

Nature of liquor that will be sold or supplied:

Other particulars [as requested by the Council]:

Signed Date

[Applicant]

C. CONSENT

Issuing Local Authority:

OFFICIAL

DATE

STAMP

CONDITIONS AND RESTRICTIONS IN TERMS OF SECTION 5(3)

Times and date on which liquor may be supplied or sold:

Other conditions or restrictions:

.....
.....

LOCAL AUTHORITY NOTICE 48

ALLOCATION OF TAXI RANKS

MUNICIPALITY OF UMZIMVUBU

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal System Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law Relating to Allocation of Taxi Ranks which shall come into operation on the date of publication thereof.

BY-LAWS RELATING TO THE ALLOCATION OF TAXI RANKS

1. (a) These By-laws shall apply to all ranks and stands which have been or may hereafter be set aside by the Council as special parking places or stands for taxis authorised to use them by a permit issued in terms of these By-laws.

(b) The setting aside of special parking places or stands shall be effected and defined by the erecting, marking or placing at such places (whether on a public road or not) as the Council may determine of the appropriate road traffic signs and markings prescribed for taxi ranks on public roads by the Regulations made in terms of the Road Traffic Act 19/1989, as amended from time to time or, in the case of special parking places or stands not on a public road of signs and markings similar to such signs and markings so prescribed.

2. (a) No person except the driver of a taxi in respect of which a permit to use the same has been issued under these By-laws shall cause or permit any vehicle to stand upon any such parking place at any time.

(b) It shall be unlawful for any person to cause or permit any taxi to stand upon such special parking place during the period or periods when the stopping of any vehicles therein is prohibited in terms of a road traffic sign erected or displayed thereat or while such parking place is temporarily closed in terms of these Bylaws.

(c) No owner or driver of a taxi shall allow the same to stand in any public road for the purpose of plying for hire, except on a rank or stand established and demarcated as such by a traffic sign and markings in terms of the said By-laws.

(d) The driver shall remain in charge of such taxi during the whole time it

occupies such rank or stand, provided that any driver may leave his taxi unattended on the stand for a period not exceeding 45 minutes.

(e) It shall be unlawful for any person to park, or allow, cause or permit to be parked, any taxi in respect of which a permit has been issued in terms of these By-laws in any rank other than the rank allocated to it and specified in such permit; provided that such taxi may be parked in any communal rank specified in the permit without the payment of any further fee.

3. (1) Application for a permit to use any such special parking place shall be made in writing to the Chief Constable by the owner of the taxi or taxis in respect of which the permit is sought. Such application shall be made in the form prescribed in the First schedule to these By-laws and shall disclose:

(a) The full name of the applicant and address or, if the applicant is a partnership or a company, the full names of all the partners or directors thereof;

(b) The make, type, seating capacity and registration number of the taxi or taxis concerned;

(c) The length of time during which the applicant has engaged in the business of transporting passengers for reward by taxi;

(d) The number and date of the motor carrier exemption certificate issued by the Road Transportation Board in respect of the taxi or taxis concerned.

2. A sum of R210.00 shall be payable in respect of each grade A stand and R150,00 in respect of each grade B stand and R70.00 in respect of each grade C stand allocated to an applicant, provided that when application for a permit is made after the 31st January of any year, the amount shall be reduced by R17.50 in respect of grade A ranks and R8.75 in respect of grade B ranks and R4,20 in respect of grade C ranks for each completed month between the date on which application is granted and the 31st day of December immediately preceding such date.

3. Grade A ranks, grade B ranks and grade C ranks shall be those which shall be determined in terms of a schedule by the Chief Constable or as amended from time to time at the discretion of the Chief Constable in consultation with the Municipal Engineer; provided that any permit holder or applicant who is aggrieved by any amendment of the said schedule which alters the grade of a taxi rank in respect of which he is a permit holder or applicant shall have the right within fourteen days of his being notified of such alteration in grade of the rank, to

appeal to the Works Committee by giving written notice of appeal to the Municipal Manager.

