish them on the Website and keep copies available for inspection at the offices and local libraries.

(7) As from a date to be determined by the Municipality and published on the Municipality's website and in 2 local newspapers, all non-motorised transport infrastructure planned or constructed after that date must comply with any standards, specifications or requirements published under subsection (1) of this section or recognised under subsection (5) thereof.

(8) Where non-motorised transport infrastructure is planned or constructed in contravention of those standards, specifications or requirements, the Municipality may direct the owner of the land in question or the developer of the infrastructure, by written notice to adapt, reconstruct or retrofit it to comply with the relevant standard, specification or requirement, and the owner or developer must comply with such directive within the time specified in the notice.

(9) The Municipality must provide information on non-motorised infrastructure for any road audit conducted in terms of section 18(1) of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999).

CHAPTER 5
RECYCLING TROLLEYS

Specific provisions for recycling trolleys

12.(1) Any person who uses a recycling trolley on a public road must at all times operate such trolley as far as possible to the left of the roadway as to not obstruct the flow of traffic.

(2) No one may operate a recycling trolley on a cycle lane or cycle path.

(3) A person who operates a recycling trolley may not ride on such trolley while such trolley is on a public road.

(4) No person may operate a recycling trolley on a public road if–

(a) the overall width of the trolley or its load exceeds one comma five (1,5) metres; and

(b) the overall length of the trolley or its load exceeds two (2) metres.

(5) No person may operate a recycling trolley between the hours of 6:00 and 18:00, unless the trolley is equipped with white and red retro-reflectors as contemplated in Regulation 186 and Regulation 187 of the National Road Traffic Regulations and the lamps as contemplated in Regulation 180 of those Regulations.

CHAPTER 6
DUTIES OF PEDESTRIANS, CYCLISTS AND DRIVERS

Duties of cyclists

13. Owners of bicycles and all cyclists must ensure that bicycles used by them on a public road are in a good condition so as to enable safe cycling, and must comply with this By-law and all other laws applicable to such bicycles and to cycling.

Use of cycle lanes and cycle paths

14. (1) Where a cycle lane on a public road, or a cycle path, has been set apart for the exclusive use of bicycles, or bicycles and pedestrians, by means of appropriate road traffic signs no person may, subject to subsection (2)−

(a) drive any motorised or non-motorised vehicle in or on such a lane, except a bicycle in the case of a cycle lane;

(b) park or leave any vehicle in such a lane at any time; or

(c) leave or deposit any object, refuse or other thing in such a lane.

(2) The driver of a motor vehicle may enter a lane or path contemplated in subsection (1) if−

(a) he or she 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) he or she cannot enter or leave any public road without encroaching on such lane; or

(c) in compliance with the direction of an authorised official.

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

(a) a fire-fighting vehicle or fire-fighting response vehicle used in terms of the Fire Brigade Services Act, 1987 (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, 2002 (Act No. 57 of 2002) or any other applicable legislation; or

(d) an authorised official driving a properly marked vehicle in the execution of his or her duties.

(4) An authorised official may remove a vehicle left, parked or driven in a cycle lane or cycle path in contravention of this section pending the investigation and prosecution of the relevant offence, in which case the vehicle must be dealt with in terms of Regulation 320 of the National Road Traffic Regulations, and as amended.

Protection of pedestrians

15.(1) In addition to complying with the National Road Traffic Regulations, drivers of motor vehicles must take special care to protect the safety of pedestrians.

(2) Without derogating from the generality of subsection (1), drivers of motor vehicles must−

(a) anticipate situations where pedestrians may or will cross the road in question, either legally or illegally, and reduce speed or take other measures to avoid danger to them; and

(b) immediately reduce speed, despite the applicable speed limit, where a pedestrian is crossing or using a road either legally or illegally, to avoid causing a danger to such pedestrian or other road users.

Protection of passengers, scholars and students

16. (1) All schools and other educational institutions in the municipal area must provide for designated areas off of busy public roads where scholars and students may be picked up or set down by motor vehicles, or provide safe inlets alongside such a road, in compliance with Regulation 42(8) of the National Land Transport Regulations, 2009 made under the National Land Transport Act.

(2) The Municipality may by written notice direct such a school or institution to provide such an area within a time specified in the notice, and the school or institution must comply with such a direction.

(3) Drivers of motor vehicles may not pick up or set down passengers on a public road except in places−

(a) that are safe to do so; and

(b) where the passengers are able to cross the road after being set down at a pedestrian crossing, traffic light or other place that is safe to cross.

