

**NORTH WEST
NOORDWES**

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 102 OF 2020

TSWAING LOCAL MUNICIPALITY **TSWAING LOCAL MUNICIPALITY LAND USE SCHEME, 2020**

Notice is hereby given in terms of the Spatial Planning and Land Use Management Act, Act 16 of 2013, read with Section 25 of the Tswaing Municipal By-Law on Spatial Planning and Land Use Management, 2017, that the Tswaing Local Municipal Council has adopted the Tswaing Land Use Scheme, 2020, in terms of resolution taken under item 006/01/2020 dated 31 January 2020.

The Tswaing Land Use Scheme, 2020, replaces the existing Tswaing Land Use Management Scheme, 2011 and will come into effect on the date of publication of this notice.

The Tswaing Land Use Scheme, 2020 can be viewed during normal office hours at the office Mr Phemelo Kwenamore at the Tswaing Municipal offices (on the corner of General Delarey Street and Government Street), Delareyville.

MI MORUTI
Municipal Manager
TSWAING LOCAL MUNICIPALITY
Publication date: 8 December 2020

PROCLAMATION • PROKLAMASIE

PROCLAMATION 22 OF 2020

NOTICE OF AN APPROVAL OF AN AMENDMENT SCHEME IN TERMS OF SECTION 17(1)(V) OF RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018. RUSTENBURG LOCAL MUNICIPALITY

RUSTENBURG AMENDMENT SCHEME 1977, 2040, 2050 & 2091

It is hereby notified in terms of the provisions of Section 17(1)(v) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018, that the Rustenburg Local Municipality has approved the applications for the amendment of the Rustenburg Land Use Scheme, 2005 being the rezoning of the under mentioned properties from their present zonings to the new zonings, as indicated below, subject to certain further conditions:

Scheme number	Property description	Present Zoning	New Zoning
1977	Remaining Extent of Erf 963 Rustenburg	"Residential 1"	"Special" for Offices, Medical Consulting Rooms and Service Enterprise, subject to conditions as contained in Annexure 2276
2040	Remaining Extent of Erf 759 Rustenburg	"Residential 1"	"Residential 2", subject to conditions as contained in Annexure 2325
2050	Remaining Extent of Erf 133 Rustenburg	"Residential 1"	"Business 1", subject to conditions as contained in Annexure 2335
2091	Portion 5 (a Portion of Portion 1) of Erf 704 Rustenburg	"Residential 1"	"Residential 2", subject to conditions as contained in Annexure 2376

Land Use Scheme and the scheme clauses and Annexures of these amendment schemes are filed with the Municipality and are open for inspection during normal office hours. These amendments are known as Rustenburg Amendment Scheme 1977, 2040, 2050 and 2091 **respectively** and shall come into operation on the date of publication of this notice. **MUNICIPAL MANAGER: V. Makona**

PROKLAMASIE 22 VAN 2020**KENNISGEWING VAN 'N GOEDKEURING VAN 'N WYSIGINGSKEMA IN TERME VAN ARTIKEL 17(1)(V) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIK-BESTUUR VERORDENING, 2018. RUSTENBURG PLAASLIKE MUNISIPALITEIT RUSTENBURG WYSIGINGSKEMA 1977, 2040, 2050 EN 2091**

Hiermee word kennis gegee in terme van die bepalings van Artikel 17(1)(v) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2018, dat die Rustenburg Plaaslike Munisipaliteit die wysiging van die Rustenburg Grondgebruikbestuur Skema, 2005, goedgekeur het deur die hersonering van die eiendomme hieronder genoem vanaf hulle huidige sonering na die nuwe sonering soos hieronder teenoor die eiendom aangetoon, onderworpe aan sekere voorwaardes:

Skema nommer	Grond-beskrywing	Huidige Sonering	Nuwe Sonering
1977	Resterende Gedeelte van Erf 963 Rustenburg	"Residensieël 1"	"Spesiaal" vir Kantore, Mediese Spreekkamers en Diensondernemings, onderhewig aan voorwaardes soos vervat in Bylae 2276
2040	Resterende Gedeelte van Erf 759 Rustenburg	"Residensieël 1"	"Residensieël 2", onderhewig aan voorwaardes soos vervat in Bylae 2325
2050	Resterende Gedeelte van Erf 133 Rustenburg	"Residensieël 1"	"Besigheid 1", onderhewig aan voorwaardes soos vervat in Bylae 2335
2091	Gedeelte 5 ('n Gedeelte van Gedeelte 1) van Erf 704 Rustenburg	"Residensieël 1"	"Residensieël 2", onderhewig aan voorwaardes soos vervat in Bylae 2376

