Cape Town, South Africa

Parking By-law, 2010

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Cape Town
South Africa

Parking By-law, 2010

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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 Cape Town 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 Cape Town, as follows —

1. Definitions

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

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

"**approved**" means approved by the City, and "approval" has a corresponding meaning;

"**authorised officer**" means an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer, and includes any other person appointed as an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer in terms of section 3A of the National Road Traffic Act, 1996(Act No. 93 of 1996), and includes any person nominated by any organisation and authorised by the City;

"**authorised 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;

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

"**bus**" means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 34 persons, including the driver, and includes a bus train;

"**bus stop**" means a demarcated place or stand where passengers may board or alight from a bus, and which is distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the bus stop;

"**bus train**" means a bus which—

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

(b) can swivel in a horizontal plane at the connections between such sections;

(c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and

(d) has a continuous passageway over its length;

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

"**Chief Traffic Officer**" means the Chief Traffic Officer of the City to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

"**City**" means the City of Cape Town established by Provincial Notice 479 of 2000, and includes any political structure, political office bearer, duly authorised agent thereof or any employee acting in terms of delegated or sub-delegated authority; ;

"**City bus**" means a bus forming part of a bus service operated by the City, or by a municipal entity of the City, whether so operated itself or through a service provider contracted to the City or a municipal entity of the City;

"**city card**" means any document or card, irrespective of the form thereof, issued by the City in order to be used as a method of payment for parking;

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

"**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, and includes 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;

"**dedicated busway**" means a roadway for the exclusive use of buses and other authorised vehicles, which may be a separate facility in its own right-of-way, part of the surfaced width of a road used by general traffic and separated from general lanes by a painted line, or part of the surfaced width of a road used by general traffic and separated from general traffic by a barrier kerb or any other such physical separation;

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

"**event**" means—

(a) any sporting, recreational or entertainment event, including live acts;

(b) any educational, cultural or religious event;

(c) any business event, including marketing, public relations and promotional or exhibition events;

(d) any charitable event, including any conference, organizational or community event,

or any similar activity hosted at a stadium, venue or along a route or its precinct that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person in his or her private capacity at any venue, or filming staged in terms of the by-law relating to Filming;

"**examiner of vehicles**" means an ‘examiner of vehicles’ as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996); "footpath" means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

"**goods vehicle**" means a motor vehicle, designed or adapted for the conveyance of goods on a public road;

"**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;

"**marshal**" means a person who arranges passenger and vehicle-related procedures at taxi facilities;

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

"**metered parking bay**" means a parking bay in respect of which a parking meter has been installed or in respect of which a hand held device is used or electronic payment system has been implemented;

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

"**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 nine but not more than 16 seated persons, including the driver;

"**minibus-taxi**" means a motor car, a midi-bus or a mini-bus with an operating licence authorising it to operate an unscheduled public transport service on a specific route or routes, or where applicable, within a particular area;

"**Minister**" means the National or Provincial Minister of Transport;

"**motor vehicle**" means any self-propelled vehicle and—

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor, but does not include—

(i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) a vehicle with a mass not exceeding 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;

"**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 licence contemplated by the National Land Transport 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;

"**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 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 official or a service provider approved by the City;

"**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;

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

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

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

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

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

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

"**public place**" means any square, park, recreation ground, sports ground, sanitary lane or open space which has—

(a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used by the public without interruption 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 subdivision 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;

"**rank access token**" means a colour-coded sticker or other means of identification issued by the City to the holder of a valid operating licence; "regulation" means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

"**residence**" means a building, or part of a building, that is—

(a) fixed to land;

(b) designed or approved by the City, for human habitation by a single family unit; and

(c) used for residential purposes;

"**semi-trailer**" means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed 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;

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

"**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;

"**tare**" in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of—

(a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;

(b) anything which is a permanent part of the structure of such vehicle;

(c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and

(d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—

(i) fuel; and

(ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

"**taxi**" means a motor vehicle which plies for hire, is operated for reward, and includes—

(a) a mini-bus, a midi-bus, motor tricycle or motor 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 Western Cape 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 93 of 1996), it means the person who has been registered as the operator of such vehicle;

"**taxi rank**" means a taxi facility identified by the City where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

"**temporary taxi facility**" means a taxi facility contemplated in section 49(2);

"**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 motor cycle;

"**tri-cycle**" means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power; "verge" means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

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

(2) 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.

2. Purpose

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. Control of parking

(1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.

(2) The City may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.

(3) No person may without the prior written approval of the City erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.