4. The Chief Constable shall as soon as possible report to the Council the particulars of all applications so made to him, together with his recommendations thereon, and the Council shall take such decision thereon as it may deem proper, either summarily or after such investigation as it may decide.

5. Whenever an application for a permit is granted by the Council, the Chief Constable shall forthwith issue to the applicant a permit in the form prescribed by the Third Schedule of these By-laws and a numbered disc of a design approved by the Chief Constable displaying on the face thereof the registered number of a taxi and the rank on which its use has been authorized. A permit shall be valid only for the period stated thereto.

5.(bis) A permit issued in terms of these By-laws shall not be transferred to any other person without the prior written approval of the Council.

5.(ter) The Chief Constable may replace a permit or a disc which has been lost or has become damaged on payment of a fee of R20 and submission of an affidavit setting out the circumstances occasioning such loss or damage.

6. (1) A permit so issued shall at all times be carried in or upon the taxi to which it relates, and the driver thereof shall exhibit it to any member of the Municipal Police upon demand. Failure to exhibit such permit on demand shall make the driver of such taxi guilty of an offence.

(2) A disc issued in terms of section 5 shall at all times be displayed at the lower near side corner of the windscreen of the taxi to which it relates. Failure to display such disc as aforesaid shall make the driver of such taxi guilty of an offence.

7. (1) Applications for the renewal of any permit for the following year shall be made to the Chief Constable not later than the 1st day of December in each year in the same manner as provided in Section 3 of these By-laws. Applications for renewal made after 1st December aforesaid shall be treated as applications for new permits.

(2) No application for renewal lodged before the 1st day of December shall be refused except on the ground that the applicant has been guilty of misconduct.

8. The Council shall be entitled:

(a) To cancel or to refuse to renew any permit if the motor carrier exemption certificate of the vehicle to which the permit relates is cancelled or withdrawn or is not renewed; or, if the permit was granted on incorrect information furnished by the applicant in terms of sub-section (i) of Bylaw 3 of these By-laws.

(b) Temporarily to close any stand established under these By-laws and to establish elsewhere another temporary stand in lieu thereof; such temporary closure and establishment shall be deemed to have been effected by the display of notices thereof at or near to the stands concerned, without amendment of these By-laws, and during any such temporary closure any permit issued in respect of the stand so closed shall be deemed to relate to the stand established in lieu thereof.

9. If at any time the taxi to which a permit relates is under repair, or if for any other reason the owner thereof so desires, the Chief Constable may, by endorsement upon the permit, authorize the substitution of another vehicle therefor either temporarily or for the duration of the permit.

10. No rights possessed by the holder of any permit under these By-laws or under such permit shall operate to debar the Council from permanently closing or removing any stand established hereunder or from amending these By-laws or the Schedules appended hereto. Provided, however, that no stand shall be permanently closed or removed until after the expiry of three months' written notice to the holders of any current permits issued in respect thereof in terms of these By-laws.

Offences and penalties

11. (1) Any person, who -

(a) contravenes any provision of these by-laws; or

(b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these by-laws; or

(c) fails to comply with the terms of any notice served upon him in terms of these by-laws; shall be guilty of an offence and liable, upon conviction, to the maximum penalty R3000,00 or six months imprisonment.

(2) Failure to comply with the terms of any condition or notice referred to in subsection (1)(b) or (c) above shall constitute an continuing offences and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

12. In these By-laws, unless inconsistent with the context: -

"Council" shall mean the Council of the Municipality or any committee thereof to which any function of the Council under these By-laws has been lawfully delegated;

"Taxi" shall mean a public motor vehicle designed or adapted solely or principally for the conveyance of not more than nine persons including the driver.

FIRST SCHEDULE

APPLICATION FOR PERMIT TO USE TAXI RANKS OR STANDS

(Under Section 3 of the By-laws relating to the Allocation of Taxi Ranks)

Chief Law Enforcement Officer

Umzimvubu.

Full Name of Owner of Taxi.....

Identity No

Address

.....

Full Names of all Partners and/or Directors.

.....

Trading Name.

