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OFFICIAL NOTICES • AMPTELIKE KENNISGEWINGS

OFFICIAL NOTICE 1 OF 2020**MPUMALANGA DEPARTMENT OF EDUCATION****REGULATIONS RELATING TO THE ADMISSION OF LEARNERS TO PUBLIC SCHOOLS**

I, Bonakele Amos Majuba, Member of Executive Council for Education in Mpumalanga Province, after consultation with Associations of School Governing Bodies hereby, in terms of Section 9 (1) of the Mpumalanga School Education Act N0 8 of 1995, hereby publish the regulations relating to the admission of learners to public schools in the Province.

1. Definitions

In these regulations, unless the context indicates otherwise "parent" means.

- (a) a biological or adoptive parent or legal guardian of the learner;
- (b) a person legally entitled to custody of a learner; or
- (c) a person who undertakes to fulfill the obligations of a person referred to in (a) or (b) towards the education of the learner

"School" means a public school;

"The Act" means the School Education Act, 1995(Mpumalanga) (Act 8 of 1995).

" School governing body "means a governing body as contemplated in terms of section 16(1) of The South African Schools Act

"Study visa" means an official document issued by the Department of Home Affairs in respect of children born of foreign nationals for the purpose of admission and enrolling at a South African public school.

"Foreign national" means a person who is not a South African citizen by birth.

"Principal" means an educator appointed or acting as the head of a school.

"Learner" means any person receiving education or obliged to receive education in terms of this Act;

"Grade" means that part of an educational programme which a learner may complete in one school year, or any other education programme which the Member of the Executive Council may deem to be equivalent thereto;

"Province" means a province established by section 124 of the Constitution in this context reference is made to Mpumalanga Province.

" Member of Executive council" means the executive council responsible for education.

2. Administration of admission regulations 2019

2.1. The Head of Department is responsible for administration and management process of admission and registration of learners to public schools.

2.2. All schools that are public schools must operate and open themselves to any learner. By this regulation, schools must admit all learners who wish to attend school education depending on the school capacity.

- a) Subject to the provisions of these regulations, the Head of Department is responsible for the administration of the admission of learners to a public school.
- b) The admission policy of a school is determined by a governing body of that school in terms of section 5(5) of the South African Schools Act.

The admission policy that has been determined by the School Governing Body may not be inconsistent with the Constitution of the Republic of South Africa, 1996 or any provision of these Regulations.

- c) The admission policy that is determined by the school governing body must first be approved by the Head of Education before its implementation at school level.
- d) The Department may determine the minimum standards for the formulation of the admissions policy for specialist schools, technical schools and education institution.
- e) The governing body of a school must make a copy of the admission policy of the school available to the Head of Department.
- f) If the admission policy of a school is consistent with the National Education Policy Act, the South African Schools Act and these Regulations, the Head of Department shall certify that admission policy within one month of its submission for certification.
- g) No admission policy of a school, or any amendment thereof, shall be of force and effect until it has been certified by the Head of Department.

3. Unfair discrimination

3.1. It is the responsibility of the Head of a Department to coordinate the administration of admission of learners to public schools. It is particularly important that all eligible learners of compulsory age are accommodated in ordinary public schools.

3.2. Any admission policy of ordinary public schools and the administration of admissions by an education department must not unfairly discriminate against learners on the basis of language, race, ethnic or social origin, colour, gender, sex, disability, sexual orientation, religion, conscience, belief and culture.

3.3. A learner is admitted to the total school programme and may not be suspended from classes, denied access to cultural, sporting or social activities of the school, denied a school report or transfer certificate, or otherwise victimized on the ground that his or her parent -

- (a) Is unable to pay or has not paid the required school fees;
- (b) does not subscribe to the mission statement and code of conduct of the school;
or
- (c) has refused to enter into a contract in terms of which the parent waives any claim for damages arising out of education of the learner.

3.4. The governing body of a public school may not administer any test relating to the admission of a learner to a public school, or direct or authorize the principal of the school or any person to administer such a test.

3.5. Where placement in a specific course or programme, e.g. technical field or study, dance or music, is required and where it would be in the educational interest of a learner, he or she may be requested by the Head of Department to undertake a suitable test to assist a placement decision.

3.6. The name of a learner must be removed from a school's admission register when a learner-

- (a) leaves the school after grade 12 or after completing the compulsory school attendance period, or is granted exemption compulsory attendance according to section (4) of the South African Schools Act;
- (b) applies for a transfer to another school and the transfer is effected;
- (c) is expelled from school;
- (d) Continuous absence without notification from parents or
- (e) Dies

3.7. If a learner of compulsory school going age fails to attend school, the Head of Department may act in terms of section 3(5) of the South African Schools Act, 1996.

4. Notwithstanding the provisions of sub regulation (3.1)

4.1. (a) gender-specific school may refuse admission to a learner on the grounds of gender; or

4.1. (b) the principal of a school of the arts, or science and technology, or sports may administer an admission test on the prior written approval of the Head of Department.

4.2. Subject to sub regulation (3.4) a test may be administered, once a learner has been admitted to a school, to determine the placement of that learner in the appropriate programme or in a specific course and where it would be in the educational interest of the learner.

4.3. Only the Head of Department or delegated official may approve the application and contents of the tests referred to in sub regulation (3.4).

4.4. The principal of the school must obtain the prior written approval of the Head of Department authorizing such tests to be conducted.

4.5. Every learner in the province shall exercise his /her right to basic education by applying for admission to his /her school of choice

5. Registration and admission of South African learners

5.1. A parent of a learner currently enrolled at a school must confirm in writing before the end of May of the current year, if the parent intends to retain the learner at the same school the next academic year.

5.2. The parent of a learner, who intends to enroll the learner at a public school for the first time at the beginning of any given school year, must register the learner at that school between May and the end of August of the year preceding the school year in which the learner seeks admission, but late registration will be allowed in special circumstances and late registrations must close not later than the tenth school day of the given school year, unless the permission of the Head of Department is obtained.

5.3. A learner who seeks admission to a school for a reason not referred to in sub regulations (5.1) or (5.2), must register at that school from May to the end of August of the year preceding the school year in which the learner seeks admission, but late registration will be allowed in special circumstances.

6. Documents required for admission of a learner

6.1. A parent must complete an application form for admission, which should be made available to him or her by the principal of the school together with the admission policy and the code of conduct for learners of the school. The principal must ensure that parents are given whatever assistance they may require to complete the forms.

6.2. When a parent applies for admission of a learner to an ordinary public school, the parent must present an official birth certificate of the learner to the principal of the public school. If the parent is unable to submit the birth certificate, the learner may be admitted conditionally until a copy of the birth certificate is obtained from the regional office of the Department of Home Affairs. The principal must advise parents that it is an offence to make a false statement about the age of a child. The parent must ensure that the admission of the learner is finalized within three months of conditional admission.

6.3. If the parent fails to submit the birth certificate of a learner within the period stated in sub-paragraph above, the principal must refer the matter to the Head of Department concerned.

6.4. The Head of Department must co-ordinate with the nearest office of the Department of Home Affairs for assistance relating to the matter and, as soon as possible, advise the principal on the action to be taken.

6.5. If a learner is unable to obtain a copy of the birth certificate and has furnished the principal with proof of application for a birth certificate from the Department of Home Affairs and after the intervention of the Head of Department or six months has passed since the application for such certificate, the Head of the Department must consider the reasons for the delay in obtaining the birth certificate with a view to finalising the admission of the learner to a public school.

6.6. On application for admission, a parent must show proof that the learner has been immunized against the following communicable diseases, polio, measles, tuberculosis, diphtheria, tetanus and hepatitis B. If a parent is unable to show proof of immunization, the principal must advise the parent on having the learner immunized as part of the free primary health care programme.

6.7. When a learner transfers from one Public school to another, the principal must complete a transfer card and hand it to the parent, or forward it to the principal of the receiving school. The learner's transfer card must be attached to the application form for admission to the receiving school.

6.8. If the transfer card is not available, the principal of the receiving school may admit the learner and place the learner in a grade on the basis of the following documentation:

- (a) the last report card issued by the previous school;
- (b) other equivalent documentation from the previous school; or
- (c) a written affidavit of the parent stating the reasons for not having the transfer card and the grade the learner attended at the previous school.

