

Winnie Madikizela-Mandela, South Africa

Parking Meter By-law, 2019

Legislation as at 21 October 2019

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Winnie Madikizela-Mandela South Africa

Parking Meter By-law, 2019

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Commenced

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WHEREAS in terms of section 11 (3)(m) of the Local Government; Municipal Systems [Act 32 of 2000](#), read with section 162 of the [Constitution of the Republic of South Africa Act 108 of 1996](#), municipalities have the legislative power to promulgate by-laws regarding any matter which falls within its functional competence;

AND WHEREAS Part B of Schedule 5 of the [Constitution](#) lists traffic and parking as a local government competency to the extent set out in section 155(5)(a) and (7);

AND WHEREAS in terms of section 80A(1)(b) of the National Road Traffic Act, 1996 ([Act 93 of 1996](#)) a local authority may make bylaws including bylaws relating to the installation, regulation, supervision, maintenance and control of parking meters and parking places;

AND WHEREAS the Mbizana Local Municipality seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

NOW THEREFORE the Council of the Mbizana Local Municipality, acting in terms of section 156. read with Schedule 5 (Part 8) of the [Constitution of the Republic of South Africa Act 108 of 1996](#), and read with section 1 of the Local Government: Municipal Systems Act 32 of 2000, hereby makes the following By-Law: Parking Meter Bylaws

Be it enacted by the Council of the Mbizana Local Municipality Municipality, in terms of Section 156 of [Constitution of the Republic of South Africa Act No. 108 of 1996](#), read with section 11 of the Local Government: Municipal Systems [Act No. 32 of 2000](#) and the KwaZulu-Natal Pound Act 2006 (Act No. 3 of 2006), as follows:

1. Definitions

In these bylaws, unless inconsistent with the context-

"**Act**" means the National Road Traffic Act, 1996 ([Act 93 of 1996](#)) together with any amendments thereto;

"**ambulance**" means a motor vehicle specially constructed or adapted for the conveyance of sick or injured persons to or from a place for medical treatment and which is registered as an ambulance;

"**authorised employee**" means any employee of the Council appointed by it for the purpose of controlling parking in parking areas and access thereto;

"**business hours**" means the hours of 08h00 to 17h00 on Mondays to Fridays, and 08h00 to 13h00 on Saturdays, or such other times as may be determined by the Council from time to time;

"**car guard**" means a person who watches over and protects motor vehicles in return for payment;

"**combination of motor vehicles**" means two or more motor vehicles coupled together;

"**Council**" means the council of the Mbizana Local Municipality Municipality;

"**emergency rescue vehicle**" has the meaning assigned to it in the Act;

"**fire-fighting vehicle**" means a motor vehicle designed or adapted solely or mainly for fighting fires and which is registered as a fire-fighting vehicle;

"metered parking bay" means any parking bay on a public road or public place in respect of which -

- (a) a parking meter has been installed or is used; and
- (b) the municipality imposes parking fees;

"metered parking ground" means a parking ground or any part thereof on a public road or public place in respect of which -

- (a) a parking meter has been installed or is used; and
- (b) the municipality imposes parking fees;

"motor vehicle" means a motor vehicle as defined in the Act and includes but may not be limited to: any vehicle, articulated vehicle, breakdown motor vehicle, bus, motorcycle, motor, quadricycle, motor tricycle, tractor, trailer truck, or semi-trailer, vintage motor vehicle as defined in the National Road Traffic Regulations, GNR 225 in Government Gazette 20963 of 17 March 2000;

"municipality" means the Mbizana Local Municipality;

"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 off-loading of persons or goods, but does not include any such keeping of a motor vehicle by reason of a cause beyond the control of the persons in charge of such motor vehicle;

"parking meter" means a static or hand-held device used for registering, recording and displaying -

- (a) the parking time available at the applicable metered parking bay or metered parking ground;
- (b) the parking fee payable for purchasing parking time at that metered parking bay or metered parking ground; and
- (c) the amount of parking time purchased in respect of a particular motor vehicle,

whether by means of a meter affixed to the device or a parking meter ticket issued by the device, or any other device by which the parking time can be recorded;

"parking meter attendant" means a person who is authorized to collect parking fees and to issue parking penalties on behalf of the municipality, and who is in possession of a valid appointment card issued by or on behalf of the municipality;

"parking penalty" means a charge imposed by the municipality from time to time, and payable to the municipality, for parking a motor vehicle on a metered parking bay or on a metered parking ground in contravention of this Bylaw;

"parking time" means the period of time purchased, against payment of the parking fee, for which a motor vehicle may be parked on a metered parking bay or metered parking ground;

"pound" means any area or place set aside by the Council for the custody of vehicles removed from a parking area in terms of these Bylaws

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

"traffic warden" means a traffic officer or traffic warden appointed in terms of section 3A of the Act and includes a member of the South African Police Service or a parking attendant who has been trained and certified and appointed by the municipality.

