

MAKHADO MUNICIPALITY

DRAFT PARKING METER AND PARKING GROUND BY-LAWS

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PART I: Definitions

For the purpose of these by-laws, unless the context otherwise indicates –

“**Council**” means Makhado Municipality and includes the management committee of that Council or any officer employed by the Council, acting by virtue of any power vested in the Council in connection with these By-laws and delegated to him in terms of Section 58 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance No. 40 of 1960);

“**Demarcated parking place**” means a demarcated parking place as contemplated in the National Road Traffic Act, 1996, in conjunction wherewith a parking – meter device exists;

“**Parking ground**” means any area of land set aside by the Council, or any area controlled by, or of which the Council has gained control, as a parking ground for the parking of vehicles therein by members of the public, whether or not charges are prescribed by these by-laws for use thereof;

“**Parking –meter attendant**” means a person possessing a valid appointment card, employed by a service provider who for or on behalf of the Municipality or Service provider collects parking fees under a contract with the Municipality or service provider;

“Parking period” means that period of time of parking in a demarcated parking place which is determined by a parking-meter device upon insertion into it of the registration number of a vehicle;

“Service provider” means a person or legally constituted entity who for, or on behalf of the Municipality, collects parking fees under as contract with the Municipality;

“Traffic officer” means a traffic officer appointed in terms of section 391) of the Road Traffic Act 1989 and includes a member of the South Africa Police Service and a traffic warden;

“Vehicle” means a vehicle as defined in the National Road Traffic Act, 1996; And any other word or expression has the meaning assigned thereto in the National Road Traffic.

PART II: Control of parking within demarcated parking places

- (1) It shall be unlawful to park any vehicle in any demarcated parking place without at the same time inserting and submitting, or having the vehicles registration number inserted and submitting by the parking – meter attendant: Provided that the obligation to make payment as prescribed in subsection (3) shall apply only during such hours as the Council may be resolution determine;
- (2) Each parking – meter shall:
 - (a) clearly indicate the time taken for parking in such demarcated parking place (hereinafter referred to as the parking period);
 - (b) clearly indicate the outstanding monetary value to be paid in respect of parking for the said period;
 - (c) be fitted with an easily device (hereinafter referred to as an indicator) which shall clearly indicate the motor vehicle registration number and the bay number where the vehicle is parked;
 - (d) when the “payment submitted” key or “refused” key is pressed either by the parking – meter attendant or the motorist. A corresponding message of confirmation that he specific key has been activated, shall be clearly indicated.

- (3) No person shall park any vehicle to be parked, in any demarcated parking place, unless at the completion of the parking period and before such vehicle leaves such demarcated parking bay he or she pays to the parking – meter attendant to whom such parking bay has been allocated, an amount equal to the amount indicated on the parking – meter device adjacent to such vehicle's registration number.

No duty to effect payment of the fees accrued to the vehicle in respect of parking, rest with the driver of such vehicle, such payment shall be made in South African coinage.

It is also lawful to effect such payment by means of an electronic transfer should the parking – meter device be able to accept such payment.

- (4) The payment for parking as contemplated in subsection (3) shall however, not entitle any person to contravene any road traffic sign prohibiting the parking of:
- (a) vehicles between specified hours;
 - (b) specific categories of vehicles;
 - (c) vehicles for periods in excess of specific time periods; and
 - (d) any vehicle, where the parking and / or stopping of such vehicle contravenes any provisions as determined by the National Road traffic Act, 1996, relating to the parking and / or stopping of a vehicle.
- (5) The period during which a vehicle may be parked in any demarcated parking place and the amount payable in respect of the period to the parking attendant allocated to such place, shall be such as the Council may from time to time by resolution prescribed, in terms of section 80 A of the National Road Traffic, 1996.

- (6) It shall be unlawful:
- (a) to park any vehicle, not being a vehicle as defined in section 1, in a demarcated parking place.
 - (b) To offer any money other than South Africa currency in lieu of payment of parking fees.
 - (c) To offer to a parking – meter attendant any false or counterfeit money or any foreign object, including bribes of money or bribes in any other form.
 - (d) In any way whatsoever to cause or attempt to cause a parking – meter which is not in proper working order, in order to make it do so, or for any other purpose;
 - (e) To jerk, knock, shake, damage or in any way interfere with a parking – meter which is not in proper working order, in order to make it do so, or for any other purpose;
 - (f) To deface, soil, obliterate or otherwise render less visible or interfere with any mark painted in the roadway, or any legend, sign, or notice affixed or erected for the purposes of these by-laws;
 - (g) To remove or attempt to remove the mechanism or any other part of a parking – meter or to attempt to physically interfere with the working of said parking – meter, or by word or deed hinder the parking – meter attendant in his duty, and
 - (h) To fail to key in a vehicle's details into the parking – meter by means on the correctly displayed motor vehicle registration number and specific bay number that the vehicle occupies, directly upon arrival of that specific vehicle.
- (7) (1) No driver or person in charge of a vehicle, shall park such vehicle or cause it to be parked:
- (a) in a demarcated parking place across any painted line marking the Confines of the parking place or in such a position that the Said vehicle shall not be entirely within the area demarcated:

