

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE VAN
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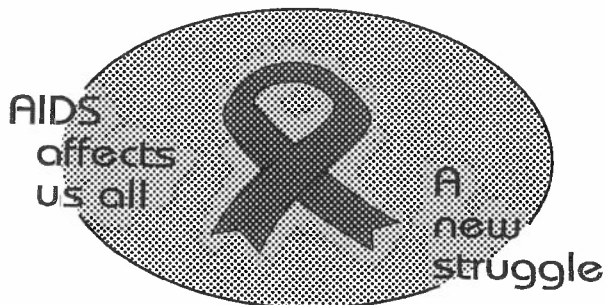
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Vol. 26

PRETORIA
30 DECEMBER 2020
30 DESEMBER 2020

No. 268

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DEPARTMENT OF HEALTH

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Government Printing Works
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Tel: 012 748 6197, Website: www.gpwonline.co.za**URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS
OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.**

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at Maureen.Toka@gpw.gov.za or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website www.gpwonline.co.za.

We apologies for any inconvenience this might have caused.

Issued by GPW Communications

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*'s. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

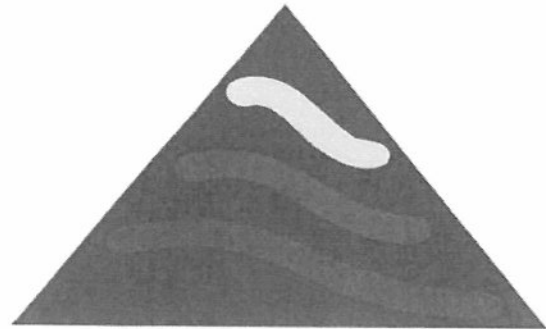
Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

PROVINCIAL NOTICE 695 OF 2020



EMFULENI
LOCAL MUNICIPALITY

Vaal River City, the Cradle of Human Rights

EMFULENI LOCAL MUNICIPALITY PARKING
BY-LAW

[COUNCIL RESOLUTION: (ITEM 174288) DATED 23-September-2020]

Cnr. Klassie Havenga and Frikkie Meyer Boulevard

P. O Box, 3 Vanderbijlpark, 1900

Tel: (016) 950 – 5000

www.emfuleni.gov.za

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EMFULENI LOCAL MUNICIPALITY: PARKING BY-LAW

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EMFULENI LOCAL MUNICIPALITY: PARKING BY-LAW

The Emfuleni Local Municipality hereby publishes the Parking By-law set out below, to be promulgated by the municipality in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), read with 156(2) of the Constitution of the Republic of South Africa, 1996.

1. Definitions

In this by-law, any word or expression to which a meaning has been assigned in the National Road Traffic Act, 1996 (Act 93 of 1996) and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

“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 control of a person;

“approved” means approved by the Municipality and “approval” has a corresponding meaning;

“authorised officer” means an inspector of licences, examiner of vehicles, examiner for driver’s licences, traffic warden or a traffic officer, and includes any other person whom the Minister, by regulation has declared to be an authorised officer of the Municipality;

“authorised official” means any employee of the Municipality who is acting within the scope of his or her duties on behalf of the Municipality and who is in uniform with a distinctive badge and appointment certificate of office;

“authorised person” means a person nominated by an organisation and authorised by the Municipality;

“bib” or “jacket” means a garment which fits around the chest of a person, which garment has a recognisable insignia identifying the person as a parking attendant and which is approved by the Municipality;

“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 35 seated persons, excluding the driver; and includes a bus train;

“bus facility” means a stand or demarcated stopping place where passengers may board or alight from a bus for which a permit has been issued;

“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 Municipality’s Chief of Traffic and Security to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

“combined parking meter” means an appliance in which more than one parking meter is contained;

“coupon” means anything whatsoever 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, whether electronic or not and includes any device approved by the Municipality from time to time;

“dealer” means a person who, for gain, carries on the business selling, buying, exchanging or garaging vehicles;

“decal” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a taxi permit;

“demarcated parking bay” means a place referred to in section 80A of the National Road Traffic Act, 1996 (Act 93 of 1996), as a space laid out and marked in a public road, parking ground or public place, the time and occupation by which a vehicle is intended to be recorded by a parking meter;

“demarcated stopping place or stand” means the stand for a bus as contemplated in section 56;

“donation” means any amount of money that a driver gives to a parking attendant on a voluntary basis for services rendered by the parking attendant;

“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;

