

ALBERTON MUNICIPALITY: RAILWAY SERVICE LINE AND PRIVATE SIDING BY-LAWS

The Administrator hereby, in terms of section 101 of the Local Government Ordinance, 1939, publishes the by-laws set forth hereinafter.

Definitions

1. In these by-laws, unless the context otherwise indicates:

“costs of railway service lines” means any expenditure to be met by the Council or any payment to be made by it in connection with the provision or maintenance of a railway service line;

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

“feeder line” means that portion of the railway service line connecting the railway line of the South African Transport Services to private sidings and which is owned, maintained and controlled by the Council;

“owner” means the owner of serviceable premises;

“private siding” means that portion of railway line which is situated within the boundary of serviceable premises and includes the switch and turnout as well as the portion of railway line between the switch and turnout and the boundary of the serviceable premises;

“railway service line” means a railway service line of the Council for any area subdivided or laid out for industrial purposes, and it includes marshalling yards, buildings, machinery and anything incidental, supplementary or ancillary thereto;

“serviceable premises” means any piece of land registered in a deeds office as an erf, stand, lot, or other area, or as a portion or a subdivision of such erf, stand, lot or other area, and which is served or, in the opinion of the Council, is capable of being served by a railway service line;

“treasurer” means the town treasurer of the Council or any other officer authorized to act on his behalf.

Construction of Private Sidings

2. A private siding shall not be connected to a feeder line at a point other than a point indicated by the Council.
 - (b) Any person intending to construct a new private siding or to alter an existing private siding, shall lodge with the engineer plans and specifications of such siding or alteration together with such further particulars as the Council may require.
 - (c) No person shall begin to construct a new private siding or to alter a private siding, or permit such construction or alteration to begin, before:
 - (a) the Council shall have approved the plans thereof; and
 - (b) conclusive proof shall have been submitted to the Council of the approval of such private siding or alteration by the South African Transport Services.
5. No person shall begin to use a private siding or permit the use thereof to begin before conclusive proof shall have been submitted to the Council that

acceptable arrangement for the use of such private siding had been made with the South African Transport Services.

Conditions Concerning Feeder Lines and Private Sidings

- 6(1) The owner shall maintain his private siding in good working condition.
- (2)(a) The Council may inspect the private siding at all times to ascertain that it is in a good and safe working order. If any repairs, alterations or additions are deemed necessary to place the private siding in a good and safe working condition, the owner shall be notified in writing by the Council and such repairs, alterations or additions shall be carried out within seven days after receipt of such notice.
- (b) In the event of the necessary repairs, alterations or additions not being completed within seven days, the Council may, in addition to any other legal steps, disconnect the private siding from the feeder line or carry out the necessary repairs, alterations or additions to the private siding and the owner shall be responsible for all cost arising from such disconnection, repairs, alterations or additions.
- (3) Whenever any of the Council's feeder lines are in the Council's opinion not in a good, safe or efficient working condition owing to accidents thereon or damage thereto or owing to the fact that repairs or alterations are required thereto, the Council may suspend wholly or in part and for such period as it may determine, all traffic to the private sidings concerned or over the feeder line and the owner shall have no claim whatsoever against the Council for any damage, loss or inconvenience occasioned by such suspension of traffic.
- (4) The Council may at any time modify its railway services and the owner shall have no claim whatsoever against the Council for any inconvenience or loss occasioned by such modification.
- (5) All cost of railway service lines shall be debited to the Council's railway service lines account established in terms of section 131(17) of the Local Government

Ordinance, 1939, and all charges payable in terms of these by-laws shall be credited to such account, and the account shall be maintained on a no-profit, no-loss basis.

(6) The owner of serviceable premises shall pay to the Council in respect of costs of railway service lines, the charges determined by the Council in terms of the provisions of section 80B of the Local Government Ordinance, 1939.

7(1) No person shall damage a railway service line.

(2) No person shall spill, drop or place or allow to be spilled, dropped or placed any matter or substance on the track of any railway service line.

8. The use of a private siding is restricted to the purposes and for the benefit of the serviceable premises within the boundary of which it is situated, and a private siding shall not be used for the purposes or benefit of any other premises.

9. The Council shall not be liable for any loss or damage suffered by an owner arising from or in connection with his use of the railway service line.

Domicilium Citandi

10. For the purpose of the service of any notice or other document in terms of these by-laws, the address of the owner registered in the books of the treasurer shall be deemed to be the domicilium citandi of the occupier. The owner shall notify the treasurer in writing of any change of address.

Liability of Owner

11. Any breach of these by-laws committed on the premises of any owner shall be deemed to be a breach by such owner unless and until he shall prove the contrary.

Offences and Penalties

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