- (b) in a demarcated parking place which is already occupied by another vehicle.
 - (c) In an area demarcated for commercial loading purposes
- (2) The person or driver in charge of a vehicle shall park such vehicle in a Demarcated parking place –
 - (a) if the demarcated parking place is parallel to the curb or sidewalk of the public road in such a way that it shall be headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left – hand wheels of the vehicle are substantially parallel to and within 450mm of the left-hand curb: provided that where in a one – way street such demarcated parking place is in existence on the right – hand side of the road of a vehicle in such demarcated parking place, apply the right – hand wheels and the right – hand wheels and the right – hand curb respectively;
 - (b) if the demarcated parking place is at an angle to the curb or sidewalk of a public road in such manner that it is headed substantially in the general direction of the movement of traffic in the side of the road on which such vehicle is parked.
- (8) Where by reason of the length of any vehicle, such vehicle cannot be parked wholly within demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking place adjoining the first – mentioned parking place, if such be the case, and any person so parking shall be liable for payment of parking fees in respect of both the said places.
- (9) The Traffic Superintendent may, whenever he deems it necessary or expedient to do so in the interest of the movement or control of traffic, place or erect a road traffic sign or signs indicating that there shall be

no parking at any demarcated parking place or places, and it shall be unlawful place or places while such sign is so displayed.

- (10) (1) It shall be unlawful for any person to cause, allow, permit or suffer any Vehicle of which he is the driver or which is under his control to be parked in any demarcated parking place, except as permitted by the provisions of these by-laws.
- (2) Where any vehicles is found to have been parked in contravention of these by-laws, it shall be deemed to have been caused, allowed, permitted or suffered to have been so parked by the person in whose name such vehicle is registered in terms of the Road Traffic Act, 1996, unless and until he shall have proved the contrary.
- (11) Notwithstanding anything contained in these by-laws:
- (a) the driver of a fire – fighting vehicle;
 - (b) the driver of a rescue vehicle;
 - (c) the driver of an ambulance;
 - (d) a traffic officer;
 - (e) the driver of a vehicle engaged in civil protection;
 - (f) the driver of a vehicle engaged in essential services; and
 - (g) a driver of a vehicle that is the property of the Council or a vehicle used by an official or member of the Council in his official capacity, provided that the official badge, designed and approved of by the Council, is displayed in a prominent place and in accordance with subsection 24(3) who drives such vehicle in the performance of his or her duties, whilst parking in a demarcated parking place, shall be exempt from payment of the prescribed fees.
- (12) The passage of time as recorded by a parking – meter shall for the purposes of these by- laws and in any proceedings arising out of the enforcement thereof, be deemed to be correct unless and until the

contrary be proved, and the burden of so proving to the contrary shall be on the person alleging that the parking – meter has recorded such passage of time accurately.

- (13) A duly appointed service provider shall supply the Municipality, within seven working days from the beginning of each month with a report dealing with the number of vehicle, which during the previous month:
- (i) parked within each and every block under the jurisdiction of the service Provider, each block's figures to be supplied separately from one another, and
 - (ii) the number of parking – meter attendants within each and every block under the jurisdiction of the service provider, each block's figures to be supplied separately.
- (14) Whenever a vehicle is parked in contravention of any provision of these by-laws it shall be presumed, until the contrary be proved, that it was so parked by the person registered as its owner in terms of the National Road Traffic Act, 1996.

PART III: Control of parking within parking grounds

Place of parking

- (15) Where demarcated spaces are marked on a parking ground no person shall park a vehicle or cause or permit it to be parked or to remain in such parking ground unless it is parked in such a manner in a demarcated space that it will not obstruct the access or exit of another vehicle in or on an adjacent parking space.

Closure of parking grounds

- (16) (1) Notwithstanding anything to the contrary in these by-laws contained, the Council may at any time close any parking ground or portion thereof temporarily or permanently and shall indicate the fact and the period of such closure by notice

displayed at the entrances to the ground closed or at the portion closed, as the case may be;

- (2) No person shall introduce a vehicle into a parking ground or cause or permit a vehicle to be parked or to remain in any parking ground or portion of a parking ground while it is closed in terms of subsection (1);

Defective vehicles

- (17) No person shall park or cause or permit any vehicles to be parked or to be or remain in any parking ground which is out of order or for any reason incapable of movement: Provided that no offence against this by-law shall be deemed to have been committed in respect of any vehicle which, after having been parked in a parking ground, develops a mechanical defect which immobilizes it if the person in control of the vehicle proves that he took reasonable steps to have the vehicle repaired or removed as soon as possible.

