

11.5.4	REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS
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Collaborator No: 696755
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 05 November 2020

1. SUBJECT: REQUEST FOR APPROVAL OF STELLENBOSCH MUNICIPALITY BY-LAW ON ROADS AND STREETS

2. PURPOSE

That Council notes and approves the Draft By-Law on Roads and Streets.

3. DELEGATED AUTHORITY

Municipal Council, however the Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

4. EXECUTIVE SUMMARY

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where, a Local Government may proclaimate By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Roads and Streets within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on roadways, walkways and other spaces within road reserves.

The proposed By-Law on Roads and Streets aims to promote a safe environment for the benefit of all road and sidewalk uses and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges.

5. RECOMMENDATIONS

- (a) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act; and
- (b) that Council notes that a public participation process was followed and considers the discussion on comments received.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality's first By-Law on Streets was promulgated in June 2010, Provincial Gazette 6756.

The Directorate Infrastructure Service revised the By-Law on Streets, aspects of older ordinances and new legislation has also been incorporated into the draft By-Law. It was also necessary to amend the name of the By-Law, incorporating Roads to allow for the increased responsibilities that the Municipality needs to exercise over Municipal Main Roads.

6.2 Discussion on the By-Law

Relevant existing internal By-Laws and Policies such as the existing Streets By-Law, the Draft Parking By-Law and the NMT policy were reviewed and assessed. Comparative reviews of a number of By-Laws, promulgated by other Municipalities (relating to roads and streets) were also carried out. Relevant legislation such older Municipal and Road Ordinances, and newer legislation such as the Draft Western Cape Provincial Infrastructure Bill 2020, and the National Road Traffic Amendment Bill, were analysed. Relevant sections were incorporated, new sections drafted and substantive enhancements and technical editing was made to the existing By-Law.

Along with improving safety for all road and sidewalk users, and promoting universal accessibility within the Road Reserve, the By-Law defines and regulates functions and activities which are allowable, prohibits activities that are hazardous to users and damaging to Municipal infrastructure, and empowers the Municipality to act on infringements within the road reserve.

6.2.1 Discussion on the Comments Received

Comments were received by a Stellenbosch Municipal Councilor, these comments (adding more descriptive detail to Clause 16), were reviewed and supported and changes were incorporated into the document.

Rank properties have supplied a document which mainly proposes standards applicable to spaces needed for pedestrian movements on sidewalks, highlighting examples where pedestrian movements are obstructed and proposing guidelines for the placing of seating for outdoor dining,

The Roads and Streets Bylaw enables the Municipality to provide for adequate spaces within the road reserve, for pedestrians, vehicles ect, but does not stipulate standard details and guidelines, and therefore no changes to the Bylaw is required.

The proposals contained in the submitted document are adequately addressed through various other municipal policies, master planning and departmental standards and guidelines. For example:

- The Stellenbosch Municipality Policy on Outdoor regulate the use of sidewalks or road reserves for the purpose of outdoor dining and trading.
- The Municipality's Design Guidelines and Minimum Standards for Civil Engineering Services set minimum sidewalk widths.

The Municipality's Non-Motorized Transport Policy (NMT) and Masterplan is currently being reviewed internally, proposes NMT strategies / policy and implementation plans The Directorate acknowledges and supports the informative documentation submitted by Rank Properties. The Municipality is aware that at times spaces reserved for pedestrians movements are obstructed and encroached upon and is addressing these as a matter of urgency.

6.3 Financial Implications

None

6.4 Legal Implications

The revised By-Law may reduce Municipal liabilities (third party claims) as it allows for more effective control of activities within roads and street reserves.

Municipal Systems Act:

“12. *Legislative procedures.*—(1) Only a member or committee of a municipal council may introduce a draft by-law in the council.

- (2) *A by-law must be made by a decision taken by a municipal council—*
 - (a) *in accordance with the rules and orders of the council; and*
 - (b) *with a supporting vote of a majority of its members.*
- (3) *No by-law may be passed by a municipal council unless—*
 - (a) *all the members of the council have been given reasonable notice; and*
 - (b) *the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.*
- (4) *Subsections (1) to (3) also apply when a municipal council incorporates by reference, as by-laws, provisions of—*
 - (a) *legislation passed by another legislative organ of state; or*
 - (b) *standard draft by-laws made in terms of section 14.*

13. *Publication of by-laws.*—*A by-law passed by a municipal council—*

- (a) *must be published promptly in the Provincial Gazette, and, when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and*
- (b) *takes effect when published or on a future date determined in or in terms of the by-law.”*

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions:

37TH COUNCIL MEETING: 2020-08-24: ITEM 11.5.2

RESOLVED (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

6.7 Risk Implications

None

RECOMMENDATIONS FROM INFRASTRUCTURE SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-11-05: ITEM 5.1.4

- (a) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act; and
- (b) that Council notes that a public participation process was followed and considers the discussion on comments received.

ANNEXURES

Annexure A: Draft By-Law on Roads and Streets.

Annexure B: Advertisement Notice for Comments

Annexure C: Comments Received

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REPORT DATE	<i>22 October 2020</i>

ANNEXURE A

[LOCAL AUTHORITY NOTICE OF XXX.]

[DATE OF COMMENCEMENT: XXX.]

This By-Law

was published by *Provincial Gazette* No. XXX dated XXX.

STELLENBOSCH MUNICIPALITY

ROADS AND STREETS BY-LAW

APPROVED BY COUNCIL ON XXX

AND

PROMULGATED IN TERMS OF SECTION 11 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

STELLENBOSCH MUNICIPALITY STREETS BY-LAW
(20XX)

To give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to–

- promote the realisation of a safe environment for the benefit of residents within the area of jurisdiction of the Municipality;
- promote universal accessibility to streets; and
- provide for procedures, methods and practices to manage the use and utilisation of streets in the area of jurisdiction of the Stellenbosch Municipality.

Under the provisions of sections 152 and 156 of the Constitution of the Republic of South Africa, 1996, and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), Stellenbosch Municipality enacts as follows:

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1. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates –

“animals” mean any means any tame or wild mammal, reptile, amphibia, fish or bird, and includes domesticated animals;

“caravan” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“Council” means the municipal Council of Stellenbosch;

“encroachment” includes any source of annoyance, damage, danger, intrusion or inconvenience to persons using a street, sidewalk, walkway, road reserve forming part thereof, or public place;

“firearm” means a firearm, as contemplated in the Firearms Control, 2000 (Act 60 of 2000);

“heavy motor vehicle” includes a truck, light truck, bus, horse-and-trailer, caravan, or any other like vehicle wherein it is possible to have persons residing, sleeping or committing any unlawful act or conduct;

“informal parking attendant” means a person who is in possession of a permit issued by the Municipality and who assists with the pointing out of parking or supervising over vehicles in a street, parking area or public place;

“kerb line” means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge;

“motor vehicle” means any self-propelled vehicle and includes –

- (a) a trailer, and
- (b) 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, but does not include –
 - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian;
 - (ii) any vehicle with a mass not exceeding 230 kg and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person; or
 - (iii) a pedal cycle having pedals and an engine or an electrical motor as an integral part thereof with a maximum design speed not exceeding 45 km/h;

“municipal area” means the area of jurisdiction of Stellenbosch Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

“municipal manager” means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Municipality” means the Stellenbosch Municipality established by Provincial Notice No. 489 of 2000 in *Provincial Gazette* 5590 of 22 September 2000 as amended from time to time, or its successors in title; and includes any –

- (a) political structure;
- (b) political office bearer;
- (c) Councillor;
- (d) duly authorised agent, service provider or any employee thereof, acting in connection with this By-law by virtue of a power vested in the Municipality and so authorised, delegated or sub-delegated to such –
 - (i) political structure;
 - (ii) political office bearer;
 - (iii) councillor;
 - (iv) agent;
 - (v) service provider; or
 - (vi) employee;

“park” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods from such vehicle, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

“parking area” means any area provided by the Municipality for the parking of vehicles and pedal cycles;

“parking meter” means a device for registering and visibly recording of a parking period in accordance with the insertion of a coin or other prescribed object therein and includes a post or fixture to which it is attached;

“parking period” means that period of parking in a demarcated space which is permitted by the insertion into the parking meter allocated to such space of a coin or other object as prescribed;

“pedal cycle” means –

- (a) any bicycle or tricycle designed for propulsion solely by means of human power; or
- (b) any bicycle or tricycle with operable pedals and an electric motor with a total weight that does not exceed 30kg: Provided that the electric motor may not be capable of propelling the bicycle or tricycle unassisted at a speed not exceeding 25km/h; and

“pedal cyclist” has a corresponding meaning;

“prescribed” means determined by resolution of the Council from time to time, and in relation to a fee, means as set out in the tariff policy of the Municipality;

“prior written permission of the Municipality” means permission granted by the Municipality –

- (a) in writing and in the prescribed format; and

(b) upon receipt of a written application in accordance with the applicable process prescribed by the Municipality for that matter, from time to time;
and such permission may be made subject to conditions determined by the Municipality after due consideration of the application;

“**Provincial Gazette**” means the official gazette of the Western Cape Province contemplated in section 33(1) of the Constitution of the Western Cape, 1998 (Act 1 of 1998);

“**public place**” includes any of the following, located in the area of jurisdiction of the Municipality, which has either been declared as such in terms of applicable legislation, or to which the public or any section thereof has free access, or which is commonly used by the public or any section thereof:

- (a) thoroughfare;
- (b) bridge;
- (c) trail;
- (d) pavement;
- (e) alley square;
- (f) garden;
- (g) parking area;
- (h) square;
- (j) park;
- (k) recreation ground;
- (l) sports ground;
- (m) sanitary lane;
- (n) open space;
- (o) shopping centre on municipal land;
- (p) unused or vacant municipal land; or
- (q) cemetery, and includes
- (r) any place contemplated in subsections (a) – (q) which has –
 - (i) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
 - (ii) at any time been dedicated to the public;
 - (iii) been used by the public without interruption for a period of at least thirty years; or
 - (iv) at any time been declared or rendered such by the Municipality or other competent authority;

“**semi-trailer**” means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

“**sidewalk**” means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians, pedal cyclists and any other category of vehicles as may be determined by the Municipality in accordance with section 42(1);

“**street**” means

- (a) any path, road, cycle path, thoroughfare or any other place, and includes –
 - (i) the verge of any such road, street or thoroughfare;

- (ii) any footpath, sidewalk or similar portion of a road reserve;
- (iii) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (b) any other object belonging to an area contemplated in subsection (a) which was –
 - (i) declared or rendered such by the Municipality or other competent authority, or
 - (ii) constructed by a local authority, and
- (c) any land, with or without buildings or structures thereon, which is shown as an area contemplated in subsection (a) on –
 - (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon, or
 - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's office;
 unless such land is on such plan or diagram described as a private street;

“trailer” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a sidecar fitted to a motorcycle;

“trolley” means a push trolley, pushcart or any table, stand or basket on wheels;

“vehicle” –

- (a) means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and
- (b) includes –
 - (i) a motor vehicle;
 - (ii) a pedal cycle; and
 - (iii) any other subcategory of vehicles as may be determined by the Municipality in accordance with section 42(1)(a).

“verge” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

“walkway” means a structure built for exclusive use by pedestrians, pedal cyclists and other subcategories of vehicles as may be determined by the Municipality in accordance with section 42(1);

“work” means work of any nature whatsoever undertaken on any land within the area of jurisdiction of the Municipality and, without in any way limiting the ordinary meaning of the word, includes the –

- (a) erection of a new building;
- (b) alterations or additions to any existing building;
- (c) laying of cables and pipes;
- (d) dumping of building or other material anywhere in a street, on a sidewalk or walkway, or in a public place; or
- (e) delivery to, or removal from, any site of any soil or material of any nature whatsoever.

2. Application of this By-law, exemptions and conditions. –(1) This By-law does not derogate from the provisions of any other legislation and also binds an organ of state.

(2)(a) Notwithstanding the provisions in subsection (1), any person may, by means of a prior written application stating the reasons in full, apply to the Municipality for exemption from any provision of this By-law.

(b) The Municipality may –

- (i) approve such exemption in full or subject to reasonable conditions; or
- (ii) refuse such exemption on reasonable grounds.

(c) The Municipality may, on reasonable grounds, revise or cancel such exemption or condition of an exemption.

(d) Where applicable, an exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2)(b)(i).

(e) In the event that –

- (i) an activity for which exemption has been applied, commences before receipt of the undertaking contemplated in subsection (2)(d) by the Municipality, or
- (ii) any condition of an exemption granted by the Municipality is not fully complied with, the exemption granted, lapses with immediate effect.

3. Construction and maintenance of streets, sidewalks and walkways. –(1) The Municipality may construct and maintain streets, sidewalks and walkways as required and with due consideration of any legal process, to accommodate the necessary pedestrian, pedal cyclist and other vehicle traffic flow.

(2) The Municipality may –

- (a) exercise its duty to construct or maintain such streets, sidewalks or walkways irrespective of the existence of a structure in the area where the sidewalk or walkway will be built; and
- (b) issue a written notice to the owner of said structure to remove it within a specific period.

(3) The owner of a structure contemplated in section 4(2) must remove the structure at own cost and within the period stipulated in a written notice issued by the Municipality to do so.

(4) If the owner does not comply with the written notice, the Municipality may remove the structure at the cost of the Owner.

4. Regulating encroachments on streets, sidewalks, walkways and road reserves. –(1) No person may, without prior written permission of the Municipality, cause an encroachment on a street, sidewalk, walkway or road reserve forming part thereof by –

- (a) making, constructing, reconstructing, or altering;
- (b) constructing a veranda, stoep, steps or other protrusion within;
- (c) erecting a post or any other structure on;
- (d) planting or cause to be planted, any tree, shrub or other plant on or allowing any such tree, shrub or plant to remain on; or
- (e) placing or cause to be placed any other impediment or obstruction on, such a street, sidewalk, walkway or road reserve forming part thereof, other than in accordance with conditions prescribed by the Municipality.

- (2) If an encroachment is caused in contravention with subsection (1), the Municipality may, –
 - (a) by written notice, order the person responsible for causing such encroachment, to remove said encroachment within the period specified in the notice; and
 - (b) in the event of non-compliance with such written notice, remove said encroachment.
- (3) The Municipality must immediately thereafter notify the person concerned in writing of their liability to pay the costs of the carrying out of the removal as contemplated in subsection (2)(b).
- (4) Any person failing to comply with a notice issued in terms of subsection (2) is guilty of an offence.

5. Regulating goods or building materials causing obstruction. –(1) No person may, except in accordance with prior written permission of the Municipality, deposit, place, pack, unpack or leave any goods in a street, on a sidewalk or walkway, in a public place, or in an area specifically designated therefore, other than for a reasonable period during the loading, off-loading or removal thereof.

- (2) No person may bore or cut stone, slake or sift lime, or mix building materials in a street, on a sidewalk or walkway, in a public place.

6. Prohibitions on objects and animals causing an obstruction. –(1) No person may –

- (a) in any way obstruct the pedestrians, pedal cyclists and other vehicle traffic on a sidewalk, walkway or in a public place by bringing, or allowing to be brought thereon, any animal, object or vehicle;
- (b) allow their animals to roam freely on sidewalks or in public roads without the necessary control mechanisms; or
- (c) allow, permit or cause any animal to graze or stray in or about any street or public space.

