

Johannesburg, South Africa

Parking Grounds

Legislation as at 21 May 2004

FRBR URI: /akn/za-jhb/act/by-law/2004/parking-grounds/eng@2004-05-21

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Collection last checked for updates: 28 June 2024.

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Parking Grounds

Contents

Chapter 1 – Interpretation	1
1. Definitions	1
2. Parking fees	2
Chapter 2 – Ticket-controlled parking grounds	2
3. Conditions of parking in ticket-controlled parking grounds	2
4. Mechanical parking grounds	3
5. Monthly tickets	3
6. Vehicles of excessive size	4
Chapter 3 – Parking meter parking grounds	4
7. Place of parking	4
8. Conditions of parking	4
9. Prohibitions relating to parking meters	5
10. Proof of time	5
Chapter 4 – Pay and display parking grounds	5
11. Parking	5
12. Prohibitions relating to pay and display machines	6
13. Proof of date and time of departure	6
Chapter 5 – Miscellaneous	6
14. Closure of parking grounds	6
15. Defective vehicles	6
16. Parking of a vehicle in parking ground	6
17. Cleaning and repair of vehicle	6
18. Parking according to instruction	6
19. Tampering with vehicles and obstructions	6
20. Parking after parking period	7
21. Forging or defacing tickets	7
22. Persons prohibited from being in parking grounds	7
23. Abandoned vehicles	7
24. Refusal of admission	8
25. Medical practitioners exempt	8
26. Offences and penalties	8
27. Repeal of by-laws	8
28. Short title	8
Schedule 1	8

Johannesburg South Africa

Parking Grounds By-law, 2004

Published in Gauteng Provincial Gazette 179 on 21 May 2004

Commenced on 21 May 2004

[This is the version of this document from 21 May 2004 and includes any amendments published up to 28 June 2024.]

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Parking Grounds By-laws for the City of Johannesburg Metropolitan Municipality as approved by its Council and as concurred with by the Premier: Gauteng Province in terms of section 80A of the National Road Traffic Act, 1996 (Act No. 89 of 1996), as set out hereunder.

Chapter 1 Interpretation

1. Definitions

- (1) In these By-laws, any word or expression which has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996), or the Gauteng Provincial Road Traffic Act, 1997 (Act No. 10 of 1997), has that meaning and, unless the context otherwise indicates -

"authorised official" means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;

"Council" means -

- (a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or subdelegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act (Act No. 32 of 2000) or any other law, as the case may be.

"parking bay" means a demarcated area within which a vehicle is to be parked in terms of these By-laws, demarcated as such upon the surface of a parking ground or a floor thereof;

"parking ground" means any area of land or any building set aside by the Council as a parking ground or garage for the parking of vehicles by members of the public, whether or not a prescribed fee has been determined for the use thereof;

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

"parking meter" means a device for registering and visibly recording the passage of time in accordance with the insertion of a coin or other method of payment prescribed and includes any post or fixture to which it is attached;

"parking period" means that period, including a period reflected on a parking meter, on any one day during which vehicles are permitted to park in a parking ground or parking bay or as indicated by a road traffic sign;

"pay and display machine" means a machine installed at a pay and display parking ground for the sale of tickets on which the following are reflected:

- (a) The date or day of issue of the ticket
- (b) the amount paid for the ticket;
- (c) the departure time; and
- (d) the machine code number.

"pay and display parking ground" means a parking ground, or any part thereof where a notice is erected by the Council at the entrance thereof indicating that the parking ground concerned or part thereof is a pay and display parking ground;

"pound" means an area of land or place set aside by the Council for the custody of vehicles removed from a parking ground in terms of these By-laws;

"prescribed" means determined by resolution of the Council from time to time and published by notice in the Provincial Gazette;

"prescribed fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation.

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

2. Parking fees

Any person making use of a parking ground or parking bay in a parking ground must pay the prescribed fee.

