

Drakenstein, South Africa

Payment for and Control of Parking (was Parking Meters)

Legislation as at 4 November 2011

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Payment for and Control of Parking (was Parking Meters)

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Drakenstein South Africa

Payment for and Control of Parking (was Parking Meters) By-law, 2007

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*[This is the version of this document from 4 November 2011
and includes any amendments published up to 28 June 2024.]*

[Amended by [Parking Meters: Amendment](#) on 4 November 2011]

Drakenstein Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-law set out in the schedule below:

[Some of the provisions of this By-law have no headings.]

Purpose of By-law

- To provide for the payment of parking fees for the use of parking places;
- To provide for the metering of parking and payment therefor;
- To provide for procedures, methods and practices to regulate and manage parking.

[Purpose of By-law amended by Amendment By-law, 2011]

1. Definitions

In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and *vice versa*; and unless the context otherwise indicates:—

[introductory paragraph of Definitions amended by Amendment By-law, 2011]

"**coin**" means a coin of South African currency;

"**municipality**" means Drakenstein Municipality established by Provincial Notice 488 of 22 September 2000, in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) ;

[definition of "municipality" amended by Amendment By-law, 2011]

"**parking meter**" means a device for automatically registering and visibly recording the passage of the parking period, operated in accordance with the directions thereon, and includes any post or fixture to which it is attached;

[definition of "parking meter" amended by Amendment By-law, 2011]

"**parking period**" means that period of time of parking in a parking place which is determined by the insertion into a parking meter of the appropriate coin, or in any other manual or electronic manner;

[definition of "parking period" amended by Amendment By-law, 2011]

"parking place" means a demarcated parking place for which a parking fee has been determined and includes any parking place in a Controlled Parking Area, determined in terms of the applicable bylaw ;

[definition of "parking place" amended by Amendment By-law, 2011]

[definition of "traffic officer" deleted by Amendment By-law, 2011]

"vehicle" means a vehicle as defined in the National Road Traffic Act, 1996, and any other word or expression shall have the meaning assigned thereto in the Act.

2. Parking

- (1) No person may stop or park any vehicle in any parking place unless he/she pays the prescribed fee in accordance with any direction displayed on a parking meter or on any notice board on such parking area.

[subsection (1) amended by Amendment By-law, 2011]

- (2) Any person who stops or parks a vehicle in a parking place before the commencement of the hours prescribed by section 11 (if any determination has been made in terms of section 11) and allows such vehicle to remain in such parking place until the commencement of the hours prescribed by section 11 (if any determination has been made in terms of section 11) must pay the prescribed fee in accordance with any direction displayed on a parking meter or on any notice board on such parking area, or remove his vehicle from such parking place.

[subsection (2) amended by Amendment By-law, 2011]

- (3) Where a vehicle or a combination of vehicles by reason of the length thereof occupies so much of an adjoining parking place or places that it is not possible to park a vehicle in an adjoining parking place or places in the manner prescribed in the by-law, the person parking the first-mentioned vehicle or combination of vehicles shall immediately after parking such vehicle or combination of vehicles in such parking place or places, pay in the prescribed manner, the parking fee of all the parking places occupied by the vehicle or combination of vehicles.

3.

It shall be unlawful, either with or without the insertion of a fresh coin in a parking meter, to leave any vehicle in a parking place after the expiration of a parking period as indicated by the parking meter, or to return the vehicle to that parking place within 15 minutes of such expiration.

[section 3 amended by Amendment By-law, 2011]

4.

The insertion of the prescribed coin in a parking meter or the payment of the parking fee shall entitle the person inserting or paying it to stop or park a vehicle in the appropriate parking place for a period corresponding with the payment so made, provided that notwithstanding the making of a payment as foresaid, nothing in this by-law shall entitle any person to contravene any road traffic sign prohibiting the stopping or parking of vehicles between the specified hours.

