

Umzimbubu Local Municipality



UMZIMVUBU
— LOCAL MUNICIPALITY —

DRAFT PARKING METER BY-LAW

813 Main Street, Mount Frere
P/Bag 9020, Mt Frere, 5090
T. 039 255 8500 | F. 039 255 0167

UPHULISO KUMNTU WONKE



Umzimvubu Local Municipality

PARKING METER BY-LAW

PREAMBLE

WHEREAS section 156(2) and (5) of the Constitution provide that a Municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incident to, the effective performance of its functions

AND WHEREAS Part B of schedule 5 to the Constitution lists traffic and parking as Local Government to the extent set out in section 155(5)(a) and(7);

AND WHEREAS the LOCAL MUNICIPALITY seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

AND NOW THEREFORE, BE IT ENACTED, by the Council as follows.

1. Definitions

For the purpose of this By-law, unless the context otherwise indicates –

“Business hours” means the hours of 08h00 to 17h00 on Mondays to Fridays, and 08h00 to 15h00 on Saturdays, or such other times as may be determined by the Council from time to time;

“Car guard” means a person who watches over and protects motor vehicles in return for payment;

“Council” means the Umzimvubu Local Municipality council, a municipal council referred to in section 157(1) of the Constitution;

“Metered parking bay” means any parking bay on a public road or public place in respect of which –

- (a) A parking meter has been installed or is used; and
- (b) The Municipality imposes parking fees.

“Metered parking ground” means a parking ground or any part thereof on a public road or public place in respect of which –

- (a) A parking meter has been installed or is used; and
- (b) The Municipality imposes parking fees.

“Motor vehicle” means a motor vehicle as defined in the Act;

“Municipality” means the Umzimvubu Local Municipality a municipality established under the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“Parking fee” means the charge imposed by the Municipality from time to time for parking a motor vehicle on a metered parking bay or on a metered parking ground;

“Parking meter” means a static or hand-held device used for registering, recording and displaying –

- (a) The parking time available at the applicable metered parking bay or metered parking ground.
- (b) The parking fee payable for purchasing parking time at that metered parking bay or metered parking ground; and
- (c) The amount of parking time purchased in respect of a particular motor vehicle,

Whether by means of a meter affixed to the device or a parking meter ticket issued by the device, or any other device by which parking time can be recorded;

“Parking meter attendant” means a person who is authorised to collect parking fees and to issue parking penalties on behalf of the Municipality, and who is in possession of a valid appointment card issued by or on behalf of the Municipality;

“Parking penalty” means a charge imposed by the Municipality from time to time, and payable to the Municipality, for parking a motor vehicle on a metered parking bay or on a metered parking ground in contravention of this By-law;

“Parking time” means the period of time purchased, against payment of the parking fee, for which a motor vehicle may be parked on a metered parking bay or metered parking ground;

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

“The Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996); and

“Traffic warden” means a person who has been declared by the minister of Justice to be a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No 51 of 1977) and has been appointed as a traffic warden by the Chief Executive Officer (Municipal Manager), the MEC or another competent authority to appoint a traffic warden, as the case may be.

“Traffic officer” means a traffic officer appointed in terms of section 3A of the National Road Traffic Act, and any member of the Service, and any member of municipal police service, both as defined in section 1 of South African Police Act, 1995 (Act No 68 of 1995) and for the purposes of Chapters V, IX and X and sections 74 and 78 of this Act, includes a peace officer.

“Authorised officer” means an employee of the Municipality or any other person who is appointed or authorised thereto by the Municipality to perform any act, function or duty related to the provisions of this By-law.

Any term which is defined in the Act, but which is not defined in these By-laws, shall have the meaning given to it in the Act.

2. Principles and objectives

The Umzimvubu local municipality, acting under the Constitution and other relevant legislations, and being aware of its duty to control parking of motor vehicles, taxis and busses and control of operations of the parking attendants so as to provide a safe environment for all other road users

within its area of jurisdiction, by adopting these by-laws with the aim of controlling parking within its area of jurisdiction.

3. Establishment of meter parking bays and meter parking grounds

The Municipality may, from time to time -

- (a) Designate by road signs and establish meter parking bays and meter parking grounds;
- (b) Install and operate parking meters for meter parking bays and meter parking grounds;
- (c) Determine parking times applicable to meter parking bays and meter parking grounds;
- (d) Determine and levy parking fees and parking penalties; and
- (e) Collect and recover parking fees and parking penalties.

4. Parking fees and parking times

No person may, during business hours, park a motor vehicle on a meter parking bay or meter parking ground, or cause a motor vehicle to be so parked –

- (a) Without paying the applicable parking fee; or.
- (b) For a period of time which is longer than the parking time purchased in respect of that motor vehicle.