(4) The City may operate a parking management system in areas and during times determined by the City from time to time.

(5) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence.

4. Parking in a loading zone

(1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone—

(a) between the hours of 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 authorised 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.

5. Parking at a bus stop or in a dedicated busway

(1) No person who operates or who is in charge of a vehicle on a public road may—

(a) in the case of a vehicle other than a bus or a minibus-taxi, allow the vehicle to remain stationary at a bus stop;

(b) in the case of a vehicle other than a City bus, allow the vehicle to be driven, park or remain stationary in a dedicated busway or at the entrance to a dedicated busway or in a manner inhibiting the movement of a City bus in, into or from such busway.

(2) Subsection (1)(a) does not apply to a driver or person in charge of a vehicle who allows such vehicle to remain stationary at a bus stop where that bus stop is located in a driving lane of a public road, where the vehicle is kept stationary in order to comply with a traffic signal or for another reason linked to road safety; Provided that such driver or person in charge does not allow passengers to board or alight from the vehicle.

(3) A person who contravenes subsection (1) commits an offence.

6. Parking in a public road

(1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.

(2) No person may leave a vehicle in the same place in a parking bay for a 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.

7. Parking upon a traffic island

(1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised 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 subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

8. Parking by a dealer or seller of a vehicle

(1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is for sale or for rental, whether advertised as such or not.

(2) A dealer or seller who contravenes subsection (1) commits an offence.

9. Parking of a vehicle under repair

(1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in 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 subsection (1) commits an offence.

10. 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 3500 kg;

(b) a trailer not attached to a vehicle;

(c) a semi-trailer, or

(d) a caravan not attached to a vehicle.

(2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.

(3) A person who contravenes subsection (1) commits an offence.

11. Exemption of medical practitioners from parking restrictions

(1) (a) Registered general medical practitioners to whom a badge has been issued in terms of subsection (3)(a) are exempt from the provisions of 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 of subsection (2) issued to him or 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.

(2) (a) The badge must be a windscreen sticker badge displaying on the face thereof—

(i) a serial number; and

(ii) the name of the person to whom it is issued.

(b) The badge must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.

(c) The address referred to in paragraph (b) must be the same street or a street adjoining and in close proximity to the place where the vehicle is parked.

(3) (a) Written application for the issue of a badge must be made to the City and if the City approves the application, it must issue a badge bearing a registered serial number to the applicant.

(b) The City must keep a register in which it records—

(i) The badge issued by it;

(ii) the serial number allocated to a badge; and

(iii) the name of the holder of a badge.

(c) The City may issue a duplicate badge.

(d) Where the City has reason to believe that any holder of a badge is abusing a privilege conferred by the badge, it may withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.

(e) The City may charge a fee for the issuing of a badge or a duplicate thereof.

(f) The City may prescribe the period for which a badge will be valid.

(4) Application for a badge must be made on a form provided for this purpose by the City.

(5) A person who displays a forged badge or a badge which was not issued by the City commits an offence.

12. 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 subsection (1) commits an offence.

Part 2 – Parking permits

13. Resident parking permit

(1) Subject to any conditions the City may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—

(a) who reside in a residence—

(i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time;

(ii) in circumstances where not more than one person who resides in the residence is the holder of a current permit; and

(iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and

(b) whose residence does not have and cannot reasonably provide off-street parking.

(2) Subject to any conditions the City may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—

(a) who reside in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is hosted; and

(b) in circumstances where such an area is cordoned off or declared a zone where access is denied to vehicles,

to enter and park a vehicle in such area, cordoned off or declared zone.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

14. Temporary parking permit

(1) Subject to any conditions the City may impose and subject to section 17(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 subsection (1) commits an offence.

15. Work zone permit

(1) Subject to any conditions the City may impose and subject to section 17(1) and (3), 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 subsection (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 subsection (1) or who uses a work zone permit whilst not executing his or her duties commits an offence.

16. Municipal works parking permit

(1) Subject to any conditions the City may impose and subject to section 18(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 or her duties for or on behalf of the City.

17. Conditions and originality of parking permits

(1) (a) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label for the vehicle.

(b) The City may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction or damage of the original permit to the satisfaction of the City.

(2) (a) A resident parking permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be—

(i) the road adjacent to the place of residence identified in the permit; or

(ii) the one or more segments of road in close proximity to the place of residence identified in the permit; and

(b) The holder of a resident parking permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit.

(c) A resident parking permit is not specific to any particular vehicle.

(d) The City may only issue a maximum of one parking space per residence.

(3) (a) A work zone permit must specify the part of the road to which the permit relates.