“examiner of vehicles” means an examiner of vehicles registered and appointed in terms of Chapter 11 of the 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 other than a motor car or bus, designed or adapted for the conveyance of goods on a public road and includes a truck, tractor, motor cycle or motor tricycle;

“heavy motor vehicle” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicle 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 Municipality’s 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 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;

“metered taxi” means a motor car designed for conveying not more than five people, including the driver, which must be fitted with a taximeter, as contemplated in Chapter 4;

“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 from 19 to 35 seated persons, excluding 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 from nine to 18 seated persons, excluding the driver;

“Minister” means the National Minister of Transport;

“motor car” means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrocycle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), designed or lawfully adapted by a registered manufacturer in compliance with the Act to carry not more than eight persons, excluding the driver;

“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 230kg 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;

“municipality” Municipality means the Emfuleni Local Municipality or its successor-in-title; or the Municipal Manager of the Emfuleni Local Municipality in respect of the performance of any function or exercise of any right, duty, obligation or function in terms of these bylaws; or an authorized agent of the Emfuleni Local Municipality;

“municipal card” means any document or card, irrespective of the form thereof, issued by the Municipality in order to be used as a method of payment for parking;

“municipal manager” means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, Act No. 32 of 2000 and includes any person – acting in such a position; to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“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;

“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;

“organisation” means a group of people, company, association or body representing parking attendants that operates a parking attendant service in certain geographical areas as approved by the Municipality;

“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 Section 14 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;

“parking marshals” means a person in the employ of an organisation 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 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 Municipality as a parking ground or garage for the parking of vehicles therein by members of the public, whether or not charges are prescribed by these 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 whether 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 authorised official or a service provider approved by the Municipality;

“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;

“particulars” means any form of information of a person or business and includes the name, surname, company name, residential address, identification number, business or e-mail address, telephone, cellular or fax number, or any other such information;

“passenger” means any person in or on a vehicle, but does not include the driver of the conductor;

“passenger-carrying motor vehicle” means a taxi or a bus used or designed to convey passengers for reward;

“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 a resolution of the Municipality, and in relation to a fee means as set out in the tariff policy of the Municipality;

“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 municipal cards and any other method of payment as may be approved and prescribed by the Municipality 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 of a period of at least 30 years, or
- (d) At any time been declared or rendered such by the Municipality or other competent authority;

“public road” means any road, street, cycle path, thoroughfare, parking bay or any other 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 such by the Municipality or other competent authority;or
 - (iv) Constructed by a local authority;
- (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 Municipality or to the 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;

“regulation” means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

“rank” in relation to a taxi, means a place upon a public road where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“residence” means a building, or part of a building, that is-

- (a) Fixed to land; and
- (b) Designed or approved by the Municipality 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 in 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 or stand established by the Municipality on a public road within the Municipality for the parking or standing of passenger-carrying motor vehicles;

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

“stop” in relation to a taxi stopping on a public road means to keep a taxi, whether occupied or not, stationary for a period of time no longer than is reasonably necessary for the actual

loading or unloading 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 Municipality where a taxi may stop to pick up or drop off passengers; and
- (b) A bus, means a demarcated stop where a bus may stop to pick up or drop off passengers;

“tare” in relation to a motor vehicle, means the mass of such a vehicle ready to tyre 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 quadrocycle; and
- (b) A metered taxi;

“taxi association” means a taxi association recognised as such by the Municipality and the Gauteng Province;

“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 Municipality for the exclusive use of taxis;

“taxi operator” means the person responsible for the use of the 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 Municipality as a place where taxis stand to await passengers;

“temporary facility” means a taxi facility contemplated in section 67(2);

“traffic warden” means a person appointed by the Municipality to enforce the parking by-law and the National Road Traffic Act, 1996 (Act 93 of 1996);

“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 side-car 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. Principles and objectives

Emfuleni Local Municipality, acting under the Constitution and relevant legislation and being aware of its duty to control parking and to control motor vehicle attendants, taxis and buses within the area under its jurisdiction so as to provide a safer environment for all people within the municipal area, adopts this by-law with the aim of controlling parking within its area of jurisdiction.

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 Municipality 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 Municipality 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 Municipality may operate a parking management system in areas and during times determined by the Municipality 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 with 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 07h00 and 18h00 on Mondays to Saturdays, except where such day is a Public Holiday;
 - (b) between the hours of 07h00 to 14h00 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 5 (five) minutes continuously and only 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 (thirty) minutes continuously and only while the vehicle is being actually loaded or unloaded.
- (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 official, even if the vehicle has not been stationary herein 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

- (1) No person who operates or who is in charge of a vehicle on a public road may, in the case of a vehicle other than a bus, allow the vehicle to remain stationary in a bus stop between the hours of 06:00 and 18:00.
- (2) A person who contravenes subsection (1) commits an offence.