- (2) A person contemplated in subsection (1) must at all times keep such animal in a manner that does not pose a danger or annoyance to the traffic or public.

- (3) The prohibition in subsection (1)(a) does not apply to a perambulator or wheel-chair used for the conveyance of children or the disabled.

7. Rules on advertising. –(1) Subject to the applicable By-laws of the Municipality, no person may, except in accordance with prior written permission of the Municipality, display any –

- (a) advertisement;
- (b) placard;
- (c) poster; or
- (d) bill,

in a street, on a sidewalk or walkway, in a public place.

(2) A written application for the erection of advertising signs contemplated in subsection (1) must be submitted to the Municipality as prescribed, or as determined by the By-laws on Outdoor Advertising/Advertising Signs of the Municipality.

8. Regulating planting of trees, shrubs or plants. –(1) No person may, except in accordance with prior written permission of the Municipality, in a street, on a sidewalk or walkway, or in a public place –

- (a) plant a tree, shrub or plant;
- (b) in any way cut down, remove, climb, break or damage a tree, shrub or plant growing there;
- (c) mark or paint any tree, shrub or plant growing there; or
- (d) attach any advertisement thereto.

(2) Any tree, shrub or plant planted in a street, on a sidewalk or walkway, or in a public place become the property of the Municipality.

9. Regulating trees or growth causing an interference or obstruction. –(1) The Municipality may, by written notice, order the owner or occupier of any property upon which any tree or other growth interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a street, sidewalk, walkway or public place, to prune or remove such tree or growth to the extent and within the period specified in such notice.

(2) Any person failing to comply with a notice issued in terms of subsection (1) is guilty of an offence.

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

10. Regulating conduct regarding refuse, motor vehicle wrecks, waste material, etc. – No person may, except in accordance with prior written permission of the Municipality, and subject to the applicable By-laws of the Municipality on waste management –

- (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 street, sidewalk, walkway or public place; or
- (b) allow, or permit any of, the prohibitions contemplated in paragraph (a).

11. Regulating activities related to vehicles. –(1) No person may, in a street, sidewalk, walkway or public place, –

- (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;
- (b) clean or wash a vehicle;
- (c) wash, clean, dry, paint or bleach any other article or thing;
- (d) park or leave a heavy motor vehicle parked overnight in a public place in a residential area.

(2) The Municipality may issue a written notice to the owner or person in control of the said vehicle, to remove it within a specific period, failing which it may itself remove the vehicle at the expense of the person on whom the notice was served.

(3) Any person failing to comply with the notice contemplated in subsection (2), is guilty of an offence.

(4) No driver, person in control of a motor vehicle or passenger in the motor vehicle shall permit any amplified noise to emanate from the motor vehicle such that it is audible at more than 50 meters.

12. Regulating specific acts regarding games, sports and events. –(1) No person may–

(a) play games, roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or a missile, or throw a stone, stick or other projectile in, onto or across a street, sidewalk, walkway or public place; or

(b) do anything in a street, sidewalk, walkway or public place which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public,

unless that place is provided with clear signs, identifiable paving or equipment which distinguishes it as “street park”.

(2) No person may play cricket, football or any game, or indulge in any pastime whatsoever in a street, sidewalk, walkway or public place, except on such places as the municipality may set apart for the purposes of a particular game, sport or pastime.

(3) No person may erect a tent or place chairs or any article in, onto or across a street, sidewalk, walkway or public place for the purpose of a funeral, party or any other event, except in accordance with prior written permission of the Municipality/Council.

13. Regulating use of explosives and firearms. –(1) No person may use explosives or undertake blasting operations in a street, sidewalk, walkway or public place, except in accordance with –

(a) prior written permission of the Municipality; and

(b) any other applicable By-law.

(2) No person may, except for a lawful purpose, discharge any firearm or air, gas or alarm gun or pistol, unless discharged –

(a) in any shooting range which complies with the provisions of any law applicable thereto;

(b) for signalling the start of a race at an organised and controlled sports meeting, provided that blank cartridges only are fired thereby; or

(c) in accordance with prior written permission of the Municipality.

14. Regulating conveyance of animal carcasses or other waste. –No person may carry or convey through a street, sidewalk, walkway or public place the carcass, parts or offal of an animal or fish, polluted liquid, or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand, unless –

- (a) properly covered; and
- (b) conveyed in such type of container or in such a manner as will not allow any of the items contemplated, or parts thereof, to be spilt in a street, sidewalk, walkway or public place, and

subject to the applicable By-laws of the Municipality.

15. Regulating erection of fences, etc. –(1)(a) No person may, except in accordance with prior written permission of the Municipality, erect, cause or permit to be erected, a barbed wire, razor wire, electrified or other dangerous fence, railing, paling or other barrier which is, or may become, a danger to a member of the public by reason of –

- (i) spikes or other sharp or pointed protrusions; or
- (ii) the nature of its construction or design,

on the boundary of a street, sidewalk, walkway or public place.

- (b) The full technical details of the proposed electrified fence, railing, wall or other barrier must accompany any written application for permission submitted to the Municipality.

(2) The safety of pedestrian, pedal cyclist and other vehicle traffic may not be compromised by the height of any tree, bush, vegetation, wall, hedge or fence at the junction of a street.

(3) No person may dry or spread washing, bedding or other items on or from a fence on the boundary of a street or public place.

16. Regulating building materials, dangerous objects and cleanliness.– (1) No person may, except in accordance with prior written permission of the Municipality, –

- (a) bore or cut stone or bricks, slake or sift lime;
- (b) mix building materials; or
- (c) store, deposit, leave or cause to be stored, deposited or left –
 - (i) sand, stone, earth, bricks, timber, corrugated iron sheets, lime, cement; or
 - (ii) other building or excavated material of whatever nature, in a street, sidewalk, walkway, or public place or on municipal property.

(2) No person may leave, accumulate or cause to be left or accumulated from premises owned or occupied by him or her, any broken glass or other potentially dangerous object in a street, sidewalk, walkway or public place.

(3) No person may drop or place or permit to be spilled, dropped or placed, any matter or substance in a street, on a sidewalk or walkway, or in a public place that may interfere with the cleanliness of such area, without removing it or causing it to be removed within a reasonable time in the circumstances.

(4) The Municipality may remove any materials, objects, matter and substance contemplated in this section and recover the cost of removal and/or storage from the person in breach thereof.

17. Prohibition on placing article in or on a building. –No person may place any article in or on a building facing a street, on a sidewalk or walkway, or a public place, where it is likely to cause injury or damage to any person or property if it were to fall on that street, a sidewalk, walkway, or public place, without taking all reasonable steps to prevent the article from falling onto such area.

18. Regulating races and sports events. –(1) No person may, except in accordance with prior written permission of the Municipality, hold a race or sporting event in a street, on a sidewalk or walkway, or a public place.

(2) An applicant for permission to hold such a race or sporting event must pay the prescribed tariff and deposit for the costs to be incurred by the Municipality during and after the race or sports event, at least xx days prior to commencement of the race or event: Provided that, if the actual costs incurred are higher than the deposited amount, such person is liable to pay the difference to the Municipality upon proof of such expenses.

19. Prohibitions regarding balconies and verandas. –No person may use a balcony or veranda erected beyond the boundary line of a street, sidewalk, walkway or public place for purposes of–

- (a) trading or the storage of goods, or
- (b) washing or drying of clothes thereon, or enclose or partition a balcony or veranda erected beyond the boundary line of such a street, sidewalk, walkway or public place thereof as a living or bedroom.

20. Prohibition of parking of heavy motor vehicles, trailers and caravans. –(1) No person may park a –

- (a) heavy motor vehicle;
- (b) trailer;
- (c) semi-trailer; or
- (d) caravan,

on a street within the Municipal area for an uninterrupted period exceeding two hours, except on places reserved for parking of heavy motor vehicles: Provided further that the above provisions do not apply to the actual loading or unloading of such vehicle.

(2) Unless the contrary is proved, any vehicle parked in contravention of subsection (1) is deemed to have been parked by the owner thereof.

21. Regulating the protection of surfaces. –(1) No person may, except in accordance with prior written permission of the Municipality, make, or cause to be made, an excavation or dig, or cause to be dug, a pit, trench or hole in any street, on any sidewalk or walkway, or in any public place.

(2) No person may –

- (a) use a vehicle or allow it to be used in any street, on any sidewalk or walkway, or in any public place, if such vehicle is in such a defective condition that it will or may cause damage to such area;
 - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street, sidewalk, walkway or public place, –
 - (i) in such a way, or
 - (ii) while such object, machine or material is in such a condition, as may damage, break or destroy the surface of such area in any way; or
 - (c) without prior written permission of the Municipality, except a necessary excavation, pit, trench or hole, undertake any work which may cause the surface of any street, sidewalk, walkway or public place to be altered, damaged or broken: Provided that such permission may be subject to payment of an amount sufficient to cover the cost of repairing any damages resulting from such actions, as a deposit before commencement of the work.
- (3) If the Municipality identifies a person who, as a result of any action referred to in subsection (1), has damaged, broken or destroyed the surface of any street, sidewalk, walkway or public place, the cost of repairing any damages, as determined by the Municipality, may be recovered from the offender.
- (4) Any person who is the owner of land on which any work is done is liable to the Municipality for any damage to any portion of any street, sidewalk, walkway or public place caused by or in connection with the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.
- (5) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks, walkways or road verges, the owner of such land shall not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the Municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such area as a result of, or in connection with, the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.
- (6) After completion of the work contemplated in subsection (5), the Municipality may itself undertake the repair of any portion of the damaged area to the account of the owner and may set off the cost of such repairs against such deposit: Provided that if the cost is less than the amount of the deposit, the Municipality must refund the balance to the depositor and if the amount deposited does not cover such cost, the owner is liable for the difference, which becomes payable on receipt of an invoice from the Municipality specifying the additional amount due.
- (7) No person other than an authorised official of the Municipality in the performance of his duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street, sidewalk, walkway or public place .

22. Prohibition of damaging specific property. –No person may deface, damage, tamper or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any advertisement which has been erected in a street, on a sidewalk or walkway, or in public place by, or with the permission of, the Municipality.

23. Regulating street and door-to-door collections and distribution of handbills. –(1) No person may, except in accordance with prior written permission of the Municipality, –

- (a) collect, or attempt to collect, money, organise, or in any way assist in the organisation of such collection;
- (b) from door-to-door collect, beg, solicit or accept donations;
- (c) distribute any handbill or similar advertising material, or cause it to be distributed; or
- (d) place any handbill or similar advertising material, or cause it to be placed on or in any vehicle,

in any street, on any sidewalk or walkway, or in any public place.

(2) The Municipality may levy an application fee, as determined from time to time by the Municipality, in respect of any application in terms this section: Provided that this subsection does not apply to any registered welfare of benevolent organisation.

24. Prohibition on administering poison. –No person other than an official of the Municipality or an authorised person who administers legally approved weed-killers or poisons, may use, set or cast poison in any street, on any sidewalk or walkway, or in any public place.

25. Regulating processions. –(1) Subject to the provisions of subsection (7), no person may, except in accordance with prior written permission of the Municipality, –

- (a) hold, organise, initiate, control or actively participate in a procession or gathering;
 - (b) dance or sing or play a musical instrument;
 - (c) do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic; or
 - (d) use any loudspeaker or other device for the reproduction or amplification of sound,
- in any street, on any sidewalk or walkway, or in any public place

(2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street, on any sidewalk or walkway, or in any public place must submit a written application for permission thereto, to reach the Municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out.

(3) An application contemplated in subsection (2) must contain the following –

- (a) full details of the name, address and occupation of the applicant;
- (b) full details of the –
 - (i) street or public place where or route along which any one or more of the actions is or are intended to be performed or carried out; and
 - (ii) proposed starting and finishing times or any one or more of the aforesaid actions;
- (c) in the case of processions and gatherings, the number of persons expected to attend;
- (d) request for assistance by traffic officers, if required; and
- (e) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.

(4) Any application submitted in accordance with subsection (3) must be considered by the Municipality, and if, in the opinion of the Municipality any one or more of the actions to be performed or carried out as proposed in such application –

- (a) is, or are not likely to be, in conflict with the interests of public peace, good order or safety, the Municipality must issue a certificate granting permission and authorisation for the performance or carrying out of any one, or more, of such actions: Provided that the Municipality may determine such conditions as it deem necessary to uphold public peace, good order or safety; or
- (b) will, or is likely to, be in conflict with the interests of public peace, good order or safety may be refused by the Municipality.

(5) The Municipality may withdraw any permission granted in terms of subsection (4), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.

(6) Persons who intend participating actively in a procession, or gathering in any street need not apply to the Municipality for permission thereto and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the Municipality.

(7) The provisions of this section do not apply to a –

- (a) wedding or funeral processions; and
- (b) gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993), in which case the provisions of the said Act apply.

26. Prohibition on public indecency. –No person may, in any street, sidewalk, walkway or public place–

- (a) appear without being clothed in such a manner as decency demands;
- (b) or in view of such a place, urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act;
- (c) sing any obscene or profane song;
- (d) use any profane, foul, indecent or obscene language;
- (e) in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging; or
- (f) use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be caused.

27. Prohibition regarding overflow water. –With the exception of rainwater, no person may cause or allow any dirty, waste, swimming pool, infected or otherwise polluted water to flow from his premises into a street, sidewalk, walkway or public place.

28. Control of stormwater and watercourses on public road. –(1) No person may, except in accordance with prior written permission of the Municipality, –

- (a) lead or discharge any water on, over or across; or

(b) by any means whatever, raise the level of water in any river, dam or watercourse to cause interference with or endanger,
a street, sidewalk, walkway or public place.

(2) The Municipality may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned –

(a) deviate any watercourse, stream or river: Provided that the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a street, sidewalk, walkway or public place;

(b) divert stormwater from, or under, a street, sidewalk, walkway or public place onto private property other than land occupied by buildings, other structures or improvements; and

(c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any damage caused as a result of any action taken in terms of this subsection, or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act 42 of 1965 or an alternative dispute resolution process.

29. Prohibitions regarding behaviour in public. –(1) No person may–

(a) cause a nuisance to other persons by loitering, standing, sitting, lying, congregating or begging;

(b) sleep, overnight or erect any shelter;

(c) wash or dry clothes, blankets or any other domestic articles;

(d) use abusive, insulting, obscene, threatening or blasphemous language;

(e) fight or act in a riotous manner;

(f) discharge a firearm, airgun or air-pistol;

(g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;

(h) defecate, urinate or wash himself;

(i) solicit or importune any person for the purpose of prostitution or immorality;

(j) engage or participate in gambling;

(k) use intoxicating liquor or drugs;

(l) spit;

(m) be drunk;

(n) obstruct traffic in any manner; or

(o) litter or leave behind, or allow, permit or cause littering, by means of cigarette butts, matches, beer- or cold drink cans or bottles, any glass or plastic bottles, disposable nappies or any other container, rubbish or refuse,

in any street, sidewalk, walkway or public place.

(2) Any person contravening subsection (1) must, upon instruction by an authorised official, discontinue doing so.