Grondgebruikskema en die skema klausules en Bylae van hierdie wysigingskemas is gestoor by die Munisipaliteit en is beskikbaar vir inspeksie gedurende normale kantoorure. Hierdie wysigingskemas staan bekend as Rustenburg Wysigingskema 1977, 2040, 2050 en 2091 **onderskeidelik** en sal in werking tree op die datum van publikasie van hierdie kennisgewing. **MUNISIPALE BESTUURDER:** V. Makona

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 181 OF 2020**NOTICE IN TERMS OF CLAUSE 86(2)(a)(i) OF THE MADIBENG SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP****NOTICE OF APPLICATION FOR ESTABLISHMENT OF A TOWNSHIP ON PORTION 658 OF THE FARM ROODEKOPJES OF ZWARTKOPJES 427 JQ TO BE KNOWN AS OUKASIE EXTENSION 9**

I, Fumani Mathebula of Ngoti Development Consultants hereby give notice in terms of clause 86(2)(a)(i) of the Madibeng Spatial Planning and Land Use Management By-laws, 2016, that an application to establish the township referred to in the Annexure hereto, has been received by it.

Particulars of the application are open for inspection during normal office hours at the **Madibeng Local Municipality, 53 Van Velden Street, Brits 0250 for a period of 30 days from the 1st of December 2020.**

Objections to or representations together with contact details in respect of the application must be lodged in writing and in duplicate with the municipality at the abovementioned offices or posted to the Municipal Manager, PO Box 106, Brits, 0250. This should be done within a period of 30 days from the **1st of December 2020.**

Closing date for objections: 31st December

Address of Authorised Agent:**NGOTI DEVELOPMENT CONSULTANTS****Faerie Glen, 6 Eros Road, Boardwalk Office Park, Block 9, Unit 2.****Contact Person: Mr. Fumani Mathebula Telephone No. 012 770 4022 or 081 218 6899**

Date on which notice will be published: 01-12-2020

ANNEXURE

Township establishment in Oukasie of 299 sites (Residential 1 – 290 erven, Business 1; 1 erf, Educational, institutional and Public Open Space) on Portion 658 of the Fram Roodekopjes of Zwartkopjes 427 JQ in Oukasie Township.

PROVINSIALE KENNISGEWING 181 VAN 2020**KENNISGEWING INGEVOLGE KLOUSULE 86(2)(a)(i) VAN DIE MADIBENG RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURVERKWONDERING, 2016 VIR DIE STIGTING VAN 'N DORP****KENNISGEWING VAN AANSOEK OM STIGTING VAN 'N DORP OP GEDEELTE 658 VAN DIE PLAAS ROODEKOPJES VAN ZWARTKOPJES 427 JQ BEKEND AS OUKASIE UITBREIDING 9**

Ek, Fumani Mathebula van Ngoti Development Consultants gee hiermee ingevolge klousule 86(2)(a)(i) van die Madibeng Ruimtelike Beplannings- en Grondgebruikbestuurverwyderingswetgewing, 2016, kennis dat 'n aansoek om die dorp bedoel in die Bylae hiervan te vestig, daardeur ontvang is.

Besonderhede van die aansoek lê gedurende gewone kantoorure insae by die Madibeng Plaaslike Munisipaliteit, Van Veldenstraat 53, Brits 0250, vir 'n tydperk van 30 dae vanaf 1 Desember 2020.

Besware teen of vertoe, tesame met kontakbesonderhede ten opsigte van die aansoek, moet skriftelik en in tweevoud by die munisipaliteit by bogenoemde kantore ingedien of aan die Munisipale Bestuurder, Posbus 106, Brits, 0250 ge-pos word. Dit moet binne 'n tydperk van 30 dae vanaf 1 Desember 2020 gedoen word.

Sluitingsdatum vir besware: 31 Desember

Adres van gemagtigde agent:**NGOTI DEVELOPMENT CONSULTANTS****Faerie Glen, 6 Eros Road, Boardwalk Office Park, Block 9, Unit 2.****Contact Person: Mr. Fumani Mathebula Telephone No. 012 770 4022 or 081 218 6899**

Datum waarop kennisgewing gepubliseer sal word: 01-12-2020

Dorpsstigting in Oukasie van 299 terreine (Residensieel 1 – 290 erwe, Besigheid 1; 1 erf, Opvoedkundige, institusionele en Publieke Oopruimte) op Gedeelte 658 van die Fram Roodekopjes van Zwartkopjes 427 JQ in Oukasie Township.