Any term which is defined in the Act or its Regulations, but which is not defined in this Bylaw, shall have the meaning given to it in the Act or such Regulation.

2. Principles and objectives

The municipality, acting under the [Constitution](#) and relevant legislation, and being aware of its duty to control parking within its areas of jurisdiction so as to provide a safe environment for all people within the municipal area, adopts these Bylaws with the aim of controlling parking within its area of jurisdiction.

3. Establishment of metered parking bays and metered parking grounds

The municipality may from time to time -

- 3.1 designate by road signs and establish metered parking bays and metered parking grounds;
- 3.2 install and operate parking meters for metered parking bays and metered parking grounds;
- 3.3 determine parking times applicable to metered parking bays and metered parking grounds
- 3.4 determine and levy parking fees and parking penalties; and
- 3.5 collect and recover parking fees and parking penalties.

4. Parking fees and parking times

No person may, during business hours, park a motor vehicle on a metered parking bay or metered parking ground, or cause a motor vehicle to be so parked -

- 4.1 without paying the applicable fee; or
- 4.2 for a period of time which is longer than the parking time purchased in respect of that motor vehicle

5. Operation of parking meters

Any person parking a motor vehicle or causing any motor vehicle to be parked on any metered parking bay or metered parking ground, during business hours, shall immediately-

- 5.1 pay the applicable parking fee to the responsible parking meter attendant;
- 5.2 if required by the parking meter attendant, enter his or her motor vehicle's registration number and the bay number which the motor vehicle occupies into the parking meter; and
- 5.3 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 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.

6. Exemptions

Notwithstanding anything contained in this Bylaw, the following persons are exempt from the payment of parking fees:

- 6.1 the drivers of fire-fighting vehicles, emergency rescue vehicles or ambulances whilst those vehicles are being used for the purpose of fire-fighting, emergency rescue or a medical emergency, as the case may be;
- 6.2 traffic officers engaged in the performance of their duties;
- 6.3 the drivers of motor vehicles engaged in civil protection;
- 6.4 the drivers of motor vehicles engaged in essential services;
- 6.5 the drivers of motor vehicles which are the property of the Council or motor vehicles used by an official or councillor of the municipality in his or her official capacity, provided that an official

badge, designed and approved by the municipality, is displayed in a prominent place on the motor vehicle; and

- 6.6 the drivers of motor vehicles being driven by or used to convey a person with a permanent physical disability or mobility impairment provided that an appropriate disability permit is displayed in a prominent place on the motor vehicle.

7. Prohibitions

8.1 No person may -

- (a) cause or attempt to cause a parking meter to record the passage of time incorrectly;
- (b) misuse, tamper with, damage or in any way interfere with a parking meter;
- (c) deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign, or notice affixed or erected for the purpose of this Bylaw;
- (d) forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of this Bylaw; or
- (e) hinder or interfere with a parking meter attendant or traffic warden in the performance of his or her duty.

8.2 No person may park a motor vehicle, not being a motor vehicle as defined in this Bylaw in a metered parking bay or metered parking ground.

8.3 No driver or person in charge of a motor vehicle may park such vehicle or cause it to be so parked-

- (a) in a metered parking bay or metered parking ground across any painted line marking the confines of the parking bay or in such a position that the said motor vehicle is not entirely within the area demarcated;
- (b) in a demarcated parking bay which is already occupied by another motor vehicle;
- (c) in contravention of a road traffic sign; or
- (d) in an area demarcated for commercial loading purposes.

8.4 The person or driver in charge of a motor vehicle shall park such motor vehicle in a metered parking bay or metered parking ground-

- (a) if the metered parking bay or metered parking ground is parallel to the curb or sidewalk of the public road, in such a manner that the motor vehicle is headed in the general direction of the movement of traffic on the side of the road on which the motor vehicle is parked and so that the left-hand wheels of the motor vehicle are substantially parallel to and within 450mm of the left-hand curb: provided that where, in a one-way street the metered parking bay or metered parking ground is situated on the right-hand side of the road, these provisions shall apply in respect of the right-hand wheels of the motor vehicle and the right-hand curb, respectively; or
- (b) if the metered parking bay or metered parking ground is at an angle to the curb or the sidewalk of a public road, in such manner that the vehicle is headed substantially in the general direction of the movement of traffic on the side of the road on which such motor vehicle is parked.

