

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1236

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

HANDHELD PARKING METER BY-LAW

The Municipal Manager of the City of Tshwane Metropolitan Municipality, hereby publishes in terms section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), read with section 162 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Handheld Parking Meter by-law of the City of Tshwane Metropolitan Municipality which shall come into operation on, date of publication hereof.

The following By-Law is herewith repealed:

- a) Tshwane Parking Meter by-law Provincial Gazette, 9 February 2005, Volume No 42 Local Authority Notice 264

JASON NGOBENI
CITY MANAGER

(Notice No 519 of 2013)
4 September 2013

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

HANDHELD PARKING METER BY-LAW

To provide for the regulation of allocated on-street parking bays within the jurisdictional area of the City of Tshwane Metropolitan Municipality; to regulate payment for on-street parking bays; to authorise appointed parking marshals; and to provide for general matters and enforcement relating to a handheld parking meter system.

PREAMBLE

WHEREAS the Constitution enjoins local government to promote social and economic development and to promote a safe and healthy environment;

AND WHEREAS the Constitution and other legislation confer on the City of Tshwane the authority to regulate on-street parking bays and levy relevant tariffs;

AND WHEREAS the Constitution and other legislation confer on the City of Tshwane the authority to regulate parking attendants;

BE IT THEREFORE ENACTED by the City of Tshwane as follows:

ARRANGEMENT OF BY-LAW

Section

1. Definitions
2. Parking meters
3. Presumptions
4. Penalties
5. Seizures
6. Exemptions

1. DEFINITIONS

- (a) "**Act**" means the National Road Traffic Act (Act No 93 of 1996), as amended;
- (b) "**demarcated space**" means a parking place on a public road that is distinguished by appropriate road traffic signs, the time and occupation of which by a vehicle are to be recorded by a handheld parking meter;
- (c) "**driver**" means any person who drives, parks or attempts to drive or park or is in charge of any vehicle, and "drive" or any similar word has a corresponding meaning;

- (d) **“handheld parking meter”** or “parking meter” means a handheld device for registering and visibly recording the parking period on a parking meter coupon issued from the device;
- (e) **“metro police officer”** means an officer as defined in section 64G of the South African Police Service Act, 1995 (Act No 68 of 1995), as amended;
- (f) **“parking meter marshal”** means a person in the employ of a service provider appointed by the Municipality to render a parking management service to a driver on a public road and such person shall carry an appointment card issued by the service provider;
- (g) **“parking meter coupon”** means the slip of paper that is issued by the parking meter marshal after payment for the parking period and on which the date and parking period for the demarcated space in which the vehicle is parked are recorded;
- (h) **“parking period”** means the maximum continuous period during which a vehicle is permitted to park in a demarcated space in terms of the time that has been paid for, as shown on the parking meter coupon, and which may not exceed the maximum parking period stipulated on the relevant road traffic sign;
- (i) **“road traffic sign”** means a sign as defined in the National Road Traffic Act (Act No 93 of 1996), as amended, and which the local authority must display or cause to be displayed for the purpose of this by-law.

Any other word or expression has the meaning assigned thereto in the Act.

2. PARKING METERS

- (1) The Municipality may manage parking, operate a parking management system, collect any fees related to parking to which it is entitled by law, and use, erect or display road traffic signs, markings or other devices indicating –
 - (a) specified hours during which parking is permitted in a demarcated space;
 - (b) the boundaries of a demarcated space;
 - (c) the prescribed fees that are payable during the hours specified for parking in a demarcated space; and
 - (d) hours during which the parking of a vehicle in a demarcated space is prohibited.
- (2) The Municipality may display any such road traffic sign, marking or device in such a position and manner as will indicate the hours during which parking in a demarcated space is permitted or prohibited, and what the prescribed fee is if such parking is permitted.
- (3) Any road traffic sign erected in terms of this by-law or any other law will serve as sufficient notice to the driver of the conditions or restrictions applicable to demarcated parking spaces.
- (4) Relevant road traffic signs may be amended from time to time and displayed by the Municipality for the purpose of this by-law.
- (5) No person may park a vehicle or cause a vehicle to be parked in a demarcated space unless –
 - (a) the driver or person in charge of the vehicle has paid the prescribed fee for the parking period selected by that person, to the appointed parking meter marshal for that space;
 - (b) the parking meter marshal has caused the parking meter coupon for the parking period so paid for to be issued and handed to the person contemplated in subparagraph (1); and
 - (c) the parking meter coupon that displays the parking period paid for is placed on the left side of the dashboard of that vehicle in such a way that the time of the parking period is clearly visible from outside the vehicle.
Provided that –