Telephone: Bus

Res.....

Number plate of Taxi for which Permit is sought

Make and Year.....Type:.....

Colour..... Seating Capacity.....

Engine No Chassis No.....

Number of Operating Licence

Dated

Valid to:

Number and expiry date of Certificate of Fitness

Particulars of Rank applied for: Situated

at.....

Period for which permit is sought.....

Other stands presently occupied

Previous stands occupied.....

(Reasons for vacating to be stated).

.....

.....

.....

State whether application is for New Permit or Renewal. Date

..... Signature: (Owner of Taxi)

Full details of Applicant's experience in transporting passengers for hire or
reward by

A separate application must be made for each taxi for which a permit is required.

APPROVED IN PRINCIPLE/UNSUCCESSFUL PERMIT NO:

CHIEF LAW ENFORCEMENT OFFICER

APPLICANTS EXPERIENCE IN TRANSPORTING PASSENGERS FOR HIRE OR

REWARD BY TAXI

1. Length of time so engaged

2. Areas

to.....

.....

.....

.....

..... and from

.....

.....

SECOND SCHEDULE
PERMIT TO USE TAXI RANK OR
STAND

(Under
Permit No

Authority is hereby granted to
motor taxi.....

owned by.....
to keep up a stand
at.....
.....
.....

for the purpose of plying for
hire
during the hours of..... a.m. to..... daily.
This Permit expires on
Date.....

CHIEF LAW ENFORCEMENT OFFICER

(Office Stamp)

LOCAL AUTHORITY NOTICE 49

UMZIMVUBU MUNICIPALITY

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal System Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law Relating to Municipal Parking Ground which shall come into operation on the date of publication thereof.

MUNICIPAL PARKING GROUND BY-LAWS

Definitions

1. (1) In these By-laws unless the context otherwise requires:

"Council" means the Council for the Municipality of uMzimvubu.

"Parking Bay" means an area within the boundaries of a parking ground demarcated by parking lines for the accommodation of one motor vehicle.

"Parking Coupon Vending Machine" means a device which upon the insertion therein of a coin or coins or upon payment of the parking fee in any other manner indicated thereon issues a coupon upon which is visibly recorded the date of issue and time of expiry of such coupon.

"Parking Ground" means any area of land under the control of the Council, not forming part of a public road which is set aside by the Council for parking of motor vehicles by members of the public and at the entrance or entrances to which a notice or notices have been posted by the Council describing the said area of and as a municipal parking ground.

"Parking Meter" means a mechanical appliance or device designed for the purpose of automatically measuring and indicating the time within which a vehicle may be parked in a metered parking bay.

"Prescribed Coin" shall mean a coin of the Republic of South Africa or any equivalent coin which is legal tender in terms of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964), and which has a token value equal to the amount of the fee prescribed in these By-laws as being payable for lawfully parking in a Parking Ground for a period of time.

Parking Hours

2. Subject to the provisions of these By-laws the Council may in its discretion permit the parking of such classes of vehicles as it may determine, on a Parking Ground during the hours when such parking ground is open for parking. The permitted classes of motor vehicles and the opening hours shall be set out in a notice posted by the Council at the entrance to such ground; provided that, notwithstanding the existence of a notice posted on a parking ground prescribing the hours during which parking will be permitted, the Council may by notice exhibited on such parking ground, close such ground or a portion thereof for the parking of vehicles either permanently or for a period stated in such notice. It may also, by notice reserve portions of the ground for the parking of Municipality

owned vehicles or vehicles used by Members of its staff on the business of the Council.

Removal of Vehicles at Close of Parking Hours

3. No person having control or charge of any vehicle shall park such vehicle to remain on any parking ground or portion thereof which has been closed in terms of the provisions of Bylaw 2 hereof. or at any time other than during the prescribed hours for the parking of vehicles on such ground or park thereon any vehicle which is not of the class or classes which may use the parking ground for parking as prescribed in the notice erected at the entrance to such ground.

4. Fees for parking

5. The fees payable for parking on a parking ground shall be in accordance with the tariff prescribed in the First Schedule to these By-laws.

