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ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

**GAZETTE EXTRAORDINARY – BUITENGEWONE KOERANT – IGAZETHI EYISIPESHELI**

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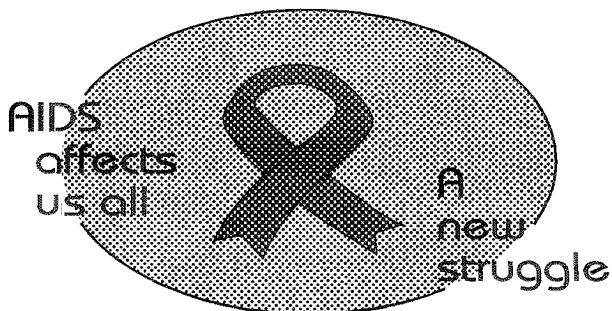
**Vol. 7**

**PIETERMARITZBURG,**

22 MARCH 2013  
22 MAART 2013  
22 kuNDASA 2013

**No. 917**

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DEPARTMENT OF HEALTH

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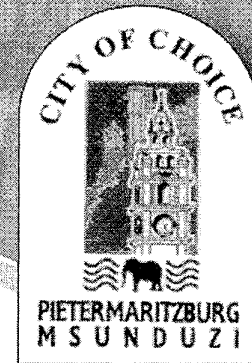
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**CONTENTS**

<i>No.</i>		<i>Page</i>
	<b>MUNICIPAL NOTICE</b>	
22	The Msunduzi Municipality: Msunduzi Municipality Parking Meter By-Law .....	3

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**MUNICIPAL NOTICE****No. 22****22 March 2013****The Msunduzi Municipality****MSUNDUZI MUNICIPALITY PARKING METER BY-LAW****INDEX**

<b>Title</b>	<b>Page No.</b>
1. Definitions	2.
2. Parking Meters	3.
3. Control of Parking within Demarcated Parking Places	3.
4. Unlawful Parking	3.
5. Forbidden Activities	4.
6. Method of Parking	4.
7. Exemptions	5.
8. Burden of Proof	5.
9. Tariffs	5.
10. Prohibitions	5.
11. Offences	6.
12. Repeal of By-laws	6.
13. Short Title and Commencement	6.

## 1. Definitions

(1) For the purpose of these by-laws, unless the context otherwise indicates –

**"Business Hours"** means the hours means the hours of 08h00 to 17h00 on Mondays to Fridays, and 08h00 to 13h00 on Saturdays, but excluding Sundays and public Holidays, or such other times as determined by the Council from time to time.

**"car guard"** means a person who is a member of an approved regulatory body who watches over and protects vehicles within a demarcated area/ areas.

**"Council"** means the Council of the Msunduzi Municipality and includes the management committee of that Council or any officer employed by the Council, acting by virtue of any power vested in the Council in connection with these by-laws or under Council's delegated authority.

**"demarcated parking place"** means a demarcated parking place as contemplated in the National Road Traffic Act, 1996, in conjunction wherewith a parking-meter device exists;

**"Indicator"** means a visible device found within the parking metre which indicates the motor vehicle registration number and the parking bay number the vehicle is parked.

**"parking bay"** means a clearly demarcated area within the demarcated parking place.

**"parking-meter attendant"** means a person possessing a valid appointment card, employed by a service provider who for or on behalf of the Municipality or the Service provider collects parking fees under a contract with the Municipality or service provider;

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

**"parking period"** means that period of time of parking in a demarcated parking place which is determined by a parking-meter device upon insertion into it of the registration number of a vehicle.

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

**"the Municipality"** means the Msunduzi Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"traffic officer"** means a traffic officer appointed in terms of section 3 (1) (c) of the Road Traffic Act 1989 and includes a member of the South African Police Service and a traffic warden;

**"vehicle"** means a vehicle as defined in the National Road Traffic Act, 1996,

and any other word or expression has the meaning assigned thereto in the National Road Traffic Act, 1996.

## 2. Parking Meters

**(1) The Municipality shall install or cause to be installed, or operate or cause to be operated, parking meters for demarcated places in a public road or place in its area of jurisdiction.**

(2) Every such parking meter shall-

- (a) indicate the time for parking in such demarcated parking place;
- (b) indicate the outstanding monetary value to be paid in respect of parking for the parking period
- (c) be fitted with an indicator.

## 3. Control of Parking Within Demarcated Parking Places

(1) The driver or the person in charge of a vehicle shall cause the vehicle's registration number to be recorded by the parking meter after parking a vehicle within a parking bay of a demarcated parking place.

(2) No person shall park any vehicle or cause any vehicle to be parked in any demarcated parking place during Business hours unless that person has paid the parking fees of tariffs set by the Municipality from time to time.

(3) Any person parking any vehicle or causing any vehicle to be parked in any demarcated parking place during Business Hours shall immediately:-

- (a) At the commencement of the parking period, make payment to the parking meter attendant responsible for that demarcated parking place of an amount equal to the amount indicated on the parking meter device operated by the parking meter attendant which corresponds to the print out or display for that vehicle's registration number;
- (b) Cause the voucher issued by the parking meter proving payment to be prominently displayed throughout the period whilst the vehicle is so parked.

(4) The driver of the vehicle shall effect payment of fees accrued to the vehicle in respect of parking within a demarcated parking place.

(5) Payment shall be made in South African coinage/ currency

(6) Payment may also be made by means of an electronic transfer should the parking-meter device be able to accept such payment.

(7) The period during which a vehicle may be parked in any demarcated parking place and the amount payable in respect of that period to the parking attendant allocated to such place, shall be such as the Council may from time to time by resolution prescribe, in terms of section 80A of the National Road Traffic Act, 1996.