7. Admission of non-citizens

7.1. The South African Schools Act, 1996 and these regulations apply equally to learners who are not citizens of the Republic of South Africa whose parents are in possession of a visa for temporary or permanent residence issued by the Department of Home Affairs.

7.2. A learner who entered the country on a study visa must present the study visa on admission to the public school.

7.3. Person(s) classified as foreign immigrant must, when they apply for admission for their children or for themselves, show evidence that they have applied at Department of Home Affairs to legalize their stay in the country in terms of the Immigration Act No. 13 of 2002.

8. Learners with special education needs

8.1. The rights and wishes of learners with special education needs must be taken into account at the admission of the learners to an ordinary public school.

The South African Schools Act, 1996 requires ordinary public schools to admit learners with special education needs, where this is reasonably practical. Schools are encouraged to make the necessary arrangements, as far as practical possible, to make their facilities accessible to such learners.

8.2. Where the necessary support which would facilitate the integration of a learner in a particular educational context, cannot be provided, the principal of the school must refer the application for admission to the Head of Department to have the learner admitted to a suitable public school in that province or to a school in another province.

8.3. Before the Head of Department refers a learner as contemplated in sub-regulation (8.2), the Head of Department must arrange for consultation with parents, educators and other support personnel concerned. These consultations must form part of the assessment of the learner before the learner is referred to another public school. This process should be handled as a matter of urgency to facilitate the admission of a learner as soon as possible to ensure that the learner is not prejudiced in receiving appropriate education.

8.4. Assessment and consultation relating to a change of placement must be carried out by a team based at the school in consultation with parents, educators and other relevant personnel. The Head of Department of the province concerned must approve the placement.

9. Age requirements for the admission of a learner to an ordinary public school or different grades of a school

9.1. Learners are to be admitted to public schools and placed in different grades in the school according to the age

9.2. A learner who will be six (6) turning seven (7) in the grade 1 year must register at a school between May and the end of August of the preceding year.

9.3. If a learner has been admitted to a public school at an age above the age norm for a grade, such learner must, as far as possible, be placed in a fast tract facility, or with his or her peer group, unless it is not in the educational interest of the learner. In the latter case the learner must be placed in a suitable lower grade and an accelerated program must be worked out for the learner to enable him or her to catch up with the peer group as soon as possible.

9.4. Learner who is 16 years or older who has never attended school and who is seeking admission for the first time or did not made sufficient progress with his or her peer group, must be advised to enroll at an Adult Education and Training (AET) center.

9.5. Subject to this regulations, it is particularly important that all eligible learners of compulsory school going age are accommodated in ordinary public schools. Therefore, where space is limited and learners of pre-school going age have also applied for admission to an ordinary public school, preference must be given to learners of compulsory school going age.

10. Repetition

10.1. A learner who has repeated one or more years at school in terms of this regulation is exempted from age grade norm, except that, if a learner is three years older than the norm age per grade, the Head of Department must determine whether the learner will be admitted to that grade.

10.2. In principle, learners should progress with their age cohort. Repetition of grades seldom results in significant increases in learning attainment and frequently has opposite results. The norm for repetition is one year per school phase where necessary. Multiple repetitions in one grade is not permissible.

10.3. The norm is not to be construed as promoting the practice of automatic promotion. A learner's needs must be attended to through the efforts of the learner, and his or her teachers, with support from the learner's family and peers.

11. School zoning

11.1. The feeder zone for admission of learners in ordinary public schools shall be 25km radius in order to control the learner numbers and coordination parents.

11.2. Feeder zone created by a school must be consistent with paragraph 11.1: -

- (a) preference must be given to a learner who lives in the feeder zone of a school or who resides with his or her parents at an employer's home in the feeder zone;
- (b) a learner who lives within the feeder zone is not precluded from seeking admission at whichever school he or she chooses. However, access to a chosen school cannot be guaranteed;
- (c) a learner who lives within the feeder zone of a school A must be referred to the neighboring school B, if school A is oversubscribed. If school B is oversubscribed, an alternative school within a reasonable distance must be found by the Head of the Department. If that is not possible, school A must admit the learner.
- (d) The preference order of admission is-
 - (i) learner whose parents live in the feeder zone, in their own domicile or their employer's domicile;
 - (ii) learners whose parent's work address is in the feeder zone area; or
 - (iii) other learners: First come first served.

11.3. A school with a specific field of study, e.g. technical school, must have much larger feeder zones to accommodate learners with special aptitudes interests or needs.

12. Register of admissions

12.1. The principal of a school must keep a register of admissions to the school. All admissions of learners to the school must be recorded in the register of admission. The register must contain the name, date of birth, age, identity number, if applicable, and the address of the learner as well as the names of the learner's parents as defined in the South African Schools Act and their address and telephone numbers, where applicable.

12.2. Entries into the register of admission must be verified against the birth certificate or identity document of the learner concerned.

12.3. Officials of the Department must have access to the register of admission.

13. Rights and obligations of parents

13.1. The governing body of a school must inform all parents of learners admitted to a school of their rights and obligations in terms of the South African Schools Act and any applicable provincial law. Parents must specifically be informed about their rights and obligations in respect to the governance and affairs of the school, including the process of deciding the school budget, any decision of a parent meeting relating to school fees, and the Code of Conduct for Learners.

13.2. Parents have an obligation to support their children to attend school regularly and monitor their progress in liaison with the relevant school.

14. Refusal of admission

14.1. If a principal, acting on behalf of the Head of Department, refuses to admit a learner to a school, he or she must provide -

- (a) reasons in writing for his or her decision to the Head of Department and the parent
- (b) a copy of these regulations to the parent and the address of the Member of the Executive Council

15. Appeals

15.1. Any learner or parent of a learner who has been refused admission to a public school may appeal against the decision to the Member of the Executive Council or his/her delegate in terms of section 5(9) of the South African Schools Act.

15.2. Compulsory attendance of learners in the province.

15.3. The Head of Department or his/her delegate may-

- (a) investigate the circumstances of the learner's absence from school;
- (b) take appropriate measures to remedy the situation; and
- (c) failing such a remedy, issue a written notice to the parent of the learner requiring compliance if such a child or a learner is subject to compulsory attendance is not enrolled at or fails to attend a school.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 17 OF 2020



EMALAHLENI LOCAL MUNICIPALITY
PARKING BY-LAW

EMALAHLENI MUNICIPALITY: PARKING BY-LAW

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EMALAHLENI MUNICIPALITY: PARKING BY-LAW

Under the provisions of **Section 156** of the Constitution of the Republic of South Africa, 1996 and the National Road Traffic Act, 1996 (Act 93 of 1996) Emalahleni Local Municipality enacts as follows:

1. Definitions

(l) In this by-law, unless the context otherwise indicates:

“animal” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person, or insects, such as, but not limited to, bees, which are kept or are under control of a person;

“approved” means approved by the Municipality and “approval” has a corresponding meaning;

“authorised officer” means an inspector of licences, examiner of vehicles, examiner for driver’s licences, traffic warden or a traffic officer, and includes any other person whom the Minister, by regulation has declared to be an authorised officer of the Municipality;

“authorised official” means any employee of the Municipality who is acting within the scope of his or her duties on behalf of the Municipality and who is in uniform with a distinctive badge and appointment certificate of office;

“authorised person” means a person nominated by an organisation and authorised by the Municipality;

“bib” or “jacket” means a garment which fits around the chest of a person, which garment has a recognisable insignia identifying the person as a parking attendant and which is approved by the Municipality;

“bridge” means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

“bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 35 seated persons, excluding the driver; and includes a bus train;

“bus facility” means a stand or demarcated stopping place where passengers may board or alight from a bus for which a permit has been issued;

“bus train” means a bus which:

(a) Consists of two sections that connect to form a unit;

- (b) Can swivel in a horizontal plane at the connections between such sections;
- (c) Is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and
- (d) Has a continuous passageway over its length;

“**caravan**” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“**Chief Traffic Officer**” means the Municipality’s Manager Traffic and Licences to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