Payment of Charges for Parking

6. (1) Where the parking accommodation provided does not consist of metered parking bays, any person parking a vehicle on a parking ground shall subject to the provisions of subsection (5) below and section 5A(3)(a) at the time of parking such vehicle, pay to the Council's authorised attendant, the prescribed fee which shall entitle such person to park such vehicle on the parking ground on the day in question for the prescribed period covered by the fee.

(2) Unless there has been issued in respect of such vehicle a monthly permit under the proviso to section 5A(2) or a monthly ticket in terms of section 5A(3)(a), the attendant at such ground shall, on payment of the charge issue to the person parking a vehicle on the ground, a ticket on which shall appear a distinctive number and the charge paid in respect of such parking; and no person shall remove any vehicle until he shall have produced to the authorised attendant the ticket issued in respect of that vehicle: Provided that in the event of inability to produce the ticket, the attendant may permit the person desiring to do so remove the vehicle upon being satisfied that the person concerned is the owner or authorised by the owner to use the vehicle.

(3) Where a vehicle in respect of which a parking fee has been paid is not removed within the prescribed period for which payment has been made, no person shall remove such vehicle unless and until he has paid to the authorized attendant the further fee which is then due for each prescribed period or portion thereof during which the vehicle has remained at the parking ground after expiry of the first prescribed period for which it was parked notwithstanding the fact that he has presented the ticket issued in respect of the parking of such vehicle.

(4) (a) Where the parking accommodation provided consists of metered parking bays any person parking a vehicle on such metered parking bay shall forthwith at the time of parking such vehicle, deposit or cause to be deposited in the parking meter installed at such bay, the prescribed coin or coins for the prescribed period of time during which he desires to park his vehicle in such bay and shall set the meter in operation, either by the insertion of the prescribed coin or, where applicable, in accordance with the instructions appearing thereon. Thereupon the metered parking bay may be lawfully occupied by the vehicle for the period indicated on the parking meter but no longer; provided that the person having control or charge of the vehicle may, without payment, park the same during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use.

(b) It shall be unlawful to park any vehicle or cause or allow any vehicle to be parked in a metered parking bay continuously for more than one period as indicated in the parking meter concerned, provided that any unexpired time from a previous use utilised in terms of the proviso to paragraph (a) shall be disregarded for the purpose of this paragraph.

(c) No person having control or charge of a vehicle shall cause, allow or permit such vehicle to be or remain parked in any metered parking bay while the indicator of the parking meter installed thereat shows that the time has expired or that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable, in accordance with the instructions appearing thereon.

(d) Where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in paragraph (a), no driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to be or remain parked in the metered parking bay at which the said parking meter is installed for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay; provided that if the said indicator shows that the time has expired or that the parking meter has not been set in operation, or if a hood has been placed over the parking meter by an official authorised by the Council to enforce the provisions of these by-laws, such hood bearing a road traffic sign R9 no such driver or person shall cause, allow or permit such vehicle to be or remain parked in the said metered parking bay.

(e) No person shall damage, disfigure or misuse any parking meter or interfere or tamper or attempt to interfere or tamper with the working operation of mechanism of any parking meter.

(f) No person shall deposit or cause to be deposited in any parking meter anything whatever other

than the prescribed coin or coins and no person shall operate or attempt to operate any parking meter by any means other than as prescribed in these By-laws.

5. If a parking coupon vending machine has been installed in a parking ground any person who parks or causes a vehicle to be parked in such ground for which parking fees are payable as indicated in a notice displayed at the entrance to the parking ground shall forthwith:

(a) obtain a coupon in the manner indicated on the parking coupon vending machine for the required parking period after such vehicle has been brought to a standstill in a parking bay;

(b) affix such coupon on the inner side of the windscreen of such vehicle on the driver's side, in such a manner that the information shown thereon shall be clearly visible from the outside of the vehicle, or, in the event of such vehicle not having a windscreen, in the aforementioned manner in a conspicuous position on a headlamp of the vehicle.