6. Parking on 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, without the written consent of the Municipality park a heavy motor vehicle, designed, adapted or used for the conveyance of goods, between the hours of 20h00 and 06h00 anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.

- (3) Application for consent must be made on the form provided for this purpose by the Municipality.
- (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 official 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 advertised for sale or for rental.
- (2) A dealer or seller who contravenes a provision of 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 an obvious state of disrepair, which has been placed in his or her charge in the course of the business of recovering and repairing.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

10. Parking of heavy vehicles and caravans

- (1) No person may, for an uninterrupted period exceeding 2 (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 3500kg;
 - (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 a provision of 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 any law, subject to paragraph (b) relating to parking in force in the Municipality when using, on *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 Municipality.
- (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 subsection 2(b) must be in the same street or a street adjoining the place where the vehicle is parked.
- (3) (a) Written application for the issue of a badge must be made to the Municipality and if the Municipality approves the application, it must issue a badge bearing a registered serial number to the applicant.
- (b) The Municipality must keep a register in which it records the serial number allocated by it of the badge, the issue of which has been authorised by it, and the name of the holder.
- (c) The Municipality may issue a duplicate badge.
- (d) Where the Municipality 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 Municipality may charge a fee for the issuing of a badge or a duplicate thereof.
- (f) The Municipality 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 Municipality.
- (5) A person who displays a forged badge or a badge which was not issued by the Municipality commits an offence.

12. Pick-up and set-down areas at schools

- (1) The Municipality may by notice designate areas in the vicinity of schools and crèches as pick-up and set-down areas.
- (2) No person may park in a pick-up or set-down area for any longer than necessary to pick-up or set down learners.
- (3) A person who contravenes subsection (2) commits an offence.

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

Part 2: Parking permits

14. Resident parking permit

- (1) Subject to any conditions the Municipality may impose and subject to section 18, (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; and
 - (ii) in circumstances where not more than 1 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) A person who parks a vehicle in contravention with subsection (1) commits an offence.

15. Temporary parking permit

- (1) Subject to any conditions the Municipality may impose and subject to section 18(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 or spaces 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 or spaces.
- (2) A temporary parking permit may only be granted if the Municipality is satisfied that-
 - (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces 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 or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (3) A person who parks a vehicle in contravention with subsection (1) commits an offence.

16. Work zone permit

- (1) Subject to any conditions the Municipality may impose and subject to section 18(1) and (3) a work zone parking permit may be granted for parking or other building or construction purposes in a parking bay or parking ground or on the verge of a road or in the road reserve if the Municipality is satisfied that-
 - (a) the part of the road or other area referred to in subsection (1) to which the application relates is adjacent to the site of proposed building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (2) A person who parks a vehicle in contravention with subsection (1) commits an offence.

17. Municipal works parking permit

- (1) Subject to any conditions the Municipality may impose and subject to section 18(1), a local government works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space or spaces, and from 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 or spaces if the person is-

- (a) an employee, contractor or agent of the Municipality; and
- (b) parking the vehicle or vehicles in the space or spaces-
 - (i) for the purpose of carrying out work for or on behalf of the Municipality; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

18. Conditions of parking permits

- (1) The conditions that will ordinarily be imposed on all parking permits are, amongst other that may be imposed by the Municipality-
 - (a) the holder of the permit must affix the original permit to the vehicle identified in the permit facing outwards and as near as practicable to the registration disc for the vehicle; and
 - (b) a replacement permit will only be issued after completion by the permit holder of a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original permit.
- (2) The conditions that will ordinarily be imposed in a resident parking permit are-
 - (a) the 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 the permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit; and
 - (c) a resident parking permit is not specific to any particular vehicle; and
 - (d) a maximum of 1 (one) parking space per residence may be granted.
- (3) The conditions that will ordinarily be imposed in a works zone parking permit are
 - (a) the permit must specify the part of the road to which the permit relates; and
 - (b) the holder of the permit must pay the prescribed fee as determined by the Municipality, for the installation of official traffic signs, or other signs and markings, as determined by the Municipality to be appropriate, to identify the boundaries of the works zone identified in the permit; and

- (c) materials of any kind must not be stacked, placed or otherwise left on the road or footpath (either within or outside of the works zone); and
 - (d) a vehicle must not be parked, and loading or unloading or other operations must not be carried out, in a manner which obstructs pedestrian movement along a footpath within or adjacent to the works zone; and
 - (e) the permit must be kept on site and produced upon request by an authorised officer.
- (4) Any person who contravenes any conditions imposed by the Municipality or this section commits an offence.