30. Prohibitions regarding handling of animals. –No owner or person in charge of, or responsible to supervise, any wild or ferocious animal, monkey, livestock, or trek- or horned cattle may –

(a) turn such animal loose;

(b) leave such animal at any time insufficiently attended in;

- (c) keep such animal –
 - (i) at large; or
 - (ii) in such a manner as to be a danger or annoyance to the traffic or public, or
- (d) allow, permit or cause the animal to graze or stray, in, or about a street, sidewalk, walkway or public place.

(2) No person may walk a dog a street, sidewalk, walkway or public place unless it is on a leash and under control of that person.

(3) No person may leave any injured, feeble, emaciated, diseased or dying animal on a street, sidewalk, walkway or public place except for the purpose of seeking assistance for the removal of such animal from that area.

31. Regulating display of street number of places. –(1) The Municipality may prescribe, by written notice to the owner of any premises, that a number allocated to such premises by the Municipality shall be displayed and the owner of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises.

(2) A number contemplated in subsection (1) must be–

- (a) displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
- (b) replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

(3) If the owner contemplated in subsection (1) fails to comply with such notice, the Municipality may execute the notice and the owner is liable for the reasonable cost incurred by the Municipality in so doing.

32 Regulating bridges and crossings. –No person may, except in accordance with prior written permission of the Municipality, make, or built to or in front of, –

- (a) any dwelling; or
- (b) other premises in any street or public place, a private crossing, walkway, bridge or culvert.

33. Regulating amusement shows and devices. –(1) No person may, except in accordance with prior written permission of the Municipality, set up or use in any street, sidewalk, walkway or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –

- (a) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
- (b) if it is in any way dangerous or unsafe for public use.

(2) Assistance by traffic officers will be provided by the municipality on application.

(3) An applicant for permission to hold such a show or set up such a device must pay the prescribed tariff and deposit for the costs to be incurred by the Municipality during and after the event, at least seven working days prior to commencement of the race or event: Provided that,

if the actual costs incurred are higher than the deposited amount, such person is liable to pay the difference to the Municipality upon proof of such expenses.

(4) An authorised official of the Municipality must, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

34. Prohibitions regarding animal-drawn vehicles and push or pull carts. –(1) No person may drive, or cause to be driven, an animal-drawn vehicle along or through streets, –

(a) during the hours when it would be required of motor vehicles to have their lights switched on; or

(b) with a gradient of 20° or more.

(2) No person may push or pull any cart along or through streets –

(a) during the hours when it would be required of motor vehicles to have their lights switched on; or

(b) with a gradient of 20° or more.

(3) No person may –

(a) simultaneously drive, or be in control of, more than one animal-drawn vehicle in a street or public place;

(b) drive, or be in control of, an animal-drawn vehicle in a street or public place if he is under 16 years of age;

(c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle; or

(d) outspan, or allowed to be outspanned, any vehicle drawn by animals in a street or public place.

35. Regulating sleeping in vehicles. –No person may sleep in a vehicle in a street or public place, other than a motor vehicle parked at stands duly so allocated by the Municipality.

36. Regulating informal parking attendants. –(1) No person may act as an informal parking attendant in a street, parking area or public place, except in accordance with prior written permission of the Municipality.

(2) The Municipality may levy a registration tariff, the amount of which is determined by Municipality and fixed in the registration, as a requirement for the registration of parking attendants, provided that where a Memorandum of Agreement exists between the municipality and a service provider for the provision of a parking management system, such a tariff will not be levied.

37. Regulating costs and tariffs. –(1) The Municipality may charge fees and monies for the permission granted in terms of this By-law and may require the deposit of an amount of money as security for damages, repair, mopping up, losses and other costs.

- (2) Notwithstanding any other provisions of this By-law, the Municipality may, –
- (a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - (b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention, within the period stated in such notice.

(3) Any person who fails to comply with a notice in terms of subsection (1) is guilty of an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

- (4) The payment of deposits and tariffs to the Municipality are subject to the following:
- (a) the Municipality may determine the estimated tariffs, and a deposit equal to these tariffs in respect, must be paid in cash or by bank-guaranteed cheque at the date of application;
 - (b) any mutual adjustment must be made after conclusion of the sporting event, procession or gathering, or the setting up of the circus, whirligig, roundabout or other side-show or device, as the case may be, as soon as the actual costs have been determined by the Municipality;
 - (c) the Municipality may, at its sole discretion, exempt an applicant from the payment of the tariffs and the deposit upon written reasons being provided to the Municipality prior to the commencement of the escorting, race or sporting event, procession or gathering, or the set up of the circus, whirligig, roundabout or other side-show or device: Provided that, in the event that the municipality is unable to grant exemption for whatever reason prior to the commencement of the event, the applicant must pay the tariffs, which must, if exemption is granted thereafter, be refunded to the applicant;
 - (d) the Municipality may approve the appointment of marshals and prescribe their responsibilities and attire to perform functions on a street, sidewalk, walkway or in a public place; and
 - (e) the Municipality must prescribe the minimum number of marshals required to assist at a race or sporting event, procession or gathering, or the set up of the circus, whirligig, roundabout or other side-show, or device, racing event, sporting event, procession and a gathering in general.

(5) Subsection (1) does not apply to a funeral procession.

38. Regulating limitation on access to certain areas. –No person may, except in accordance with prior written permission of the Municipality, close or barricade any street, sidewalk, walkway or a public place, or part thereof, or restrict access to any such place.

39. Regulating closure or diversion of certain areas. –(1) The Municipality may permanently close or divert any street, sidewalk, walkway or a public place, or part thereof, or restrict access to any such place.

(2) When the Municipality decides to act in terms of subsection (1), it must –
 (a) give written notice of such intention in terms of its communication policy; or
 (b) in the absence of such policy, give notice of its intention in a local newspaper in at least two official languages.

(3) Any objection against the decision to act as contemplated in subsection (2) must be delivered in writing to the Municipal manager within 30 days from the date of the notification contemplated in subsection (2) for consideration by the Council, a committee or person who has delegated powers to decide upon it.

(4) Notwithstanding the provisions of subsection (2), the Municipality may temporarily close or restrict access to any street, sidewalk, walkway or a public place, or part thereof –

- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such place;
- (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 place;
 - (i) if such street or public place is, in the opinion of the Municipality, in a state dangerous to traffic;
 - (ii) by reason of any emergency or public event which, in the opinion of the Municipality, 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 Municipality, renders the temporary closing of such street necessary,
- (c) and temporarily divert such access.

(2) The municipal manager may in his discretion, for general information, place a notice of such temporary closure, restriction or diversion in a local newspaper.

40. Certain functions of Municipality regarding streets, sidewalks, walkways and public places. –The Municipality may, in its area,

- (a) make, construct, reconstruct, alter and maintain;
- (b) name and re-name; and
- (c) allocate and re-allocate numbers to properties abutting on, streets, sidewalks, walkways and public places.

41. Declaration of streets and public places. –(1) The Municipality may –

- (a) declare any land, or portion of land, under its control to be a street, sidewalk or walkway, or any street, sidewalk or walkway, or portion thereof to be a public place; and

- (b) declare any private street or portion thereof to be a public street, or any place or portion thereof to be a public place.
- (2) When the Municipality decides to act in terms of subsection (1), it must –
 - (a) give written notice of such intention in terms of its communication policy; or
 - (b) in the absence of such policy, give notice of its intention in a local newspaper in at least two official languages
- (3) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (2) for submission to Council, a committee or person who has delegated powers to decide upon it.

42. Determination of subcategories and regulation of pedestrians, pedal cyclists and subcategories. –(1) The Municipality may –

- (a) by Notice in the *Provincial Gazette* determine any other subcategory of vehicles and regulate such subcategory as contemplated in paragraph (b); and
 - (b) regulate the use by pedestrians, pedal cyclists and other subcategories of vehicles of a specific street, sidewalk, walkway or public place, or a section or part thereof, where the use thereof is not suitable for pedestrians, pedal cyclists or such subcategory of vehicles, as the case may be.
- (2) When exercising its powers as contemplated in subsection (1)(b), the Municipality must erect a road traffic sign which clearly indicates the regulated use and area of application.

43. Offences and penalties. –Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and liable upon conviction to –

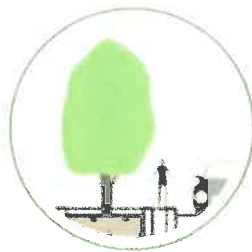
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional 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 Municipality as result of such contravention or failure.

44. Repeal of By-laws. –The By-laws listed in the Schedule hereto are hereby repealed to the extent indicated in the third column thereof.

45. Short title and commencement. –This By-law shall be known as the By-law relating to Streets and comes into operation on the date of publication thereof in the *Provincial Gazette*.

ANNEXURE B

ANNEXURE C



Stellenbosch Streets

September 2020

Streets By-Law: Public Comment

Stellenbosch Streets

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Stellenbosch Streets



1. INTRODUCTION:

Existing Stellenbosch sidewalk infrastructure caters adequately to pedestrians providing that simple rules are adhered to.

The suggestions contained in the document refer mainly to use of sidewalks for placing of café seating.

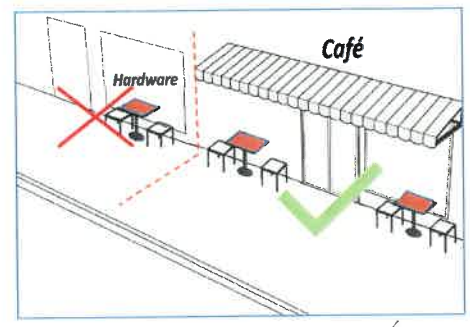
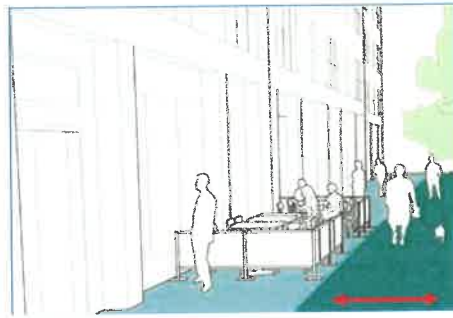
We hope that the pedestrian experience of townspeople and visitors will be improved through the consistent implementation / application of strict rules.

Stellenbosch Streets

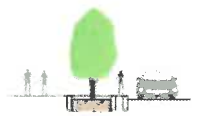


2. The optimal configuration of sidewalks is one that applies 3 main rules:

- 2.1.1 An uninterrupted **CURBSIDE SETBACK** of 60cm wide.
- 2.1.2 A 1.4m to 1.6m – wide **PEDESTRIAN BELT**.
- 2.1.3 Table seating **PARAMETERS** not to exceed store frontage.



Stellenbosch Streets



2.1 The Proposed Standards:

2.1.1 CURBSIDE SETBACK

A CURBSIDE "SETBACK" of 60 cm wide along the entire length of sidewalk free of any obstacles (this is to be uniformly applied regardless of the type of parking adjacent). See [Diagram A](#).

- Trees will inevitably encroach on this area and residents have learned to live with that, but café seating or street furniture is avoidable.
- People should be able to exit their cars without their doors hitting against street furniture.
- One should be able to load groceries or children from the sidewalk instead of the street side of the car.



Stellenbosch Streets



2.1 The Proposed Standards (cntd):

2.1.2 PEDESTRIAN BELT

A "PEDESTRIAN BELT" of 140cm – 160cm wide, free of any obstacles.

There are two options available to establishments:

1. A continual pedestrian belt that includes the "curb side setback". See Diagram B
2. A separate pedestrian belt. See Diagram A

Stellenbosch Streets

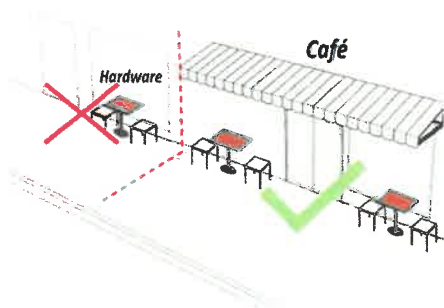


2.1 The Proposed Standards (cntd):

2.1.3 SHOPFRONT PARAMETERS

The space that any establishment may lease on sidewalks is to mirror (and not exceed) its own frontage in:

- Width of frontage (PARAMETERS)
- The nature of business conducted
- Branding



The next page gives a thorough explanation of why we feel that this is an important element in optimal sidewalk use.

Stellenbosch Streets

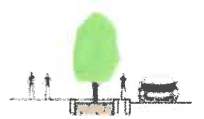


2.1.3 SHOPFRONT PARAMETERS (cntd):

Logic supporting this strict rule - (Refer to Diagram B)

- a) If seating exceeds the width of the tenanted premises, the lack of direct access to patrons from the establishment means more traffic by staff along the **pedestrian belt** as opposed to access via a shorter and more immediate route. This defeats the objective of making sidewalks pedestrian friendly. To serve a restaurant table of any number of patrons takes a minimum of 17 trips to and from the table. Much of this is done carrying trays with drinks or carrying dishes with food. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 3.2.2 on page 7 (see attached document).
- b) In addition to this, patrons get up and cross the **pedestrian belt** to access the toilets or to pay their bill or to get staffs' attention. This also adds to frequency of traffic and should be kept to the shortest possible route.
- c) Security and general quality of service are enhanced if the seating corresponds to the premises as staff can monitor the area effectively. This is made more complicated where patrons items are positioned further from the tenant and out of direct view.
- d) There are many examples of establishments that have made use of their interior space for which they pay rent to seat their patrons. If establishments target street side dining entirely, it results in a very limited offering when the weather is not conducive to outdoor dining which is counter – productive.