(b) The holder of a work zone permit must pay the prescribed fee, as determined by the City, for the installation of official traffic signs, or other signs and markings to identify the boundaries of the work zone identified in the permit.

(c) No person may be stack, place or otherwise leave materials of any kind on the road or footpath within or outside of a work zone.

(d) No person may park, and load or off-load a vehicle or carry out any other operation in a manner which obstructs pedestrian movement along a footpath within or adjacent to a work zone.

(e) The holder of a work zone permit must keep the permit on site and produce upon request by an authorised officer.

(4) No person to whom a permit has been granted in terms of sections 13, 14, 15 and 16 may stop, park or leave a vehicle at any time in a designated parking space unless the vehicle displays an original parking permit.

(5) Any person who contravenes any provision of this section, or who displays a copy of a parking permit commits an offence.

18. 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 subsection (2) commits an offence.

Chapter 2
Parking meters and payment for parking

19. 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 subsection (1) upon the kerb, 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 authorised 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.

20. Method of parking

(1) No driver or person in charge of a vehicle may park the vehicle—

(a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;

(b) in a parking bay which is already occupied by another vehicle; or

(c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.

(2) A person who contravenes the provisions of subsection (1) commits an offence.

21. Payment for parking

(1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must —

(i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay in respect of which it is installed the prescribed coin as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or

(ii) effect payment by any other means prescribed by the City irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked,

and a driver or person in charge of a vehicle who fails to do so, commits an offence.

(b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must—

(i) immediately deposit or cause to be deposited in the parking meters which adjoin the parking bays in respect of which they are installed the prescribed coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bays, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or

(ii) effect payment by any other means prescribed by the City irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked,

and a driver or person in charge of a vehicle who fails to do so, commits an offence.

(c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.

(d) Subject to paragraph (e), a driver or person in charge of a vehicle may, without payment, park a vehicle during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use, provided that the City may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay and before the parking bay is occupied by a subsequent vehicle.

(e) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.

(2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as set out in subsection (1)(a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.

(3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.

(4) Subject to the provisions of section 13, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking meter or any other device shows that–

(a) the time has expired; or

(b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter,

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

(5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if—

(a) the indicator shows that—

(i) the time has expired;

(ii) the parking meter has not been set in operation; or

(b) a hood has been placed over the parking meter as envisaged in section 19(4),

no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

22. Prevention of parking at a parking bay

An authorised 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 a provisions of this section commits an offence.

23. Tampering with a parking meter or device

(1) No person may—

(a) misuse, damage, knock interfere with or tamper with;

(b) attempt to misuse, damage, knock interfere with or tamper with,

the working operation or mechanism of a parking meter.

(2) No person may, without authority from the City and subject to any other by-law of the City, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking meter.

(3) No person may paint, write upon or disfigure a parking meter.

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

(5) A person who contravenes a provision of this section commits an offence.

24. Prescribed coin only to be deposited

(1) No person may deposit or cause to be deposited in a parking meter anything other than the prescribed coin.

(2) A person who contravenes subsection (1) commits an offence.

25. Unlawful operation of a parking meter

(1) No person may operate or attempt to operate a parking meter by any means other than as prescribed in this By-law.

(2) A person who contravenes subsection (1) commits an offence.

26. 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 subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.

(4) A person who contravenes subsection (1) commits an offence.

27. Exemptions

(1) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking 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.

(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 subsection (2) commits an offence.

Chapter 3
Parking grounds

Part 1 – General provisions

28. 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.

29. Interference with authorised officials, authorised officers and parking marshals

(1) No person may obstruct, hinder or in any manner interfere with an authorised official, authorised officer or a parking marshal in the performance of his or her duties under this By-law.

(2) A person who contravenes subsection (1) commits an offence.

30. 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 subsection (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.

(5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the City.

(6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a coupon was issued in terms of subsection (2) has elapsed, or who contravenes a provision of subsection (4) commits an offence.

31. Observance of signs

(1) A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground. (2) A person who contravenes subsection (1) commits an offence.

32. Manner of parking and removal of vehicle

(1) No person may in any parking groundpark a vehicle otherwise than in compliance with an instruction or direction given by an authorised 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 authorised 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 groundpark 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.

33. 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 subsection (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 subsection (3) and sections 59 and 60, sell the vehicle at a public auction.

(3) The City must, 14 days before the auction contemplated in subsection (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 subsection (4).