- (i) the prescribed amount will only be paid for the hours for which parking of a vehicle in a demarcated space must be paid, as determined by the Municipality;
 - (ii) the amount contemplated in subparagraph (i) must be paid to the parking meter marshal;
 - (iii) a vehicle may be parked in a demarcated space for the duration of the parking period only;
 - (iv) the parking fee must be paid at the beginning of the parking period; and;
 - (v) if the handheld parking meter of the allocated parking meter marshal was partly or fully dysfunctional, the driver of a vehicle may leave his or her vehicle in the demarcated space without paying the relevant fee but not for longer than the parking period specified on the relevant road traffic sign.
- (6) No person may leave a vehicle in a demarcated space after the expiry of the parking period as indicated by the parking meter coupon or return his or her vehicle to that space within 15 minutes after that expiry or prevent the use of that space by any other vehicle.
- (7) The payment for the parking period and the display of the parking meter coupon as contemplated in subsection 2.5 entitle the person contemplated in subsection 2.5 to park a vehicle in the demarcated space for the period shown on the parking meter coupon, provided that nothing in this section entitles any person to contravene a notice or road traffic sign exhibited by the Municipality in terms of this by-law or other road traffic legislation prohibiting the parking.
- (8) The prescribed period during which a vehicle may be parked in any demarcated space will be clearly indicated on a road traffic sign displayed on the public road. No person may exceed the prescribed period indicated on a road traffic sign.
- (9) No person may –
- (a) damage or deface a parking meter, road traffic sign or a parking meter coupon;
 - (b) cause or attempt to cause, in any way whatsoever, a parking meter to record the passage of time otherwise than as prescribed by the Municipality;
 - (c) jerk, knock, shake or interfere with a parking meter for any purpose;
 - (d) deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any road traffic sign or notice erected in terms of this by-law;
 - (e) remove or attempt to remove a road traffic sign or any notice displayed for the purpose of this by-law or any part thereof from the post or other fixture to which it is attached;
 - (f) write on or deface a parking meter coupon in such a way that the parking period for which payment was made is not legible or that another time is displayed on the coupon than for which payment was made;
 - (g) without the consent of the parking meter marshal remove or tamper with any device in the possession of such parking marshal;
 - (h) impersonate an authorised parking marshal or render a parking marshal service without the Municipality's consent or without being an authorised service provider;
 - (i) interfere with the duties of a parking marshal or authorised service provider of the Municipality.
- (10) Where a vehicle parked in a demarcated space occupies by reason of its length so much of an adjoining space that another vehicle cannot be parked in such space, the person parking the first-mentioned vehicle must immediately after parking it pay for the same length of parking period for both the demarcated spaces occupied by the vehicle.

- (11) No person may park a two-wheeled vehicle without a side-car in any demarcated space unless such space is designed for the use of such vehicle by means of a road traffic sign or notice.
- (12) No person may park, place or leave any device, object or thing, other than a vehicle, in any demarcated parking space without the prior written consent of the Chief of the Tshwane Metropolitan Police and/or without rental of the applicable parking, subject to the written policy directives and conditions set by the Chief of the Tshwane Metropolitan Police or his/her representative, proof of which must be produced on demand.

3. PRESUMPTIONS

- (1) Presumption that owner drove or parked a vehicle
 - (a) Whenever a vehicle is parked in contravention of any provision of this by-law, it will be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
 - (b) For the purposes of subsection 3.1.a, it will be presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked, as contemplated in the subsection, or used as contemplated in that subsection by a director or servant of the corporate body in the exercise of his or her powers, or in the carrying out of his or her duties as such director or servant, or in furthering or endeavouring to further the interests of the corporate body.

4. PENALTIES

Any person who:

- a) contravenes or fails to comply with any provision of this By-Law;
- b) contravenes or fails to comply with any condition imposed in terms of this By-Law;
- c) knowingly makes a false statement in respect of any application in terms of this By-Law;

will be guilty of an offence and will be liable to a maximum fine of R20 000,00 or 90 days imprisonment or both.

5. SEIZURES

Subject to the written permission of the Municipality, any vehicle, object, device or thing that is parked, placed, abandoned or left in a position or in circumstances that, in the opinion of a metro police officer, are likely to cause a danger or an obstruction to pedestrians or vehicles on any part of a public road may be removed and impounded in a storage facility designated for this purpose. The owner shall bear the costs of such removal and impoundment.

6. EXEMPTIONS

- (1) Emergency and other vehicles exempted by the Act are exempted from the provisions of this by-law.
 - (2) People with disabilities are exempted from this by-law provided that they are in possession of a disability parking permit issued by the Tshwane Metropolitan Police Department or other local authority subject to such conditions as it may impose and that such permit is clearly displayed on the windshield or dashboard of the vehicle.
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