PROVINCIAL NOTICE 182 OF 2020

NOTICE OF APPLICATION FOR REZONING AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS: ERF 61, FLAMWOOD IN TERMS OF SECTION 94(1)(a) OF THE CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016, READ TOGETHER WITH SPLUMA, 2013 (ACT 16 OF 2013), CITY OF MATLOSANA –AMENDMENT SCHEME 1322 WITH ANNEXURE 1247

I, Rene Vermeijs (ID: 610713 0001 08 1), of the firm Malepa Planning & Projects (Pty) Ltd (2007/015316/07) being the authorised agent of the owner of Erf 61, Flamwood, Registration Division IP, North West Province hereby gives notice in terms of Section 94(1)(a) of the City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016, read together with the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013). That we have applied to the City of Matlosana in terms of;

- Section 56(1)(b)(ii) of the Town-planning and Townships Ordinance 1986, (Ordinance 15 of 1986) and Section 62(1) of the City of Matlosana Spatial Planning and Land Use Management by-Law, 2016, read together with the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) for the rezoning Erf 61, Flamwood, Registration Division IP, North West Province, situated at 12 Fanny Avenue, Flamwood, North West Province from “Residential 1” to “Special” for the purpose of a dwelling unit and offices
- Section 63(2) of the City of Matlosana Spatial Planning and Land Use Management by-Law, 2016, read together with the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) for the amendment, suspension or removal of restrictive C(a) on Page 3, and C(c) on Page 3 and Page 4 of Deed of Transfer T05/032823.

Particulars of the application will lie for inspection during normal office hours at the Records Section, Basement Floor, Klerksdorp Civic Centre, Bram Fisher and OR Tambo Street, Klerksdorp, for a period of 30 days from 8 December 2020.

Objections or representations in respect of the application, together with the reasons therefore, must be lodged with or made in writing or verbally, if the objector is unable to write, to the authorized agent and the Municipal Manager at the above address or posted to P.O. Box 99, Klerksdorp, 2570, within a period of 30 days from 8 December 2020. Any person who cannot write, may during office hours visit the City of Matlosana (Mr Danny Selemoseng: 018 487 8300) to assist those person/s by transcribing their comments, objections or representations within this period.

The closing date for submission of comments, objections or representation is 11 January 2021.

Address of authorised agent: Malepa Planning and Projects (PTY) Ltd., 101 Anderson Street, Klerksdorp, 2571, P.O. Box 451, Klerksdorp, 2570, Email: info@malepa.com, Tel No: (018) 462 4465

08-15

PROVINSIALE KENNISGEWING 182 VAN 2020

KENNISGEWING VAN AANSOEK OM HERSONERING EN OPHEFFING VAN BEPERKENDE TITEL VOORWAARDES: ERF 61, FLAMWOOD IN TERME VAN ARTIKEL 94(1)(a) VAN DIE “CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016”, SAAMGELEES MET “SPLUMA, 2013 (ACT NO. 16 OF 2013)”, STAD VAN MATLOSANA – WYSIGINGSKEMA 1322 MET BYLAE 1247

EK, Rene Vermeijs (ID: 610713 0001 08 1), van die firma Malepa Planning & Projects (Edms) Bpk. (2007/015316/07) synde die gemagtigde agent van die eienaar van Erf 61, Flamwood, Registrasie Afdeling IP, Noord Wes Provinsie gee hiermee ingevolge Artikel 94(1)(a) van die “City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016”, saamgelees met die “Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) dat ons aansoek gedoen het by die Stad van Matlosana ingevolge;

- Artikel 56(1)(b)(ii) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), en Artikel 62(1) van die “City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016”, saamgelees met die “Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) vir die hersonering van van Erf 61, Flamwood, Registrasie Afdeling IP, Noord Wes Provinsie geleë te Fanny Laan 12, Flamwood, Noord Wes Provinsie vanaf “Residensieel 1” na “Spesiaal” vir die doeleindes van ’n wooneenheid en kantore
- Artikel 63(2) van die “City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016, saamgelees met die “Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) vir die opheffing van beperkende voorwaardes C(a) op bladsy 3 en C(c) op bladsy 3 en bladsy 4 van Transportakte T05/032823.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Rekords Afdeling, Kelder Verdieping, Burgersentrum, Bram Fisherstraat en OR Tambo Straat, Klerksdorp, vir ’n tydperk van 30 dae vanaf 8 Desember 2020.

Besware teen, of vertoë ten opsigte van die aansoek, tesame met die redes daarvoor, moet skriftelik of mondelings, indien die beswaarmaker nie in staat is om dit te skryf nie, by die kantoor ingedien word of gerig word aan die gemagtigde agent en die munisipale bestuurder by bogenoemde adres of aan Posbus 99, Klerksdorp, 2570 binne ’n tydperk van 30 dae vanaf 8 Desember 2020. Enige persoon wat nie kan skryf nie, mag gedurende kantoorure die Stad van Matlosana besoek waar ’n aangewese amptenaar van die Stad van Matlosana (Mnr Danny Selemoseng: 018 487 8300) daardie persone sal assisteer deur die kommentaar, beswaar of vertoë te transkribeer.

Die sluitingsdatum vir die indiening van kommentaar, besware of vertoë is 11 Januarie 2021.