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:

(a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);

(b) the costs of removing the vehicle;

(c) the costs of publishing the notice of the auction;

(d) the costs of effecting the sale of the vehicle;

(e) the costs, calculated at a rate determined by the 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 subsection (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 or her right to the vehicle.

(5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the 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.

34. Damage to notices

(1) No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, notice-board, sign or other thing placed by the City on a parking ground.

(2) A person who contravenes subsection (1) commits an offence.

35. 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 subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.

36. Entering or remaining in parking ground

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

(a) a person in the company of a person who is parking or removing a vehicle;

(b) officials of the City engaged in official activities or on instruction from the City; and

(c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.

(2) A person who contravenes subsection (1) commits an offence.

37. Tampering with 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 subsection (1) commits an offence.

38. Defacing coupon

(1) No person may, in a parking ground with intent to defraud the City, forge, imitate, deface, mutilate, alter or make a mark upon a parking

coupon issued in terms of this By-law.

(2) A person who contravenes subsection (1) commits an offence.

39. 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 subsection (1) or subsection (2) commits an offence.

40. Cleaning of 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 subsection (1) commits an offence.

41. Refusal of admission

(1) An authorised officer may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.

(2) A person who disregards an authorised officer's refusal of admission commits an offence.

42. 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 must, 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 subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.

(4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles 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 or she is the holder of a parking coupon issued in terms of this By-law authorising him or her to do so, park a vehicle or cause or permit 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 subsection (4), (5) or (6) commits an offence.

43. 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.

Part 2 – Mechanically controlled parking ground

44. Parking of a vehicle in a mechanically or otherwise controlled parking ground

(1) Subject to section 2, a person who—

(a) wishes to park a vehicle;

(b) causes or permits a vehicle to be parked; or

(c) allows a vehicle to be parked,

in a mechanically or otherwise controlled parking ground must, when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.

(2) A person contemplated in subsection (1) may not park a vehicle—

(a) except in a parking bay and in compliance with such directions as may be given by an authorised officer or where no such bay has been marked, except in a place indicated by the authorised officer;

(b) after an authorised officer has indicated to the person that the parking ground is full;

(c) after the expiry of the parking period indicated on the parking coupon; or

(d) for a longer period than indicated as indicated by sign.

(3) A parking coupon obtained in terms of subsection (1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period, provided that the City may implement a system where payment is required at the end of the parking period.

(4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes subsection (2) or (3) commits an offence.

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

(1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless—

(a) he or she has produced to the authorised officer a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and

(b) he or she has paid to the authorised officer the prescribed parking fee.

(2) If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the City from time to time.

(3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official—

(a) must require the person to produce proof of identity and complete and sign an indemnity form as supplied by the City, which form has the effect of indemnifying the City against claims of whatever nature by a person relating to the removal of that vehicle; and

(b) may require the person to furnish such security as may be determined by the City.

(4) Subsection (1)(a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised officer on demand.

(5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the City is payable for the next parking period.

(6) A person who contravenes subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised officer in terms of subsection (3)(a) or (b) commits an offence.

Part 3 – Pay-and-display parking ground

46. Parking of a vehicle in a pay-and-display parking ground

(1) A person who—

(a) wishes to park a vehicle;

(b) causes or permits a vehicle to be parked; or

(c) allows a vehicle to be parked,

in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.

(2) The following must be indicated on the parking coupon vending machine:

(a) the period during which a vehicle may be parked in the pay-and-display parking ground; and

(b) the coin or other prescribed object or method of payment to be inserted or used in respect of the parking period into or in connection with the pay and display machine.

(3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.

(4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence to the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.

(5) No person may park a vehicle, cause, permit or allow a vehicle to be parked in a pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.

(6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.

(7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

(8) A person who contravenes subsection (3), (4) or (5) commits an offence.

47. Miscellaneous offences in respect of a pay-and-display parking ground

A person commits an offence if he or she—

(a) inserts or attempts to insert into a parking coupon vending machine—

(i) a counterfeit coin;

(ii) where another kind of object is to be used, a false object;

(iii) a coin which is not South African currency; or

(iv) any object which is not meant to be inserted into the parking coupon vending machine;

(b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or

(c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

Chapter 4
Taxis and buses

Part 1 – Special parking places for taxis

48. Special parking places for taxis

(1) The City may, subject to any other by-law of the City relating to taxis, establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a rank access token to use the parking place or to park a taxi has been issued.

(2) A rank access token may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.