Stellenbosch Streets



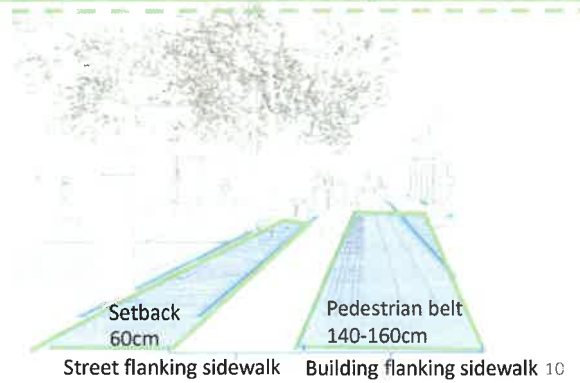
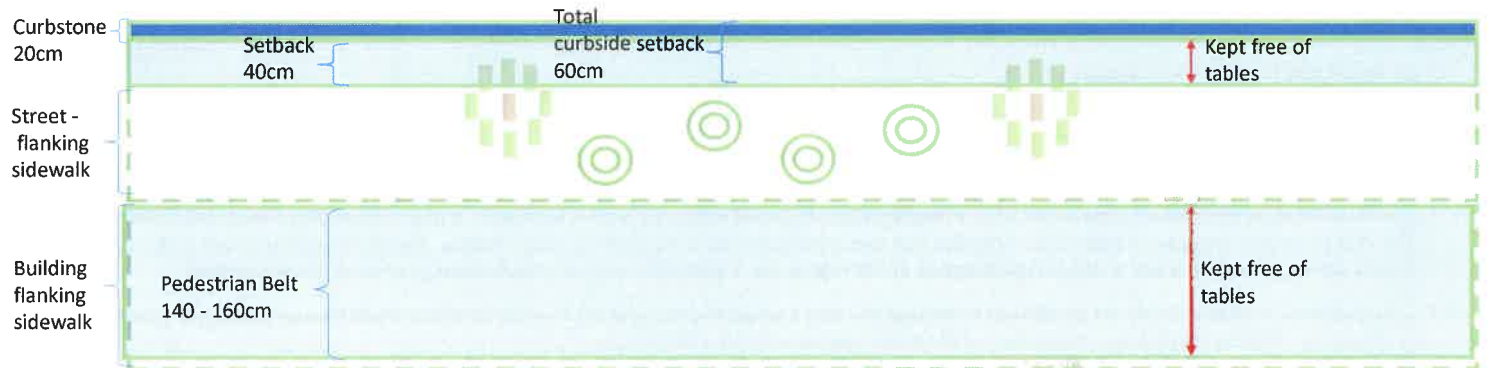
2.1.3 SHOPFRONT PARAMETERS (cntd):

Logic supporting this strict rule - (Refer to Diagram B)

- e. If a retailer that sells goods, eg clothing or gifts, chooses not to take up the sidewalk leasing opportunity in order that shoppers may see its shopfront and have unrestricted line-of-sight access to it, a neighboring café should not be allowed to encroach. It may happen that a shop that wants to be visible to window shoppers at night has a neighbor that seat crowds in front of the clothing shop window. The clothing shop cannot police this as they are not present and rely on the implementation of this rule by the municipality and law enforcement at all times – day and night.
- f. An individual business should not be allowed to strategically rent a whole street’s sidewalk in order to stymie his or her competition or establish a monopoly. Limiting usage to the parameters of the rental space avoids this contingency.
- g. At the same time, even if a neighboring business has no objection to such an encroachment, the encroachment or leasing of sidewalks beyond the parameters of the rental premises opens the door to other retailers or tenants exploiting the opportunity to charge “key money” for their consent. Similarly a refusal by a neighbor may cause enmity and even intimidation. This can all be avoided if the municipality has a strict rule that disallows this practice. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 3.2.2 on page 7 and clause 5.3 on page 10 (see attached document).
- h. Allowing non-adjointing tenants to rent sidewalk space and unduly encumber pedestrian areas will risk the impression that the municipality is exploiting sidewalk space at the expense of pedestrians for income (even if this is misconstrued).
- i. The way in which shop frontages and premises have developed organically into complementary forms of retail is disrupted by the prospect that one type of retail can simply take up limitless swathes of sidewalk frontage. Limiting seating to actual frontage automatically creates a natural break in types of retail and avoids a monotony of street – side offering. It also affords people parking their cars access from vehicles to the pedestrian band periodically. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 3.2.2 on page 7 (see attached document).

2.2 Diagrams A1, A2, B1, B2 & C:

DIAGRAM A1 – showing a separate pedestrian belt and curbside setback



Street flanking sidewalk Building flanking sidewalk 10

DIAGRAM A2 - expanded logic

- Some curbstones are uneven or have a rounded edge which means that they are not suitable as a surface along which to walk, but instead they serve as a step or a demarcation.
- The setback or pedestrian belt measurement should therefore start from the inner edge of the curbstone if the curbstone is unusable.
- In the top diagram, the total area allowed without obstacles is 140cm + the curbstone;
- This makes the configuration suggested in the first diagram (top right) the more logical one for street cafés that want to optimise seating areas as it leaves more space for use by seated patrons.

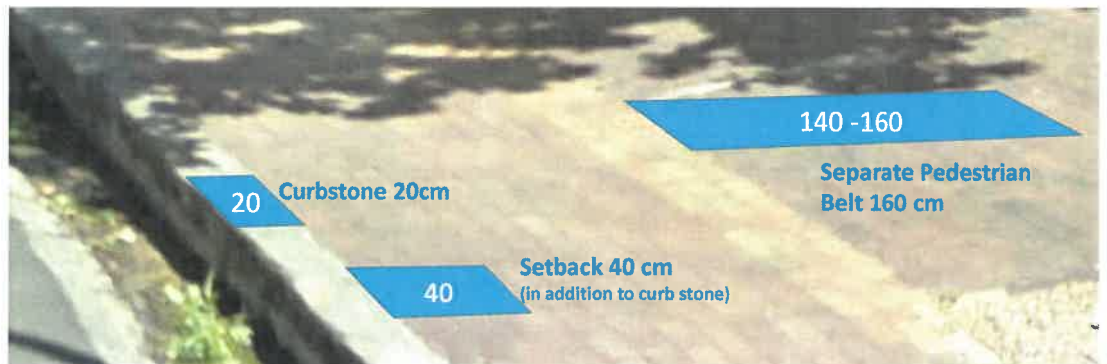
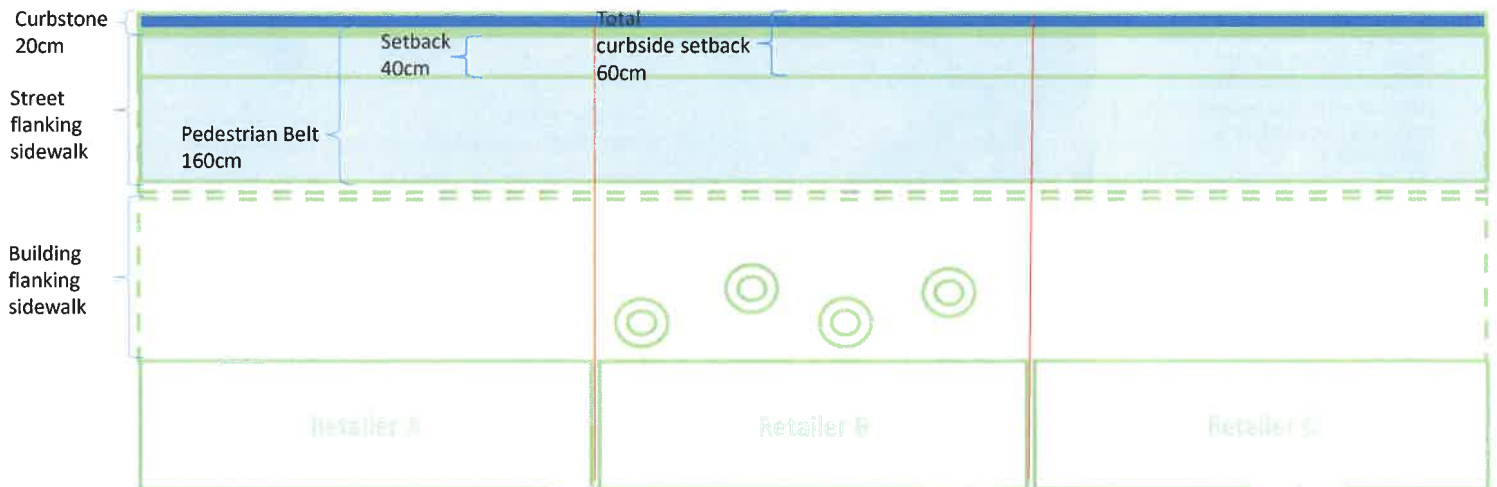
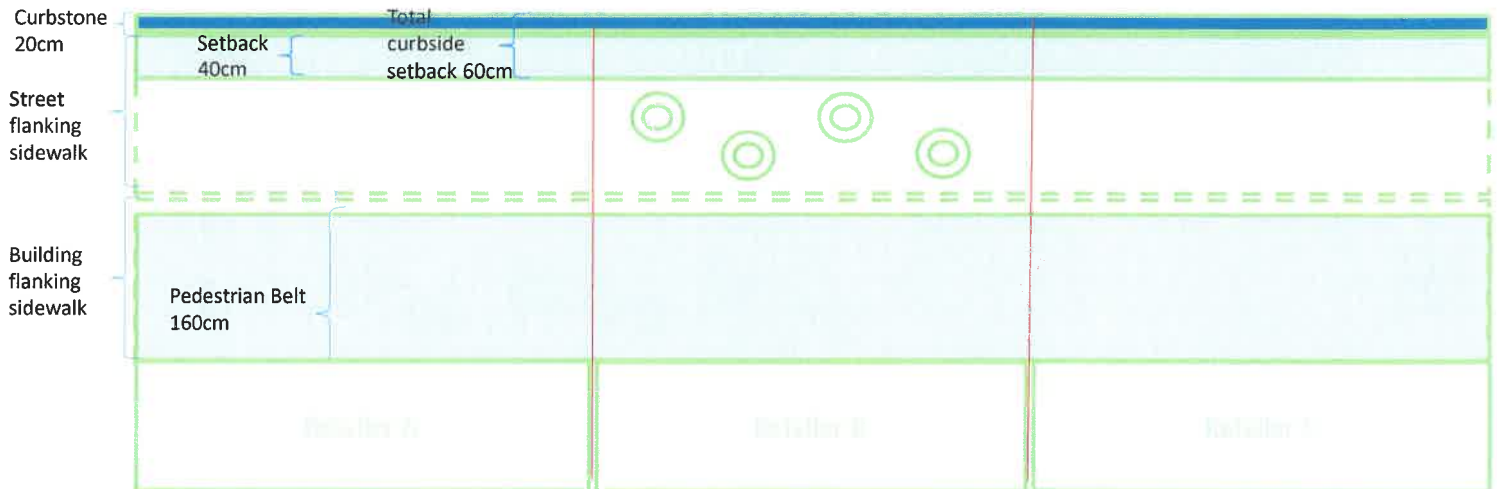


DIAGRAM B1 – showing a pedestrian belt and curbside setback in one



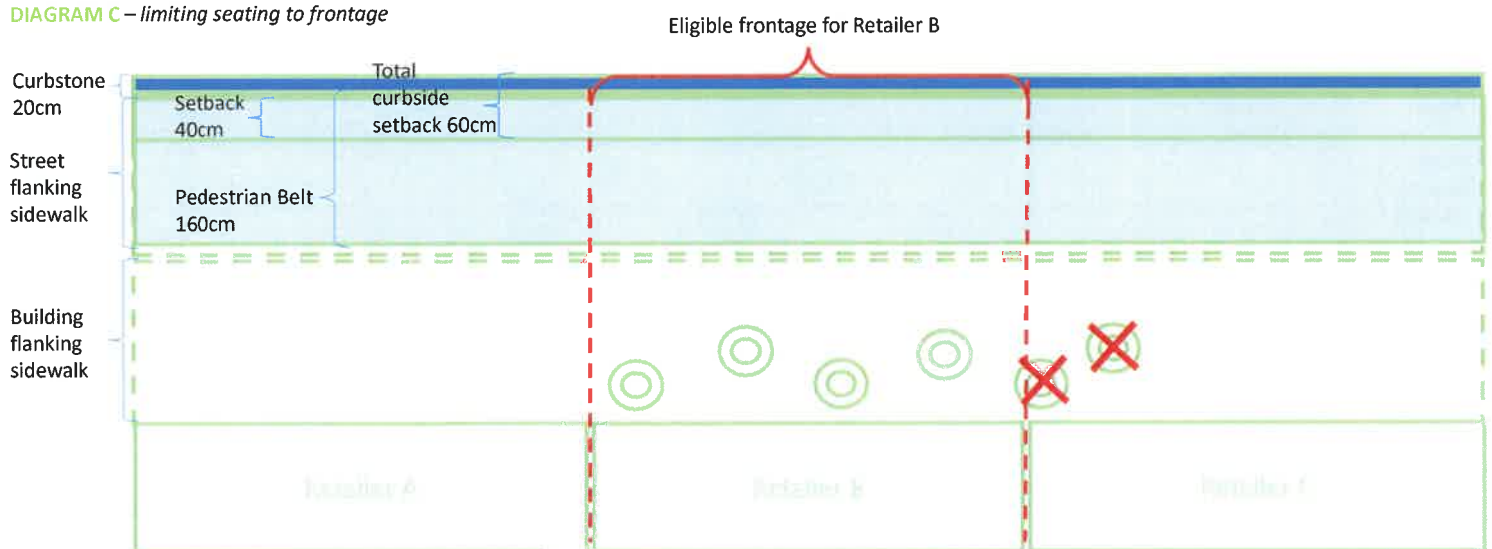
- This choice of configuration leaves more space for seating as the curbside setback and the pedestrian belt are a contiguous band that jointly provide pedestrian access and leave a broader remainder of sidewalk for café seating.

DIAGRAM B2 – showing a separate pedestrian belt and curbside setback



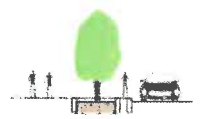
- This choice of configuration leaves less space for seating as the pedestrian is afforded the **curbside setback** in addition to the **pedestrian belt**.

DIAGRAM C – limiting seating to frontage



- Retailers should be eligible to use only sidewalk space directly in front of their premises.
- This is the case regardless of whether neighboring businesses agree to the use of the space or whether neighboring businesses either use or do not use space that they are eligible to use.

Stellenbosch Streets



2.3 Proposed Standards (cntd):

- Access to the **pedestrian belt** from the road should be available to pedestrians accessing their vehicles every 6m by way of an access point or "aisle" of at least 1,4m wide (so that people exiting their vehicles can access the **pedestrian belt**). Refer to **Diagram D**.
- Standards are to be applied to locations both when in use and when not in use (establishments are to be responsible for positioning of furniture as well as patrons). If tables do not encroach on the **pedestrian belt** or on the **curbside setback** when not in use, that does not necessarily mean that they will not encroach once patrons are seated. It is essential that the pedestrian areas are uninterrupted by seated patrons. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 3.2.2 on page 7 and clause 5.2 on page 10 (see attached document).
- Staff that are addressing seated patrons are to have access to their guests from a vantage point that does not interfere with the pedestrian areas or with the aisle providing access to **pedestrian belts** from the road.
- Standards are to be enforced uniformly (day and night, weekends and weekdays).
- It is easy for establishments to blame patrons for moving furniture and encroaching on pedestrian areas whereas they might turn a blind eye as it is in their commercial interest to allow it. It is therefore essential that there should be independent policing of these rules.

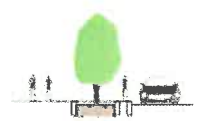
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2.3 Proposed Standards (cntd):

- The width required as a “pedestrian belt” is to be a continuous space, ie one cannot add the width of two areas of access together in order to reach the required measure. An example: If two narrow spaces on either side of a tree would, if added together, meet the requirement, it would still be required that either of the two spaces should independently meet the required width of a pedestrian belt. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 3.2.2 on page 7 (see attached document).
- Standards are to be applied to all types of users including retailers, casual vendors or cafés.
- “Obstacles” are defined to include planters, signs, staff, patrons, furniture, displayed items and the like.
- Where an immovable obstacle such as a large oak tree makes it impossible to have a full “pedestrian belt” on either side of the tree, it does not warrant the excuse that the pedestrian belt along the rest of the sidewalk can be reduced to the same constrained width. The principle is that, wherever possible, the pedestrian belt requirements are to be met. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 3.2.2 on page 8 (see attached document).
- The way in which tables and chairs are positioned must cater for the position from which staff address patrons. It is of little use positioning patrons out of the way of the pedestrian belt and then having a waiter stand in the pedestrian belt in order to take an order and speak to patrons.