“**combined parking meter**” means an appliance in which more than one parking meter is contained;

“**coupon**” means anything whatsoever which, either by itself or in connection with any other thing entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground, whether electronic or not and includes any device approved by the Municipality from time to time;

“**dealer**” means an person who, for gain, carries on the business selling, buying, exchanging or garaging vehicles;

“**decal**” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a taxi permit;

“**demarcated parking bay**” means a place referred to in section 80A of the National Road Traffic Act, 1996 (Act 93 of 1996), as a space laid out and marked in a public road, parking ground or public place, the time and occupation by which a vehicle is intended to be recorded by a parking meter;

“**demarcated stopping place or stand**” means the stand for a bus as contemplated in section 76;

“**donation**” means any amount of money that a driver gives to a parking attendant on a voluntary basis for services rendered by the parking attendant;

“**driver**” means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle and “drive” or any like word has a corresponding meaning;

“**examiner of vehicles**” means an examiner of vehicles registered and appointed in terms of Chapter 11 of the Road Traffic Act 1996 (Act 93 of 1996);

“**footpath**” means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“**goods vehicle**” means a motor vehicle other than a motor car or bus, designed or adapted for the conveyance of goods on a public road and includes a truck, tractor, motorcycle or motor tricycle;

“**heavy motor vehicle**” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicle exceeds 3,500kg;

“**holding area**” in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

“**marshall**” means a person who arranges passenger and vehicle related procedures at taxi facilities;

“**mechanically or otherwise controlled parking ground**” means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of proof that any payment was or is to be made as determined by the Municipality’s annual schedule of tariffs;

“**metered parking bay**” means a parking bay in respect of which a parking meter has been installed or in respect of which a handheld device or electronic payment system has been implemented;

“**metered parking ground**” means a parking ground or any part thereof where parking is controlled by means of a parking meter or meters;

“**metered taxi**” means a motor car designed for conveying not more than five people, including the driver, which must be fitted with a taximeter, as contemplated in Chapter 4;

“**midi-bus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996) to carry from 19 to 35 seated persons, excluding the driver;

“**mini-bus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996) to carry from nine to 18 seated persons, excluding the driver;

“**Minister**” means the National or Provincial Minister of Transport;

“**motor car**” means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrocycle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), designed or lawfully adapted by a registered manufacturer in compliance with the Act to carry not more than eight persons, excluding the driver;

“**motor vehicle**” means any self-propelled vehicle and -

- (a) A trailer; and
- (b) A vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor, but does not include-
 - (i) A vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - (ii) A vehicle with a mass not exceeding 230kg and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

“**Municipality**” means the EMALAHLENI Local Municipality established in terms of Section 12 of the Municipal Structures Act, Act 117 of 1998;

“**municipal card**” means any document or card, irrespective of the form thereof, issued by the Municipality in order to be used as a method of payment for parking;

“operate” in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

“operator” means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), being a person carrying on the business of a public passenger road transport service;

“organisation” means a group of people, company, association or body representing parking attendants that operates a parking attendant service in certain geographical areas as approved by the Municipality;

“owner” in relation to a vehicle, means_

- (a) The person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;
- (b) A person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and
- (c) A person who is registered as such in accordance with Section 14 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“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, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

“parking marshalls” means a person in the employ of an organisation to render a parking management service to drivers in a public place or on a public road;

“parking bay” means a demarcated area within which a vehicle is to be parked in terms of this by-law, demarcated as such upon the surface of a parking ground or a public road;

“parking ground” means any area of land or any building set aside by the Municipality as a parking ground or garage for the parking of vehicles therein by members of the public, whether or not charges are prescribed by these by-laws for the use thereof;

“parking meter” means a device commissioned in terms of this by-law, registering and visibly recording the parking time wither b means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorised official or a service provider approved by the Municipality;

“parking period” means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;

“**particulars**” means any form of information of a person or business and includes the name, surname, company name, residential address, identification number, business or e-mail address, telephone, cellular or fax number, or any other such information;

“**passenger**” means any person in or on a vehicle, but does not include the driver of the conductor;

“**passenger-carrying motor vehicle**” means a taxi or a bus used or designed to convey passengers for reward;

“**pay-and-display machine**” means any machine or device installed or operated at a pay-and-display parking ground for the sale of coupons;

“**pay-and-display parking ground**” means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;

“**pedal cycle**” means any bicycle or tricycle designed for propulsion solely by means of human power;

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

“**prescribed coin**” means a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964, (Act 78 of 1964), of the denomination indicated on the parking meter concerned and includes debit, credit or municipal cards and any other method of payment as may be approved and prescribed by the Municipality from time to time;

“**public place**” means any square, park, recreation ground, sports ground, sanitary lane or open space which has:

- (a) In connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) At any time been dedicated to the public;
- (c) Been used by the public without interruption of a period of at least 30 years, or
- (d) At any time been declared or rendered such by the Municipality or other competent authority;

“**public road**” means any road, street, cycle path, thoroughfare, parking bay or any other place, and includes:

- (a) The verge of any such public road;
- (b) Any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) Any bridge, ferry or drift traversed by any such public road;
- (d) Any other object belonging to such public road, which has at any time been-
 - (i) Dedicated to the public;
 - (ii) Used without interruption by the public for a period of at least 30 years;
 - (iii) Declared or rendered such by the Municipality or other competent authority; or

- (iv) Constructed by a local authority;
- (e) Any land, with or without buildings or structures thereon, which is shown as a public road on:
 - (i) Any plan of subdivision or diagram approved by the Municipality or to the competent authority and acted upon; or
 - (ii) Any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's office, unless such land is on such plan or diagram described as a private public road;

“regulation” means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

“rank” in relation to a taxi, means a place upon a public road where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“residence” means a building, or part of a building, that is-

- (a) Fixed to land; and
- (b) Designed or approved by the Municipality for human habitation by a single-family unit; and
- (c) Used for residential purposes;

“semi-trailer” means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed in and borne by the vehicle drawing such trailer;

“sidewalk” means that portion of a public road between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

“special parking place” means a rank or stand established by the Municipality on a public road within the Municipality for the parking or standing of passenger-carrying motor vehicles;

“stand” in relation to a bus, means the place where a bus route starts or ends;

“stop” in relation to a taxi stopping on a public road means to keep a taxi, whether occupied or not, stationary for a period of time no longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

“stopping place” in relation to-

- (a) A taxi, means the place designated by the Municipality where a taxi may stop to pick up or drop off passengers; and
- (b) A bus, means a demarcated stop where a bus may stop to pick up or drop off passengers;

“tare” in relation to a motor vehicle, means the mass of such a vehicle ready to tyre on a road and includes the mass of:

- (a) Any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) Anything which is a permanent part of the structure of such vehicle;

- (c) Anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) The accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of-
 - (i) Fuel; and
 - (ii) Anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

“**taxi**” means a motor vehicle which plies for hire, is operated for reward, and includes-

- (a) A mini-bus, a midi-bus, motor tricycle or motor quadricycle; and
- (b) A metered taxi;

“**taxi association**” means a taxi association recognised as such by the Municipality and the Limpopo Province;

“**taxi facility**” means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the Municipality for the exclusive use of taxis;

“**taxi operator**” means the person responsible for the use of the taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered as the operator of such vehicle;

“**taxi rank**” means a taxi facility identified by the Municipality as a place where taxis stand to await passengers;

“**temporary facility**” means a taxi facility contemplated in section 67(2);

“**traffic warden**” means a person appointed by the Municipality to enforce the parking by-law and the National Road Traffic Act, 1996 (Act 93 of 1996);

“**trailer**” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a sidecar fitted to a motorcycle;

“**tri-cycle**” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

“**verge**” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

“**vehicle**” means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged, other than such a device which moves solely on rails

2. **PRINCIPLES AND OBJECTIVES**

Emalahleni Local Municipality, acting under the Constitution and relevant legislation and being aware of its duty to control parking and to control motor vehicle attendants, taxis and buses within the area under its jurisdiction so as to provide a safer environment for all people within the municipal area, adopts this by-law with the aim of controlling parking within its area of jurisdiction.