(3) If no space is available in a special parking place at any particular time for the parking of a taxi by a rank access token holder or for a taxi to which the rank access token relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 49, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

(4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a rank access token, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

49. Taxi parking

(1) A driver may, subject to subsection (2) and section 48 and subject to any other by-law of the City relating to taxis—

(a) park a taxi at a special parking place or taxiholding area only and only for the purpose of conducting business directly related to the taxi; or

(b) ply for hire, or pick up or drop off passengers only at a special parking place or a taxistopping place provided.

(2) 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.

(3) A person who contravenes subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

50. Use of taxi ranks

(1) Subject to any other by-law of the City relating to taxis, a driver—

(a) may, subject to subsection (3), park a taxi at the taxi rank specified on the rank access token issued with respect to that taxi, if space is available and only for the purpose of conducting business directly related to the taxi; and

(b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 48.

(2) The driver must, when plying for hire at a taxi rank, do so in a queue and must—

(a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and

(b) move his or her taxi forward as the queue moves forward.

(3) When plying for hire at a taxi rank, a driver—

(a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;

(b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and

(c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.

(4) No person may park or stop a taxi which is not in good working order as required by the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.

(5) No person may park a vehicle or allow a vehicle to remain stationary in a taxi rank except a taxi in posession of a valid operating licence and for which a rank access token, specifying the rank, has been issued for the year in question, as contemplated in this Part of Chapter 4.

(6) A person who contravenes a provision of this section commits an offence.

51. Prohibition on parking of a taxi at no-stopping place

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

52. 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.

53. Behaviour prohibited at a taxi rank

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

Part 3 – Bus facilities and permits, and operation of buses

54. Establishment of bus facilities

The provisions of section 48(1),(2) and (3) apply, with the necessary changes, to buses.

55. Distinguishing bus stops

(1) Each bus stop must be distinguished by the appropriate traffic sign to indicate the type of bus or minibus-taxi or, where applicable, the name of the concern entitled to use the bus stop.

(2) The City may demarcate bus stops for tour buses.

56. Destination signs and stopping or parking at bus stops

(1) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or allow such vehicle to be parked at any bus

stop.

(2) No driver or person in charge of a minibus-taxi may stop or park such vehicle or allow such vehicle to be stopped or parked at any bus stop demarcated for tour buses.

(3) Notwithstanding the provisions of subsection (1) a driver or person in charge of a City bus may park a City bus at a bus stop demarcated for use by a concern operating City buses, if he /she needs to do so in order to delay departure from such bus stop in order to keep to the required bus schedule.

(4) A driver or person in charge of a bus or minibus-taxi must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed at a bus stop.

(5) Where a traffic sign identifying a bus stop or another sign displayed at the bus stop indicates the name of a concern, no driver or person in charge of a bus or minibus-taxi operated by or on behalf of a concern other than the concern indicated on the sign may stop such vehicle or allow a passenger to board or alight from the vehicle at such bus stop.

(6) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

(7) No driver or person in charge of a bus or minibus-taxi may allow the engine of such bus which is allowed to stop at any bus stop to run for more than 20 minutes after it came to a stop.

(8) A person who contravenes a provision of this section commits an offence.

Chapter 5
Miscellaneous provisions

57. Obeying and interfering with an authorised officer

(1) An authorised officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.

(2) No person may obstruct, hinder, abuse or interfere with any authorised officer in the exercise of the power referred to in subsection (1).

(3) A person who contravenes a provision of this section commits an offence.

58. 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.

(4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

59. 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 or she has lodged a statement as contemplated in subsection (2) with the owner.

(2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this By-law.

60. 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.

61. 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 subsection (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.

62. 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 purposes of this By-law it is presumed, in the absence of evidence to the contrary, that1‘ where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.

(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 or 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.

63. 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.

64. 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.

65. Short title

This By-law is called the City of Cape Town: Parking By-law, 2010.

Schedules

Bellville Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 852/1969	Parking meter	The whole
P.N. 1151/1971	Parking of heavy vehicles and caravans	The whole

Provincial Notice No.	Title	Extent of repeal
P.N. 779/1985	Toll parking	The whole

Durbanville Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 286/1975	Parking of heavy vehicles, caravans and trailers	The whole

Cape Town Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 0519/1979	Exemption from toll parking	The whole
P.N. 0430/1983	Exemption from toll parking	The whole
P.N. 0538/1985	Exemption from toll parking	The whole

Brackenfell Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 737/1974	Parking of heavy vehicles and caravans	The whole

Goodwood Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 1044/1971	Parking meter	The whole

Kraaifontein Municipality

Provincial Notice No.	Title	Extent of repeal
P.N. 574/1973	Parking of heavy vehicles and caravans	The whole