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3. Questions Remaining and some further suggestions:

- a) What if a business owner elects not to lease an adjoining sidewalk?
In such an instance the sidewalk is to be left vacant (this is critical in order to avoid an instance where street fronting businesses are coerced or intimidated into leasing adjoining sidewalk space for fear of a competitor or neighbour or other third party leasing the space). By electing not to lease sidewalk space, the retailer must not be at risk of someone else leasing it.
- b) The lease term for leasing of sidewalks is to be limited to the term of the lease of the adjoining space. (This avoids the contingency where a tenancy can change, and a previous tenant can still have a right to occupy the sidewalk in front of it. This can be resolved by a clause in the lease with the municipality that allows for a notice period).
“Sidewalk Tenants” should be able to lease sidewalk space on a monthly basis so that they are not forced to use and staff sidewalks on an annual basis. A notice period contained in the lease agreement with the municipality may make the enforcement of this provision more practical. Similarly, if the sidewalk use is granted pursuant to a permit application, the permit application can also be made subject to more frequent renewals or a notice period.
- c) The use of the sidewalk (nature of business) must match that of the adjoining tenant.
- d) Oak trees that are well established and block sidewalks are to be circumvented with sidewalks by the municipality where practical. Where that cannot be done, the trees must take preference and seating should not be allowed closer than 1.4m from the stem. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 3.3.1 on page 6 and clause 3.2.2 on page 8 (see attached document).

Stellenbosch Streets



3. Questions Remaining and some further suggestions (cntd):

- e) Appoint a street café or sidewalk management director who patrols the sidewalks and to whom others report. This can be a part-time job for a member of municipal staff or law enforcement. Another alternative is to have “marshals” enforcing the terms of lease agreements as well as smoking laws etc. Such marshals could play a further role in policing:
Beggars / street performers / skateboarders / loiterers etc. When permits are issued these rules can be made clear.
- f) Where one retailer leaves the street-side setback free of obstacles and the neighboring retailer chooses to keep the building-side free of obstacles, there is an obvious conflict as pedestrians will have to weave along the sidewalk depending on each retailer’s unique setup.
(This can be solved by requiring each retailer to free up the meter closest to the common boundary). **Diagram f**
In addition to this, there should be an allowance for a clear line of sight along the length of the sidewalk that remains open regardless of the apportionment of sidewalk space and the resulting café seating.
- g) Designate a special area as a starting point within which to implement this arrangement.
- g) Boundaries of leased sidewalk space can be indicated with neat pins fixed to the sidewalks. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 5.1 on page 9 (see attached document).
- h) Paving must be of a high quality (all new paving is to be supervised in order to avoid the towns people being left with low quality surfaces after contractors have left).

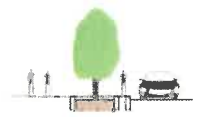
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3. Questions Remaining and some further suggestions (cntd):

- j) Municipal obstacles such as lamp poles; electricity transformers; signed posts; bins are to be repositioned wherever necessary in order to maintain the **pedestrian belt**. An alternative is for sidewalks adjacent to such municipal obstacles to remain unused and unlet, although it would be welcomed for the municipality to show a willingness to move such obstacles where it is practical to do so. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 3.2.2 on page 8 (see attached document).
- k) The height of sidewalks adjacent to roads are to accord with regulations given the risk posed by raised sidewalks (pedestrians falling into roads, car doors not being able to open etc).
- l) Marshals should have actual bylaws and leases in their possession. In addition they can have a tape measure or measuring stick that they can use in order to substantiate their assertion that cafes are encroaching.
- m) The width of the **setback** from the streets as well as the **pedestrian belt** must specifically cater for the curbstone itself. (It must specifically say whether the curbstone is included in the measurement of the **setback** or the **pedestrian belt**). It is suggested that the curbstone should be excluded from the required measurement. Refer to **Diagram A**. The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 3.2.2 on page 7 (see attached document).
- n) Electric wires or lights attached to oak trees to be strictly forbidden.

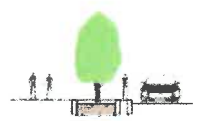
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3. Questions Remaining and some further suggestions (cntd):

- o) Better lighting to avoid injury and crime at night.
The Stellenbosch Municipality Policy on Outdoor Dining 2013, refers to this in section A, clause 5.4 on page 10 (see attached document).
- p) How does one know if a portion of sidewalk is privately owned or municipal?
Often businesses and property owners are under the impression that a portion of land adjoining their building or beneath an overhanging balcony belongs to them. This is mostly **not** the case. Most (if not all) of the covered walkways in the town center are municipal.
- q) Only establishments that have accessible toilet facilities adjoining the sidewalk should be allowed to rent sidewalk space.
- r) If the street seating dispensation is not revisited and enforced, it allows for someone to:
- Rent a minuscule number of square meters from a property along a street,
 - Set out a mass of outdoor seating preferred by tourists,
 - Open for business just before peak season,
 - Spend a nominal amount on furniture and next to nothing in terms of capital layout compared to existing establishments,
 - Allow smoking and monopolize as much business as, or more business than, businesses that employ a large number of staff and spend a large amount of capital and pay large amounts of rent.
 - Close after season having exploited what the town has to offer without much sacrifice or paying rates or employing people or committing to long term leases etc.

Stellenbosch Streets

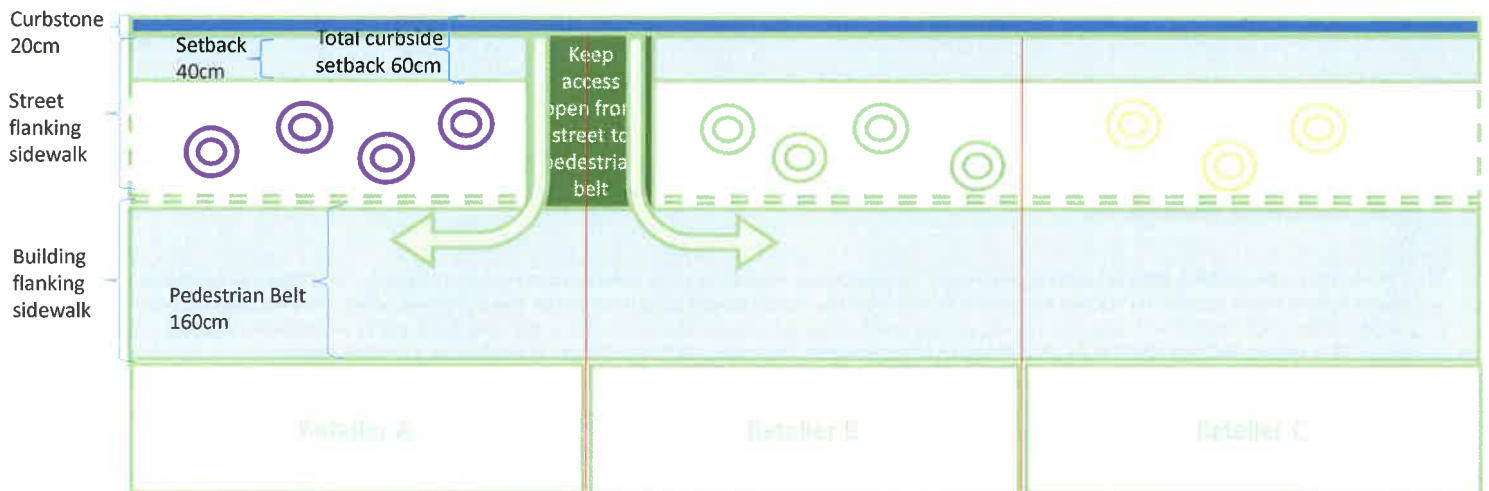


3. Questions Remaining and some further suggestions (cntd):

- s) Alternatively one can open a small coffee window in, for argument's sake, a furniture shop and fill the street with tables and compete with established coffee shops that have expensive infrastructure and pay a lot in rent. They can then simply encourage their patrons to use the toilets of the surrounding establishments.
- t) Those that have existing outdoor seating that might be reduced as a result of strict enforcement of municipal laws, must keep in mind that they have indoor space for which they pay a high rental that typically stands vacant as patrons prefer the outdoor seating. The reduced outdoor seating does not mean that those patrons will go elsewhere, they will simply sit inside. This is the case if the policy is **uniformly applied**. Those that have ample outdoor room as a result of landscaping will inevitably pay more rent for the luxury of more outdoor space.
- u) If the policy is not uniformly applied, one establishment will not idly stand by and stick to the rules while another encroaches and "cashes in" on what the town has to offer at the expense of others.
- v) Similarly, if an establishment feels that it is essential to have more outdoor space, it can rent a location that provides it. One should not be able to access the outdoor seating by simply annexing the pedestrian sidewalk. The goodwill of most establishments will follow them to their new location – this makes it an illogical argument to say that one's business is entirely reliant on outdoor seating.

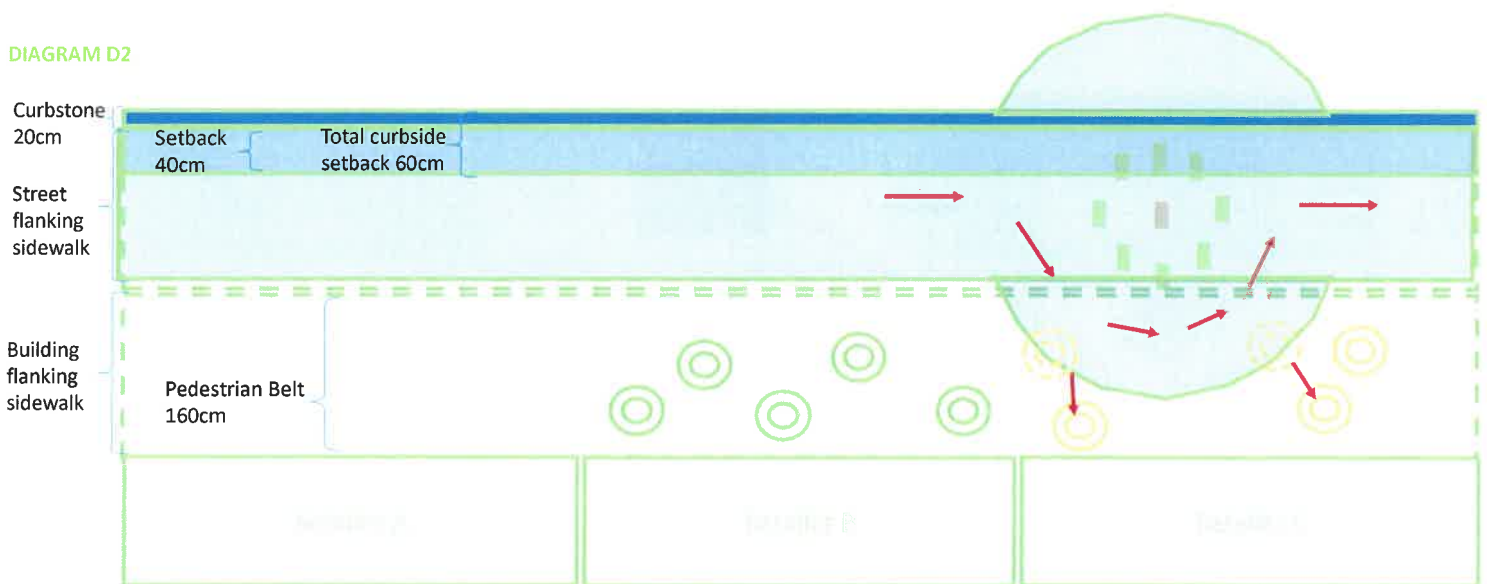
3.1 Diagrams D1, D2 & E:

DIAGRAM D1 – explaining the need for frequent access points to the pedestrian belts



- Access from the curbside to the **pedestrian belt** must be afforded those parking their cars or returning to their parked cars or exiting their uber either in line with the boundary between shop fronts/retailers or at 6m intervals.

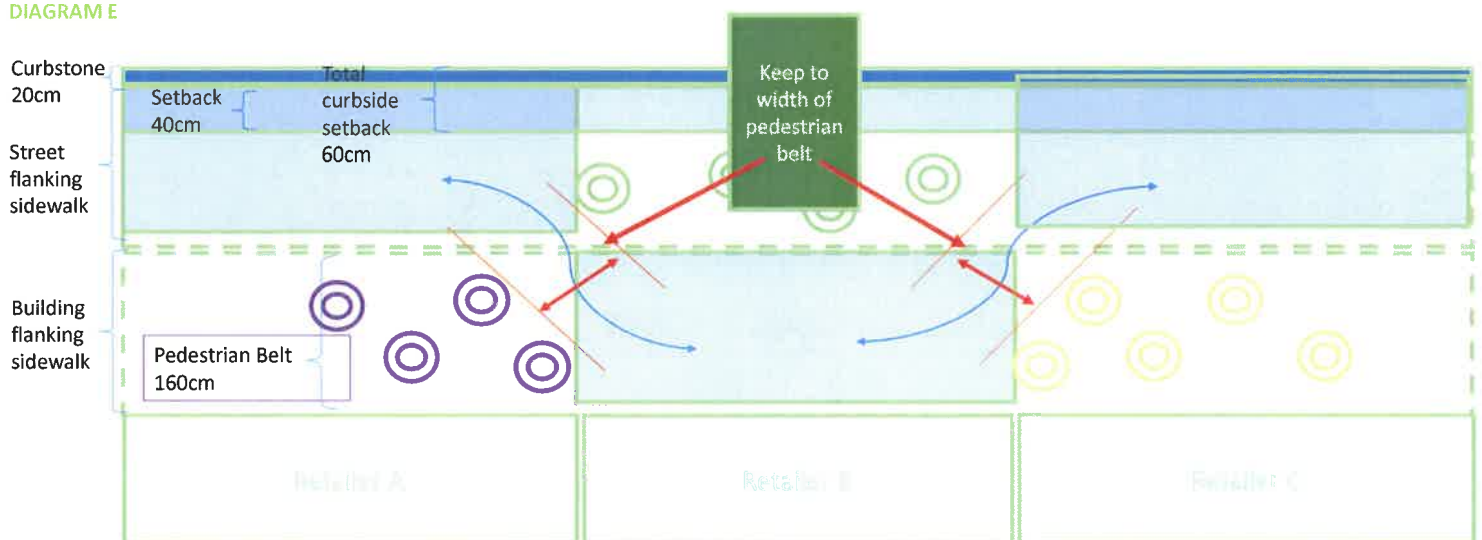
DIAGRAM D2



Tree in the way of curb setback and constraining pedestrian belt:

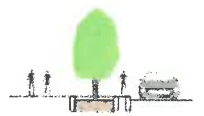
- Municipality can elect to either extend sidewalk into street to accommodate the tree or alternatively disallow use of sidewalk between tree and building to allow for pedestrian belt to maneuver around the tree.

DIAGRAM E



- Retailers choosing alternate options for street furniture.
- This should be discouraged, and a uniform street design should instead be encouraged, ie one – or – the – other for a particular street or area.
- Logically a dispensation that avoids staff crossing the **pedestrian belt** is desirable.