5. Operation of parking meters

Any person parking a motor vehicle or causing any motor vehicle to be parked on any meter parking bay or meter parking ground, during business hours, shall immediately -

- (a) Pay the applicable parking fee to the responsible parking meter attendant.
- (b) If required by the parking meter attendant, enter his or her motor vehicle's registration number and the bay number which the motor vehicle occupies into the parking meter.
- (c) If the parking meter provides for the issuing of a parking ticket, conspicuously display the parking ticket on the inside of the motor vehicle, above the dashboard at the bottom of the windscreen in such a manner that it is legible from outside the front windscreen of the motor vehicle, for as long as the motor vehicle is parked on the meter parking bay or meter parking ground.

6. Exemptions

Notwithstanding anything contained in these By-laws, the following persons are exempt from the payment of parking fees:

- (a) The drivers of fire-fighting vehicles, emergency rescue vehicles or ambulances whilst these vehicles are on their respective duties at the time of parking, as the case may be
- (b) Traffic officers engaged in the performance of their duties;

- (c) The drivers of motor vehicles engaged in civil protection.
- (d) The drivers of motor vehicles engaged in essential services.
- (e) The drivers of motor vehicles which are the property of the Council or motor vehicles used by an official or councillor of the Municipality in his or her official capacity, provided that an official badge, designed and approved of by the Municipality, is displayed in a prominent place on the motor vehicle.

- (f) The drivers of motor vehicles being driven by or used to convey a person with a permanent physical disability or mobility impairment provided that an appropriate disability permit is displayed in a prominent place on the motor vehicle.

7. Prohibitions

(7.1) No person shall –

- (a) Cause or attempt to cause a parking meter to record the passage of time incorrectly;
- (b) Misuse, tamper with, damage or in any way interfere with a parking meter,
- (c) Deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign, or notice affixed or erected for the purpose of these By-laws;
- (d) Forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of these By-laws; or
- (e) Hinder or interfere with a parking meter attendant or traffic officer in the performance of his or her duty.

(7.2) No person shall park a motor vehicle, not being a motor vehicle as defined in these By-Laws, in a meter parking bay or meter parking ground.

(7.3) No driver or person in charge of a motor vehicle may park such vehicle or cause it to be parked-

- (a) In a meter parking bay or meter parking ground across any painted line marking the confines of the parking bay or in such a position that the said vehicle is not entirely within the area demarcated.
- (b) In a demarcated parking bay which is already occupied by another vehicle;
- (c) In contravention of a road traffic sign; or
- (d) In an area demarcated for commercial loading purposes.

(7.4) The person or driver in charge of a motor vehicle shall park such vehicle in a meter parking bay or meter parking ground -

- (a) If the meter parking bay or meter parking ground is parallel to the kerb or sidewalk of the public road, in such a manner that the vehicle is 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 kerb: Provided that where, in a one-way street the meter parking bay or meter parking ground is situated on the right-hand side of the road, these provisions shall apply in respect of the right-hand wheels of the vehicle and the right-hand kerb, respectively; or

(b) If the meter parking bay or meter parking ground is at an angle to the kerb or the sidewalk of a public road, in such manner that the vehicle is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.

(7.5) Where by reason of the length of any motor vehicle, the vehicle cannot be parked wholly within a meter parking bay or meter parking ground, it shall be lawful to park the vehicle by encroaching upon a meter parking bay or meter parking ground adjoining the first-mentioned parking place, and any person so parking shall be liable for payment of parking fees in respect of the parking bays encroached upon.

(7.6) A traffic warden or parking attendant may, whenever he or she deems it necessary or expedient to do so in the interest of the movement or control of traffic, place a road traffic sign or signs indicating that there shall be no parking at any meter parking bay or meter parking ground, and it shall be unlawful for any person to park or cause or permit to be parked a vehicle in such meter parking bay or meter parking ground while such sign is so displayed.

8. Towing and clamping

(8.1) The Municipality may, in respect of a motor vehicle parked in contravention of these By-Laws, and without notice to the owner, driver or any person in control of that motor vehicle—

(a) Remove or cause the motor vehicle to be removed to a place designated by the Municipality; or

(b) Attach or cause to be attached a wheel clamp to the motor vehicle.

(8.2) The Municipality may charge a fee for the removal and impoundment of a motor vehicle, or for the clamping of a motor vehicle, as determined by the Municipality from time to time.

(8.3) Any motor vehicle towed and impounded in terms of these By-laws, or whose wheel is clamped in terms of this By-law, may not be released until such time as the owner has paid the applicable parking fee, the parking penalty and the charge for towing and impounding the vehicle or clamping the motor vehicle, as the case may be.