Adres van gemagtigde agent: Malepa Planning & Projects (PTY) Ltd., Anderson Straat 101, Plansentrum, Klerksdorp, 2571, Posbus 451, Klerksdorp, 2570. Tel Nr: (018) 462 4465, e-pos: info@malepa.com

08-15

PROVINCIAL NOTICE 183 OF 2020**NOTICE OF APPLICATION FOR REZONING AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS: ERF 388, FLAMWOOD, EXTENSION 1, IN TERMS OF SECTION 94(1)(a) OF THE CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016, READ TOGETHER WITH SPLUMA, 2013 (ACT 16 OF 2013), CITY OF MATLOSANA –AMENDMENT SCHEME 1315**

I, Rene Vermeijs (ID: 610713 0001 08 1), of the firm Malepa Planning & Projects (Pty) Ltd (2007/015316/07) being the authorised agent of the owner of Erf 388, Flamwood, Extension 1, Registration Division IP, North West Province hereby gives notice in terms of Section 94(1)(a) of the City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016, read together with the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013). That we have applied to the City of Matlosana in terms of;

Section 56(1)(b)(ii) of the Town-planning and Townships Ordinance 1986, (Ordinance 15 of 1986) and Section 62(1) of the City of Matlosana Spatial Planning and Land Use Management by-Law, 2016, read together with the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013) for the rezoning of Erf 388, Flamwood, Extension 1, Registration Division IP, North West Province, situated at 65 Monica Avenue, Flamwood Extension 1, North West Province from “Residential 1” to “Business 2”

Section 63(2) of the City of Matlosana Spatial Planning and Land Use Management by-Law, 2016, for the amendment, suspension or removal of restrictive conditions C (a) on Page 4 and C(c) on Page 4 and 5 of Deed of Transfer T157065/2000.

Particulars of the application will lie for inspection during normal office hours at the Records Section, Basement Floor, Klerksdorp Civic Centre, Bram Fisher and OR Tambo Street, Klerksdorp, for a period of 30 days from 8 December 2020.

Objections or representations in respect of the application, together with the reasons therefore, must be lodged with or made in writing or verbally, if the objector is unable to write, to the authorized agent and the Municipal Manager at the above address or posted to P.O. Box 99, Klerksdorp, 2570, within a period of 30 days from 8 December 2020. Any person who cannot write, may during office hours visit the City of Matlosana (Mr Danny Selemoseng: 018 487 8300) to assist those person/s by transcribing their comments, objections or representations within this period.

The closing date for submission of comments, objections or representation is 11 January 2021.

Address of authorised agent: Malepa Planning and Projects (PTY) Ltd., 101 Anderson Street, Klerksdorp, 2571, P.O. Box 451, Klerksdorp, 2570, Email: info@malepa.com, Tel No: (018) 462 4465

08-15

PROVINSIALE KENNISGEWING 183 VAN 2020

KENNISGEWING VAN AANSOEK OM HERSONERING EN OPHEFFING VAN BEPERKENDE TITEL VOORWAARDES: ERF 388, FLAMWOOD, UITBREIDING 1, IN TERME VAN ARTIKEL 94(1)(a) VAN DIE "CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016", SAAMGELEES MET "SPLUMA, 2013 (ACT NO. 16 OF 2013)", STAD VAN MATLOSANA – WYSIGINGSKEMA 1315

Ek, Rene Vermeijs (ID: 610713 0001 08 1), van die firma Malepa Planning & Projects (Edms) Bpk, (2007/015316/07) synde die gemagtigde agent van die eienaar van Erf 388, Flamwood, Uitbreiding 1, Registrasie Afdeling IP, Noord Wes Provinsie gee hiermee ingevolge Artikel 94(1)(a) van die "City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016", saamgelees met die "Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) dat ons aansoek gedoen het by die Stad van Matlosana ingevolge;

Artikel 56(1)(b)(ii) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), en Artikel 62(1) van die "City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016, saamgelees met die "Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) vir die hersonering van van Erf 388, Flamwood, Uitbreiding 1, Registrasie Afdeling IP, Noord Wes Provinsie geleë te Monica Laan 65, Flamwood Uitbreiding 1, Noord Wes Provinsie vanaf "Residensieel 1" na "Besigheid 2",

Artikel 63(2) van die "City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016, saamgelees met die "Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) vir die opheffing van beperkende voorwaardes C (a) op Bladsy 4 en C(c) op Bladsy 4 en 5 van Transportakte T157065/2000.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Rekords Afdeling, Kelder Verdieping, Burgersentrum, Bram Fisherstraat en OR Tambo Straat, Klerksdorp, vir 'n tydperk van 30 dae vanaf 8 Desember 2020.