CHAPTER 1: GENERAL PROVISIONS RELATING TO PARKING**Part 1: General Provisions****3. Control of parking**

- (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.
- (2) The Municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.
- (3) No person may without the prior written approval of the Municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.
- (4) The Municipality may operate a parking management system in areas and during times determined by the Municipality from time to time.
- (5) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention with subsection (3) or who contravenes subsection (4) commits an offence.

4. PARKING IN A LOADING ZONE

- (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone-
 - (a) between the hours of 07h00 and 18h00 on Mondays to Saturdays, except where such day is a Public Holiday;
 - (b) between the hours of 07h00 to 14h00 on Sundays, except where such day is a Public Holiday; or
 - (c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.
- (2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than 5 (five) minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.
- (3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 (thirty) minutes continuously and only while the vehicle is being actually loaded or unloaded.
- (4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised official, even if the vehicle has not been stationary herein for longer than the maximum period allowed in respect of a vehicle of that class.
- (5) A person who contravenes a provision of this section commits an offence.

5. PARKING AT A BUS STOP

- (1) No person who operates or who is in charge of a vehicle on a public road may, in the case of a vehicle other than a bus, allow the vehicle to remain stationary in a bus stop between the hours of 06:00 and 18:00.
- (2) A person who contravenes subsection (1) commits an offence.

6. PARKING IN A PUBLIC ROAD

- (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.
- (2) No person may, without the written consent of the Municipality park a heavy motor vehicle, designed, adapted or used for the conveyance of goods, between the hours of 20h00 and 06h00 anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.
- (3) Application for consent must be made on the form provided for this purpose by the Municipality.
- (4) A person who contravenes a provision of this section commits an offence.

7. PARKING UPON A TRAFFIC ISLAND

- (1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised official or unless a parking bay has been demarcated upon such traffic island.
- (2) A person who parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

8. PARKING BY A DEALER OR SELLER OF A VEHICLE

- (1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is advertised for sale or for rental.
- (2) A dealer or seller who contravenes a provision of subsection (1) commits an offence.

9. PARKING OF A VEHICLE UNDER REPAIR

- (1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in an obvious state of disrepair, which has been placed in his or her charge in the course of the business of recovering and repairing.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

10. PARKING OF HEAVY VEHICLES AND CARAVANS

- (1) No person may, for an uninterrupted period exceeding 2 (two) hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area-
 - (a) a motor vehicle with a tare exceeding 3500kg;
 - (b) a trailer not attached to a vehicle;
 - (c) a semi-trailer; or
 - (d) a caravan not attached to a vehicle.
- (2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.
- (3) A person who contravenes a provision of subsection (1) commits an offence.

11. EXEMPTION OF MEDICAL PRACTITIONERS FROM PARKING RESTRICTIONS

- (1)
 - (a) Registered general medical practitioners to whom a badge has been issued in terms of subsection (3)(a) are exempt from the provisions of any law, subject to paragraph (b) relating to parking in force in the city when using, on *bona fide* professional domiciliary visit, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) issued to him or her by the Municipality.
 - (b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.
- (2)
 - (a) The badge must be a windscreen sticker badge displaying on the face thereof-
 - (i) a serial number; and
 - (ii) the name of the person to whom it is issued.

- (b) The badge must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.
 - (c) The address referred to in subsection 2(b) must be in the same street or a street adjoining the place where the vehicle is parked.
- (3) (a) Written application for the issue of a badge must be made to the Municipality and if the Municipality approves the application, it must issue a badge bearing a registered serial number to the applicant.
- (b) The Municipality must keep a register in which it records the serial number allocated by it of the badge, the issue of which has been authorised by it, and the name of the holder.
 - (c) The Municipality may issue a duplicate badge.
 - (d) Where the Municipality has reason to believe that any holder of a badge is abusing a privilege conferred by the badge, it may withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.
 - (e) the Municipality may charge a fee for the issuing of a badge or a duplicate thereof.
 - (f) The Municipality may prescribe the period for which a badge will be valid.
- (4) Application for a badge must be made on a form provided for this purpose by the Municipality.
- (5) A person who displays a forged badge or a badge which was not issued by the Municipality commits an offence.

12. PICK-UP AND SET-DOWN AREAS AT SCHOOLS

- (1) The Municipality may by notice designate areas in the vicinity of schools and crèches as pick-up and set-down areas.
- (2) No person may park in a pick-up or set-down area for any longer than necessary to pick-up or set down learners.
- (3) A person who contravenes subsection (2) commits an offence.

13. OUTSPANNING IN PUBLIC ROADS

- (1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or unloaded.
- (2) A person who contravenes subsection (1) commits an offence.

PART 2: PARKING PERMITS

14. RESIDENT PARKING PERMIT

- (1) Subject to any conditions the Municipality may impose and subject to section 18, (1) and (2) a resident parking permit may be granted to persons-
 - (a) who reside in a residence-
 - (i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time; and
 - (ii) in circumstances where not more than 1 person who resides in the residence is the holder of a current permit; and
 - (iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area, and
 - (b) whose residence does not have and cannot reasonably provide off-street parking.
- (2) A person who parks a vehicle in contravention with subsection (1) commits an offence.

15. TEMPORARY PARKING PERMIT

- (1) Subject to any conditions the Municipality may impose and subject to section 18(1) a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space or spaces for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.
- (2) A temporary parking permit may only be granted if the Municipality is satisfied that-
 - (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
- (3) It is not reasonably practical for the applicant to carry out that activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity. A person who parks a vehicle in contravention with subsection (1) commits an offence.

16. WORK ZONE PERMIT

- (1) Subject to any conditions the Municipality may impose and subject to section 18(1) and (3) a work zone parking permit may be granted for parking or other building or construction purposes in a parking bay or parking ground or on the verge of a road or in the road reserve if the Municipality is satisfied that-
 - (a) the part of the road or other area referred to in subsection (1) to which the application relates is adjacent to the site of proposed building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and

- (c) having regard to the nature of the building or construction work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (2) A person who parks a vehicle in contravention with subsection (1) commits an offence.

17. MUNICIPAL WORKS PARKING PERMIT

- (1) Subject to any conditions the Municipality may impose and subject to section 18(1), a local government works parking permit may be granted to allow a person to park 1 or more vehicles in a designated parking space or spaces, and for a period specified in the permit, despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces if the person is-
 - (a) an employee, contractor or agent of the Municipality; and
 - (b) parking the vehicle or vehicles in the space or spaces-
 - (i) for the purpose of carrying out work for or on behalf of the Municipality; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

18. CONDITIONS OF PARKING PERMITS

- (1) The conditions that will ordinarily be imposed on all parking permits are, amongst other that may be imposed by the Municipality-
 - (a) the holder of the permit must affix the original permit to the vehicle identified in the permit facing outwards and as near as practicable to the registration disc for the vehicle; and
 - (b) a replacement permit will only be issued after completion by the permit holder of a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original permit.
- (2) The conditions that will ordinarily be imposed in a resident parking permit are-
 - (a) the permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be-
 - (i) the road adjacent to the place of residence identified in the permit; or
 - (ii) the one or more segments of road in close proximity to the place of residence identified in the permit; and
 - (b) the holder of the permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit; and
 - (c) a resident parking permit is not specific to any particular vehicle; and
 - (d) a maximum of 1 (one) parking space per residence may be granted.
- (3) The conditions that will ordinarily be imposed in a works zone parking permit are
 - (a) the permit must specify the part of the road to which the permit relates; and

- (b) the holder of the permit must pay the prescribed fee as determined by the Municipality, for the installation of official traffic signs, or other signs and markings, as determined by the Municipality to be appropriate, to identify the boundaries of the works zone identified in the permit; and
 - (c) materials of any kind must not be stacked, placed or otherwise left on the road or footpath (either within or outside of the works zone); and
 - (d) a vehicle must not be parked, and loading or unloading or other operations must not be carried out, in a manner which obstructs pedestrian movement along a footpath within or adjacent to the works zone; and
 - (e) the permit must be kept on site and produced upon request by an authorised officer.
- (4) Any person who contravenes any conditions imposed by the Municipality or this section commits an offence.

