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GENERAL NOTICE

NOTICE 3386 OF 2010

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

AMENDMENTS TO THE PUBLIC ROADS AND MISCELLANEOUS BY-LAWS

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13 (a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) publishes the amendments to the Public Road and Miscellaneous By-Laws of the City of Johannesburg Metropolitan Municipality (as published under Notice 832 dated 21 May 2004), as approved by its Council and as concurred with by the Premier: Gauteng Province in terms of section 80A of the National Road Traffic Act, 1996 (Act 93 of 1996) as set out hereunder.

Amendment of definitions in section 1.

1. Section 1(1) is hereby amended—

- (a) by the deletion of the definition of “demarcated space”;
- (b) by the insertion after the definition of “municipal store” of the following definitions:

“**parking bay**” means a space designated by the Council and marked on a public road or on a parking area controlled by the Council, for the purpose of the parking of a vehicle;

“**parking coupon**” means a slip of paper that is issued by means of a parking coupon device on which the parking period, the amount paid, the registration number of the vehicle concerned and the parking bay in which the vehicle is parked, is recorded;

“**parking coupon device**” means a portable hand-held device which when operated, issues a parking coupon and registers the particulars reflected on such coupon in that device;

“**parking marshal**” means a person appointed by the Council to render a parking service in terms of this section to a person parking a vehicle in a parking bay; and

- (c) by the substitution for the definition of “parking period” by the following definition :

“**parking period**” means the maximum continuous period during which a vehicle is permitted to park in a parking bay as specified on a relevant parking coupon or by means of activating a parking meter;

2. Section 28 is hereby amended –
- (a) by the substitution for the words “demarcated space” wherever they occur, of the words “parking bay”; and
 - (b) by the substitution for the word “space” wherever it occurs, of the word “bay”.
3. The following section is hereby inserted after section 28:

“Parking coupon devices

- 28A.(1)(a) The Council as defined in paragraphs (a), (b) or (c) of the definition of Council in section 1(1), may designate an area where on-street parking takes place or an area where off-street parking takes place under the control of the Council, where parking is to be regulated by parking coupon devices.
- (b) If in any area or part of an area designated in terms of paragraph (a), parking meters are present, the provisions of this section apply to the exclusion of section 28.
- (2)(a) In any area contemplated in subsection (1)(a), the Council must provide and maintain notice boards so positioned that no parking bay in that area is further than 20 meters from any such board and the content thereof is legible from any such bay.
- (b) A notice board, contemplated in paragraph (a), must specify –
 - (i) that parking in the area concerned is regulated by means of parking coupon devices;
 - (ii) the hours during which parking is permitted, and prohibited if relevant, and the hours during which a prescribed fee is payable for parking in that area; and
 - (iii) the prescribed fee payable for parking in a parking bay in that area.
 - (c) A notice displayed in terms of paragraph (a) serves as sufficient notice to the public of the content thereof.

- (3) No person may park a vehicle in a parking bay contemplated in this section, unless –
- (a) he or she has paid to a parking marshal in attendance the prescribed fee for the parking period selected by him or her, after parking the vehicle, in cash or by means of a bank credit or debit card;
 - (b) that parking meter marshal has caused a parking coupon for the parking period concerned to be issued and has handed it to the person concerned; and
 - (c) the parking coupon issued in terms of paragraph (b) has been placed on the dashboard of the vehicle concerned in such a way that the time of the parking period is clearly visible from outside the vehicle.
- (4)(a) The prescribed fee contemplated in subsection (3)(a), must only be paid for the hours specified on a notice board contemplated in subsection (2).
- (b) A vehicle may remain parked in a parking bay only for the duration of the parking period selected in terms of subsection (3)(a).
- (5) If a parking coupon device to be operated by a parking meter marshal in attendance at a parking bay is out of order, the vehicle may without payment be parked in that parking bay and such marshal must issue a certificate confirming that the device is out of order to the person concerned and he or she must place that certificate on the dashboard of the vehicle concerned in such a way that it is clearly visible from outside the vehicle
- (6) No person may leave a vehicle in a parking bay after the expiry of the parking period as indicated on the parking coupon concerned or return it to that bay within 15 minutes after removing it therefrom or prevent the use of that space by any other vehicle.
- (7) No person may –
- (a) deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on a parking area, contemplated in the definition of “parking bay”;

- (b) remove, damage or deface any notice displayed in terms of subsection (2);
 - (c) write on or deface a parking coupon or certificate contemplated in subsection (5); or
 - (d) in any way take possession of or handle or tamper with a parking meter device in the possession of a parking marshal.
- (8) Subject to the provisions of subsection (9), every vehicle must be so parked in a parking bay that it is wholly within that bay.
- (9) If a vehicle parked in a parking bay, by reason of its length or its length and the length of any vehicle being drawn or towed by it, occupies any portion of an adjoining parking bay the person parking the vehicle must pay the prescribed fee for the duration of the parking period for both parking bays occupied by the vehicle.
- (10) No person may in any area contemplated in subsection (1), park a two-wheeled vehicle without a side-car in any parking bay unless such bay is designated for the parking of such vehicle by means of a road traffic sign or notice.
- (11) If any vehicle has been parked in contravention of this section, it is deemed to have been parked by the person in whose name the vehicle is registered, unless the contrary is proved.
- (11)(a) For the purpose of this section a traffic officer appointed by the Council as contemplated in subsection (1), may –
- (i) attach a wheel clamp to any unlawfully parked vehicle; or
 - (ii) act in terms of regulation 305(6) of the National Road Traffic Regulations published in Government Gazette under Government Notice R.225 of 17 March 2000.
- (b) A prescribed fee is payable to the Council before the removal of a wheel clamp attached in terms of paragraph (a)(i).
- (12) The provisions of this section relating to parking and payment of a prescribed fee do not apply in respect of:

- (a) a fire-fighting or fire-fighting response vehicle;
- (b) an ambulance, emergency medical response vehicle or rescue vehicle;
- (c) a vehicle driven by a member of the South African Police Service or Metropolitan Police Department while rendering a police service;
- (d) a vehicle engaged in disaster management as contemplated in the Disaster Management Act, 2002 (Act No. 57 of 2002);
- (e) a vehicle used in connection with the construction or maintenance of a public road or the rendering of an essential public service; or
- (f) a vehicle of a medical practitioner on an emergency call

on condition that the vehicle is being parked for any service or purpose contemplated in this subsection.

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