Besware teen, of vertoë ten opsigte van die aansoek, tesame met die redes daarvoor, moet skriftelik of mondelings, indien die beswaarmaker nie in staat is om dit te skryf nie, by die kantoor ingedien word of gerig word aan die gemagtigde agent en die munisipale bestuurder by bogenoemde adres of aan Posbus 99, Klerksdorp, 2570 binne 'n tydperk van 30 dae vanaf 8 Desember 2020. Enige persoon wat nie kan skryf nie, mag gedurende kantoorure die Stad van Matlosana besoek waar 'n aangewese amptenaar van die Stad van Matlosana (Mnr Danny Selemoseng: 018 487 8300) daardie persone sal assisteer deur die kommentaar, beswaar of vertoë te transkribeer.

Die sluitingsdatum vir die indiening van kommentaar, besware of vertoë is 11 Januarie 2021.

Adres van gemagtigde agent: Malepa Planning & Projects (PTY) Ltd., Anderson Straat 101, Plansentrum, Klerksdorp, 2571, Posbus 451, Klerksdorp, 2570. Tel Nr: (018) 462 4465, e-pos: info@malepa.com

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 152 OF 2020

Matlosana: Revised and Amended Parking By- Law



CITY OF MATLOSANA**REVISED AND AMENDED PARKING BY-LAW – CITY OF MATLOSANA**

Notice is hereby given that the City of Matlosana passed the Parking By- Law after followed the procedure in terms of the provisions of sections 12 (2) and (3) of the Local Government Municipal Systems Act, 2000, as amended, and that the City of Matlosana in terms of section 13 (a) of the Local Government Municipal Systems Act, 2000, as amended, herewith publishes the Parking By- Law for the attention of the local community.

The By-law will become effective in terms of Section 13 (b) of the Local Government: Municipal Systems Act, 2000, as amended, on the date of promulgation in the Provincial Gazette.

PO Box 99
Civic Centre
KLERKSDORP

TSR NKHUMISE
MUNICIPAL MANAGER

Notice: 62/2020

CITY OF MATLOSANA

PARKING BY-LAW

CITY OF MATLOSANA**PARKING BY-LAW, 2017****PREAMBLE**

WHEREAS section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 5 to the Constitution lists traffic and parking as a local government matter to the extent set out in section 155(6)(a) and (7)

AND WHEREAS the City of Matlosana seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

AND NOW THEREFORE, BE IT ENACTED by the Council of the City of Matlosana as follows –

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50. This By-law is called the City of Matlosana, Parking By-law, 2017

Definitions

1. (1) In this By-law, unless the context otherwise indicates:

“Authorized Officer” means an inspector of Licenses, Examiner of Vehicles, Examiner of Driver’s Licenses, Traffic Warden or a Traffic Officer and includes any other person appointed in terms of Section 3A of the National Road Traffic Act 93 of 1996 and includes any person nominated by any organization and authorized by the City

“Authorized Official” means any employee of the City who is responsible for the performance of any function or the exercise of any power in terms of this by-law or any employee of the City assigned or delegated to perform any function or exercise any power in the implementation of this by-law.

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

“Coupon” means a device, whether electronic or not, 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, any device approved by the City from time to time.

“Dealer” means a person who, for gain, carries on the business of selling, buying, exchanging or garaging vehicles

“Demarcated Parking Place” means a demarcated parking place in conjunction where with a parking meter has been installed and intended for the use of Motorcycles only.

“Heavy Motor Vehicle” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles 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.

“Metered Parking Bay” means a parking bay in respect of which a parking meter has been installed or in respect of which a hand held device is used or electronic payment system has been implemented.

“Motorcycle” means a motor vehicle, which has two wheels and includes any such vehicle having a sidecar attached.

“Motor Vehicle” means any self-propelled vehicle and includes:

- (a) A trailer; and
- (b) A vehicle having pedals and an engine or an electronic 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) Any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - (ii) Any vehicle with a mass not exceeding 230 kilograms 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

“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 more than 16 but less than 35 persons, including 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 more than 9 but less than 16 seated persons, including the driver

“Minibus-taxi” means a motor car, a midi-bus or a mini-bus with an operating license authorising it to operate an unscheduled public transport service on a specific route or routes, or where applicable, within a particular area.

“Municipality” means the City Council of Matlosana acting under the powers delegated to it in terms of Section 80A of the National Road Traffic Act 93 (Act 93 of 1996)

“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.

“Operating License” means an operating license contemplated by the National Road Traffic Act, 2009 (Act 5 of 2009)

“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.

“Organization” means a group of people, company, association or body representing parking marshals that operates a parking marshal service or a parking management service in certain geographical areas as approved by the City.

“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 regulations issued under section 4 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, and **“parking”** has a corresponding meaning.

“Parking Attendant” means a person rendering a parking service for his or her own account. (Car Guard)

“Parking Marshals” means a person in the employ of an organization 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 by the City upon the surface of a parking ground or a public road.

“Parking Fee” means determined by Council Resolution and in relation to fee, means as set out in the Tariff Policy of Council.