(4) Where a bus or taxi is carrying scholars or students and is loading or offloading passengers on a public road next to a school or other educational institution, the drivers of all other vehicles in its vicinity must slow down or stop such vehicles to ensure the safety of the

scholars or students that may be likely to cross the road, in compliance with Regulation 42(11) of the National Land Transport Regulations, 2009 made under the National Land Transport Act.

(5) The Municipality must ensure that maximum speed limits on roads adjacent to or in the vicinity of schools are imposed at levels that are appropriate for traffic calming to protect children crossing or entering the roads and must introduce other traffic calming measures when appropriate to ensure safety of scholars.

(6) At least once every five years the Municipality must evaluate the areas in the vicinity of all schools in the municipal area to identify high accident occurrence zones and must then take steps to prevent motor vehicle accidents in those zones by erecting speed humps or other traffic calming devices, imposing lower speed limits or by taking other appropriate steps.

Duties of drivers of motor vehicles in relation to pedestrians, joggers and cyclists

17.(1) The driver of a motor vehicle when passing a jogger or pedestrian on a public road must−

(a) exercise due care while passing the jogger or pedestrian so as to avoid colliding with them or startling them so that they fall or swerve into the line of traffic;

(b) leave a distance of at least one metre between the motor vehicle and the jogger or pedestrian; and

(c) maintain that distance until safely clear of them.

(2) The driver of a motor vehicle when passing a cyclist on a public road must−

(a) exercise due care while passing the cyclist so as to avoid colliding with the cyclist or startling the cyclist so that he or she falls or swerves into the line of traffic;

(b) leave a distance of at least one point two metres (1,2 m) between the motor vehicle and the cyclist; and

(c) maintain that distance until safely clear of the cyclist.

(3) Where there is a solid barrier line or other road traffic sign or marking prohibiting encroaching on the other side of the road, a driver contemplated in subsection (1) or (2) may, where the roadway is not wide enough to allow him or her to comply with that subsection, encroach upon the other side of the road, but only if−

(a) it can be done without endangering or obstructing other persons or vehicles;
(b) it is safe to do so; and
(c) it is done no longer than is necessary to pass the jogger or cyclist safely.

Duties of pedestrians and joggers

18.(1) No pedestrian may walk in or on the roadway of a public road where a shoulder or sidewalk has been provided, except to cross the road at a point where crossing is permitted.

(2) Where no shoulder or sidewalk has been provided on a public road, pedestrians−
(a) must not walk on the roadway unless it is impossible or impractical not to do so;
(b) when walking on the roadway must keep as close as possible to the left edge of the roadway; and
(c) obey applicable road traffic signs and signals when crossing the road at an intersection.

(3) Where a shoulder has been provided on a public road, joggers using that road must jog only on the shoulder or otherwise off from the roadway unless crossing the road or where it is necessary to do so to avoid a collision or pass an obstruction.

(4) Where a jogger is using a public road with no shoulder, he or she must jog off of the roadway if possible, or otherwise as close as possible to the left edge of the roadway.

(5) A jogger on a public road may not−
(a) where a sidewalk has been provided, jog on any part of that road except the sidewalk except when crossing the road;
(b) jog on the right-hand side of a parked or slowly moving motor vehicle going in the same direction, except when it is not possible to pass it on the left; or
(c) jog abreast of another jogger going in the same direction except when passing him or her.

(6) A jogger must exercise due care while passing a motor vehicle or another jogger or a pedestrian in order to avoid endangering them or other road users or pedestrians.

Duties of cyclists while riding on a public road

19. (1) A cyclist riding on a public road must−

(a) if the road has a cycle lane or cycle path, ride only in that cycle lane or path and may not ride on any other portion of the road except when crossing the road; or

(b) if there is no cycle lane or cycle path, ride to the left of the left edge of the roadway, or on the roadway keeping as close as practicable to the left edge of the roadway.

(2) While riding on a public road a cyclist must give conspicuous hand signals as contemplated in Regulations 324 and 325 of the National Road Traffic Regulations and stop in the circumstances contemplated in Regulation 307 of those Regulations.

(3) A person may not ride a pedal cycle on a public road−

(a) on the right-hand side of a motor vehicle proceeding in the same direction except when passing that vehicle or turning right at an intersection;

(b) abreast of another cyclist proceeding in the same direction, except when passing that cyclist;

(c) while wearing a headset, headphones or any other listening device other than a hearing aid; or

(d) while carrying another person on the pedal cycle, unless that cycle is specially equipped to carry more than one person.

CHAPTER 7
BICYCLE RENTING SYSTEM

Bicycle rental facility

20. (1) The Municipality may establish facilities for the rental of bicycles or enter into an agreement with a person or institution that provides bicycles for hire to rent out bicycles for usage by the public.