Stellenbosch Streets



4. A well-researched guideline:

(This is a summary of the work contained in a study compiled for the Institute Climate and Society (ICS) in May of 2019 titled "The 8 Principles of Sidewalks. Please see the end of this section for links to useful examples of successful street seating and usage policies from elsewhere)

The "pedestrian zone / belt" is the area of a sidewalk intended exclusively for uninterrupted pedestrian traffic. Defined as a "footway", it may not be obstructed by any item, including urban furniture, infrastructure, dropped curbs for vehicle access or any other such interference, whether permanent or temporary.

PRINCIPLES

Sizing the pedestrian zone should be calculated to comfortably accommodate a maximum flow of 25 pedestrians per minute, in both directions, for each meter of width, while 1.20 m is the minimum permitted width. Thus, to determine the width of the pedestrian zone, considering the flow of pedestrians, the equations is as follows:

$$L = F / K + \sum i \geq 1,20 \text{ m}$$

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4. A well-researched guideline:

$$L = F / (K + \sum i) \geq 1,20 \text{ m}$$

Where:

L is the width of the **pedestrian zone**;

F is the estimated or measured flow of pedestrians during peak hours, considering a comfort level of 25 pedestrians per minute for each meter of width;

K equals 25, which represents the pedestrian flow per minute, defining the comfort level for the sidewalk according to Brazilian Technical Standards (NBR) 9050/2015;

$\sum i$ is the sum of values relative to the impedance factors, that is, elements on the sidewalk that are avoided by pedestrians: 0.45 m adjacent to the store facades;

0.25 m adjacent to the urban furniture; 0.25 m adjacent to the entrances of the adjacent buildings.

(The clearance height for overhead obstacles should be at least 2.10 m.)

Stellenbosch Streets



4. A well – researched guideline (cntd):

BENEFITS

- Correctly sizing the **pedestrian zone** makes the sidewalk more comfortable and inviting;
- Sidewalks with clearly defined **pedestrian zones** help prevent conflicts among walking pedestrians, pedestrians standing in front of stores and urban furniture.
- The width of the **pedestrian zone** is one of the main features of an accessible sidewalk, which should allow a wheelchair to be able to turn and change direction or pass another wheelchair.
- Correctly sized **pedestrian zones** increase the value of tourism and leisure areas when they allow couples, friends and families to walk together.

APPLICATION

- Correctly sizing of the **pedestrian zone** depends on pedestrian demand and is subject to a local diagnosis, especially during peak pedestrian flow periods.
- Other jurisdictions with useful street use bylaws / laws:

<https://wrirosscities.org/sites/default/files/8-Principles-of-Sidewalks.pdf>

<https://www.toronto.ca/wp-content/uploads/2017/11/98b5-Chapter-4.pdf>

https://nacto.org/docs/usdg/active_design_shaping_the_sidewalk_experience_nycdot.pdf

<https://www.imtac.org.uk/sites/imtac/files/media-files/Pavement%20cafe%20evaluation%20%28Final%20Version%29.pdf>

5. Images: Stellenbosch sidewalks

- Existing sidewalks can serve as a benchmark for an acceptable width to strive for and apply universally.
- Widths vary from 130cm to 150cm
- These are, however, lower traffic areas and not the equivalent of what is called “downtown” in other towns or cities.
- A wider sidewalk may be called for in the more congested parts of the town center.



Images: Stellenbosch sidewalks (cntd)

- Example of an average and acceptable width of sidewalk.
- Measurements here typically range from 1.3m to 1.5m
- These parts of town do not have the same high volume of traffic as others, eg in Church, Andringa and Ryneveld Street.



Images: Stellenbosch sidewalks (cntd)

- This retailer has done a good job of avoiding the pedestrian belt.

(although it benefits from the larger setback of the building from the curb)



Images: Stellenbosch sidewalks (cntd)

- This sidewalk allows ample access to pedestrians but is a low frequency area outside of the town center.



Images: Stellenbosch sidewalks (cntd)

- No need to amend sidewalk on the side of the road to accommodate the tree given that there is ample room to pass on the other side.



Images: Stellenbosch sidewalks (cntd)

- Well managed area.

A better solution can be tailored to accommodate the signpost which is currently an obstacle to wheelchair movement.



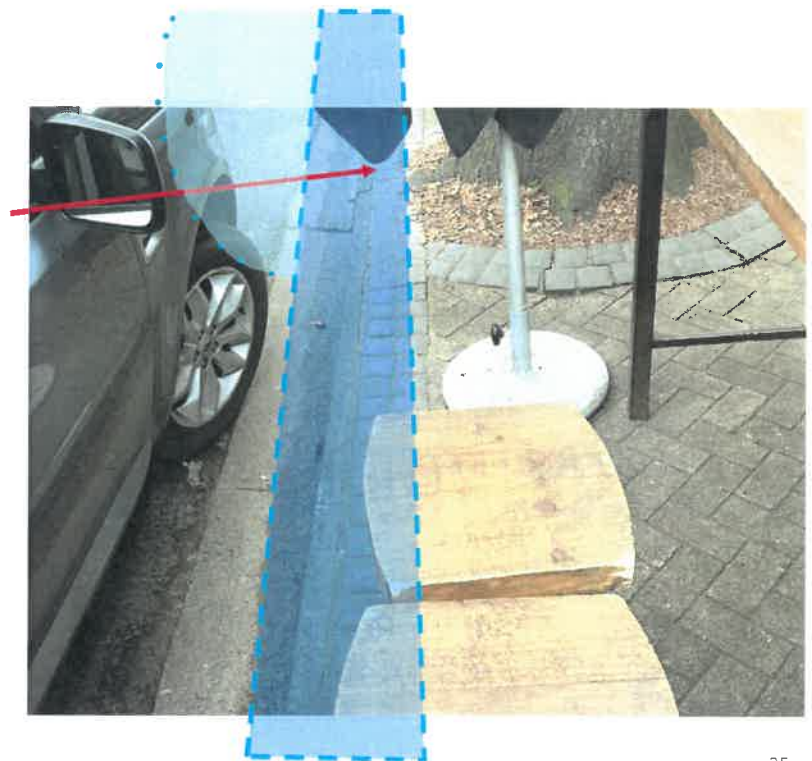
Images: Stellenbosch sidewalks (cntd)

- If the option of a pedestrian belt against the building is applied, obstacles are to be removed and chairs are to be positioned facing up and down the direction of the pedestrian belt.
- This avoids patrons backing into the pedestrian belt



Images: Stellenbosch sidewalks (cntd)

- Furniture encroaching on the setback.
- If there is not enough of a pedestrian belt width on the other side of the tree, application can be made to extend the sidewalk around the tree.



Images: Stellenbosch sidewalks (cntd)

- Planters to move 40 cm from curb.
- People entering or exiting their cars must have some space to open their car door without pushing up against something.
- They must also be able to put bags down somewhere while they open their doors.



Images: Stellenbosch sidewalks (cntd)

- Curbside buffer setback to be enforced and pedestrian belt to be enforced.



Images: Stellenbosch sidewalks (cntd)

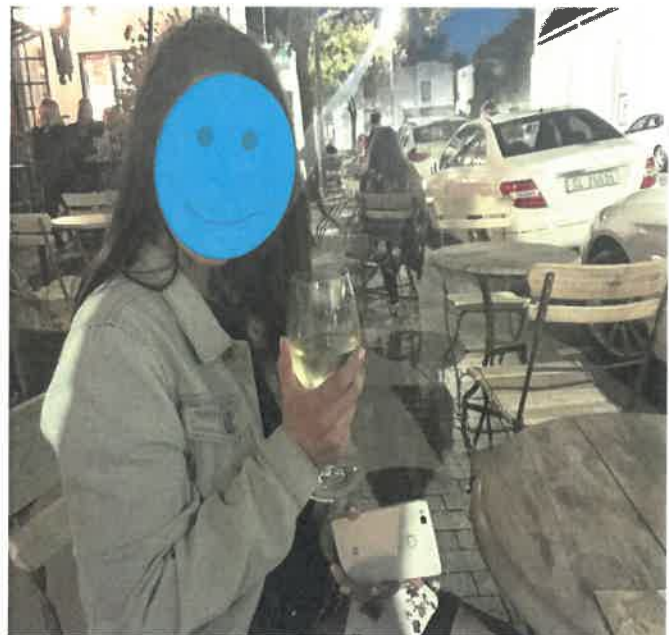
- Owners to ensure that clients do not infringe on the pedestrian belt.
- This is best achieved through enforcement of the terms of the lease agreement.



Images: Stellenbosch sidewalks (cntd)

- Keep 1.4m clear from inside of curb or else 40cm adjacent to curb and further 1.4m elsewhere

(these are suggested measurements that might be adjusted upwards).



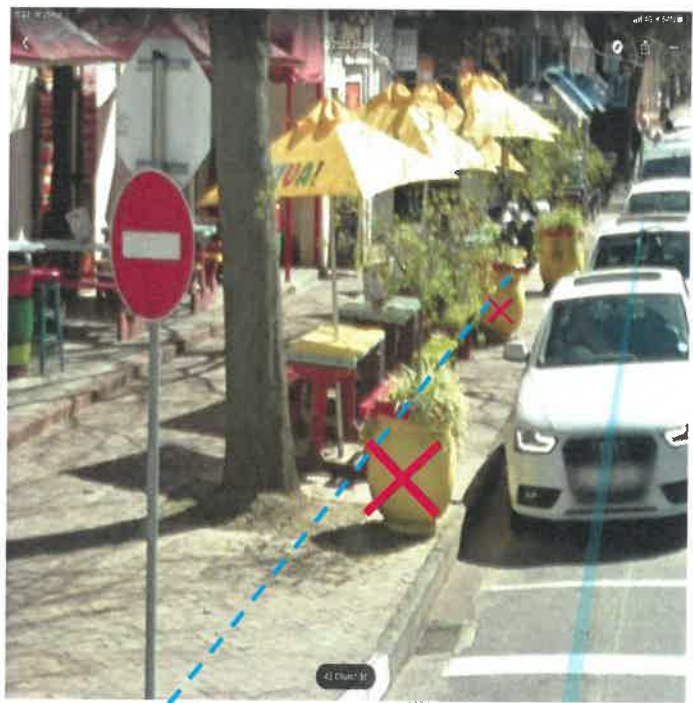
Images: Stellenbosch sidewalks (cntd)

- Seating and other obstacles to be spaced away from the curb both when in use and when vacant.
- The business leasing the sidewalk to see that patrons do not encroach on either of the pedestrian belt or setback.



Images: Stellenbosch sidewalks (cntd)

- Pots on the curb – keep 40cm clear of the curb.



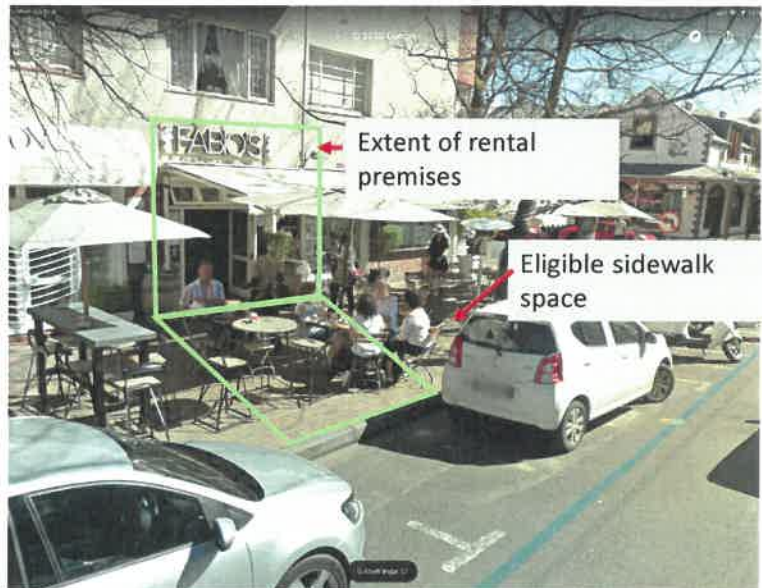
Images: Stellenbosch sidewalks (cntd)

- Eligible space for the adjoining tenant.



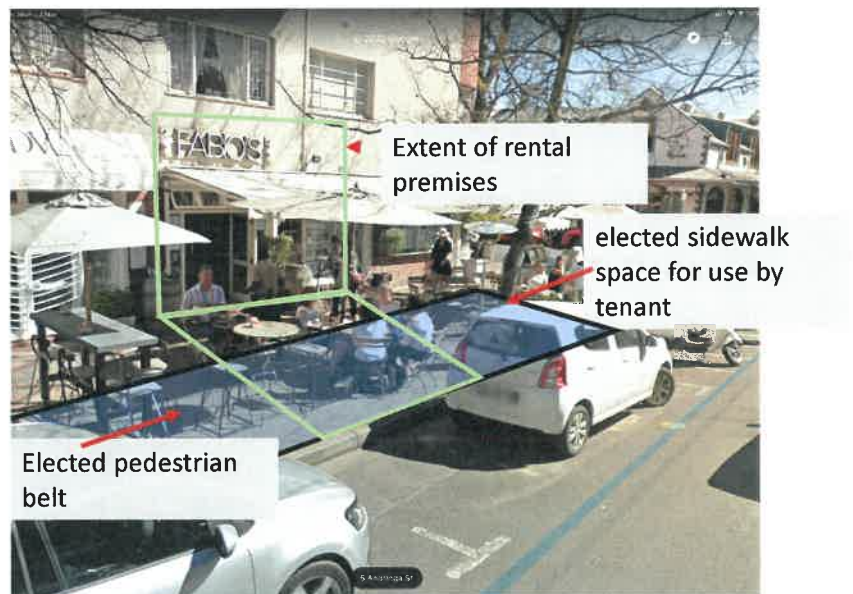
Images: Stellenbosch sidewalks (cntd)

- These tables far exceed the frontage of the shop that is rented and fronts the sidewalk.



Images: Stellenbosch sidewalks (cntd)

- These tables far exceed the frontage of the shop that is rented and fronts the sidewalk.



Images: Stellenbosch sidewalks (cntd)

- All types of businesses must accord with their rental agreement and not infringe on the pedestrian belt.
- Items for sale ought to be further set back from the pedestrian belt to avoid those perusing them becoming obstacles to pedestrian movement.



Images: Stellenbosch sidewalks (cntd)

- Tree planted in middle of sidewalk - a mistake.



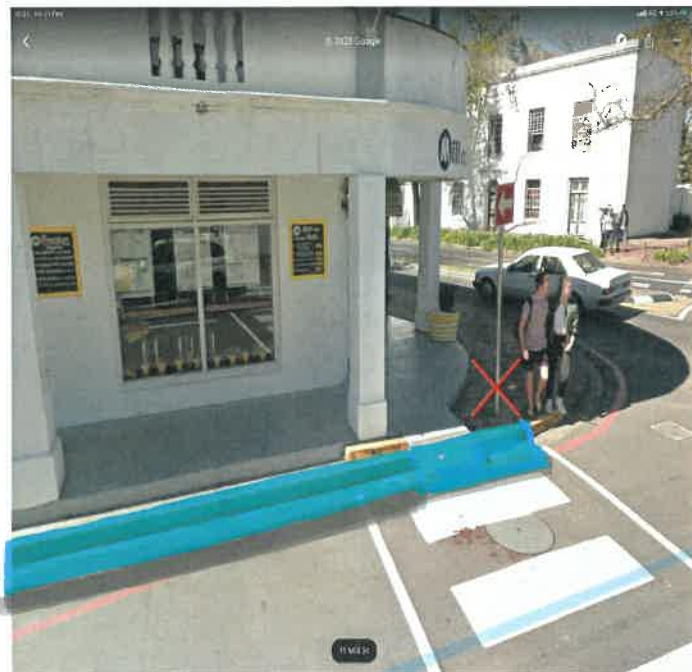
Images: Stellenbosch sidewalks (cntd)

- Move this lamp post to line up with other obstacles including trees.
- Make sure that promotional signs are attached at the correct height.