Chapter 2 Ticket-controlled parking grounds

3. Conditions of parking in ticket-controlled parking grounds

- (1) No person may park a vehicle or cause or permit a vehicle to be parked or allow it to be or to remain in a parking ground, wherein parking is controlled by the issue of tickets
 - (a) except in a parking bay and in compliance with any directions which may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official;
 - (b) after an authorised official has indicated to the person that the parking ground is full; or
 - (c) after the expiry of the parking period.

- (2) No person may remove or cause or permit the removal of any vehicle from a parking ground unless -
 - (a) that person has produced to the authorised official a ticket authorising him or her to park in the parking ground and which was issued to that person upon entering or leaving the parking ground; and
 - (b) that person has upon entering or leaving the parking ground paid the prescribed fee to the authorised official.
- (3) If a person fails to produce a ticket authorising him or her to park in a parking ground, that person is deemed to have parked the vehicle from the beginning of a period as prescribed and indicated on a notice board in the parking ground until the time that person wants to remove the vehicle and he or she must pay the prescribed fee for that period.
- (4) No person may, after failing to produce a ticket, remove or cause or permit the removal of any vehicle parked in the parking ground until that person has produced other proof, to the satisfaction of an authorised official, of his or her right to remove such vehicle.
- (5) An authorised official may require a person referred to in subsection (4), to furnish prescribed security.
- (6) If 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 prescribed fee is payable for the next parking period.

4. Mechanical parking grounds

- (1) If the actual parking of a vehicle in a parking ground is effected wholly or partly by means of a mechanical device, an authorised official may, if a parking bay is available, issue to a person who wants to park a vehicle at the parking ground, a ticket in terms of which the Council authorises the parking of the vehicle in that parking ground.
- (2) No vehicle parked in a parking ground referred to in subsection (1), may be removed by any person unless -
 - (a) payment of the prescribed fee has been made to an authorised official; and
 - (b) that person has produced to an authorised official the ticket issued to him or her in terms of subsection (1) or, failing the production of such ticket, the provisions of section 3(4) applies, read with the necessary changes.
- (3) No person who has caused a vehicle to be parked in a parking ground referred to in subsection (1), may allow it to remain therein after expiry of the parking period.

5. Monthly tickets

- (1) Notwithstanding anything to the contrary contained in these By-laws, the Council may in respect of any parking ground controlled by the issue of tickets, issue at a prescribed fee a ticket which entitles the holder to park a vehicle in that ground for one calendar month or any lesser period specified therein, at the times specified in the ticket, if a parking bay is available.
- (2) The Council may issue to any of its employees a ticket which entitles the holder, when using a vehicle regarding the business of the Council, to park it in a parking ground specified in the ticket, if a parking bay is available in the parking ground.
- (3) A ticket issued in terms of subsection (1) or (2), may not be transferred to any other person or be used in respect of any vehicle other than the vehicle specified in the ticket, without the prior written permission of the Council.
- (4) A ticket issued in terms of subsection (1) or (2), must be affixed by the holder of the ticket to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the ticket is readily legible from the outside of the vehicle.

6. Vehicles of excessive size

Unless a road traffic sign displayed at the entrance to a parking ground indicates otherwise, no vehicle which together with any load, exceeds 5 m in length, may be parked in a parking ground.

Chapter 3 Parking meter parking grounds

7. Place of parking

No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a parking meter parking ground otherwise than in a parking bay.

8. Conditions of parking

- (1) No person may park a vehicle or cause any vehicle to be parked in a parking bay in a parking meter parking ground unless a coin or other prescribed object is forthwith inserted -
 - (a) into the meter allocated to that parking bay; or
 - (b) if a meter controls more than one parking bay, in the meter controlling the parking bay concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto;

and that meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the inserted coin or other prescribed object.