“Parking Ground” means any area of land or any building set aside by the City as a parking ground or garage for the parking of vehicles by members of the public, whether or not charges are prescribed by this By-law for the use thereof.

“Parking Meter” means a device commissioned in terms of this By-Law, registering and visibly recording the parking time either by 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 authorized officials or a Service Provider approved by Council.

“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.

“Public Place” means any square, park, recreation ground, sports ground, sanitary lane or open space which has –

- (a) In connection with any sub-division or layout 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 sub-division or diagram
- (b) At any time been dedicated to the public;
- (c) Been used by the public without interruption for a period of at least 30 years; or
- (d) At any time been declared or rendered as such by the City or other competent authority

“Public Road” means any road, street, cycle path, thoroughfare, parking ground, dedicated busway, parking bay or any other similar 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 as such by the City or other competent authority; or
 - (iv) Constructed by a local authority; and
- (e) Any land, with or without buildings or structures thereon, which is shown as a public road on –
 - (i) Any plan of sub-division or diagram approved by the City or other 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)

“Semi-trailer” means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on 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, stand or bus stop established by the City on a public road within the City for the parking or standing of a taxi or a bus

“Stop” in relation to a taxi stopping in a stopping place on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or off-loading 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 City where a taxi may stop to pick up or drop off passengers; and
- (b) A bus, means a bus stop

“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 quadrucycle, and includes a minibus-taxi; and
- (b) A metered taxi

“Taxi Association” means a taxi association recognized as such by the City and the Provincial Government

“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 City for the exclusive use of taxis and, regarding a minibus-taxi making use of a bus stop in terms of Section 5, includes a bus stop.

“Taxi Operator” means the person responsible for the use of a taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 96 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 City where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward.

“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 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 is being salvaged, other than such a device which moves solely on rails.

- (2) In this By-law, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning unless the context otherwise indicates.

Purpose

2. The purpose of this By-law is to control parking within the area of jurisdiction of the City in order to provide a safe environment.

CHAPTER 1

GENERAL PROVISIONS RELATING TO PARKING

Part 1: General Provisions

3. 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 sub-sections (2) and (3), the vehicle to remain stationary in a loading zone –
- (a) between the hours of 07:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday
- (b) between the hours of 07:00 to 14:00 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 five minutes continuously, except 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 minutes continuously, except while the vehicle is being actually loaded or off-loaded.
- (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 authorized officer, even if the vehicle has not been stationary therein 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.

4. 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 leave a vehicle in the same place in a parking bay for continuous period of more than seven days
- (3) No person may park a heavy motor vehicle designed, adapted or used for the conveyance of goods anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.
- (4) A person who contravenes a provision of this section commits an offence.

5. 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 authorized officer 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 sub-section (1), or who fails to comply with a direction or instruction by an authorized officer commits an offence.

6. 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 for sale or for rental, whether advertised as such or not.
- (2) A dealer or seller who contravenes sub-section (1) commits an offence

7. 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 a state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.
- (2) A person who contravenes sub-section (1) commits an offence.

8. Parking of Heavy vehicles and Caravans

- (1) No person may, for an uninterrupted period exceeding 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 sub-section (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.
- (3) A person who contravenes sub-section (1) commits an offence.

9. Exemption of Medical Practitioners from parking restrictions

- (1)
 - (a) Registered General Medical Practitioners to whom a badge has been issued by the City are exempt from the provisions of this By-law, subject to paragraph (b), when using, on a bona fide professional domiciliary visit, a motor vehicle on which is displayed a badge conforming with the requirements as issued to him/her by the City.
 - (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.

10. 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 off-loaded.
- (2) A person who contravenes sub-section (1) commits an offence.

11. Temporary Parking Permit

- (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 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.
- (2) A temporary parking permit may only be granted if the City is satisfied that –
 - (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space to which the application relates; and
 - (b) it is not reasonably practical for the applicant to carry out that activity unless the designated parking space to which the application relates are allocated to the exclusive use of the applicant for the duration of the activity.
- (3) A person who parks a vehicle in contravention of sub-section (1) commits an offence.

12. Work Zone Permit

- (1) A work zone parking permit may be granted for driving, parking or building or construction purposes in a parking bay or parking ground or on the verge of a road or elsewhere on a public road if the City is satisfied that –
 - (a) the part of the road or other area referred in sub-section (1) to which the application relates is adjacent to or at the site of proposed building, construction or other work; and
 - (b) the carrying out of the building, construction or other work is lawful; and
 - (c) having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or to areas within close proximity where parking is permitted.
- (2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties.
- (3) A person who parks a vehicle in contravention of sub-section (1) or who uses a work zone permit whilst not executing his/her duties commits an offence.