19. RESERVED PARKING FOR THE DISABLED, SOUTH AFRICAN POLICE SERVICES AND OTHER IDENTIFIED GROUPS

- (1) The Municipality may reserve parking areas for the disabled, SAPS and any other groups identified by the Municipality and may designate such areas by notice or road signage.
- (2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.
- (3) Any person who contravenes subsection (2) commits an offence.

CHAPTER 2: PARKING METERS AND PAYMENT FOR PARKING

20. THE MUNICIPALITY MAY INSTALL PARKING METERS OR USE ANY OTHER DEVICE TO RECORD THE TIME PARKED

- (1) The Municipality may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area-
 - (a) a parking meter at a demarcated parking bay; or
 - (b) a combined parking meter at demarcated parking bays; or
 - (c) any other device by which parking time can be recorded and displayed.
- (2) The Municipality may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay or bays in respect of which it is installed or at any other place in close proximity that serves the parking bay.
- (3) In the instance where a parking meter is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter notice board.

- (4) In the instance where a meter is out of order, an authorised official may securely place over the meter a hood carrying in legible letters the words: "Out of order" and in such instances a vehicle may be parked without payment of the prescribed amount.

21. METHOD OF PARKING

- (1) No driver or person in charge of a vehicle may park the vehicle-
- (a) 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;
 - (b) in a parking bay which is already occupied by another vehicle; or
 - (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
- (2) A person who contravenes the provisions of subsection (1) commits an offence.

22. PAYMENT FOR PARKING

- (1)(a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must:
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable in accordance with the instructions appearing on the parking meter; or
 - (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so commits an offence.
- (b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must:
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bays or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
 - (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective whether payment

is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so commits an offence.

- (c) On completion of the actions prescribed in paragraph (a) and (b), the metered parking bay may be lawfully occupied by the vehicle during the period which is indicated on the parking meter, however, subject to paragraph (d), a driver or person in charge of a vehicle may, without payment, park the vehicle during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use, provided that the Municipality may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay.
 - (d) Subsection (c) does not apply to any parking bay where unexpired time is not visibly displayed.
- (2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may again, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as set out in subsection (1)(a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.
- (3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.
- (4) Subject to the provisions of section 14, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking meter or any other device shows that-
- (a) the time has expired; or
 - (b) 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 on the parking meter, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.
- (5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow or permit the vehicle to be or remain parked in the parking bay 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, however if-
- (a) the indicator shows that-
 - (i) the time has expired;
 - (ii) the parking meter has not been set in operation; or
 - (b) a hood has been placed over the parking meter as envisaged in section 20(4), no driver or person may cause, allow or permit the vehicle to be or remain parked in the parking

bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

23. THE MUNICIPALITY MAY PREVENT PARKING AT A PARKING BAY

An officer authorised by the Municipality to display road traffic signs may, whenever necessary or expedient to do so in the interest of the movement or control of traffic, place or erect a traffic sign or signs indicated “No Stopping” or “No Parking” at a parking bay or bays, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay or bays-

- (a) while the sign is so placed or erected; or
- (b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provision of this section commits an offence.

24. TAMPERING WITH PARKING METER OR DEVICE

- (1) No person may misuse, damage or knock a parking meter or interfere, or tamper with or attempt to misuse, damage or knock or tamper or interfere with the working operation or mechanism of a parking meter.
- (2) No person may, without authority from the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or sticker or anything on a parking meter.
- (3) No person may paint, write upon or disfigure a parking meter.
- (4) No person may, without the consent of a parking marshal, remove from the possession of such parking marshal or tamper with any device in the possession of the parking marshal.
- (5) A person who contravenes a provision of this section commits an offence.

25. PRESCRIBED COIN ONLY TO BE DEPOSITED

- (1) No person may deposit or cause to be deposited in a parking meter anything whatever other than the prescribed coin or coins.
- (2) A person who contravenes subsection (1) commits an offence.

26. UNLAWFUL OPERATION OF A PARKING METER

- (1) No person may operate or attempt to operate a parking meter by any means other than as prescribed in this by-law.
- (2) A person who contravenes subsection (1) commits an offence.

27. UNLAWFUL PARKING AND CLAMPING OR REMOVAL OF UNLAWFULLY PARKED VEHICLES

- (1) No person may cause, allow or permit any vehicle to be parked in a parking bay, except as permitted by the provisions of this by-law.

- (2) Where any vehicle is found to have been parked in contravention of this by-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.
- (3) The Municipality may:
 - (a) attach a wheel clamp to any unlawfully parked vehicle;
 - (b) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and
 - (c) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.
 - (d) or a fine (section 341 notice) be issued in terms of NRTA 96/1993.
- (4) A person who contravenes subsection (1) commits an offence.

28. EXEMPTIONS

- (1) Notwithstanding any other provision in this by-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking without payment of the prescribed fee:
 - (a) a vehicle used as an ambulance and being at the time used to attend to a life threatening situation;
 - (b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and
 - (c) a vehicle used by a member of the South African Police Service and being at the time used in connection with a crime that is either in progress or in connection with the collection or protection of evidence in the aftermath of a crime.
- (2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, or regulations, or by-laws, a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose.
- (3) A person who contravenes subsection (2) commits an offence.

CHAPTER 3: PARKING GROUNDS & PARKING MARSHALS OR ATTENDANTS

PART 1: GENERAL PROVISIONS

29. THE MUNICIPALITY NOT LIABLE FOR LOSS OR DAMAGE

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

30. INTERFERENCE WITH AN ATTENDANT

- (1) No person may obstruct, hinder or in any manner interfere with an authorised official or a parking marshal employed by an appointed service provider to the Municipality, who is the attendant of a parking ground or parking bays in the exercise of his or her duties under this by-law.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

31. 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 in any way or format prescribed by the Municipality.
- (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 any 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; and
 - (c) will only be valid for the period stated on such coupon.
- (5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the Municipality.
- (6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a coupon was issued in terms of subsection (2) has elapsed, or who contravenes a provision of subsection (4) commits an offence.

32. OBSERVANCE OF SIGNS

- (1) A person in a parking ground or parking bay must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed for the purpose of

directing and regulating vehicles using the parking ground or the entrance or the exit to the parking ground or the parking bay and entering into and exiting the parking bay.

- (2) A person who contravenes a provision of subsection (1) commits an offence.

33. PARKING AND REMOVAL OF VEHICLE

- (1) No person may in any parking ground or parking bay park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official or as indicated by way of a sign, or 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 or otherwise, 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 or in any street.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconvenience 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 93 of 1996), to be parked or to be or remain in a parking ground.
- (6) A person who contravenes a provision of this section commits an offence.

34 ABANDONED VEHICLES

- (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 7 (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 persons entitled to possession of the vehicle cannot be found within a period of 90 (ninety) days after the vehicle has been removed, the Municipality may, subject to the provisions of subsection (3) and sections 82 and 83, sell the vehicle at a public auction.
- (3) The Municipality must, 14 (fourteen) days before the auction contemplated in subsection (2), publish or cause to be published in at least 2 (two) newspapers circulating within the municipal area, a notice of the auction, however, 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 this by-law and the applicable costs in terms of subsection (4).

- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) 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;
 - (e) the costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;
 - (f) the parking fees applicable for having left the vehicle in the parking ground or parking bay as contemplated in subsection (1); and
 - (g) any unpaid parking fees or unpaid traffic fines in respect of such a vehicle, 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 or she can prove his or her right to the vehicle.
- (5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the Municipality.
- (6) No person may leave a vehicle in the same place in a parking ground or parking bay for a continuous period of more than 7 (seven) days, and a person who does so commits an offence.

35. DAMAGE TO NOTICES

- (1) 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 in a parking ground or a street.
- (2) A person who contravenes the provisions of subsection (1) commits an offence.

36. NEGLIGENT AND DANGEROUS DRIVING AND SPEED RESTRICTION

- (1) No person may, in a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.
- (2) The Municipality by sign indicate the maximum speed that may be travelled in a parking ground.
- (3) A person who contravenes a provision of subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2) commits an offence.

