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**No. 1313**

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**MUNICIPAL NOTICE**

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**No. 27****20 February 2015****EMNAMBITHI/LADYSMITH MUNICIPALITY**

The Emnambithi/Ladysmith Municipality, acting in terms of Section 156 of the Constitution of the Republic of South Africa Act No. 108 of 1996, read with Section 11 (3) (m) of the Local Government: Municipal Systems Act No. 32 of 2000, published in line with the procedures set out in Sections 12 and 13 of the Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) hereby publishes the Parking Management Bylaws which will take effect at the publication date thereof.

NOTICE NO. 27/2015 DATED 11 FEBRUARY 2015

M P KHATHIDE  
MUNICIPAL MANAGER**PARKING MANAGEMENT BYLAWS****PREAMBLE**

WHEREAS section 156(1)(a) of the Constitution states that a municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution.

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the relevant Provincial Gazette.

AND WHEREAS section 75(1) of the Municipal Systems Act require a municipal Council to adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

AND WHEREAS section 75A (1)(a) and (b) of the Municipal Systems Act states that a municipality may levy and recover fees, charges or tariffs in respect of any function or service of the municipality, and recover collection charges and interest on any outstanding amount.

AND WHEREAS section 76(b) (v) of the Municipal Systems Act states that a municipality may provide a municipal service in its area or part of its area through an external mechanism by entering into a service delivery agreement with any other institution, entity or person legally competent to operate a business activity.

AND WHEREAS Part B of Schedule 5 of the Constitution list Parking management as one of those areas of service which the municipality has the executive authority and the right to administer.

NOW THEREFORE BE IT ENACTED by the Council of the Emnambithi/Ladysmith Municipality, as follows:

## 1. Application

The Bylaws shall apply to the public streets and public places or portions thereof specified in terms of these Bylaws; provided that any other Bylaws of the Council for the time being in force regulating and controlling the parking of vehicles in public streets or places shall continue to apply to a metered zone, except to the extent to which such Bylaws are inconsistent or in conflict with any of the provisions of these Bylaws.

For the purpose of these bylaws, unless the context otherwise indicates:

**“Acceptable identification”** means an appointment card issued to the parking meter attendant by the services provider indicating the name, surname, I.D. number and date of appointment of the individual and shall bear the logo and details of the service provider;

**“Authorized official”** means an official of the council authorized to implement these bylaws;

**“Council”** means the Local Municipal Council of Emnambithi/Ladysmith and includes any political office bearer or structure of that Council or any officer employed by the Council, acting by virtue of any power vested in the Council in connection with these bylaws and delegated in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**“Electronic payment”** means any payment by authorized cash, credit or debit cards or other such payment options as prescribed on the parking meter as accepted payment;

**“Metered parking bay”** means a demarcated parking place as contemplated in the National Road Traffic Act, 1996, in conjunction wherewith a parking meter has been installed;

**“Parking”** means the standing or waiting of a vehicle, whether occupied or not, in a public street or place and “park” and “parked” shall have a corresponding meaning;

**“Parking bay”** means an area or space demarcated by means of parking lines, marked in accordance with the Road Traffic Act, 1996

**“Parking meter”** means any mechanical appliance or device designed for the purpose of automatically issuing a parking voucher measuring and indicating the time within which a vehicle is or may be parked in a metered parking bay and includes the standard to which the meter is or may be affixed;

**“Parking attendant”** means a person employed / contracted by the service provider who, for or on behalf of the Municipality or the service provider, performs such duties so as to assist the users of the parking bay with parking and use of the parking meter under a contract with the Municipality or the service provider and who possesses a valid appointment card approved by the Council;

**“Parking period”** means that period of time during which a vehicle is parked in a demarcated parking space and which is recorded on the parking voucher issued by the parking meter;

**“Parking voucher”** means the voucher issued by the parking meter indicating the parking period, the parking meter number and the amount paid;

**“Prescribed parking fee”** shall mean the parking fee payable in terms of the Council’s tariff of charges as determined by the Council from time to time, by using prescribed coins or electronic means of payment;