8.5 Where by reason of the length of any motor vehicle, the vehicle cannot be parked wholly within a metered parking bay or metered parking ground, it shall be lawful to park the vehicle by encroaching upon a metered parking bay(s) or metered parking ground adjoining the first-mentioned parking place, and any person so parking shall be liable for payment of parking fees in respect of all parking bays encroached upon.

- 8.6 A traffic warden or parking attendant may, whenever he or she deems it necessary or expedient to do so in the interest of the movement or control of traffic, place a road traffic sign or signs indicating that there shall be no parking at any metered parking bay or metered parking ground, and it shall be unlawful for any person to park or cause or permit to be parked a motor vehicle in such metered parking bay or metered parking ground while such sign is so displayed.
- 9.7 No person must park or cause any motor vehicle which is defective or is for any reason incapable of movement to be parked or to be or remain on any parking area for the use of which no charge is prescribed, but no offence against this section is deemed to have been committed in respect of any vehicle which, after having been parked in a parking area, develops a mechanical defect which immobilises it if the person in control of the motor vehicle proves that she or he took reasonable steps to have the vehicle repaired or removed as soon as is possible.
- 8.8 It is an offence for any person to fail or refuse to furnish a parking meter attendant or traffic warden with his or her correct name and address or other details as may be required by law by such parking meter attendant or traffic warden.
- 8.9 No person shall offer or cause or allow any motor vehicle to be for hire for the conveyance of passengers or goods or both while parked in any parking area.
- 8.10 No persons shall, save in an emergency, clean, work on or effect repairs to any vehicle on any part thereof while parked in any parking area.
- 8.11 No person shall, while in a parking area, drive any motor vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons.
- 8.12 No person shall, in any parking area, drive any motor vehicle at more than 10km per hour.
- 8.13 No person shall park a motor vehicle otherwise than in compliance with any notice or sign displayed therein or otherwise than in compliance with any instruction or direction given to him or her by an authorised officer or remove a motor vehicle otherwise than through an entrance thereto or exit there-from, appointed for that purpose.
- 8.14 No person shall park or load a motor vehicle or allow anything to be done on it that obstructs other vehicles or persons or impedes their movement or is likely to do so.
- 8.15 No person shall without reasonable cause or without the knowledge and consent of the owner of person lawfully in control of a motor vehicle, enter or climb upon such vehicle or set the machinery thereof in motion, or in any way tamper or interfere with its machinery or any other part of it or its contents.
- 8.16 No person shall remove, obscure, deface, damage or interfere with any notice, sign or marking erected by the Council or deal in like manner with other property belonging to it.
- 8.17 No person shall do anything or introduce anything which obstructs or is likely to obstruct the movement of persons or motor vehicles.
- 8.18 Unless a person is parked in terms of [section 7](#) above, no person shall park or cause to be parked any motor vehicle in any metered parking bay or metered parking ground, before the beginning or after the expiry of the parking period prescribed for the parking area.
- 8.19 No person shall pay money to any car guard for the use of any metered parking bay or metered parking ground.
- 8.20 No car guard shall have any or the rights, duties or responsibilities assigned herein to parking meter attendants or traffic wardens or any other authorised officer.

8. Abandoned motor vehicles

Any motor vehicle which is parked in the place on a parking area for a continuous period of seven days or longer without being removed by the owner or owner's representative, is deemed to be an abandoned vehicle and must be removed by the Council and the Council be indemnified accordingly.

9. Refusal of admission

- 9.1 It is in the discretion of an authorised employee of the Council to refuse or admit to a parking area a motor vehicle with or without any load which by reason of its length, width or height is likely to cause damage to persons or property or to cause an obstruction or undue inconvenience.
- 9.2 Any person in control of a motor vehicle who, having been refused admission in terms of the provisions of subsection (1) proceeds to drive it into a parking area is guilty of an offence.

10. Towing and clamping

- 10.1 The municipality may, in respect of a motor vehicle parked in contravention of this Bylaw, and without notice to the owner, driver or any person in control of that motor vehicle -
 - (a) Remove or cause the motor vehicle to be removed to the pound to other place designated by the municipality; or
 - (b) attach or cause to be attached a wheel clamp to the motor vehicle.
- 10.2 The municipality may charge a fee for the removal and impounding of a motor vehicle, or for the clamping of a motor vehicle, as determined by the municipality from time to time.
- 10.3 Any motor vehicle towed and impounded in terms of this Bylaw, or whose wheel is clamped in terms of this Bylaw, may not be released until such time as the owner or person in lawful control of the vehicle has paid the applicable parking fee, the parking penalty and the charge for towing and impounding the motor vehicle or clamping the motor vehicle, as the case may be.
- 10.4 Any person who claims a motor vehicle that has been impounded in terms of this Bylaw must produce his or her valid identification document or driver's licence, as well as proof acceptable to the municipality that he or she is the owner of the motor vehicle concerned.
- 10.5 The municipality is not liable for any damage caused to a motor vehicle which is towed and impounded or clamped in terms of this Bylaw.
- 10.6 The municipality shall not allow the motor vehicle to be removed from the pound by anyone who does not have a valid drivers licence.