37. ENTERING OR REMAINING IN PARKING GROUND

- (1) No person may enter, remain or be in a parking ground otherwise than for the purpose of parking in the parking ground a vehicle, or lawfully removing from the parking ground a vehicle in respect of which he or she has paid the prescribed parking fee, however this section does not apply to:

- (a) a person in the company of a person who is parking or removing a vehicle;
 - (b) an official of the Municipality engaged in official activities or on instruction from the Municipality; and
 - (c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

38. TAMPERING WITH VEHICLE

- (1) No person may, in a parking ground or at any parking bay, 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.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

39. DEFACING COUPON

- (1) No person may with intent to defraud the Municipality, forge, imitate, deface, mutilate, alter or make a mark upon a parking coupon issued in terms of this by-law.
- (2) A person who contravenes subsection (1) commits an offence.

40. 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 in a parking bay or to remain parked in a parking ground.
- (2) If a vehicle after having been parked, 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 make arrangement to remove the vehicle within one (1) hour thereafter
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence and should the vehicle in question be left for a period of longer than seven days on the public road? The vehicle will be impounded by the Traffic dept. or relevant Authority in terms of Reg: 320 of the NRTA 93/96.

41. CLEANING OF A VEHICLE

- (1) No person may, without prior approval of the Municipality, clean or wash a vehicle in a parking ground or a parking bay.
- (2) A person who contravenes subsection (1) commits an offence.

42. REFUSAL OF ADMISSION

- (1) An authorised official may refuse to admit into a parking ground a vehicle which, together with its load, is longer than 5 (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) A person who disregards an authorised official's refusal of admission commits an offence.

43. PARKING HOURS AND CLASSES OF VEHICLES

- (1) The Municipality may, subject to the provisions of this by-law, 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 of 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 in 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 in the parking ground as determined by the Municipality from time to time.
- (5) No person may park in 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 or she is the holder of a parking coupon issued in terms of this by-law, authorising him or her to do so, park a vehicle or cause or permit to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.
- (7) A person who contravenes a provision of subsection (4), (5) or (6) commits an offence.

44. RESERVATION BY THE 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 in the business of the Municipality.
- (2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the Municipality or members of the Municipality's staff commits an offence.

PART 2: MECHANICALLY CONTROLLED PARKING GROUND**45. PARKING OF A VEHICLE IN A MECHANICALLY OR OTHERWISE CONTROLLED PARKING GROUND**

- (1) Subject to subsection (3), a person who-
 - (a) wishes to park a vehicle;
 - (b) causes or permits a vehicle to be parked; or
 - (c) allows a vehicle to be parked,In a mechanically or otherwise controlled parking ground, must when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.
- (2) A person contemplated in subsection (1) may not park a vehicle-
 - (a) except in a parking bay and in compliance with such directions as may be given by an authorised official or where not such bay has been marked, except in a place indicated by the authorised official;
 - (b) after an authorised official has indicated to the person that the parking ground is full;
 - (c) after expiry of the parking period indicated on the parking coupon; or
 - (d) for a longer period than indicated by sign.
- (3) 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, provided that the Municipality may implement a system where payment is required at the end of the parking period.
- (4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes a provision of subsection (2) or (3) commits an offence.

46. Removal of a vehicle from a mechanically or otherwise controlled parking ground

- (1) No person may remove, or cause or permit the removal of a vehicle in a parking ground, unless-
 - (a) he or she has produced to the authorised official a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and
 - (b) he or she has paid to the authorised official the prescribed parking fee.
- (2) If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the Municipality from time to time.
- (3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official-
 - (a) must require the person to produce proof of identity and 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
 - (b) 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.
- (5) 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 from time to time is payable for the next parking period.
- (6) A person who contravenes a provision of subsection (1), or who removes, or causes or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised official in terms of subsection (3)(a) or (b) commits an offence.

47. PARKING OF A VEHICLE IN A PAY-AND-DISPLAY PARKING GROUND

- (1) A person who
 - (a) wishes to park a vehicle;
 - (b) causes or permits a vehicle to be parked; or
 - (c) allows a vehicle to be parked,
in 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, and a person who does not comply with this subsection commits an offence.
- (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 or method of payment to be inserted or used in respect of the parking period into or in connection with 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 to 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.
- (8) A person who contravenes a provision of subsection (3), (4) or (5) commits an offence.

48. MISCELLANEOUS OFFENCES IN RESPECT OF A PAY-AND-DISPLAY PARKING GROUND

A person commits an offence if he or she-

- (a) inserts or attempts 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) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board, sticker or thing on, or paint, write upon or disfigure a parking coupon vending machine; or
- (c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

CHAPTER 4: TAXIS AND BUSES

PART 1: SPECIAL PARKING PLACES FOR TAXIS, PERMITS AND DECALS

49. ESTABLISHMENT OF SPECIAL PARKING PLACES FOR TAXIS AND TAXI RANK PERMITS FOR SPECIAL PARKING PLACES FOR TAXIS

- (1) The Municipality may establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a permit to use the parking place or to park a taxi has been issued as provided for in section 51.
- (2) A taxi rank permit may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.
- (3) If no space is available in a special parking place at any particular time for the parking of a taxi by a taxi rank permit holder or for a taxi to which the taxi rank permit relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating the special parking place, as contemplated in section 70, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.
- (4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a taxi rank permit, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

50. TAXI PARKING

- (1) A driver may, subject to subsection (2)-
 - (a) park a taxi at a special parking place or taxi holding area only and only for the purpose of conducting business directly related to the taxi; or

- (b) ply for hire or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.
- (2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.
- (3) A person who contravenes a provision of subsection (1) or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

51. USE OF TAXI RANKS

- (1) A driver-
 - (a) may, subject to subsection (3), park a taxi at the taxi rank specified on the taxi permit concerned, if space is available and only for the purpose of conducting business directly related to the taxi; and
 - (b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 49.
- (2) The driver must, when plying for hire at a taxi rank, do so in a queue and must-
 - (a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
 - (b) move his or her taxi forward as the queue moves forward.
- (3) When plying for hire at a taxi rank, a driver-
 - (a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxis so long as it remains in such a position;
 - (b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and
 - (c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.
- (4) No person may park or stop a taxi which is not in good working order as required by the Act or the Regulations, in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park or stop any vehicle in a taxi rank except a taxi for which a taxi permit and decal, specifying the rank, have been issued for the year in question, as contemplated in Part 1 to this Chapter.
- (6) A person who contravenes a provision of this section commits an offence.

52. PROHIBITION ON PARKING OF A TAXI AT NO-STOPPING PLACE

No taxi driver may park a taxi at a no-stopping place, and a taxi driver who does so, commits an offence.

53. SERVICING AND WASHING TAXIS AT TAXI FACILITIES

- (1) No person may repair or maintain any motor vehicle in any way whatsoever at a taxi facility.
- (2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.
- (3) A person who contravenes a provision of this section commits an offence.

54. BEHAVIOUR PROHIBITED AT A TAXI RANK

A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this by-law and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised officer or authorised official of the Municipality.

PART 2: BUS FACILITIES AND PERMITS, AND OPERATION OF BUSES**55. ESTABLISHMENT OF BUS FACILITIES**

The provisions of section 49(1), (2) and (3) apply, with the necessary changes, to buses, and “special parking places” must, in relation to buses, be read as “demarcated stopping places or stands for buses” as contemplated in section 76.

56. DISTINGUISHING OF DEMARCATED STOPS AND STANDS FOR BUSES

Each demarcated stopping place or stand must be distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the stopping place or stand.

57. PARKING AT STOPPING PLACES FOR BUSES AND DESTINATION SIGNS

- (1) No driver or person in charge of a bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.
- (2) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.
- (3) A driver or person in charge of a bus who contravenes a provision of this section commits an offence.

CHAPTER 5: MISCELLANEOUS PROVISIONS**58. OBEYING AND INTERFERING WITH AN OFFICER**

- (1) An authorised officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.
- (2) No person may obstruct, hinder, abuse, or interfere with any authorised officer or parking marshal in the exercise of the powers in terms of this by-law.
- (3) A person who contravenes a provision of this subsection commits an offence.