19. Reserved parking for the disabled, South African Police Services and other identified groups

- (1) The Municipality may reserve parking areas for the disabled, SAPS and any other groups identified by the Municipality and may designate such areas by notice or road signage.
- (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

20. The Municipality may install parking meters or use any other device to record the time parked

- (1) The Municipality 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 demarcated parking bay; or
 - (b) a combined parking meter at demarcated parking bays; or
 - (c) any other device by which parking time can be recorded and displayed.
- (2) The Municipality may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay or bays 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 notice board.

- (4) In the instance where a pay-and-display parking management system is used in a parking bay area or street, a person must immediately, upon entering the parking bay, pay in accordance with the instructions, which are displayed on or in the vicinity of the parking bay, the prescribed parking fee to the parking marshal, and a person who does not comply with this subsection commits an offence.
- (5) The person must display the receipt printed by the parking marshal on the inside and on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the receipt by the pay-and-display machine is readily legible from the outside of the vehicle.
- (6) No person may allow a vehicle to remain in a pay-and-display parking area or street after the expiry of the departure time indicated on the parking receipt, and, unless evidence to the contrary is produced, the date or day and time of departure as recorded on the parking receipt is taken, on the face of it, to be correct evidence of date or day and time.
- (7) In the instance where a meter is out of order, an authorised official 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.
- (8) A person who contravenes the provisions of subsections (4;5&6) commits an offence.

21. 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.

22. 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 or bays in respect of which it is installed the prescribed coin or 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 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 Municipality irrespective of the device used to record the time parked and irrespective 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 meter which adjoins the parking bays or bays in respect of which it is installed the prescribed coin or 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 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 Municipality irrespective of the device used to record the time parked and irrespective 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 paragraph (a) and (b), the metered parking bay may be lawfully occupied by the vehicle during the period which is indicated on the parking meter, however, subject to paragraph (d), a driver or person in charge of a vehicle may, without payment, park the vehicle during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use, provided that the Municipality may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay.

- (d) Subsection (c) 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 again, 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 14, 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 or permit 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 20(4), no driver or person may cause, allow or permit 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.

23. The Municipality may prevent parking at a parking bay

An officer authorised by the Municipality to display road traffic signs may, whenever necessary or expedient to do so in the interest of the movement or control of traffic, place or erect a traffic sign or signs indicated "No Stopping" or "No Parking" at a parking bay or bays, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay or bays-

(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 provision of this section commits an offence.

24. Tampering with parking meter or device

- (1) No person may misuse, damage or knock a parking meter, interfere, tamper with or attempt to misuse, damage or knock or tamper or interfere with the working operation or mechanism of a parking meter.
- (2) No person may, without authority from the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or sticker or anything 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 from the possession of such parking marshal or tamper with any device in the possession of the parking marshal.
- (5) A person who contravenes a provision of this section commits an offence.

25. Prescribed coin only to be deposited

- (1) No person may deposit or cause to be deposited in a parking meter anything whatever other than the prescribed coin or coins.
- (2) A person who contravenes subsection (1) commits an offence.

26. 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.

27. Unlawful parking and clamping or removal of unlawfully parked vehicles

- (1) No person may cause, allow or permit 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 Municipality 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 Municipality; 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.

28. 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 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 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.
 - (d) a vehicle used by a member of the Traffic Department and being at the time used in connection with a traffic related matter that is either in progress or in connection with law enforcement.
 - (e) a vehicle used by a member of the By-law Enforcement Department and being at the time used in connection with a By-law Enforcement related matter that is either in progress or in connection with law enforcement.
- (2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, or regulations, or by-laws, a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose.
- (3) A person who contravenes subsection (2) commits an offence.

CHAPTER 3: PARKING GROUNDS & PARKING MARSHALS OR ATTENDANTS*Part 1: General Provisions***29. The Municipality not liable for loss or damage**

The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or persons or any accessories or contents of a vehicle which has been parked in a parking ground or designated parking bay.