6 (a) A coupon obtained in terms of subsection (5) shall be valid until the time of expiry thereof as indicated on the coupon.

(b) If a vehicle is removed from a parking ground and returned thereto within the period of validity of the coupon, such coupon shall continue to be valid.

(c) Possession of a valid coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

7. (a) No person shall cause or permit a vehicle parked by him in a parking ground in which a parking coupon vending machine has been installed, to remain therein:

(i) without affixing a valid parking coupon in terms of subsection (5)(b);

(ii) after the coupon obtained in terms of subsection (5)(a) has ceased to be valid;

(iii) if a coupon cannot be obtained from any such machine in a parking ground in the manner indicated thereon as contemplated by subsection (5)(a) or when a notice displayed on each such machine indicates that it is out of order.

(b) No person shall:

(1) tamper with, deface or damage any parking coupon vending machine or appurtenance thereto or affix or attempt to affix or place any placard, advertisement, notice, list, document, board or thing on or paint, write upon or disfigure any parking coupon vending machine;

8. A vehicle in a parking ground in which a parking coupon vending machine has been installed which does not bear a coupon affixed in terms of subsection (5)(b) shall be presumed to have been caused or allowed to remain therein in contravention of sub-section (7)(a)(i) until the contrary is proved.

Fringe Parking Grounds

5A (1) In the case of a parking ground which is designed as a fringe parking ground in the First Schedule to these By-laws, payment of the prescribed fee shall entitle the holder of a ticket issued in terms of section 5(2) on presentation of the coupon issued in conjunction with such ticket to the driver or conductor of any public motor vehicle of the Council for the transportation of passengers to travel thereon from the fringe parking ground to the terminus of that vehicle in the centre of the area of the Municipality and return, and the exercise of such right shall be subject to the provisions of the Transport By-laws.

(2) Upon payment of the fee prescribed for parking in a fringe parking ground, that portion of the ticket issued which is designated for that purpose shall be displayed upon the vehicle to which it relates, by the person having control of such vehicle so that its distinctive number is readily legible from the outside of the vehicle; provided that where a person wishes to secure parking on a monthly basis for a number of unspecified vehicles he may, at the discretion of an authorised officer of the Council, and upon payment of the appropriate monthly fee for that number of vehicles, be issued with a permit for that number in lieu of a ticket referred to in section 5(2) in respect of each vehicle, in which event the provisions of this subsection shall not apply; provided further that the provisions of subsection (3)(a) shall apply in respect of the said vehicle as if such permit were a monthly ticket.

(3) (a) Notwithstanding anything hereinbefore contained a monthly ticket entitling the holder, when it is displayed in the manner prescribed in subsection (2) on the vehicle in respect of which it is issued, to park such vehicle daily, subject to parking space being available, except after 1.00 p.m. on Saturdays and except Sundays and Public Holidays, in any fringe parking ground for which a monthly fee has been prescribed in the First Schedule, may be issued on payment of the prescribed monthly fee.

(b) Where the monthly fee is prescribed to be inclusive of bus fares there shall be issued to the holder referred to in paragraph (a) above, a token or coupon entitling him on presentation thereof daily, except after 1.00 p.m. on Saturdays and except Sundays and Public Holidays, to use the travel facilities set out in subsection (1).

(4) Notwithstanding anything hereinbefore contained every vehicle parked in the Fringe Parking Ground shall be removed therefrom by not later than 18h00 on the day on which it was so parked, failing which such vehicle shall not thereafter be removed therefrom until permission for such removal has been granted by the person having lawful control of the premises upon which the said parking ground is situated, which permission shall be withheld until payment is made of the fee prescribed in the First Schedule.

(5) The provisions of subsections (5), (6), (7) and (8) of section 5 shall apply *mutatis mutandis* to a fringe parking ground; provided that when a parking coupon vending machine has been installed in

such a ground, the provisions of subsection (1) and (2) of this section shall not apply.

Method of Parking

6. (1) Where parking bays have been demarcated in a parking ground no person having control or charge of a vehicle shall park such vehicle.