59. APPEAL

- (1) A person whose rights are affected by a decision made under this by-law may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 (twenty-one) days of the date of the notification of the decision.
- (2) Such an appeal lodged shall be referred to the Municipality's Section 62 Appeal Authority established under the Systems Act 32/2000, which committee shall commence with an appeal within 6 (six) weeks of receipt thereof and decide the appeal within a reasonable time.

60. SALE OF IMPOUNDED VEHICLES

- (1) The Municipality must-
 - (a) within 14 (fourteen) days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and
 - (b) in the application contemplated in subparagraph (a), provide the Court with proof that a statement as contemplated in subsection (2) has been lodged with the owner.
- (2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this by-law.
- (3) The Court, whether the amounts set forth in the statement contemplated in subsection (1)(b) are disputed or not, must-
 - (a) summarily enquire into the matter;
 - (b) enquire whether notice was given to the owner of the vehicle by the Municipality; and
 - (c) make such order as it considers just and equitable, including an order-
 - (i) as to costs; and
 - (ii) on the process to be followed by the Municipality in the sale of the vehicle.

61. PROCEDURE TO BE FOLLOWED IN APPLICATION TO COURT

An application to Court for the sale of an impounded vehicle in terms of this by-law, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act 1944 (Act 32 of 1944) and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts Law Act 1985 (Act 107 of 1985) as amended from time to time read with any changes.

62. COMPLIANCE NOTICES AND THE RECOVERY OF COSTS

- (1) Notwithstanding any other provisions of this by-law, the Municipality may-

- (a) where the permission of the Municipality is required before a person may perform a certain action and such permission has not been obtained; and
 - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such a notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

63. PRESUMPTIONS

- (1) For the purpose of this by-law, the person in whose name a vehicle which is parked in a parking ground is licensed, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.
- (2) A motor vehicle that is found in a taxi or bus facility or that has stopped at a taxi or bus facility is presumed to be plying for hire, unless the contrary is proved.
- (3)(a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this by-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
- (b) Whenever a vehicle is parked in contravention of any provision of this by-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
- (c) For the purposes of this by-law it is 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 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.
- (3) In any prosecution in terms of this by-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer s *prima facie* proof of his or

her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.

- (5) Any motor vehicle which is found on a taxi facility which has stopped at a taxi facility will be presumed to be plying for hire, unless the contrary is proved.
- (6) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.
- (7) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this by-law, be admissible evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

64. PENALTIES

A person who has committed an offence in terms of this by-law is, on conviction, and subject to penalties prescribed in any other law, liable to a fine, or in default of payment to imprisonment, or to such imprisonment without the option of a fine, or both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof., to imprisonment.

65. REPEAL OF BY-LAWS

The following by-laws are hereby repealed:

Emalahleni Local Municipality Parking Meter By-Law under the Administrators Notice No.773 dated 10 July 1969, and the Emalahleni Parking Area By-Law published in terms of the Local Authority Notice Number 626 published by the Municipality in the Provincial Gazette dated 13 February 1991

66. SHORT TITLE AND COMMENCEMENT

This by-law is called the Emalahleni Local Municipality Parking By-Law and comes into operation upon publication thereof in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 18 OF 2020

EMALAHLENI LOCAL MUNICIPALITY

LIBRARY BY-LAWS

Notice is hereby given in terms of Section 13 of the Local Government Municipal Systems Act, 32 of 2000, as amended, read with Sections 156 and 162 of the Constitution of the Republic of South Africa Act, 108 of 1996 that the Emalahleni date of publication.

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CHAPTER 1 - INTERPRETATION

1. DEFINITION

In these by-laws, unless the context indicates otherwise –

Authorized Officer	means the Council's employee who has been assigned the responsibility for attending to any matter dealing with the library
Chief: Library Services	means the person appointed by Council as the head of department to exercise control over and to manage the library
Council	<p>a) means the Emalahleni Local Municipality established by Mpumalanga Provincial Notice 28 of 2004 in terms of Section 12 of the Local Government: Municipal Structures Act, 117 of 1998, exercising its legislative and executive powers by way of its municipal Council or its successor in title</p> <p>b) means a structure of person delegated or carrying out an instruction, where any power or function in terms of these by-laws has been delegated or sub-delegated as contemplated in Section 59 of the Local Government: Municipal Systems Act, 32 of 2000</p>
Fine Free Month	Means a period of one month during a year when library members are exempted from paying the fines on overdue library material.
Librarian	means the officer appointed by the Council to work at the Council's library
Library	means all the public libraries owned and managed by the Council
Library Hours	means the days and hours specified in the notice placed at the entrance of the library
Library Material	means any material of whatever nature or form, be it books, magazine, document, print, newspaper, film, picture, record, disc and for anything which is kept in a library and made available to public
Library Week	Means a period of one week as determined by the Library and Information Association of South Africa. During this time library services are nationally actively promoted to the public.
Member	means any person whose application for membership has been approved by the Council and whose name appears on the list of members kept by the library
Tariff/s	means charge/s, disbursement/s, fine/s or any amount in respect of the library as determined from time to time by the Council

CHAPTER 2 – PROCEDURES AND CONDITIONS

2. MEMBERSHIP

1. The Council may grant membership to any person residing or employed within the area of jurisdiction of the Council or who is the taxpayer of the Council, subject to the conditions determined by the Council and provided such person subject himself to the provisions of these by-laws.
2. The Council may grant membership of the library to a pre-school, school-going child, should his parent's or guardian's consent thereto and undertake to stand surety for the observance by such child of these by-laws and the rules for conducting the business of the library, adopted by the Council.
3. Application for membership shall be made on a form prescribed by the Council from time to time for such purpose.
4. The Council shall issue a membership certificate to a member authorizing him to borrow from the library such number of library material at a time determine by the Council.
5. Membership shall he valid for a period stated in the membership certificate as from the date of issue, and the membership of a person to whom such membership certificate has been issued, unless it be renewed.
6. The Council may grant membership to a person residing outside its area of jurisdiction on conditions determined by the Council.
7. A member desirous of terminating his membership of the library, shall return his certificate of membership to the librarian or an authorized officer without delay, failing which he may be held responsible for all library material borrowed on such certificate.
8. When a member changes his address, he shall notify the librarian or authorized officer in writing, within seven days of such change of address.
9. When a member's certificate of membership is lost, he shall forthwith notify the librarian or authorized officer, in writing, and the librarian or authorized officer may on payment of an amount determined by the Council, issue a duplicate of such certificate.
10. Should a lost certificate of membership he found, the duplicate certificate of membership issued in the place thereof, shall forthwith be returned to the library: Provided that any charges paid for such duplicate shall not be refunded to the member.
11. Any person may, on behalf of any organization or similar body, if duly authorized thereto by such organization or body apply on the form prescribed by the Council for registration of such organization or body as a member of the library.

3. LOAN OF LIBRARY MATERIAL

1. Library Material shall be deemed to be on loan from the library to the member against whose certificate of membership it was lent.
2. No person shall be in possession of any library material not lent against a certificate of membership.
3. A library material bearing the mark of the library and on which there is no official indication that the book has been withdrawn, written off or sold from the library, shall be the property of the Council.
4. A member borrowing library material from the library
 - a) Shall ascertain whether such library material is not damaged and if damaged, he shall draw the librarian's attention to the fact.
 - b) Should any previously undamaged library material be found, when returned to the library, to be damaged, the Council may stipulate that the last member to borrow the book from the library shall replace such book with a new copy of equal value or a copy acceptable to the Council or shall pay the value of or an amount to make good the damage to the library material as determined by the Council, in addition to any other fines or other charges, due in respect of such library material and such member shall then be obliged thus to replace the library material or to pay the value or amount determined by the Council, as the case may be.
 - c) The librarian shall not make damaged library material available for borrowing purposes: Provided that where such damaged library material is nevertheless made available for borrowing purposes, particulars of such shall be affixed thereto.

