

The Council of the Okhahlamba Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-laws:

OKHAHLAMBA LOCAL MUNICIPALITY
PARKING MANAGEMENT BY-LAWS

CHAPTER 1

DEFINITIONS

1. In these By-laws, unless the context otherwise indicates—

"acceptable Identification" means an appointment card issued to the parking meter attendant by the service provider indicating the name, surname, identity number and date of appointment of the individual and shall bear the logo and details of the service provider;

"authorised official" means an official of the Council authorised to implement the provisions of these By-laws;

"Council" means the Local Municipal Council of Okhahlamba and include any political office bearer or structure 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 in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000);

"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;

"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;

"parking attendant" means a person employed/contracted by a service provider who, for or on behalf of the Municipality or the service provider, collects parking fees under a contract with the Municipality or service provider and who possesses a valid appointment card as approved by the Council;

"parking meter" means a device for the registration, recording and display of the passage of the parking period, including the display thereof in a mechanical or electronic format on a display panel and/or indicator and which is operated by a parking meter attendant;

"parking period" means that period of time during which a vehicle is parked in a demarcated parking place and which is recorded by a parking meter device upon insertion into it of the registration number of such vehicle;

"prescribed parking fee" shall mean the parking fee payable in terms of the Council's tariff of charges as determined by the Council from time to time;

"public place" means a public road as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996);

"public road" means a public road as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996);

"service provider" means a person or legally constituted entity, who for or on behalf of the Municipality, collects parking fees under a contract with the Municipality;

"traffic officer" means a traffic officer appointed in terms of section 3(1)(c) of the National Road Traffic Act, 1996 and includes a member of the South African Police Service;

"traffic warden" means a traffic warden as described in the National Road Traffic Act, 1996 (Act No. 93 of 1996); and

"vehicle" means a vehicle as defined in the National Road Traffic Act, 1996.
Any other word or expression has the meaning assigned thereto in the National Road Traffic Act, 1996.

CHAPTER II ENFORCEMENT AND PENAL PROVISIONS

CONTROL OR PARKING WITHIN DEMARCATED PARKING PLACES

2. It shall be unlawful to park any vehicle in any demarcated parking place for which a parking meter device exists without at the same time inserting and submitting the vehicles registration number into the parking meter : Provided that the obligation to make payment as prescribed in section 4 shall apply only during such hours as the Council may by resolution determine.
3. Each parking meter device shall—
 - (1) clearly indicate the period that a vehicle is parked in a demarcated parking place and the value to be paid in respect of parking for the said period;
 - (2) be fitted with a visible display (hereinafter referred to as an "indicator") .which shall clearly indicate the parking period from time of arrival to departure, the motor vehicle registration number and the parking bay number where the vehicle is parked;
 - (3) when the payment submitted, key (indicated as" ") or refused key (indicated as" ") is pressed by either the attendant or the motorist, indicate a corresponding message of confirmation to that specific key.
4. No person who parks any vehicle or cause any vehicle to be parked in any demarcated parking place, shall at the completion of the parking period, depart from such demarcated parking bay, unless such person pays or cause to be paid to the parking attendant allocated to such parking bay, an amount equal to the amount indicated on the parking meter device adjacent to such vehicle registration number.

The 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 currency.

5. The payment of parking as contemplated in subsection 4 shall, however, not entitle any person to contravene any road traffic sign prohibiting the parking of—
 - (1) vehicles between specified hours;
 - (2) specific categories of vehicles;
 - (3) vehicles for a period in excess of a prescribed time period; and
 - (4) any vehicle, where the parking and/or stopping of such vehicle contravenes any provision as determined by the National Road Traffic Act, 1996, relating to the parking and/or stopping of a vehicle.
6. The period during which a vehicle may be parked in any demarcated parking place, and the amount payable in respect of that period to the parking attendant allocated to such place, shall be such that the Council, in terms of section 80A of the National Road Traffic Act, 1996, may from time to time prescribe by resolution.
7. It shall be unlawful—
 - (1) to park or place any vehicle or other object, which is not a vehicle as defined in section 1, in a demarcated parking place;
 - (2) to refuse or fail to pay to the parking meter attendant the parking fee meant in section 4;
 - (3) to damage or deface, or attempt to damage or deface, a parking meter device and/or soil or obliterate or otherwise render less visible the face or dial of a parking meter device, or to write or draw on, or to affix any handbill, poster, placard, sticker or other article, whether or not of an advertising nature, to a parking meter device;
 - (4) to damage, deface, soil or obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign or notice affixed to or erected for the purpose of these By-laws, or attempt to do so;
 - (5) to offer any money other than the South African currency in lieu of payment of parking fees;
 - (6) 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;
 - (7) in any way whatsoever to cause or attempt to cause a parking meter to record the passage of time incorrectly;
 - (8) to jerk, knock, shake, damage or in any way interfere with a parking meter which is not in a proper working order, in order to make it do so, or for any other purpose;
 - (9) to remove or attempt to remove the mechanism or any other part of the parking meter or to attempt to physically interfere with the working of the said parking meter, or by word or deed hinder the parking meter attendant in his duty; and
 - (10) to fail to key in the vehicles' details into the parking meter by means of the correctly displayed motor vehicle registration number and specific bay number that the vehicle occupies, directly upon arrival of the specific vehicle.