13. Municipal Works parking permit

- (1) Subject to any conditions the City may impose and subject to section 14(1), a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, 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 if the person is –
 - (a) an employee, contractor or agent of the City; and
 - (b) parking the vehicle or vehicles in the space -
 - (i) for the purpose of carrying out work for or on behalf of the City; and
 - (ii) in the course of carrying out his/her duties for or on behalf of the City

14. Reserved parking for the Disabled, Diplomatic Corps, South African Police Services and other identified groups

- (1) The City may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the City, and may designate such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility permits.
- (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 sub-section (2) commits an offence.

CHAPTER 2**PARKING METERS AND PAYMENT FOR PARKING****15. The installation of parking meters or use of any other device to record the time parked**

- (1) The City 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 parking space demarcated as a parking bay;
 - (b) a combined parking meter at a parking space demarcated as parking bays; or
 - (c) any other device by which parking time can be recorded and displayed
- (2) The City may install or operate a parking meter contemplated in sub-section (1) upon the curb, footpath or sidewalk which adjoins the parking bay 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 or a notice board.

- (4) In the instance where a meter is out of order, an authorized officer 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.

16. 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 sub-section (1) commits an offence.

17. Payment for Parking

- (1) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must –
 - (a) Pay the applicable parking fee to the responsible parking meter marshal or any other means or device as determined by the City;
 - (b) If required by the parking meter marshal, enter his/her vehicle's registration number and the bay number which the motor vehicle occupies into the parking meter; and
 - (c) If the parking meter/device provides for the issuing of a parking ticket, prominently display the parking ticket on the inside of the motor vehicle, above the dashboard at the bottom of the windscreen in such a manner that it is readable from outside the front windscreen of the motor vehicle, for as long as the motor vehicle is parked on the metered parking bay or metered parking ground.
- (2) 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 –
 - (a) Pay the applicable parking fee to the responsible parking meter marshal or any other means or device as determined by the City;
 - (b) If required by the parking meter marshal, enter his/her vehicle's registration number and the bay number which the motor vehicle occupies into the parking meter; and
 - (c) If the parking meter provides for the issuing of a parking ticket, prominently display the parking ticket on the inside of the motor vehicle, above the dashboard at the bottom of the windscreen in such a manner that it is readable from outside the front windscreen of the motor vehicle, for as long as the motor vehicle is parked on the metered parking bay or metered parking ground.
- (3) A driver or person in charge of a vehicle who fails to do so commits an offence.

18. Parking Fees and Parking Times

- (1) No person may, during business hours, Monday to Fridays between 08:00 and 17:00 and Saturdays between 08:00 and 13:00, park a motor vehicle on a metered parking bay or metered parking ground, or cause a motor vehicle to be so parked –
 - (a) Without paying the applicable parking fee; or
 - (b) For a period of time which is longer than the parking time purchased in respect of that motor vehicle.
 - (c) Payment of parking fees must also be in South African currency and reasonable note denomination values so as not to encumber the parking meter attendant unduly.

19. Prevention of parking at a parking bay

An authorized officer may display road traffic signs whenever 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 a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay –

- (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 the provisions of this section commits an offence.

20. Tampering with a parking meter or device

No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal

21. Unlawful parking and clamping or removal of unlawfully parked vehicles

- (1) No person may cause, allow, permit or suffer 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 City 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 City; and
 - (c) Charge a fee for the removal of a wheel clamp attached in terms of sub-section (3)(a) or the release of a vehicle which was removed in terms of sub-section (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.
- (4) A person who contravenes sub-section (1) commits an offence.

22. Exemptions

- (1) Notwithstanding any other provisions 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 bay 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, the Metropolitan Police Service or the Law Enforcement division of the City 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.
 - (d) a vehicle used by and for essential services
 - (e) a vehicle used by people with disability
- (2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, regulation or by-law, a parking bay may be occupied without charge during the hours indicated by the City on a sign erected for that purpose.
- (3) A person who contravenes sub-section (2) commits an offence.

CHAPTER 3

PARKING AND PARKING GROUNDS

Part 1: General Provisions

23. Service Provider

The Municipality shall be entitled to appoint a Service Provider to render a Parking Management System to the City. The Service Provider can appoint a parking meter marshal to operate parking meters and to recover parking fees, parking penalties and any other amount due to the Municipality in terms of this By-law

24. The City not liable for loss or damage

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

25. Interference with authorized officials, authorized officers and parking marshals

- (1) No person may obstruct, hinder or in any manner interfere with an authorized official, authorized officer or a parking marshal in the performance of his/her duties under this By-law
- (2) A person who contravenes sub-section (1) commits an offence.