30. Interference with an attendant

(1) No person may obstruct, hinder or in any manner interfere with an authorised official or a parking marshal employed by an appointed service provider to the Municipality, who is the attendant of a parking ground or parking bays in the exercise of his or her duties under this by-law.

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

31. 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 Municipality.

(2) The Municipality 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 Municipality may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the Municipality, 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 Municipality-

(i) be transferred to any other person; or

(ii) be used in respect of any vehicle other than the specified vehicle; and

(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 Municipality.

- (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.

32. Observance of signs

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

33. Parking and removal of vehicle

- (1) No person may in any parking ground or parking bay park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official 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 or otherwise, 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 attendant 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 sidewalk or a roadway within a parking ground or in any street.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconvenience 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.

34 Abandoned vehicle

- (1) The Municipality may remove, to the Municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than 7 (seven) days.

- (2) The Municipality 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 persons entitled to possession of the vehicle cannot be found within a period of 90 (ninety) days after the vehicle has been removed, the Municipality may, subject to the provisions of subsection (3) and sell the vehicle at a public auction.
- (3) The Municipality must, 14 (fourteen) days before the auction contemplated in subsection (2), publish or cause to be published in at least 2 (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 Municipality 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 Municipality, of keeping the vehicle in the pound;
 - (f) the parking fees applicable for having left the vehicle in the parking ground or parking bay as contemplated in subsection (1); and
 - (g) any unpaid parking fees or unpaid traffic fines in respect of such a 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 Municipality.
- (6) No person may leave a vehicle in the same place in a parking ground or parking bay for a continuous period of more than 7 (seven) days, and a person who does so commits an offence.

35. 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 Municipality in a parking ground or a street.

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

36. Negligent and dangerous driving and speed restriction

- (1) No person may, in a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.
- (2) The Municipality by sign indicate the maximum speed that may be travelled in a parking ground.
- (3) A person who contravenes a provision of subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2) commits an offence.

37. Entering or remaining in parking ground

- (1) No person may enter, remain or be in a parking ground otherwise than for the purpose of parking in 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) an official of the Municipality engaged in official activities or on instruction from the Municipality; 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 a provision of subsection (1) commits an offence.

38. Tampering with vehicle

- (1) No person may, in a parking ground or at any parking bay, 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 a provision of subsection (1) commits an offence.

39. Defacing coupon

- (1) No person may with intent to defraud the Municipality, 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.

40. 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 in a parking bay or to remain parked in a parking ground.
- (2) If a vehicle after having been parked, 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 a provision of subsection (1) or (2) commits an offence.

41. Cleaning of a vehicle

- (1) No person may, without prior approval of the Municipality, clean or wash a vehicle in a parking ground or a parking bay.
- (2) A person who contravenes subsection (1) commits an offence.

42. Refusal of admission

- (1) An authorised official may refuse to admit into a parking ground a vehicle which, together with its load, is longer than 5 (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 official's refusal of admission commits an offence.

43. Parking hours and classes of vehicles

- (1) The Municipality 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 Municipality must, in a notice posted at the entrance of 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 Municipality 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 in 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 in the parking ground as determined by the Municipality from time to time.
- (5) No person may park in 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 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 a provision of subsection (4), (5) or (6) commits an offence.

44. Reservation by the Municipality

- (1) The Municipality may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the Municipality or vehicles used by members of its staff in the business of the Municipality.
- (2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the Municipality or members of the Municipality's staff commits an offence.

Part 2: Mechanically controlled parking ground

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

- (1) Subject to subsection (3), 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 official or where not 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;
 - (c) after expiry of the parking period indicated on the parking coupon; or
 - (d) for a longer period than 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 Municipality 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 a provision of subsection (2) or (3) commits an offence.

46. 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 official 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 official 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 Municipality 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 Municipality, which form has the effect of indemnifying the Municipality 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 Municipality.

- (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 official 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 Municipality from time to time is payable for the next parking period.
- (6) A person who contravenes a provision of 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 official in terms of subsection (3)(a) or (b) commits an offence.

Part 3: Pay-and-display parking ground

47. 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 a provision of subsection (3), (4) or (5) commits an offence.

48. 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, sticker 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, permits and decals

49. Establishment of special parking places for taxis and taxi rank permits for special parking places for taxis

- (1) The Municipality may establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a permit to use the parking place or to park a taxi has been issued as provided for in section 51.
- (2) A taxi rank permit 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 taxi rank permit holder or for a taxi to which the taxi rank permit relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating the special parking place, 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 taxi rank permit, 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.