8. No driver or person in charge of a vehicle shall park such vehicle or cause it to be parked—
 - (1) in a demarcated parking place across any painted line marking that confines the parking place or in such a position that the said vehicle is not entirely within the area demarcated;
 - (2) in a demarcated parking place which is already occupied or partly occupied by another vehicle;
 - (3) in an area demarcated for commercial loading purposes, unless it is lawful to do so for the purpose of commercial loading.
9. The person or driver in charge of a vehicle shall park such vehicle in a demarcated parking place—
 - (1) 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 the same shall apply to the right hand wheels and the right hand curb respectively; and
 - (2) if the demarcated parking place is at an angle to the curb or sidewalk of a public road, in such a manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.
10. Where by reason of the length of any vehicle, such vehicle cannot be parked wholly within a demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking 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.
11. The Chief Traffic Officer may, whenever he deems it necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a road traffic sign or signs prohibiting parking at any demarcated parking place or places, and it shall be unlawful for any person to park or cause or permit to be parked a vehicle in such demarcated parking place or places while such sign is so displayed.
12. It shall be unlawful for any person to park or cause, allow or permit 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.
13. Notwithstanding anything contained in these By-laws, the driver or person in charge of the following vehicles may park in a demarcated parking place of which a parking meter exists, without payment of the prescribed fees—
 - (1) a vehicle used as an ambulance and being at the time used on urgent ambulance service;
 - (2) a vehicle used by the fire brigade for the attendance of fires and being at the time used by the brigade in carrying out its duties preventing or suppressing fires;
 - (3) a vehicle used by a police or traffic officer and being at the time used in connection with the execution of his/her duties;

- (4) a vehicle used by the driver of a rescue vehicle and being at the time used in connection with the execution of his/her duties;
 - (5) a vehicle used by a person engaged in civil protection and being at the time used in connection with the execution of his/her duties;
 - (6) a vehicle used by a person engaged in essential services and being at the time used in connection with the execution of his/her duties;
 - (7) the driver of a vehicle that is the property of the Council, or a vehicle used by an official member of the Council in his official capacity : Provided that the official badge, designed and approved by the Council, is displayed in a prominent place on the vehicle.
14. The passage of time in the period as specified on the indicator as recorded by a parking meter device shall, for the purposes of these Bylaws and in any proceedings arising out of the enforcement thereof, be deemed to be correct unless and until the contrary be proved, and the onus of so proving to the contrary shall be on the person alleging that the parking meter has recorded such passage of time inaccurately.
15. A duly appointed service provider shall supply to the Municipality, within seven (7) working days from the beginning of the month, a report dealing with the number of vehicles, which during the previous month—
 - (1) 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
 - (2) 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 from one another.
16. Whenever a vehicle is parked in contravention of any provisions of these By-laws, it shall be presumed until the contrary can be proved, that it was so parked by the person registered as its owner in terms of the National Road Traffic Act, 1996.
17. No person shall act as a parking meter attendant within Okhahlamba except under a written contract between the Council and a service provider of which such person is an employee, which contract the Council may grant or refuse subject to such conditions as the Council determines.
18. Every parking meter attendant shall upon demand by an authorised official of the Okhahlamba Town Council or a member of public who engages his services, produce such acceptable identification in terms of subsection 17 hereof.
19. A parking meter attendant may be suspended/dismissed by the Okhahlamba Local Municipality or such service provider that employed him as the case may be, if he/she—
 - (1) commits a breach of this By-law or any condition subject to which such contract was concluded with the service provider;
 - (2) while performing his duties as a parking attendant, is or becomes intoxicated;
 - (3) directs the driver of a motor vehicle into an area in which the stopping or parking of vehicles is prohibited;

- (4) fails to observe or carry out the lawful instructions of an authorised official of the Okhahlamba Local Municipality or as set out in such contract with the service provider;
- (5) fails to produce such acceptable identification upon request by a member of the Okhahlamba Local Municipality or such member of the public who engages his services;
- (6) fails to comply with the dress code as set out in the contract with the service provider where such dress code shall be specified;
- (7) accepts a bribe of money or any other form from such member of public;
- (8) in any way whatsoever causes or attempts to cause a parking meter to record the passage of time incorrectly;
- (9) jerks, knocks, shakes, damages or in any way interferes with a parking meter which is not in a proper working order, in order to make it do so, or for any other purpose;
- (10) defaces, soils, obliterates or otherwise renders less visible or interferes with any mark painted on the roadway, or any legend, sign or notice affixed or erected for the purpose of these By-laws;
- (11) removes or attempts to remove the mechanism or any other part of the parking meter or attempts to physically interfere with the working of the said parking meter;
- (12) fails to key in the vehicles' details into the parking meter by means of the correctly displayed motor vehicle registration number and specific bay number that the vehicle occupies, directly upon arrival of the specific vehicle; and
- (13) connives with any other person who has parked within such demarcated parking place, not to enter the details of such vehicle as prescribed for whatever reason and whether or not such parking meter attendant has financially gained or not for such doing.

OFFENCES

20. Any person contravening or failing to comply with any provision of these By-laws shall be guilty of an offence and liable on conviction, to a fine as laid down by the Public Prosecutor in the case of a first conviction, or in the case of a second or subsequent conviction, for the same offence, a fine as laid down by the Public Prosecutor, or in default of payment of any fine Imposed in either case, to imprisonment for a period not exceeding 6 (six) months, or to both such fine and such imprisonment.

APPLICATION

21. The Council may by notice determine that the provision of these by-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

SHORT TITLE

22. These By-laws are called the Parking Management By-laws of the Okhahlamba Local Municipality and takes effect on the date of promulgation of these By-laws.