- (2) Notwithstanding the provisions of subsection (1) -
 - (a) a person may, subject to the provisions of subsection (5), park a vehicle in a vacant parking bay without inserting a coin or other prescribed object, for any period indicated on the parking meter as unexpired; and
 - (b) if a person has ascertained that the parking meter for any parking bay is not operating properly, he or she is, subject to the provisions of subsection (6), entitled to park a vehicle in that parking bay without inserting a coin or other prescribed object.
- (3) The insertion of a coin or other prescribed object into a parking meter entitles the person inserting it, to park a vehicle in the appropriate parking bay for the period corresponding with the payment so made.
- (4) The period during which a vehicle may be parked in a parking bay and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to that parking bay, must be in accordance with the prescribed fee and the period and the coin or other prescribed object to be inserted in respect thereof, must at all times be clearly indicated on the parking meter.
- (5) Subject to the provisions of subsection (6), no person may either with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a parking bay after the expiry of the period indicated on the parking meter or return the vehicle to that bay within fifteen minutes after such expiry, or obstruct the use of that bay by any other person.
- (6) If the Council displays a sign specifying a maximum period for continuous parking in a parking bay, which differs from that on the parking meter for that parking bay, any person may, subject to the provisions of subsections (1) and (4), park a vehicle in that bay for the maximum period so specified or for any shorter period.

9. Prohibitions relating to parking meters

No person may –

- (a) insert or attempt to insert into a parking meter a coin or object except
 - (i) a coin of South African currency of a denomination as prescribed; or
 - (ii) an object which is prescribed as another method of payment as contemplated in section 8(1);
- (b) insert or attempt to insert into a parking meter any false or counterfeit coin or prescribed object or any foreign object;
- (c) tamper with, damage, deface or obscure a parking meter;
- (d) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;
- (e) jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose; or
- (f) obscure a parking meter or any part thereof or remove or attempt to remove it from the post or other fixture to which it is attached.

10. Proof of time

The passage of time as recorded by a parking meter is for the purpose of these Bylaws and in any proceedings arising from the enforcement of these By-laws, deemed to be correct and may constitute evidence on the face of it of the time that the vehicle has been parked in a parking bay unless the contrary is proved.

Chapter 4

Pay and display parking grounds

11. Parking

- (1) No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a pay and display parking ground unless immediately upon entering the parking ground -
 - (a) the person purchases a ticket issued by means of a pay and display machine in that parking ground in accordance with the instructions displayed on, or within a distance of not more than 1,5 m of such machine; and
 - (b) the person displays such ticket by affixing it to the inside of the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the ticket by the pay and display machine is readily legible from the outside of the vehicle.
- (2)
 - (a) The period during which a vehicle may be parked in a pay and display parking ground and the coin or other prescribed object to be inserted in respect of that period into the pay and display machine, must be indicated on such machine.
 - (b) 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 ticket.

12. Prohibitions relating to pay and display machines

No person may –

- (a) insert or attempt to insert into a pay and display machine, a coin or other prescribed object which is false or counterfeit or any object other than a coin of South African currency or other prescribed object;
- (b) jerk, knock, shake or in any way interfere with, or damage or deface a pay and display machine; or
- (c) remove or attempt to remove a pay and display machine or any part thereof from its mounting.

13. Proof of date and time of departure

The date or day and time of departure as recorded by a pay and display machine is taken on the face of it to be correct evidence of date or day and time, unless the contrary is proved.

Chapter 5 Miscellaneous

14. Closure of parking grounds

Notwithstanding anything to the contrary contained in these By-laws, the Council may at any time close any parking ground or portion thereof temporarily or permanently and must indicate the fact and the period of such closure by a road traffic sign displayed at the entrance to the closed parking ground or portion, as the case may be.

15. Defective vehicles

No person may park or cause or permit any vehicle to be parked or to be or remain in any parking ground which is mechanically defective or for any reason incapable of movement unless a vehicle has, after having been parked in a parking ground, developed a defect which immobilises it and the person in control of it shows that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

16. Parking of a vehicle in parking ground

No person may park or cause or permit any vehicle other than a vehicle as defined in the National Road Traffic Act, 1996, to be parked or to be or remain in any parking ground.