**“Prescribed coin”** shall mean a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964) of the denomination indicated on the parking meter concerned;

**“Public place”** or **“Public road”** means a public road as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996);

**“Service provider”** means a person or legally constituted entity, who for or on behalf of the Municipality, operates the parking meter and collects parking fees under a contract with the Municipality;

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

**“Traffic warden”** means a traffic warden as described in the National Road Traffic Act, 1996; and

**“Vehicle”** means a vehicle as described in the National Road Traffic Act, 1996.

The words and phrases defined in the National Road Traffic Act, 1996, as amended and in Regulations made there-under shall, when used in these By-laws have the same meanings unless inconsistent with the context.

## **2. Installation of Parking Meters**

- (i) The Council may by resolution install or cause to be installed a parking meter or meters at any demarcated parking bay or bays in any public street or place within the Municipality.
- (ii) Every such meter shall be placed upon and fastened to the kerb, footpath or sidewalk adjoining the parking bay or bays in respect of which it is installed and each such meter shall -
  - (a) clearly indicate the time allowed for parking in such metered parking bay and the prescribed coin or coins which may be inserted.
  - (b) clearly indicate the method of operating the parking meter and other instructions for use of the parking bays;
- (iii) Any sign erected in terms of these By-laws or any other law, shall serve as sufficient notice to the driver of the permission, prohibition and prescribed fees as contemplated in this By-law.
- (iv) Any sign may be amended from time to time and displayed by the Council for the purpose of these By-laws and shall have the same effect as a road sign in terms of the National Road Traffic Act, 1996.

### 3. Method of Parking

No driver or person in charge of a vehicle shall park such vehicle:

- (i) in a metered parking bay across any painted line marking the bay or in such a position that the said vehicle shall not be entirely within the area demarcated as a metered parking bay;
- (ii) in a metered parking bay, which is already occupied by another vehicle;
- (iii) in a metered parking bay in contravention of any road traffic sign prohibiting the parking or stopping of vehicles in the street or portion of the street concerned.

### 4. Payment of Fees for Parking

- (i) When any vehicle shall be parked in a metered parking bay, the driver or person in charge of such vehicle shall forthwith deposit or cause to be deposited in the parking meter installed at or for such bay or by smartcard, the prescribed payment as indicated on such meter for the period of time during which he or she desires to park the vehicle in such bay.
- (ii) The driver or person in charge of such vehicle shall press the relevant button to accept the parking time displayed on the parking meter and the meter shall issue a parking voucher..
- (iii) The parking bay may be thereafter lawfully occupied by the vehicle during the period indicated on the parking voucher, which period of parking may not be exceeded.
- (iv) Subject to the provisions of subsection (i), (ii), (iii) hereof, the driver or person in charge of a vehicle may, immediately upon the expiration of any authorized period of parking, again deposit or cause to be deposited or pay by smartcard the prescribed payment and after the said meter has been set in operation in accordance with the instructions appearing thereon, the said vehicle may lawfully occupy the metered parking bay for the further period indicated on the parking voucher.
- (v) No person shall, either with or without the insertion of the prescribed payment in the parking meter, leave a vehicle parked in a metered parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or return his or her vehicle to the same parking bay within 30 minutes calculated from the time the vehicle was moved therefrom.
- (vi) Subject to the provisions of clause 11, no driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to be or remain parked in a metered parking bay without a valid parking voucher displayed as prescribed, or with a parking voucher which shows that the time has expired or that the parking meter has not been set in operation, where applicable, in accordance with the instructions appearing thereon.
- (vii) Each parking meter shall clearly indicate the period that a vehicle is parked in a demarcated parking bay and the value to be paid in respect of parking for the said period.

**5. Damaged or Out of Order Parking Meter**

- (i) Where a hood has been placed over the parking meter as envisaged in section 2 (ii) (a), no driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to be or remain parked in the metered parking bay at or for which the said parking meter is installed.

