

Drakenstein, South Africa

## Controlled Parking Areas

Legislation as at 4 November 2011

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# Drakenstein South Africa

## Controlled Parking Areas By-law, 2011

Published in Western Cape Provincial Gazette 6923 on 4 November 2011

**Commenced on 4 November 2011**

*[This is the version of this document from 4 November 2011 and includes any amendments published up to 17 November 2023.]*

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 below:

### 1. Long title

To provide for the demarcation of certain areas for the control and management of Public Parking by the Municipality or any other entity appointed by the Municipality for such control and management; the operation of such areas and matters incidental thereto.

### 2. Preamble

WHEREAS section 156(2) of the [Constitution of the Republic of South Africa, 1996](#), provides that a municipality may make and administer bylaws for the effective administration of the matters that it is by law obliged to administer;

AND WHEREAS the control of parking is one of the matters which a municipality must administer;

NOW THEREFORE

Drakenstein Municipality has accepted the following bylaw;

### 3. Definitions

In this bylaw, unless inconsistent with the context -

- 3.1 "**Controlled Parking Area**" - means any area demarcated as such in terms of this bylaw, to which the provisions of this bylaw will apply;
- 3.2 "**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;
- 3.3 "**Operator**" - means the Municipality or any other service provider appointed by the Municipality to manage and control the Controlled Parking Area;
- 3.4 "**Parking fee**" means the money payable for parking a vehicle for a time in the Controlled Parking Area, as well as for the removal of a wheel clamp, as determined by the Operator and published for public information;
- 3.5 "**Parking Attendant**" - means any employee of the Operator appointed to effect any function in the Controlled Parking Area;
- 3.6 "**Rules**" - means the prescribed manner for the use of the Controlled Parking Area by vehicles as determined by the Operator.

#### **4. Demarcation of controlled parking area**

- 4.1 The Municipality may demarcate the whole or any portion of land of which it is the owner, or which it controls, including any public street or public place, as a Controlled Parking Area.
- 4.2 The demarcation of any such Controlled Parking Area must be published for public information.
- 4.3 The Operator must ensure that the fact that an area has been demarcated as a Controlled Parking Area, the fees for parking and the rules of such Controlled Parking Area are displayed at the area, in such a manner that is reasonably visible to the user of such Controlled Parking Area.
- 4.4 Full particulars of the Operator, including the full names, address and the name of a representative and his contact details, must also be displayed in such manner.

#### **5. Management and control of controlled parking area**

- 5.1 The Controlled Parking Area will be managed and controlled by the Operator.
- 5.2 Without derogating from the generality hereof, these powers will include the following:
  - 5.2.1 To control access to the parking places in the Controlled Parking Area by vehicles;
  - 5.2.2 To charge and collect parking fees from the users of vehicles for parking according to the parking fee tariff.
  - 5.2.3 To determine the time period the vehicle is parked to calculate the parking fee payable. This can be done manually for instance by the issue of a parking ticket for a predetermined time, or the issue of a ticket recording the time the parking has started, or electronically, or in any other manner determined by the Operator.
  - 5.2.4 To demarcate parking places by lines or any other visible means.
  - 5.2.5 To demarcate areas where parking will be prohibited or only available for certain vehicles, for instance for emergency vehicles.
  - 5.2.6 To establish reasonable measures to ensure that users of vehicles conform to the management and control rules of the Controlled Parking Area. This may include, without derogating from the generality hereof, to set out the manner of clamping, or in any other manner rendering a vehicle immovable, of vehicles not parked in conformance with the rules and the payment of a prescribed fee to have such hindrance removed.
  - 5.2.7 The duties of the Parking Attendants.

#### **6. Identification of parking attendants**

- 6.1 The Operator shall ensure that all Parking Attendants are identifiable by -
  - 6.1.1 bib or jacket which clearly identifies him as in the employ of the Operator;
  - 6.1.2 a letter or card identifying such Parking Attendant as in the employ of the Operator, with at least a photo of the Parking Attendant, as well as his full names, identification number and address. Such letter or card shall be shown to any member of the public on demand.

#### **7. Short title and commencement**

This bylaw shall be known as the Bylaw relating to Controlled Parking Areas and will come into operation on the date of Publication thereof in the Provincial Gazette.