Images: Stellenbosch sidewalks (cntd)

- Pole to be repositioned.
- Improve Wheelchair ramp.
- Consider application for extended sidewalk.



Images: Stellenbosch sidewalks (cntd)

- Move transformer to line up with other obstacles including trees.



Images: Stellenbosch sidewalks (cntd)

- Pedestrian belt free except for A-frame.



Images: Stellenbosch sidewalks (cntd)

- Remove A-Frame given that 1.2m from inside edge of curbstone to be kept clear.
- The width indicated by the blue arrow is wide enough but if someone was to join the table with a third seat, it would encroach.
- To solve this, the area could be demarcated clearly.



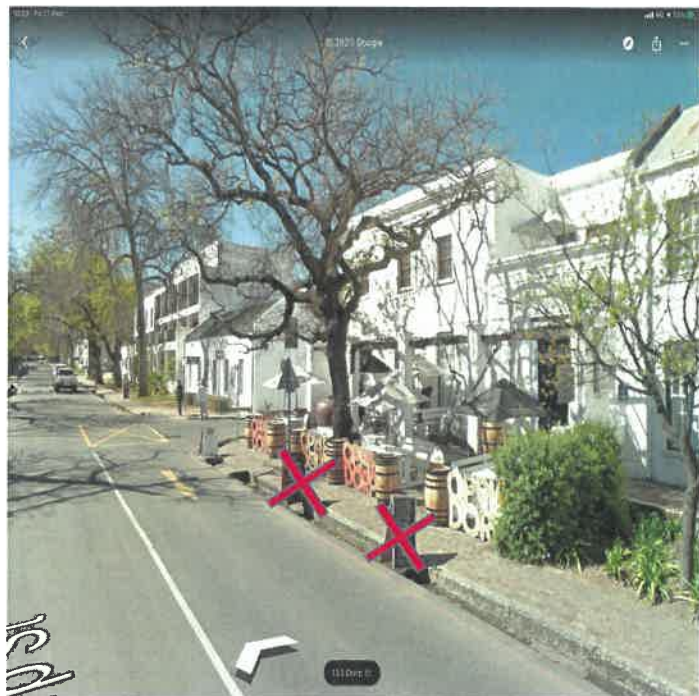
Images: Stellenbosch sidewalks (cntd)

- A-frame signage in the way of pedestrians at crossing.



Images: Stellenbosch sidewalks (cntd)

- Remove A-Frames because they are hazardous.



Images: Stellenbosch sidewalks (cntd)

- The stairs leading to this establishment are very wide and there is ample opportunity to access the raised area from the sides or from other stairways.
- This means that some of the steps could be removed to make way for seating closer to the raised tier.



Images: Stellenbosch sidewalks (cntd)

- No way to walk past this tree.
- Extend sidewalk and move parking back to accommodate it.



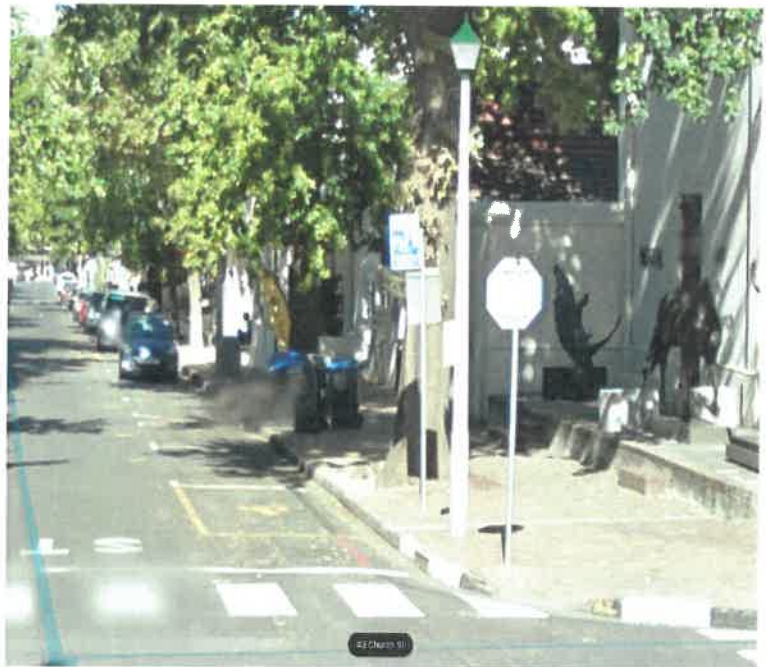
Images: Stellenbosch sidewalks (cntd)

- Whereas a case can be made for pedestrian traffic to pass on the building side of the sidewalk, exceptions could be made allowing for extension of the sidewalk.
- In this instance, the tree would have – if the sidewalk was to have remained at the same level as the surrounding – been in the way of pedestrians given that its stem fans outwards.



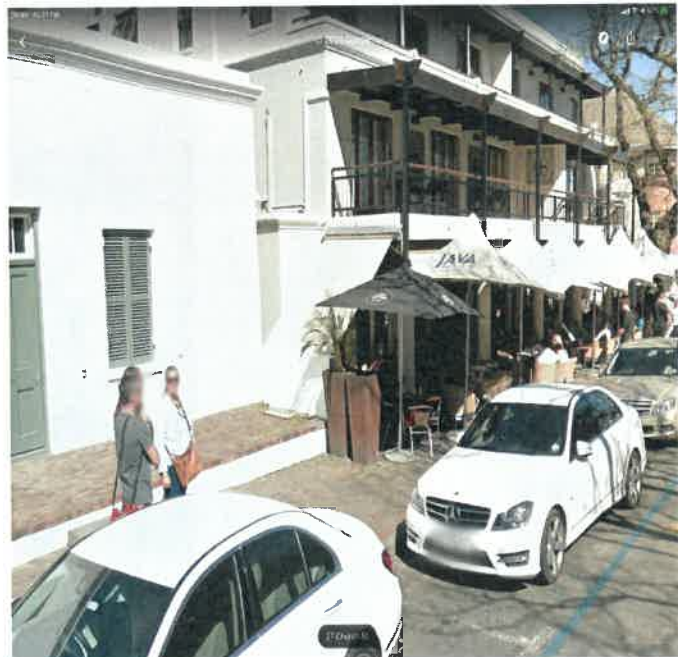
Images: Stellenbosch sidewalks (cntd)

- Posts placed in line with trees a good logic.
- Signage somewhat untidy, but not an impassable obstacle.



Images: Stellenbosch sidewalks (cntd)

- Whereas a 1.4m from inner edge of curbstone gap may be enough for two people to pass, this is not the case if drivers are exiting their cars.
- Until a solution is found, one might assume that drivers will be mindful of pedestrians when entering and exiting their cars and afford pedestrians right-of-way.



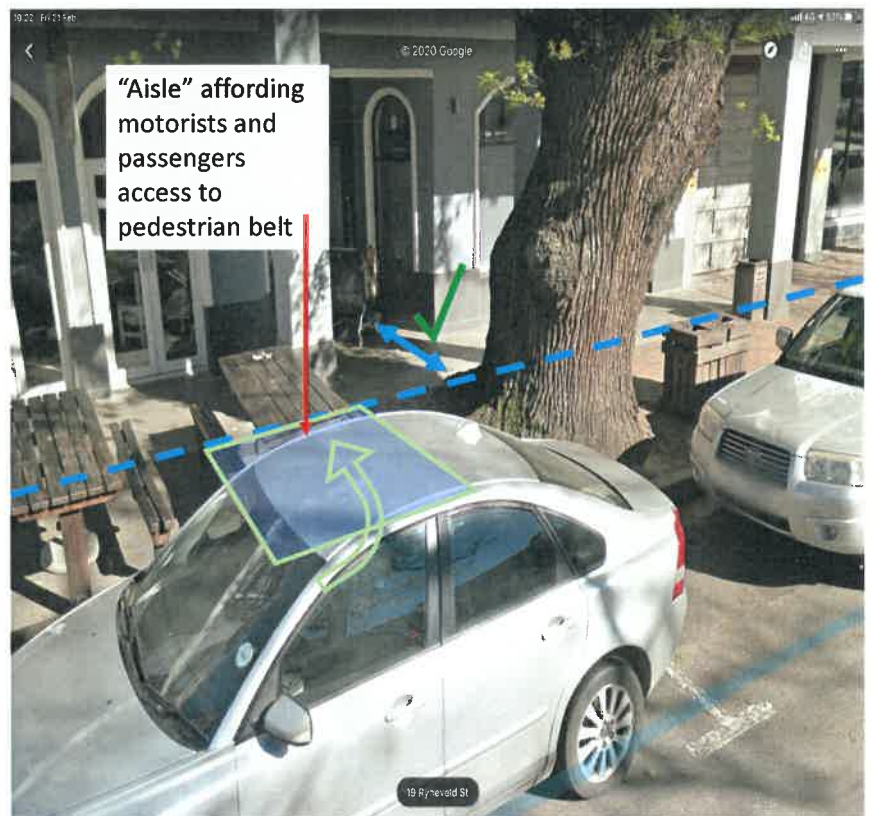
Images: Stellenbosch sidewalks (cntd)

- People exiting vehicles must be able to access the pedestrian belt and therefor have a space of 1.4m? at intervals through which to move.



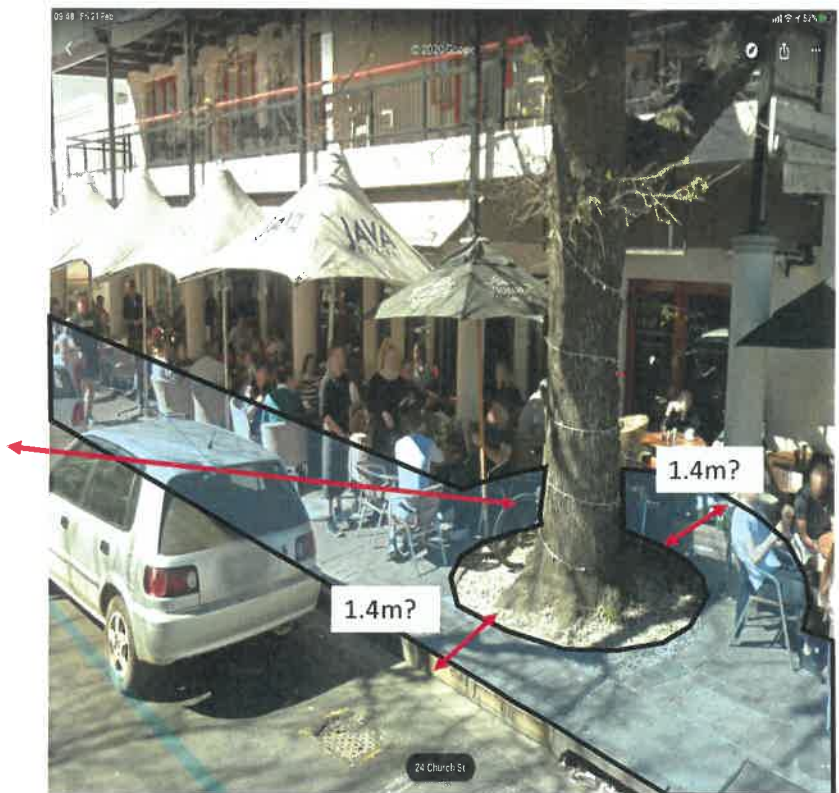
Images: Stellenbosch sidewalks (cntd)

- In an instance where a tree is an obstacle, the tree takes preference. The adjoining owner is to make peace with the fact that the space adjoining the building should be kept open for pedestrians.
- Access to pedestrian belt also to be provided.



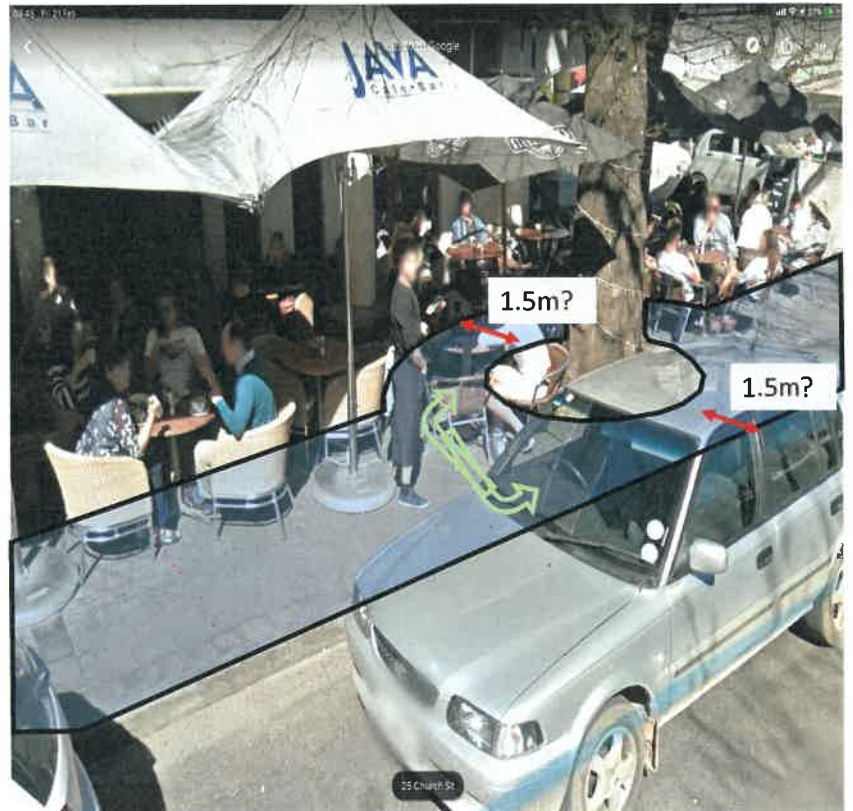
Images: Stellenbosch sidewalks (cntd)

- The pedestrian belt is encroached upon. It can be clearly demarcated and abided by.
- The tree is in the way, if there is enough room on the building side to reroute the pedestrian belt, the municipality can insist that such an area should be kept free of obstacles.



Images: Stellenbosch sidewalks (cntd)

- Either one of the two routes has to satisfy the required width for pedestrian belt.