Behaviour in parking ground

- (18) (1) No person shall in any parking ground:
- (a) park or cause or permit to be parked or cause to be or remain, any vehicle other than a vehicle as defined in section (1);
 - (b) when called upon by a traffic officer to do, fail or refuse to furnish him with his full and correct name and address;
 - (c) use or cause or allow any vehicle to be used for plying for hire for the conveyance of passengers or goods or both;
 - (d) clean, wash or save in an emergency, work on or effect repairs to any vehicle or any part thereof;
 - (e) drive any vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons;
 - (f) drive any vehicle at more than 15km/h;
 - (g) park a vehicle otherwise than in compliance with any notice or sign displayed therein or with an instruction or direction

given him by a traffic officer or introduce or remove a vehicle otherwise than through an entrance thereto or exit there from appointed for the purpose;

- (h) so park or load a vehicle or allow anything to be on it obstructs other vehicles or persons or impedes their movement or is likely to do so;
 - (i) without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon such vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents;
 - (j) remove, obscure, deface, damage or interfere with any notice, sign or making erected or made by the Council or any other property belonging to it;
 - (k) do any act or introduce anything which obstruct or is likely to obstruct or is likely to obstruct the movement of persons and vehicles;
 - (l) subject to the provisions of section (4), so park any vehicle that any part of it lies across or straddles any white line forming a boundary of a demarcated space or that it is not entirely within the confines of such a demarcated space;
- (2) A sign which the Council displays in a parking ground and which conforms to a road traffic sign promulgated in terms of the National Road Traffic Act, 1996, shall for the purpose of these by-laws bear the same significance as is given to that sign by that act regulations thereof.

Damage to Vehicles

- (19) The Council shall not be liable for the loss of any vehicle or for its unlawful removal, from the parking ground, or for damage to any vehicle or its fittings, accessories or contents while in a parking ground or for such damage even if it is the consequence of it being moved in terms of section (20) and (21).

Obstruction

- (20) If a vehicle has been parked in such a position that in the opinion of traffic officer it is likely to obstruct or impede the movement of other vehicles or persons in the parking ground, he may move it or cause to be moved to another part of the ground.

Abandoned vehicles

- (21) Any vehicle which has been parked in the same place on a parking area for a continuous period of seven days or longer without being removed by the owner or his representative, shall be deemed to be an abandoned vehicle in terms of Regulation 320 of the National Road Traffic Regulations of 1999, and the vehicle shall be dealt with in accordance with the procedure prescribed in Regulations 320 of the said Regulations. The Council shall be indemnified accordingly.

Refusal of Admission

- (22) (1) It shall be in the discretion of a traffic officer to refuse to admit to a parking ground a vehicle which with or without any load is by reason of its length, width, height or weight likely to cause damage to persons or property or to cause an obstruction or undue inconvenience within said parking ground;
- (2) Any person in control of a vehicle who having been refused admission in terms of subsection (1), proceeds to drive it into a parking ground, shall be guilty of an offence.
- (23) (1) Subject to the conditions of Section (17), it is illegal to park a vehicle in a demarcated space on or in a parking – meter parking ground without making a payment at the same time as prescribed in these by-laws: Provided that the obligation to make such a payment is only applicable on the following days (exclusive of public holidays) and during the following hours:
- Monday to Friday: 08h00 to 17h00
- Saturday: 08h00 to 13h00

PART IV: Annually issued parking discs

- (24) (1) Notwithstanding anything to the contrary contained in these by-laws, The Council may, subject to Section 80 of the National Road traffic Act, 1996, in respect of any demarcated parking place within a parking ground, annually issue on payment of an amount as determined by the relevant authorities, a parking discs entitling the holder thereof, to park a specified vehicle in any parking ground under the control of the Council, if space therein is available, for the period indicated on the parking disc. Such parking disc shall not transferable.
- (2) The Council may annually issue to any of its officers, a parking disc enabling the holder, when using a vehicle on the business of the Council, to park such vehicle free of charge within the confines of any parking ground under the control of the Council, if space therein is available, for the period indicated in the parking disc. Such parking disc shall not be transferable.
- (3) A parking disc issued in terms of subsection (1) or (2) shall be affixed by the holder thereof to the windscreen of the vehicle in respect of which it is issued, in such manner and place that is written or printed context is readily legible from the outside of such vehicle, and the parking disc readily to a person standing in front or to the left in front of such vehicle.

PART V: Tariffs

- (25) (1) Parking fees shall be payable by a person parking any vehicles or causing a any vehicle to be parked in any demarcated parking place.
- (2) The Council has the right to determine parking tariffs from time to time by means of Council Resolution.

PART VI: Prohibitions

- (26) No person shall within the area of the local municipality operate as car guard formal or informal except where such person is registered with the council or its approved service provider as such.

PART VII: Offences

- (27) Any person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
 - (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) any expense incurred by the Council in consequence of a contravention of this by-law, or in the execution of any work directed by this by-law to be executed by any person and not executed by him or her, shall be paid by the person committing such contravention or failing to execute such work.

PART VIII: Revocation of by-laws

- (28) The parking meter by-laws promulgated under Administrator's Notice 683 on 2 June 1971 and the parking meter ground by-laws published under the Provincial Gazette dated 17 October 1984 are hereby repealed.