17. Cleaning and repair of vehicle

No person may in any parking ground clean, wash, work on or effect repairs to a vehicle except minor emergency repairs, unless the prior written permission of the Council has been obtained.

18. Parking according to instruction

No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction, if any, given by an authorised official or introduce or remove

a vehicle otherwise than through an entrance thereto or exit therefrom demarcated for that purpose.

19. Tampering with vehicles and obstructions

- (1) No person may in any parking ground without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon that 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 with its fittings, accessories or contents.

(2) No person may in any parking ground

- (a) park any vehicle so that any part of it extends across any white line forming a boundary of a parking bay or that it is not entirely within the confines of the bay; or
- (b) perform any act or introduce anything which obstructs or is likely to obstruct the movement of persons or vehicles.

20. Parking after parking period

No person may park a vehicle or cause or permit it to be parked in any parking ground before the beginning or after the expiry of the parking period prescribed for the parking ground unless that person is the holder of a ticket issued in terms of these By-laws authorising him or her to do so.

21. Forging or defacing tickets

No person may with intent to defraud the Council, forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of these By-laws.

22. Persons prohibited from being in parking grounds

No person may enter or be in a parking ground otherwise than for the purpose of parking a vehicle therein or lawfully removing it therefrom unless authorised thereto by the Council.

23. Abandoned vehicles

- (1) Any vehicle which has been left in the same place in a parking ground for a continuous period of more than 14 days may, unless otherwise authorised by the Council, be removed by or at the instance of an authorised officer to the Council's pound.
- (2) The Council must take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (1) and if, after the lapse of 90 days from the date of its removal the owner or person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection (3), be sold by the Council by public auction.
- (3) The Council must 14 days prior to the date of an auction sale contemplated in subsection (2) publish a notice thereof in at least two newspapers circulating within the municipal area of the Council, but a vehicle may not be sold at the auction if at any time before the vehicle is sold, it is claimed by the owner or any person authorised by the owner or otherwise lawfully entitled to claim the vehicle and every prescribed fee payable in respect thereof in terms of these By-laws and all costs referred to in subsection (4) are paid to the Council.
- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of every fee referred to in subsection (3) and 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 and effecting the sale of the vehicle;
 - (c) the pro-rata costs of publication in terms of subsection (3), taking into account the number of vehicles to be sold at the auction; and (d) the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate,
- (5) Any balance of the proceeds referred to in subsection (4), must be paid to the owner of the vehicle or any person lawfully entitled to receive it upon that person establishing his or her right thereto to the satisfaction of the Council and if no claim is established within one year of the date of the sale, the balance will be forfeited to the Council.

24. Refusal of admission

An authorised official may refuse to admit into a parking ground a vehicle which is by reason of its length, width or height likely to cause damage to persons or property or to cause an obstruction or undue inconvenience or which in terms of section 6 or 16 may not be parked in a parking ground.

25. Medical practitioners exempt

A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is parked in a parking ground to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that it is readily legible from outside the vehicle.

26. Offences and penalties

Any person who –

- (a) contravenes or fails to comply with any provision of these By-laws;
- (b) fails to comply with any notice issued in terms of these By-laws; or (c) fails to comply with any lawful instruction given in terms of these By-laws; or (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

27. Repeal of by-laws

The By-laws listed in Schedule 1 hereto are hereby repealed.

28. Short title

These By-laws are called the Parking Grounds By-laws, 2003.

Schedule 1 Repealed by-laws

Number and year	Name of By-laws	Extent of Repeal
Administrator's Notice 901 of 19 August 1970	Roodepoort Municipality: Parking Meter and Parking Area By-laws	Whole
Administrator's Notice 567 of 27 July 1966	Johannesburg Municipality: Parking Grounds By-laws	Whole