(2) Any person who rents a bicycle from the Municipality's bicycle facility or from a person or institution contemplated in subsection (1) must−

(a) accept the terms and conditions imposed for such rental;

(b) pay the required deposit for such rental;
(c) return such bicycle to the rental station after using it;
(d) declare any damage sustained to such bicycle upon returning it;
(e) pay for any damage to the bicycle on demand;
(f) comply with all the road rules while using such bicycle as well as the relevant provisions of this By-law and any other applicable legislation; and
(g) wear a helmet as required by Regulation 207 of the National Road Traffic Regulations.

(3) The Municipality does not accept any responsibility for any person who does not comply with the requirements of this section.

CHAPTER 8
ENFORCEMENT

Powers of authorised officials

21. (1) An authorised official may−

(a) exercise any powers or perform any duty conferred on them by the National Land Transport Act, the National Road Traffic Act, the CPA, this By-law or any other legislation;
(b) request any pedestrian or cyclist to supply their full name and address or to produce any document or ticket authorising the use of a facility; and
(c) evict from a facility a person who is not authorised to be there in terms of this By-law or any other law, or whom the authorised official suspects of having committed an offence or about to commit an offence.

(2) Pedestrians, joggers and cyclists must obey the instructions and directions of authorised officials while on public roads or in facilities contemplated in section 20(1).

(3) A person who has been requested to supply information or produce a document or ticket in terms of subsection (1) must comply with the request or direction forthwith.

(4) Anyone who hinders or interferes with an authorised official in the execution of their duties or fails to comply with a lawful direction issued by such an authorised official, commits an offence.

Presumptions

22. Where a bicycle or power assisted pedal cycle is parked, stopped or driven in contravention of any provision of this By-law, it will be presumed, in the absence of evidence to the contrary, that such bicycle or pedal cycle was parked or driven by the owner thereof.

Offences and penalties

23. Anyone who contravenes or fails to comply with any provision of this By-law commits an offence and is liable on conviction to a fine or imprisonment not exceeding six months.

CHAPTER 9
MISCELLANEOUS PROVISIONS

Pedicabs

24. Pedicabs that are used in the municipal area must comply with the following—

(a) pedicabs will only be allowed on urban routes, road networks or in areas that are designated by the Municipality either in the Municipality's integrated transport plan or in a notice published in the *Gazette*;

(b) a pedicab may not carry more than two adult passengers, provided that two children under the age of 12 count as one adult passenger;

(c) the Municipality may specify the urban route, road network or area on or in which pedicabs may be operated in its integrated transport plan; and

(d) where children under the age of 12 are carried they must be properly secured by means of an appropriate seat belt or child restraint that complies with standards determined by the Municipality and published in the *Gazette*.

Cargo bikes

25. Cargo bikes must−

(a) be designed so that the cargo will not interfere with the visibility of the rider or in any way hamper the ability of the rider to ride the bike safely;

(b) not be loaded beyond a mass that is likely to interfere with the safe operation of the bike;

(c) not be wider than one metre if the bike only has two wheels and one comma two five metres (1,25m) if the bike has three wheels; and

(d) not be loaded in such a manner that the cargo projects from the cargo area.

Power assisted pedal cycles (e-bikes)

26.(1) A person who rents an e-bike from the Municipality's facility and fails to return it to the bicycle stand indicated by the Municipality after its use, commits an offence.

(2) All e-bikes or e-scooters must be parked on a designated area and must not to be left on the sidewalk.

Appeals

27. A person whose rights are affected by a decision taken by the Municipality or any authorised official in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons thereof to the municipal manager within 21 days of the date of the notification of the decision.

Delegations

28.(1) Subject to the Constitution and applicable national and provincial laws, any –

(a) power, excluding a power referred to in section 160(2) of the Constitution;

(b) function; or

(c) duty,

conferred in terms of this By-law upon the Council or on any of the Municipality's other political structures, political office bearers, Councillors or staff members may be delegated or sub-

delegated by such political structure, political office bearer, Councillor or staff member to an entity within or a staff member employed by the Municipality.

(2) The delegation in terms of subsection (1) must be effected in accordance with the system of delegations adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

Transitional provisions

29. Any non-motorised transport infrastructure declared, proclaimed or established as such in terms of any law before the commencement of this By-law is deemed to be infrastructure proclaimed or established in terms of section 4 of this By-law.

Short title and commencement

30. This By-law is called the eThekwini Municipality: Non-Motorised Transport and Environmentally Friendly Vehicles By-Law, 2024 and comes into operation on the date of its publication in the *Provincial Gazette*, or on a date that the Municipality may determine by notice in that *Provincial Gazette.*