[section 4 amended by Amendment By-law, 2011]

5. Defective parking meters

Where a person has ascertained that the parking meter at any parking place is not operating, he shall be entitled to leave a vehicle in that space but shall in that case immediately inform the municipality by the quickest possible means of the defect, as well as the parking meter number and the registration number.

6. Offences

It shall be unlawful—

- (a) to stop or park anything except a vehicle in a parking place;
- (b) to insert or attempt to insert into a parking meter any coin other than a coin of South African currency of a denomination as indicated by any direction on the parking meter;
- (c) to insert or attempt to insert into a parking meter any false or counterfeit or damaged or bent coin or any foreign object;
- (d) to damage or deface, soil or obliterate or otherwise render less visible the face or dial of a parking meter or notice board or to write or draw thereon, or to affix any handbill, poster, placard or other article, whether or not of an advertising nature, to a parking meter;

[paragraph (d) amended by Amendment By-law, 2011]

- (e) in any way whatsoever to cause or attempt to cause a parking meter to record the passage of time otherwise than by the directions on such parking meter;
- (f) to jerk, knock, shake or in any way 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;
- (g) to 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 purposes of this by-law;
- (h) to remove or attempt to remove the mechanism or any other part of a parking meter from the post or other structure to which it is attached.

7.

No person shall cause or permit any vehicle to be stopped or parked in any parking place which is already being used by some other vehicle.

8.

No person shall cause or permit any vehicle to be stopped or parked in a parking place in such a manner that any portion of the vehicle protrudes over or beyond any of the lines of demarcation of such parking place except as provided in section 2(3).

9.

No person shall cause, permit or suffer any vehicle of which he is the driver or which is under his control to be stopped or parked in any parking place except as permitted by the provisions of this by-law.

10. Control of traffic

The Municipality may whenever it deems necessary or expedient to do so in the interest of the movement or control of traffic, place or erect a road traffic sign or signs indicating that there shall be no stopping or parking in any parking place or places and no person shall stop or park a vehicle or cause a permit a vehicle to be stopped or parked in such parking place during the hours which stopping or parking therein is prohibited in accordance with the indications on such sign.

[section 10 amended by Amendment By-law, 2011]

11. Parking hours

The provisions of this by-law shall be in operation during the periods determined by the Municipality. Failing such determination, it will be applicable at all times.

[section 11 amended by Amendment By-law, 2011]

12. Two-wheeled vehicles

The Municipality may also set aside and demarcate within the parking meter areas smaller spaces for the parking of two-wheeled vehicles, and the provisions of this by-law shall be applicable to such smaller parking places.

[section 13 deleted by Amendment By-law, 2011]

13. Presumption

Whenever a vehicle is stopped or parked in contravention of a provision of this by-law it shall be presumed until the contrary is proved that such vehicle was so stopped or parked by the owner thereof.

[section 14 renumbered section 13 by Amendment By-law, 2011]

14. Exemptions

Notwithstanding anything to the contrary in this by-law contained, the driver or other person in charge of the following vehicles may stop or park the following vehicles in a parking place without payment of the fees envisaged herein—

- (a) a vehicle used as an ambulance and being at the time required for urgent ambulance service;
- (b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in carrying out its duties of preventing or suppressing fires;
- (c) a vehicle used by a police or traffic officer and being at the time used in connection with the execution of his duties.

[section 15 renumbered section 14 by Amendment By-law, 2011]

15. Penalties

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—

- (1) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

[section 16 renumbered section 15 by Amendment By-law, 2011]

16. Repeal of by-laws

The by-laws listed in the schedule hereto are hereby repealed to the extent indicated in the third column thereof.

[section 17 renumbered section 16 by Amendment By-law, 2011]

17. Short title and commencement

This by-law shall be known as the By-law relating to Payment for and Control of Parking and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

[section 18 renumbered section 17 and amended by Amendment By-law, 2011]

[Schedule deleted by Amendment By-law, 2011]