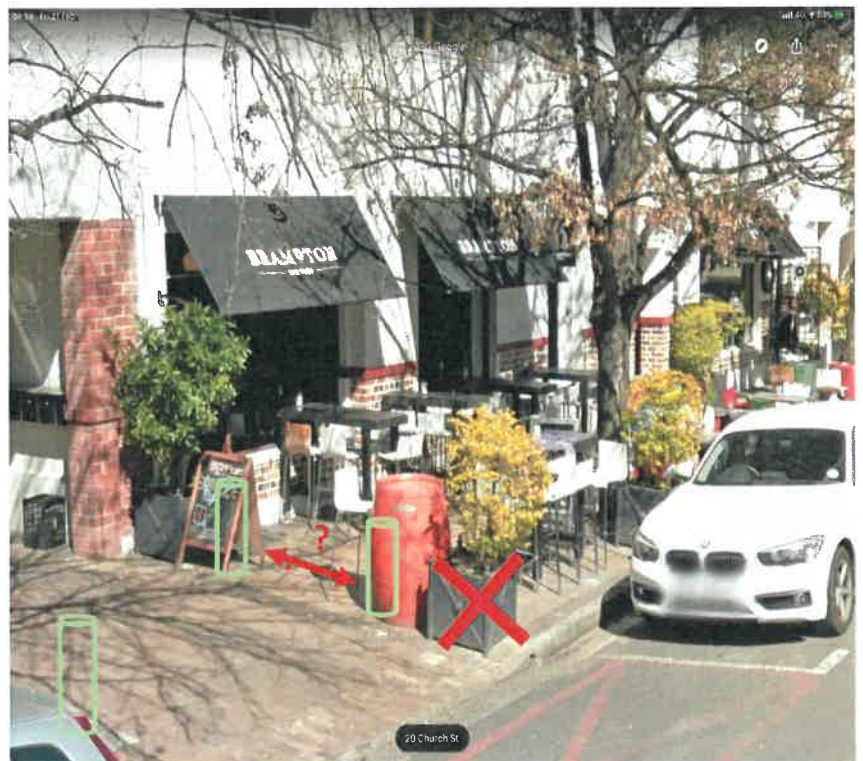
Images: Stellenbosch sidewalks (cntd)

- These chairs and tables (grey plastic) have been recently added and far exceed the extent of the frontage of the tenant that services them.
- In addition, this seating is immediately next to the point of access of pedestrians using a crossing. It is a congregation point that should be left free of street furniture and other obstacles.



Images: Stellenbosch sidewalks (cntd)

- Planter too close to curb.
- Other obstacles do not allow for a 1.4m wide pedestrian belt.
- Bollards should be installed to mark the exit of vehicles.
- Tables that jut out from building to be shortened so that they do not infringe.



Images: Stellenbosch sidewalks (cntd)

- The pedestrian belt should be abided by.

Currently 1.2, extend to 1.4m?



Images: Stellenbosch sidewalks (cntd)

1: Pedestrian belt inaccessible.



Images: Stellenbosch sidewalks (cntd)

2: Setback area inaccessible.



Images: Stellenbosch sidewalks (cntd)

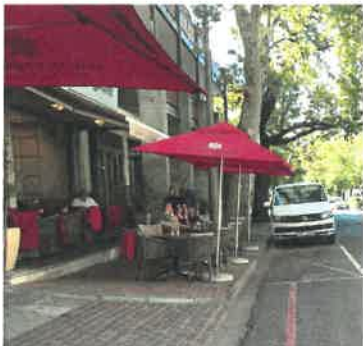
3: Pedestrian braving the road to get around obstacles



Images: Stellenbosch sidewalks (cntd)

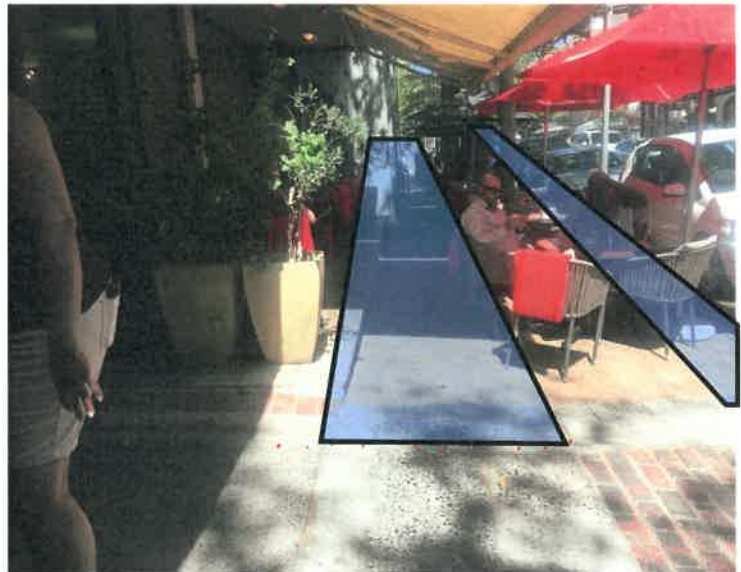
Option A:

- Move umbrella stands away from curb and keep 1.4m pedestrian belt free of obstacles at all times.
- In order to afford the restaurant maximum seating, a 1.4m setback from the road would work better. (See next picture)



Images: Stellenbosch sidewalks (cntd)

- Width of 1.4m to be kept free of obstacles.
- In the instance where the seating beyond the pedestrian belt is chosen, it means staff cross the pedestrian area repeatedly and must address the patrons from alongside in order to avoid standing in the pedestrian belt.
- This reinforces the logic that the option of having the pedestrian belt adjoining the road is the more desirable.



Images: Stellenbosch sidewalks (cntd)

Option B:

- Pedestrian belt flanking street; bollards indicating cars exiting; seating to be repositioned to the left.



Images: Stellenbosch sidewalks (cntd)

- Signpost in the way, can be moved.



Images: Stellenbosch sidewalks (cntd)

- Where a sidewalk is elevated and has steps (not a ramp) leading up to it, the bottom tier is to be used in preference to the top tier for application as a pedestrian belt.



Images: Stellenbosch sidewalks (cntd)

- This raised area can be lowered in order to change the step into a slope allowing wheelchair access and as a precaution to people stumbling over the step.



Images: Stellenbosch sidewalks (cntd)

- Bollards alert pedestrians to vehicle exit.



Images: Stellenbosch sidewalks (cntd)

- Unsightly bins to be removed or replaced.
- Umbrella stands are a dangerous obstacle, especially overnight and should not be left on the pedestrian sidewalk.



6. Images: Foreign towns and cities

The slides that follow show instances of non encroachment on the pedestrian belt in foreign towns and cities as well as scenes of suitable use of sidewalk space.



- No encroachment, ample room for pedestrians.

Images: Foreign towns and cities (cntd)



- No encroachment, ample room for pedestrians.

Images: Foreign towns and cities (cntd)



- Enough room for three people to comfortably pass each other.

Images: Foreign towns and cities (cntd)



- No encroachment, ample room for pedestrians.

Images: Foreign towns and cities (cntd)



- No encroachment, ample room for pedestrians.

Images: Foreign towns and cities (cntd)



- No encroachment, ample room for pedestrians.

Images: Foreign towns and cities (cntd)



- No encroachment, ample room for pedestrians.

Images: Foreign towns and cities (cntd)



- Clients (pedestrians themselves by necessity) as well as those operating the establishment respecting the pedestrian belt.



- Establishments helping to maintain decorum in a pedestrian friendly district.

Images: Foreign towns and cities (cntd)



- An uplifting, uncluttered, healthy social environment that allows free pedestrian flow.



- No encroachment, ample room for pedestrians.

A local example:

- No encroachment, ample room for pedestrians.

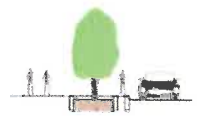


7. Cigarette butt litter campaign suggestion

- Smoking is bad for the health of staff of establishment and passers – by.
- Follow the link regarding the blight of smokers' litter in the city of Cape Town:
- <https://smoke-free-future.fin24.com/-New-Partnership-launched-for-a-Cleaner-Cape-Town-CBD/>



Stellenbosch Streets



8. CONCLUSION

- Sidewalks are intended for pedestrians and they should enjoy priority.
- An exact measure is to be applied to:
 - The pedestrian belt
 - The curbside setback
- Rules must be enforced at all times of the day and uniformly across the board in order to ensure a fair result.
- Leases should reflect the rules and be used in order to maintain decorum.
- Use of the pavement is to be reserved for the adjoining tenant and limited to the extent of its premises.

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Stellenbosch Streets

September 2020

Streets By-Law: Public Comment

Silvia Pretorius

From: Rikus Badenhorst
Sent: Monday, 14 September 2020 18:35
To: Engineering Services
Cc: Charl Kitching; Gary Boshoff
Subject: Roads and Streets By-Law - Comments

Dear Director Louw

The request for comment as advertised on proposed Roads and Streets By-Law refers.

I would like to propose the inclusions and alterations indicated in Red for Section 16:

16. Regulating building materials, dangerous objects and cleanliness.

–(1) No person may, except in accordance with prior written permission of the Municipality, –

(a) bore or cut stone or bricks, slake or sift lime;

(b) mix building materials; or

(c) store, deposit, leave or cause to be stored, deposited or left –

(i) sand, stone, earth, bricks, timber, corrugated iron sheets, lime, cement; or

(ii) other building or excavated material of whatever nature,

in a street, sidewalk, walkway, ~~or~~ public place or on municipal property.

(2) No person may leave, accumulate or cause to be left or accumulated from premises owned or occupied by him or her, any broken glass or other potentially dangerous object in a street, sidewalk, walkway or public place.

(3) No person may drop or place or permit to be spilled, dropped or placed, any matter or substance in a street, on a sidewalk or walkway, or in a public place that may interfere with the cleanliness of such area, without removing it or causing it to be removed within a reasonable time in the circumstances.

(4) The Municipality may remove any materials, objects, matter and substance contemplated in this section and recover the cost of removal and/or storage from the person in breach thereof.



Kind regards, Vriendelike Groete

Cllr. Rikus Badenhorst

Councillor: Ward 21

**Mayco Member: Community &
Protection Services**

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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/ LIMITATIONS/ INSTRUCTION TO ASSIST
ROADS AND STREETS BY-LAW DATED July 2020						
RSB1	Roads and Streets By-Law S3	Decision to construct sidewalks and walkways	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB2	Roads and Streets By-Law S4	Conclude encroachment agreements	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB3	Roads and Streets By-Law S7	Authorization to advertise	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB4	Roads and Streets By-Law S9	Instruct owner or occupier to cut tree branches away from overhead lines	Municipal Manager	Director: Infrastructure Services	Senior Manager: Electricity Services	
RSB5	Roads and Streets By-Law S11(2)	Instruct Person to remove Vehicles	Municipal Manager	Director: Community Services	Senior Manager: Protection Services	
RSB6	Roads and Streets By-Law S16	Regulating building materials, dangerous objects and cleanliness	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB7	Roads and Streets By-Law S18	Issuing permits for races and sport events	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB8	Roads and Streets By-Law S21(5)	Issuing permits to travel over curbs, sidewalks, walkways or road verges	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB9	Roads and Streets By-Law S23	Regulating street and door-to-door collections and distribution of handbills	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB10	Roads and Streets By-Law S24	Regulating administration of poison for weed killing	Municipal manager	Director: Community & Protection Services	Senior Manager: Community Services	
RSB11	Roads and Streets By-Law S25	Regulating Processions	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB12	Roads and Streets By-Law S28	Allow a deviation to allow stormwater or watercourse water to run onto a street	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/ LIMITATIONS/ INSTRUCTION TO ASSIST
RSB13	Roads and Streets By-Law S31	Regulating display of street numbers	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB14	Roads and Streets By-Law S32	Regulating bridges and crossings	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB15	Roads and Streets By-Law S33	Regulating Amusement Shows and Devices	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB16	Roads and Streets By-Law S35	Regulating Informal Parking Attendants	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB17	Roads and Streets By-Law S37	Regulating costs and tariffs	Council			
RSB18	Roads and Streets By-Law S38	Regulating Limited Access	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
RSB19	Roads and Streets By-Law S39	Regulating Closure or diversions	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
RSB20	Roads and Streets By-Law S40(a)	Make, reconstruct, alter and maintain roads	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB21	Roads and Streets By-Law S40(b)	Name and rename roads and streets	Council			
RSB22	Roads and Streets By-Law S40(c)	Allocate and reallocate numbers to properties	Municipal Manager	Director: Planning and Economic Development		
RSB23	Roads and Streets By-Law S41	Declaration of Streets and public places	Municipal Manager	Director: Planning and Economic Development	Senior Manager: Development Planning	
RSB24	Roads and Streets By-Law S42	Determination of subcategories and regulation of pedestrians, pedal cyclists and subcategories	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	

ROADS & STREETS (2020)

BY-LAW OFFENCES AND FINES

Section Contravened	Description of Offence	Proposed Fine (1)	Approved Fine (2)
4	Contravenes encroachment regulations on streets sidewalks, walkways and road reserves	R500	
5	Contravenes regulations of goods and materials causing obstruction within roadreserves, sidewalks, walkways or a public place	R500	
6	Contravenes prohibitions of allowing objects and animals causing an obstruction	R500	
8	Planting, cutting or damaging of trees without authorisation	R500	
9(2)	Failing to comply with a notice or order to prune or remove trees or growths. Endangering services or causing obstructions, to the extent and within the period specified in such notice.	R500	
10	Contravening conduct with regard to refuse, motor vehicle wrecks, waste material etc	R500	
11(3)	Contravening notice, noise and activities wrt repairs and servicing, cleaning and washing, parking of a vehicle in a street, sidewalk, walkway or public place or the washing, cleaning, drying, painting or bleaching of any other article or thing	R500	
12	Contravening activities prohibited upon streets, sidewalks, walkways or public places, without prior permission by the Municipality, such as certain sporting activities, shooting of bow and arrow, catapult, discharging fireworks or missiles, throwing stones, erecting any structure or placing furniture for the purposes of a funeral, party or any other event	R1 000	

13	Contravention without prior approval of discharge fireworks, blasting, firearms	R2 500	
14	Contravening regulations on conveyance of animal carcasses or other waste	R500	
15	Contravening regulations on erecting and specifications of fences etc	R1 000	
16	Contravening regulations on building materials, dangerous objects and cleanliness	R1 000	
18	Contravening regulations on races and sport events	R1 000	
19	Contravening building regulations on exceeding over the street reserve line	R1 000	
20	Contraventions of the regulations on placers and times of the parking of heavy motor vehicles, trailers and caravans	R500	
21	Contravention regulations on the protection of surfaces	R2 500	
22	Contravention of Regulations of the damaging of specific property	R1 000	
23	Contravening the regulations of street and door-to-door collections and distribution of handbills	R500	
24	Prohibition of the administering of weed killer without authorisation	R500	
25	Contravening the regulations on processions	R2 500	
26	Contravention of the regulations on public indecency	R500	
27	Contravening the regulations on overflow water.	R500	
28	Contravening the regulations on stormwater and watercourses on public roads	R2 500	
29	Contravening the regulations on behaviour in public	R500	

30	Contraventions of the regulations on the handling of animals	R500	
32	Contravening the regulations on bridges and crossings	R1 000	
33	Contravening the regulations on amusement shows and devices	R1 000	
34	Contravening the regulations on animal-drawn vehicles and push or pull carts	R500	
35	Contravention of Regulations of sleeping in vehicles	R250	
36	Contravention of Regulations on Informal Parking Attendants	R250	
37(3)	Failing to comply with notices to payment of charges and fees	R250	
38	Contravening regulations of limitation on access to certain areas	R1 000	

NAG = No Admission of Guilt fine allowed