26. 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 City.
- (2) The City 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 City may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the City, to park the vehicle in a parking ground specified, if space in the parking ground is available.
- (4) A coupon issued under sub-section (2) or (3) –
 - (a) may not, without the prior written consent of the City –
 - (i) be transferred to any other person; or
 - (ii) be used in respect of any vehicle other than the specified vehicle
 - (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

27. Car Guards

- (1) No person shall operate as a Car Guard in respect of a metered parking bay or metered parking ground unless that person is a member of an association of Car Guards approved by the Municipality. In approving an association of Car Guards, the Municipality may approve an association in respect of a designated area or areas
- (2) No Car guard may interfere with or obstruct a parking meter attendant, Traffic Warden or Traffic Officer in the execution of their duties.
- (3) Every Car Guard will comply with the national rules of the Private Security Industry Regulatory Authority (PSIRA)

28. Manner of parking and removal of vehicle

- (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorized officer 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, 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 authorized officer 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 roadway within a parking ground or on a sidewalk or in a manner restricting pedestrian movement on a sidewalk
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences 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

29. Abandoned vehicle

- (1) The City may remove to the City's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.
- (2) The City must take all reasonable steps to trace the owner of a vehicle which was removed in terms of sub-section (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the City may, subject to sub-section (3) and sections 44 and 45, sell the vehicle at a public auction
- (3) The City must, 14 days before the auction contemplated in sub-section (2), publish or cause to be published in at least 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 City all prescribed fees payable in terms of this By-law and the applicable costs in terms of sub-section (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 sub-section (3) and thereafter to defray the following:
 - (a) the costs incurred in endeavouring to trace the owner in terms of sub-section (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 City, of keeping the vehicle in the pound
 - (f) the parking fees applicable for having left the vehicle in the parking ground as contemplated in sub-section (1); and
 - (g) any unpaid parking fees or unpaid traffic fines in respect of such 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/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 sub-section (4) is forfeited to the City.
- (6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

30. Negligent and dangerous driving and speed restriction

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

31. Tampering with a vehicle

- (1) No person may, on a parking ground, 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 sub-section (1) commits an offence.

32. Defacing coupon

33. 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 or to remain in a parking ground.
- (2) If a vehicle, after having been parked in a parking ground, 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 removed within a reasonable time.
- (3) A person who contravenes sub-section (1) or sub-section (2) commits an offence.

34. Cleaning of a vehicle

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

35. Refusal of admission

- (1) An authorized officer may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five meters, 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 contravenes sub-section (1) commits an offence

36. Parking hours and classes of vehicles

- (1) The City 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 City may, in a notice posted at the entrance to 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 City may, notwithstanding a notice posted in terms of sub-section (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 on a parking ground or portion of a parking ground which has been closed under sub-section (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the City from time to time.
- (5) No person may park on 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/she is the holder of a parking coupon issued in terms of this By-law authorizing him/her to do so, park a vehicle or cause or permit it 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 sub-section (4), (5) or (6) commits an offence.

37. Reservation by the City

- (1) The City may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the City or vehicles used by members of its staff on the business of the City.
- (2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the City or for members of the City's staff commits an offence

CHAPTER 4**TAXIS AND BUSSES*****Part 1: Special parking places for taxi*****38. Taxi parking**

- (1) In emergencies or at recreational and other similar functions, the City may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis

39. Prohibition of 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

40. Servicing and washing taxis at taxi facilities

- (1) No person may repair or maintain any motor vehicle 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

41. 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 authorized officer.

**CHAPTER 5
MISCELLANEOUS PROVISIONS**

42. Obeying and interfering with an authorized Officer

- (1) An authorized 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 authorized Officer in the exercise of the power referred to in sub-section (1)
- (3) A person who contravenes a provision of this section commits an offence

43. Appeal

- (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by –
 - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or
 - (b) the Municipal Manager, the Executive Mayoral committee is the appeal authority.

44. Sale of Impounded Vehicles

- (1) The City must –
 - (a) within 14 days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and
 - (b) in the application contemplated in paragraph (a), provide the Court with proof that he/she has lodged a statement as contemplated in sub-section (2) with the owner
- (2) The statement contemplated in sub-section (1)(b) must include the fees and costs due in terms of this By-law

45. 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 No. 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 of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R. 1108 in

Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

46. Compliance notices and the recovery of costs

- (1) Notwithstanding any other provision of this By-law, the City may –
 - (a) where the permission of the City is required before a person may perform a certain action or build or erect anything, 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 owner of the premises or 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 City may require to rectify such contravention within the period stated in such notice.

- (2) Any person who fails to comply with a notice in terms of sub-section (1) commits an offence, and the City 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.

47. Presumptions

- (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, 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 on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop 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 purpose 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/her powers or in the carrying out of his/her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body
- (4) 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 is prima facie proof of his/her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation
- (5) 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.
- (6) 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 in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

48. 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) a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment; and

(b) 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

49. Repeal of By-laws

The By-laws listed in the schedule hereto and any by-law previously promulgated by the City or any of the disestablished municipalities now incorporated into City, in so far as it relates to any matter provided for in this By-law, are hereby repealed.

50. This By-law is called the City of Matlosana, Parking By-law, 2017