(a) in any place on the parking ground which is not a demarcated parking bay unless instructed to do so by a policeman or the authorised attendant at such ground;

(b) in a parking bay across any painted line marking the bay or in such a position that the said vehicle shall not be entirely within the area demarcated as a parking bay,

(c) in a parking bay which is already occupied by another vehicle.

(2) (a) No person shall upon a parking ground carry on any business, trade or calling or perform any act in connection therewith and any person using a parking ground shall do so in a way which will avoid obstruction or inconvenience to other users of the ground, and shall comply with any instruction which may be given by a member of the Police or any authorised attendant employed by the Council, when parking or removing his vehicle and shall observe and comply with any traffic or other signs, notices or surface markings which may be placed or displayed on such ground for the purpose of directing and regulating vehicles using the parking ground or the entrances thereto or the exits therefrom and in particular, but without derogating from the generality of the foregoing, no person shall park a vehicle on a sidewalk or a roadway within a parking ground.

(b) No person shall obstruct, hinder or in any way interfere with any member of the police or authorised servant of the Council in the exercise of his duties under these By-laws.

Negligent and Dangerous Driving Prohibited.

7. No person shall, on any parking ground, drive any vehicle negligently or in a manner dangerous to the public or to any other vehicle.

Unauthorised Persons not to Enter Parking Ground or Interfere with Parked Vehicles

8. (1) No unauthorised person shall enter or be on any parking ground otherwise than for the purpose of parking thereon a vehicle or removing therefrom a vehicle in respect of which he has paid the prescribed parking fee; provided that this section shall not apply to a person in the company of a person so parking or removing a vehicle.

(2) No unauthorised person shall, on any parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle.

Council not Liable for Damage to Vehicles

9. The Council shall in no way be liable for the loss of or damage howsoever caused, to any vehicle, or any accessories or contents of a vehicle which has been parked in a parking ground.

Damage to Council's Notices

10. No person shall remove, mutilate, obscure or in any manner, damage or interfere with any notice, notice-board, sign or any other thing placed by the Council on any parking ground.

Persons Parking to be Bound by these By-laws

11. (1) Any person parking a vehicle on a parking ground and any person having control or charge of a vehicle parked on a parking ground, shall, by reason of such parking be deemed to have agreed to be bound by the terms and conditions of these By-laws.

(2) For the purpose of these By-laws the person in whose name the vehicle using a parking ground is licensed shall be deemed to be the person having control or charge of such vehicle unless and until he shall prove to the contrary. "

Offences and Penalties

12.(1) Any person who:

(a) contravenes any provision of these by-laws; or

(b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these by-laws; or

(c) fails to comply with the terms of any notice served upon him in terms of these by-laws,

shall be guilty of an offence and liable, upon conviction, to the maximum penalty of six months or R3000,00

(2) Failure to comply with the terms of any condition or notice referred to in subsection (1)(b) or (c) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

FIRST SCHEDULE

Parking accommodation in any municipal parking ground established by the Council may be used in terms of the By-laws for the parking of motor vehicles on payment of the fees specified hereunder for the

periods specified hereunder. In the case of metered parking bays the fees shall be paid by depositing prescribed coins of the specified kind in the parking meter installed thereat. Provided for this purpose by the Municipality.

TARIFF/PARKING FEE METERED AREAS AND ON AREAS CONTROLLED BY PARKING COUPON VENDING MACHINES

R2.00 per hour within that area bounded by and including both sides of (Street name) and R1,00 per hour in all areas other than that described above.

CHAPTER 4: PARKING GROUNDS

PART 1: GENERAL PROVISIONS

[55] MUNICIPALITY NOT LIABLE FOR LOSS OR DAMAGE

The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle, or any accessories or contents of a vehicle which has been parked in a parking ground.

[56] INTERFERENCE WITH ATTENDANT

No person may obstruct, hinder or in any manner interfere with an authorised official who is the attendant of the parking grounds in the exercise of his duties under these by-laws.

[57] PAYMENT OF PRESCRIBED FEE

[1] A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee.