**6. Discontinuance of Metered Parking Bay**

- (i) The Executive Manager: Community Services or The Manager Public Safety or any other officer authorized by the Council to display road traffic signs may, whenever he or she deems it necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating "No Stopping" or "No Parking" at any metered parking bay or bays and it shall be unlawful for any person to stop or park a vehicle or to cause or permit a vehicle to be stopped or parked in such parking bay or bays while such sign or signs is so placed or erected or during any period when the stopping or parking of a vehicle in the street or portion of the street concerned is prohibited in terms of any such traffic sign.

**7. Interference with Parking Meters**

- (i) No person shall misuse any parking meter or interfere or tamper or attempt to interfere or tamper with the working operation or mechanism of any parking meter, and no person shall, without authority from the Council, affix or attempt to affix or place any placard, advertisement, notice, list, document board or thing on or paint, write upon or disfigure any parking meter.
- (ii) No person shall jerk, knock, shake or interfere with a parking meter which is out of order or not working properly in order to make it do so or for any other purpose.

**8. Prescribed Payment Methods and Prescribed Coins**

- (i) No person shall deposit or cause to be deposited in any parking meter anything whatsoever other than the prescribed coin or coins, or the prescribed payment cards.

**9. Unlawful Operation of Parking Meter**

- (i) No person shall operate or attempt to operate any parking meter by any means other than as prescribed in these By-laws.
- (ii) Only authorized persons and owners of vehicles who have parked a vehicle in a demarcated parking bay may operate the parking meters.

**10. Unlawful Parking**

- (i) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle to be parked in any metered parking bay, except as permitted by the provisions of these By-laws.
- (ii) Where any vehicle is found to have been parked in contravention of the By-laws, it shall be deemed to have been or caused or allowed to have been parked by the person in

whose name such vehicle is registered unless and until he or she shall prove to the contrary.

## 11. Exemption

- (i) Notwithstanding anything in these Bylaws contained, the driver or person in charge of the following vehicles may, subject to the provisions of this By-law, park in a metered parking bay without payment of the prescribed fee:
  - (a) A vehicle used by the driver of a rescue vehicle or an ambulance and being at the time used with the execution of his/her duties;
  - (b) A vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in carrying out its duties of preventing or suppressing fires;
  - (c) A vehicle used by a member of any Police Force or a Traffic Officer and being at the time used in connection with the execution of urgent police or traffic duties;
  - (d) A vehicle used by a person engaged in Disaster Management and being at the time used in connection with the execution of his / her duties;
  - (e) The 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 / her official capacity, provided that the official badge, designed and approved by the Council, is displayed in a prominent place on the vehicle.
- (ii) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by the road Traffic Act, 1996, or regulations or by-laws made thereunder, every metered parking bay may be occupied without charge on any day during the period from 5 pm to 8 am on the following day; provided that on Saturdays, Sundays and Public Holidays such bays may be occupied without charge after 15h00.

## 12. Offences

- (i) Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine or in default of payment of the fine imposed in either case, imprisonment for any period not exceeding 6 (six) months.
13. In the event that a parking meter offence has been committed in terms of this By-law, a parking attendant shall electronically issue an infringement notice, which notice shall display the admission of guilt payable, time, date, place of offence, make and registration number of the vehicle thus causing the infringement.
14. The infringement notice shall be displayed on the windscreen of the vehicle thus identified and a statement to this effect shall be sufficient proof that the infringement notice has been issued.
15. No person shall operate as a car guard for on-street parking or long term parking where the service provider has exclusive use of the parking bays as agreed by council.



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16. No person shall operate as a car guard on any municipal property unless authorized to do so in writing by the Executive Manager: Community Services, Manager: Public Safety or the accounting Officer.
  17. Within three (3) working days of the date of the infringement, the owner or person who parked the vehicle if not so parked by the owner may elect to pay the fine depicted on the infringement notice where-after no further action will be instituted
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# IMPORTANT Reminder from Government Printing Works

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