4. Return of Library Material

1. A member shall return the library material borrowed by him to the librarian on the date of which it was stated that the library material must be returned: Provided that:
 - a) The Council may extend the period of Loan of any library material not in demand by any other member after consideration of an application to that effect by the member who borrowed the book, for not more than two further borrowing periods.
 - b) Should a member who borrowed the library material, find it impossible to return such book personally, he may return it in some other manner;
 - c) A member who has borrowed the library material shall not keep it for more, than three days after receipt of a written notice from the librarian that such book is to be returned.

5. OVERDUE LIBRARY MATERIAL

1. Should a member not return library material borrowed against his certificate of membership within the period stated in Section 4 or any period determined by the Council in terms of the provision to that section, as the case may be, such member shall be liable for payment to the Council of the prescribed fine during the period of such member's failure to return such library material.
2. The Council may exempt any person from the payment of such fine if the Council is satisfied that the failure to return library material is due to the circumstances beyond the borrower's control.

6. LOST AND DAMAGED LIBRARY MATERIAL

1. Should a library material be lost or become damaged or be deemed to be lost in terms of sub-section (2), the member against whose certificate of membership such library material was borrowed, shall, in addition to any fine or other charges, be liable for payment to the Council of the replacement cost thereof, or the amount to make good the damage, as may be determined by the Council, unless he replaces it with a copy of equal value or a copy acceptable to the Council.
2. A library material kept for more than two months after the date on which it was borrowed and which the member who borrowed it, on receipt of a request to do so by registered post, fails to return it within seven days, it shall be deemed to be lost.
3. A lost or damaged book shall remain the property of the Council even if such library material book be replaced as contemplated in sub-section (1) or the purchase price thereof or the damage cause thereof and any fines or other charges in respect thereof, be paid to the Council in terms of that sub-section.
4. No further library material shall be lent to a member liable in terms of sub-section (1) as long as he is liable.
5. The Council reserve the right to terminate membership if a member fails and for neglects his liability for lost or damaged library material.
6. That should the material be lost or damaged the rate payer's account of the membership certificate is issued against should be debited with the amount equal to the purchase price of the lost material.
7. That should the member lose two books in one financial year such a member be disallowed to acquire library material for the rest of the financial year.

7. RESERVATION OF LIBRARY MATERIAL

1. A member may, after payment of the prescribed fee, reserve library material and the conditions provided in these by-laws shall be applicable to such reserve library material.
2. The Council shall not be held liable for failure to make reserved library material available.

8. CARE FOR LIBRARY MATERIAL

1. No person having library material in his possession, shall either willfully, negligent end/or otherwise –
 - a) Fail to keep such library material in a clean condition.
 - b) Mutilate, deface, mark, crease or in any way damage such library! Material or permit such library material to be mutilated, defaced, marked, creased or damaged.
 - c) Expose or permit such library material to be exposed to or be damaged by water, heat, fire, animals or any other thing,
 - d) Lend such library material to any other unauthorized person.
 - e) Remove or damage or permit to be removed or damaged any page/s or protective coverings of such library material.

9. LIBRARY HOURS

1. A notice by Council, setting forth the days and hours during which the library shall be open to the public, shall be displayed in a prominent place at or near the entrance to the library.

10. EXPOSURE OF LIBRARY MATERIAL TO CONTAGIOUS DISEASES

1. No person suffering from a contagious disease shall borrow or handle any library material and no person shall allow any other person suffering from a contagious disease, to handle the library material lent to him.
2. Any person being in possession of the library material from the library, which was exposed to a contagious disease, shall immediately advise the librarian that the library material was so exposed.

11. LIBRARY MATERIAL FOR SPECIAL PURPOSES

1. Library material of a specified nature shall only be used in such parts of the library as are set aside by the Council for special purposes and shall not be removed from the library or to any other part of the library without the permission of the librarian.
2. Copyright laws must be adhered to.
3. Photocopies may be made at an approved tariff by the Council.

12. AVAILABILITY OF THE BY-LAWS

1. A copy of these by-laws shall be made available for inspection at the municipal offices or at the offices of its authorized agent at all reasonable times.
2. The librarian shall place a copy of these by-laws in a prominent place in the library and direct the attention of a use of the library thereto.

13. OFFENCES

1. No person shall –
 - a) Conduct or engage in audible conversation, read aloud, sing or whistle in any part of the library which is disturbing other persons present in the library.
 - b) Hamper, disturb, obstruct, impede or harass any other person in the legitimate use of the library.
 - c) Cause or permit any animal under his control to enter or remain in the library (excluding the guide dogs).
 - d) Damage any part of the library building or the library material or the contents thereof,
 - e) While using the library, refuse to comply with any lawful request of the librarian.
 - f) Damage or deface any part of the library or any fitting, furniture, equipment or content thereof.
 - g) Sleep, smoke, drink or eat in the library.
 - h) Furnishes a false name or address to the librarian for the purpose of entering any part of the library or obtaining any benefit or privilege therefrom.
 - i) Enter or remain in the library while unclean in body or apparel or while suffering from any contagious or offensive disease or being under the influence of intoxicating liquor or substance.
 - j) Obstruct or block any entrance to or exit from the library.

- k) Enter or remain in any part of the library which is reserved for the use of the library staff.
 - l) Enter or remain in any part of the library during the hours that such a library or part thereof is not officially open for the service of the public.
 - m) Enter or leave the library by an entrance or exit not officially provided for the use of the public.
 - n) Remove from the library or be in the possession of library material the loan whereof has not been registered by the librarian in terms of these by-laws.
 - o) Distribute or deposit in the library for distribution, material for advertisement publicity or any other purpose without the permission of the librarian.
 - p) Contravenes any other provision of these by-laws.
2. Any person not bona fide using the library for the purpose for which it is intended or is guilty of misbehavior in the library may be removed from the library by the librarian or by a person called upon thereto by the librarian.

14. PENALTIES

- 1. Any person contravening any of the provisions of these by-laws shall be guilty of an offence and shall on conviction be liable to a fine.
- 2. The tariffs are subject to a yearly increase that is determined by Council.

LOCAL AUTHORITY NOTICE 19 OF 2020



MSUKALIGWA MUNICIPALITY

P.O. Box / Posbus 48
ERMELO 2350

Tel: 017-8013500
Fax: 017 8013851

PUBLIC NOTICE CALLING FOR INSPECTION OF GENERAL VALUATION ROLL AND LODGING OF OBJECTIONS

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), herein referred to as the "Act", that the valuation roll for the financial years **1 July 2020 till 30 June 2024**, is open for public inspection at the addresses listed below, from **23 March 2020 until 7 MAY 2020.(Extension, due to "lock-down"period)**. In addition the valuation roll is available at website www.msukaligwa.gov.za.

An invitation is hereby made in terms of the Section 49(1)(a)(ii) of the Act that any owner of a property or other person who so desires can lodge an objection with the municipal manager in respect of any matter reflected in, or omitted from the valuation roll within the abovementioned period. Objections received in the prescribed form will be accepted.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act, an objection must be in relation to a specific individual property and not against the valuation roll as such. The form for the lodging of an objection is obtainable at the addresses listed below, or website: www.msukaligwa.gov.za.

The completed objection form must be returned to the address below, before or on 7 MAY 2020. **Objections received by fax or e-mail will be accepted. (flabuschagne@msukaligwa.gov.za)**

Please note the following:

- A) *The date of valuation is **1 July 2019**.*
- B) *The amount of property rates payable on the new valuation **will only be determined** once the budget process has been completed.*
- C) *The **category** for the property is determined by the **legal zoning** and **actual usage** of the property.*

For any enquiries please contact the Municipal Office – Telephone no. 017-801 3623 (Me. F. Labuschagne), 017-801 3636 (Me. T. van der Linde) 017-801 3519 (Me. S Zikalala). flabuschagne@msukaligwa.gov.za

Yours faithfully,

Municipal Manager (ME. G.J. Majola)

Msukaligwa Municipality Offices:

*Civic Centre
C/o Kerk & Taute Street
Ermelo
Enq: (017) 801 3638*

*Wesselson Offices (017 801 3736
Breyten Offices (017)801 3783
Lake Chrissie Offices (017) 801 3761
Davel Offices (017)801 3760
Lothair Offices (017)801 3762*