[2] The Municipality may in respect of a parking ground controlled by the issue of coupons, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.

[3] The Municipality may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the Municipality, to park the vehicle in a parking ground specified, if space in the parking ground is available.

[4] A coupon issued under subsection [2] or [3] —

[a] may not, without the prior written consent of the Municipality —

[i] be transferred to any other person; or

[ii] be used in respect of a vehicle other than the specified vehicle; and

[b] must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle.

[58] TRADING

No person may, upon a parking ground carry on any business, trade or calling or perform any act in connection therewith.

[59] OBSERVANCE OF SIGNS

A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.

[60] PARKING AND REMOVAL OF VEHICLE

[1] No person may, in any parking ground —

- [a] park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official; or
- [b] introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.

[2] Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle —

- [a] in a place on the parking ground which is not a demarcated parking bay, unless instructed to do so by the authorised attendant at the parking ground;
- [b] in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay; or
- [c] in a parking bay which is already occupied by another vehicle.

[3] No person may park a vehicle on a sidewalk or a roadway within a parking ground.

[4] No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.

[5] No person may park or cause or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 [Act No. 93 of 1996], to be parked or to be or remain in a parking ground.

[61] ABANDONED VEHICLE

[1] The Municipality may remove, to the Municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.

[2] The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection [1], and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle

has been removed, the Municipality may, subject to the provisions of subsection [3], sell the vehicle at a public auction.

- [3] The Municipality must, 14 days before the auction contemplated in subsection [2], publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction.
- [4] If the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction and the person must pay to the Municipality all prescribed fees payable in terms of these by-laws and the applicable costs in terms of subsection [5].
- [5] The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection [4] and thereafter to defray the following:
- [a] The costs incurred in endeavouring to trace the owner in terms of subsection [2];
 - [b] the costs of removing the vehicle;
 - [c] the costs of publishing the notice of the auction;
 - [d] the costs of effecting the sale of the vehicle; and
 - [e] the costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound, and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he can prove his right to the vehicle.
- [6] If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection [5] is forfeited to the Municipality.
- [7] No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days.

[62] DAMAGE TO NOTICES

No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, notice-board, sign or other thing placed by the Municipality on a parking ground.

[63] NEGLIGENT AND DANGEROUS DRIVING

No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.

[64] ENTERING OR REMAINING IN PARKING GROUND

- [1] No person may enter, remain or be on a parking ground otherwise than for —
- [a] the purpose of parking on the parking ground a vehicle; or

[b] lawfully removing from the parking ground a vehicle, in respect of which he has paid the prescribed parking fee.

[2] This section does not apply to a person in the company of a person who is parking or removing a vehicle.

[65] TAMPERING WITH VEHICLE

No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle or set the machinery of the vehicle in motion.

[66] DEFACING COUPON

No person may in a parking ground with intent to defraud the Municipality forge, imitate, deface, mutilate, alter or make a mark upon a parking coupon issued in terms of these by-laws.

[67] DEFECTIVE VEHICLE

[1] No person may park or cause or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to be or remain in a parking ground.

[2] If a vehicle, after having been parked in a parking ground, develops a defect which renders it immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be effected or removed within a reasonable time.

[68] CLEANING OF VEHICLE

No person may in a parking ground clean or wash a vehicle.

[69] REFUSAL OF ADMISSION

An authorised official may refuse to admit into a parking ground a vehicle which, together with its load is longer than five metres, or is by reason of its width or height likely to cause damage to persons or property or to cause an obstruction or undue inconvenience.

[2] No person may disregard an authorised official's refusal contemplated in subsection [1].

[70] PARKING HOURS AND CLASSES OF VEHICLES

The Municipality may, subject to the provisions of these by-laws, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.

- [2] The Municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.
- [3] The Municipality may, notwithstanding a notice posted in terms of subsection [2], by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.
- [4] No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection [3], or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the Municipality from time to time.
- [5] No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.
- [6] No person may, unless he is the holder of a parking coupon issued in terms of these by-laws authorising him to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.