## 4. Unlawful Parking

(1) The payment for parking as contemplated in subsection 3 shall however, not entitle any person to contravene any road traffic sign prohibiting the parking of:

- (a) vehicles between specified hours;
- (b) specific categories of vehicles;
- (c) vehicles for periods in excess of specified time periods; and

- (d) any vehicle, where the parking and/or stopping of such vehicle contravenes any provision as determined by the National Road Traffic Act, 1996, relating to the parking and/or stopping of a vehicle.
- (2) It shall be unlawful to park any vehicle, not being a vehicle as defined in section 1, in a demarcated parking place;

#### **5. Forbidden Activities**

- (1) It shall be unlawful –
  - (a) to offer any money other than South African currency in lieu of payment of parking fees;
  - (b) to offer to a parking-meter attendant any false or counterfeit money;
  - (c) in any way whatsoever to cause or attempt to cause a parking-meter to record the passage of time incorrectly;
  - (d) to misuse, tamper with, damage or in any way interfere with a parking-meter which is not in proper working order, in order to make it do so, or for any other purpose;
  - (e) to deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign, or notice affixed or erected for the purposes of these by-laws;
  - (f) to remove or attempt to remove the mechanism or any other part of a parking-meter or to attempt to physically interfere with the working of said parking-meter, or by word or deed hinder the parking-meter attendant in his duty; and
  - (g) to fail to key in a vehicle's details into the parking-meter by means of the correctly displayed motor vehicle registration number and specific bay number that the vehicle occupies, directly upon arrival of that specific vehicle.

#### **6. Method of Parking**

- (1) No driver or person in charge of a vehicle, shall park such vehicle or cause it to be parked–
  - (a) in a demarcated parking place across any painted line marking the confines of the parking bay or in such a position that the said vehicle is not entirely within the area demarcated;
  - (b) in a demarcated parking bay which is already occupied by another vehicle.
  - (c) In an area demarcated for commercial loading purposes.
- (2) The person or driver in charge of a vehicle shall park such vehicle in a demarcated parking place –
  - (a) if the demarcated parking place is parallel to the curb or sidewalk of the public road in such a way that it shall be headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left-hand wheels of the vehicle are substantially parallel to and within 450mm of the left-hand curb: provided that where in a one-way street such demarcated parking place is in existence on the right-hand side of the road of a vehicle in such demarcated parking place, apply to the right-hand wheels and the right-hand curb respectively;
  - (b) if the demarcated parking place is at an angle to the curb or sidewalk of a public road in such manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.
- (3) Where by reason of the length of any vehicle, such vehicle cannot be parked wholly within a demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking place adjoining the first-mentioned parking place, if such be the case, and any person so parking shall be liable for payment of parking fees in respect of the parking bays encroached upon.

- (4) The Traffic Officer may, whenever he deems it necessary or expedient to do so in the interest of the movement or control of traffic, place or erect a road traffic sign or signs indicating that there shall be no parking at any demarcated parking place or places, and it shall be unlawful for any person to park or cause or permit to be parked a vehicle in such demarcated parking place or places while such sign is so displayed.
- (5) It shall be unlawful for any driver of a vehicle to cause, allow or permit any vehicle to be parked in any demarcated parking place, except as permitted by the provisions of these by-laws.
- (6) Where any vehicle is found to have been parked in contravention of these by-laws, it shall be deemed to have been caused, allowed or permitted to have been so parked by the person in whose name such vehicle is registered in terms of the Road Traffic Act, 1996, unless and until he shall have proved the contrary.

## **7. Exemptions**

- (1) Notwithstanding anything contained in these by-laws:

- (a) the driver of a fire-fighting vehicle;
- (b) the driver of a rescue vehicle;
- (c) the driver of an ambulance;
- (d) a traffic officer;
- (e) the driver of a vehicle engaged in civil protection; and
- (f) the driver of a vehicle engaged in essential services,
- (g) a driver of a vehicle that is the property of the Council or a vehicle used by an official or member of the Council in his official capacity, provided that the official badge, designed and approved of by the Council, is displayed in a prominent place and in accordance with paragraph 24(3)

who drives such vehicle in the performance of his or her duties, whilst parking in a demarcated parking place, shall be exempt from payment of the prescribed fees.

## **8. Burden of Proof**

- (1) The passage of time as recorded by a parking-meter shall for the purposes of these by-laws and in any proceedings arising out of the enforcement thereof, be deemed to be correct unless and until the contrary be proved, and the burden of so proving to the contrary shall be on the person alleging that the parking-meter has recorded such passage of time inaccurately.

## **9. Tariffs**

- (1) Parking fees shall be payable by a person parking any vehicle or causing any vehicle to be parked in any demarcated parking place.
- (2) The parking fees payable in terms of by-law 9(1) shall be in accordance with the tariff determined by the Council in accordance with the provisions of section 75A of the Local Government: Municipal Systems Act, No. 32 of 2000.

## **10. Prohibitions**

- (1) No person shall operate as a car guard within the demarcated parking place unless such person is registered with an approved regulatory body.
- (2) The car guard shall not interfere with or obstruct the parking meter attendant and traffic officer in the execution of their duties.

**11. Offences**

- (1) Any person who contravenes or cause or permits a contravention of any provision of these by-laws, shall be guilty of an offence and liable on conviction to a fine not exceeding R750 or, in default of payment, imprisonment for a period not exceeding six months.

**12. Repeal of By-laws**

- (1) The Council's existing parking meter by-laws are hereby repealed.

**13. Short Title and Commencement**

- (1) These by-laws shall be called the parking meter by-laws, 2012 and shall come into operation on the date of final publication.
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