50. Taxi parking

- (1) A driver may, subject to subsection (2)-
 - (a) park a taxi at a special parking place or taxi holding 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 taxi stopping place provided.
- (2) In emergencies or at recreational and other similar functions, the Municipality 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 a provision of 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.

51. Use of taxi ranks

- (1) A driver-
 - (a) may, subject to subsection (3), park a taxi at the taxi rank specified on the taxi permit concerned, 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 49.
- (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 taxis 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 or the Regulations, in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park or stop any vehicle in a taxi rank except a taxi for which a taxi permit and decal, specifying the rank, have been issued for the year in question, as contemplated in Part 1 to this Chapter.
- (6) A person who contravenes a provision of this section commits an offence.

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

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

53. Servicing and washing taxis at taxi facilities

- (1) No person may repair or maintain any motor vehicle in any way whatsoever 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.

54. 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 or official of the Municipality.

*Part 2: Bus facilities and permits, and operation of buses***55. Establishment of bus facilities**

The provisions of section 49(1), (2) and (3) apply, with the necessary changes, to busses, and "special parking places" must, in relation to busses, be read as "demarcated stopping places or stands for busses".

56. Distinguishing of demarcated stops and stands for buses

Each demarcated stopping place or stand must be distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the stopping place or stand.

57. Parking at stopping places for buses and destination signs

- (1) No driver or person in charge of a bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.
- (2) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.
- (3) A driver or person in charge of a bus who contravenes a provision of this section commits an offence.

CHAPTER 5: MISCELLANEOUS PROVISIONS**58. Obeying and interfering with an 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 or parking marshal in the exercise of the powers in terms of this by-law.

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

59. Appeal

- (1) A person whose rights are affected by a decision made under this by-law may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 (twenty one) days of the date of the notification of the decision.
- (2) Such an appeal lodged shall be referred to the Municipality's Section 62 Appeal Authority established under the Systems Act 32/2000, which committee shall commence with an appeal within 6 (six) weeks of receipt thereof and decide the appeal within a reasonable time.

60. Sale of impounded vehicles

- (1) The Municipality must-
- (a) within 14 (fourteen) days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and
 - (b) in the application contemplated in subparagraph (a), provide the Court with proof that a statement as contemplated in subsection (2) has been lodged with the owner.
- (2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this by-law.
- (3) The Court, whether the amounts set forth in the statement contemplated in subsection (1)(b) are disputed or not, must-
- (a) summarily enquire into the matter;
 - (b) enquire whether notice was given to the owner of the vehicle by the Municipality; and
 - (c) make such order as it considers just and equitable, including an order-
 - (i) as to costs; and
 - (ii) on the process to be followed by the Municipality in the sale of the vehicle.

61. 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 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 Law Act 1985 (Act 107 of 1985) as amended from time to time read with any changes.

62. Compliance notices and the recovery of costs

(1) Notwithstanding any other provisions of this by-law, the Municipality may-

- (a) where the permission of the Municipality is required before a person may perform a certain action 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 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 Municipality may require to rectify such contravention within the period stated in such a notice.

(2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the Municipality 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.

63. Presumptions

(1) For the purpose of this by-law, the person in whose name a motor car or motor vehicle which is parked in a parking ground is licensed, is deemed to be the person having control or charge of the motor car or motor vehicle, unless and until he or she adduces evidence to the contrary.

(2) A motor vehicle that is found in a taxi or bus facility or that has stopped at a taxi or bus facility is presumed to be plying for hire, unless the contrary is proved.

(3)(a) Where in any prosecution 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 motor car or motor 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 motor car or motor 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, that, where the owner of the motor car or motor vehicle concerned is a corporate body, such motor car or motor 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 officers *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 motor vehicle which is found on a taxi facility which has stopped at a taxi facility will be presumed to be plying for hire, unless the contrary is proved.
- (6) 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.
- (7) 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 evidence and *prima facie* proof that it is such receipt, transmission report or acknowledgement.

64. Penalties

- (1) 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 fine, or in default of payment to imprisonment, or to such imprisonment without the option of a fine, or both such fine and such imprisonment, and 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.
- (2) Any person contravening any provision of this By-Law, shall be guilty of an offence and liable on conviction, except where otherwise expressly stated, to a fine not exceeding R50 000.00.

65. Repeal of by-laws

Any by-law relating to Parking within the Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgation of this by-law.

66. Short title and commencement

This by-law is called the Emfuleni Local Municipality Parking By-Law and comes into operation upon publication thereof in the Provincial Gazette.