[71] RESERVATION BY MUNICIPALITY

- [1] The Municipality may by notice exhibited in the parking ground reserve a portion of a parking ground for the parking of vehicles owned by the Municipality or vehicles used by members of its staff on the business of the Municipality.
- [2] No person may park a vehicle in a portion reserved for the parking of vehicles owned by the Municipality, or for members of Municipality's staff.

PART 2: MECHANICALLY CONTROLLED PARKING GROUND

[72] PARKING OF VEHICLE IN MECHANICALLY CONTROLLED PARKING GROUND

- [1] A person who enters a mechanically controlled parking ground in a vehicle must, after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on the parking coupon vending machine, obtain a parking coupon which is issued by the machine before he —
- [a] parks a vehicle;
 - [b] causes or permits a vehicle to be parked; or
 - [c] allows a vehicle to be parked.
- A person contemplated in subsection [1] may park a vehicle only —

- [a] in a parking bay and in compliance with such directions as may be given by an authorised official or, where no such bay has been marked, in a place indicated by the authorised official;
 - [b] if the parking period indicated on the parking coupon has not expired.
- [3] A person contemplated in subsection [1] may not park a vehicle if an authorised official has indicated to the person that the parking ground is full; or
- [4] A parking coupon obtained in terms of subsection [1] is valid until the time of expiry thereof as indicated on the coupon and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period.

[73] REMOVAL OF VEHICLE FROM MECHANICALLY CONTROLLED PARKING GROUND

No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless —

- [a] he has produced to the authorised official a coupon authorising him to park in the parking ground and which was issued to him by the parking coupon vending machine upon entering the parking ground; and
 - [b] he has paid to the authorised official the prescribed parking fee.
- [2] If a person fails to produce a coupon authorising him to park in the mechanically controlled parking ground, he is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he wants to remove the vehicle and he must be charged accordingly.
- [3] A person may not, after he fails to produce a coupon, remove or cause or permit the removal of a vehicle parked in the parking ground until he has produced other proof to an authorised official of his right to remove the vehicle, and the authorised official —
- must require the person to complete and sign an indemnity form as supplied by the Municipality, which form has the effect of indemnifying the Municipality against claims of whatever nature by a person relating to the removal of that vehicle; and
- [a] may require the person to furnish such security as may be determined by the Municipality.
- [4] Subsection [1] [a] does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised official on demand.

- 1 Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the Municipality is payable for the next parking period.

PART 3: PAY AND DISPLAY PARKING GROUND

[74] PARKING OF VEHICLE IN PAY AND DISPLAY PARKING GROUND

- 1 A person entering a pay and display parking ground must, immediately upon entering the parking ground buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine if he —
- [a] wishes to park a vehicle;
 - [b] causes or permits a vehicle to be parked; or
 - [c] allows a vehicle to be parked.
- 2 The following must be indicated on the parking coupon vending machine:
- [a] The period during which a vehicle may be parked in the pay and display parking ground; and
 - [b] The coin or other prescribed object to be inserted in respect of the parking period into the pay and display machine.
- 3 The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay and display machine is readily legible from the outside of the vehicle.
- 4 No person may allow a vehicle to remain in a pay and display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken on the face of it to be correct evidence of date or day and time.
- 5 No person may park a vehicle, cause, permit, or allow a vehicle to be parked in a pay and display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.
- 6 If a vehicle is removed from a pay and display parking ground and returned to the pay and display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.

- [7] Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

[75] MISCELLANEOUS OFFENCES IN RESPECT OF PAY AND DISPLAY PARKING GROUND

No person may —

- [a] insert or attempt to insert into a parking coupon vending machine —
- [i] a counterfeit coin;
 - [ii] where another kind of object is to be used, a false object;
 - [iii] a coin which is not South African currency; or
 - [iv] any object which is not meant to be inserted into the parking coupon vending machine;
- [b] jerk, knock, shake or in any way interfere or tamper with, or damage or deface a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or
- [c] remove or attempt to remove a parking coupon vending machine or any part of the machine from its mounting.