11. Parking meter attendants and traffic wardens

- 11.1 No person shall operate as a parking meter attendant or traffic warden unless that person is under the employment of the designated service provider as appointed by the municipality.
- 11.2 A car guard is not a parking meter attendant or a traffic warden.
- 11.3 No car guard shall interfere or obstruct any parking meter attendant or traffic warden in the execution of their duties.

12. Presumptions

- 12.1 The passage of time as recorded by a parking meter shall for the purposes of this Bylaw, and in any proceedings arising out of the enforcement thereof, be deemed to be correct unless and until the contrary is proved.
- 12.2 Where any motor vehicle is found to have been parked in contravention of this Bylaw, it shall be presumed to have been parked, or caused to have been parked, or allowed to have been parked, by the person in whose name the motor vehicle is registered unless and until the contrary is proved.

13. Parking penalties

- 13.1 Any parking penalty imposed by the municipality in terms of this Bylaw-
- (a) is in the nature of a civil charge; and
 - (b) is payable to the municipality, which may retain the penalty.
- 13.2 A parking penalty may be issued by a parking meter attendant who is appointed as a peace officer or a traffic warden.
- 13.3 If the municipality imposes a parking penalty, then the municipality shall be precluded from bringing any criminal charge or penalty against that person in respect of the contravention of this Bylaw in respect of which the parking penalty is issued.

14. Service providers

- 14.1 The municipality shall be entitled to appoint a service provider to undertake any function or obligation, or exercise any power in terms of this Bylaw on behalf of the municipality. Without limiting the generality of this provision, the municipality may appoint a service provider to supply parking meter attendants, to operate parking meters, to issue parking penalties and to recover parking fees, parking penalties and any other amount due to the municipality in terms of this Bylaw.
- 14.2 The service provider shall pay over to the municipality all amounts collected in terms of this Bylaw, without deduction whatsoever.

15. Payment

- 15.1 Any parking fee, parking penalty or any other amount due to the municipality in terms of this Bylaw, may be paid by any means made available by the municipality, including but not limited to payment by cell phone, electronic funds transfer, Easy Pay, credit card, pay by phone, SMS, invoice and or any other means including cash deposit into a nominated bank account.
- 15.2 With respect to payment of prescribed fees, a person making use of a parking ground or parking bay where fees have been determined in respect of such parking bay or parking ground, must pay the prescribed fee in any way or format prescribed by the municipality.
- 15.3 The municipality may in respect of parking controlled by the issue of permits, issue at the prescribed fee a permit which entitles the holder for one calendar month or any lesser period stated in the permit to park a motor vehicle in the allocated bay or bays, if a parking bay is available, at the times stated in the permit.

16. Municipality not liable for damage

The municipality 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.

17. Offences

Any person who contravenes or causes or permits a contravention of any provision of this Bylaw, shall be guilty of an offence and liable on conviction to a fine not exceeding R 5000-00 or in default of payment, imprisonment for a period not exceeding six months.

18. Parking tariffs

TIME	CASH PAYMENT
0 to 15 minutes	R3-00
15 to 30 minutes	R5-00
30 to 45 minutes	R8-00
45 to 60 minutes	R10-00

R1500-00 per month resident parking permit

R1500-00 per month temporary parking permit

R150-00 rental of parking meter/bay per day

R200-00 per year issue of parking disk for disabled person

R500 admission of guilt for parking and overstay without payment

R500 admission of guilt for parking non payment

Work Zone Permit

R1350-00 per month municipal works parking permit

R1500-00 per month metered taxi parking permit

R500 wheel clamp removal fee

Towing Tariffs

Admission Charge	R1000-00
Custody Costs (per day)	R1000-00
Call out	R675-00
Towing per KM	R20-00

Pound Tariffs

Administration Charge	R1000-00
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Daily Rate or part thereof	R1000-00
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19. Repeal of bylaws

The Council's existing parking meter bylaws are hereby repealed.

20. Short title and commencement

These Bylaws shall be known as the Mbizana Parking Meter Bylaws and shall come into effect upon its approval by the Mbizana Local Municipality.