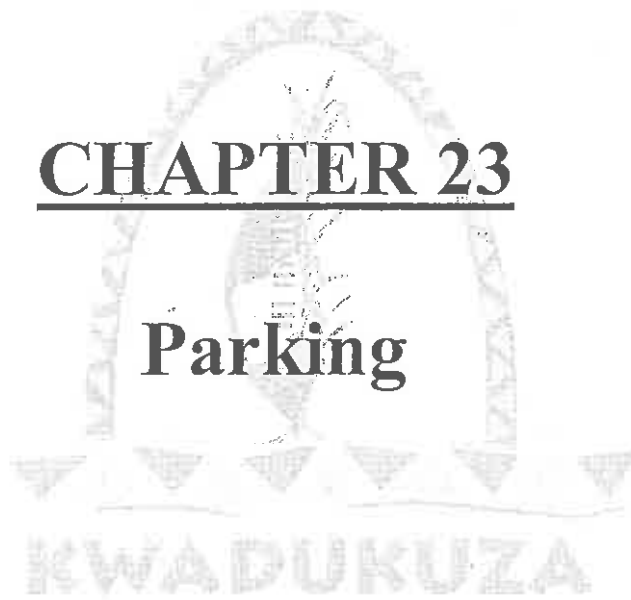


Final Draft for consideration by Council



# CHAPTER 23

## Parking





## KWADUKUZA MUNICIPALITY

### PARKING BYLAWS

The KwaDukuza Municipality acting in terms of section 156 (2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

#### 1. Definitions

In these Bylaws unless the context otherwise indicates:

“Act” shall mean the National Road Traffic Act 1996 (Act 93 of 1996) and the Regulations promulgated thereunder;

“Attendant” means the person authorized by the Municipality to collect parking fees from persons using a parking area;

“Disabled persons” means a person so physically handicapped that he meet the criteria laid down by Council, or it's agent from time to time, for the obtaining of a disabled persons parking disc;

“Disabled persons parking disc” means a disc issued by or on behalf of Council indicating that the vehicle is a disabled persons vehicle;

“Disabled persons vehicle” means a motor vehicle used to convey a disabled person either as a driver or passenger and displaying a valid disabled persons parking disc;

“Disabled persons vehicle reservation sign” indicates to the driver of a vehicle that the public road or a portion of the public road is reserved for disabled persons vehicles only;

“Disabled persons vehicle parking reservation sign” indicates to the driver of a vehicle that a parking area is reserved for vehicles conveying disabled persons only;

“Disabled persons parking” indicates to the driver of a vehicle that the parking bay is reserved for a vehicle transporting a person with a physical disability;

“Licensed tourist related business” shall mean any business that is tourist orientated such as accommodation establishments, B&B's, hotels and Guest Houses that are licensed under the Business Act;



“Metered parking bay” means a parking bay in respect of which a parking meter has been installed;

“Municipality” means the Municipality of KwaDukuza as constituted in terms of the Municipal Structures Act 1998;

“Parking” means the standing or waiting of a vehicle, whether occupied or not, in a public street or place or parking ground and “park” and “parked” shall have corresponding meaning;

“Parking area” shall mean an area designated by the municipality as such and in respect of which the municipality has affixed or caused to be affixed a notice at each parking bay or at the entrance to a group or a multiplicity of parking bays on which the tariffs for parking and the method of payment (as being a parking permit) have been indicated;

“Parking bay” shall mean the demarcated space within a parking area for one vehicle to park in that space on a public road within the area of jurisdiction of the Municipality, or in an area set aside by the Municipality for a multiplicity of parking bays, and “parking bay” shall further have the meaning assigned to it;

“Parking coupon vending machine” means a device which upon the insertion therein of a prescribed coin or coins or upon payment of the parking fee in any other manner indicated thereon issues a coupon upon which is visibly recorded the date of issue and time of issue or expiry of such coupon;

“Parking meter” means any mechanical/electronic appliance or device designed for the purpose of automatically measuring and indicating the time within which a vehicle is or may be parked in a metered parking bay and includes the standard to which the meter is or may be affixed;

“Parking permit” shall mean the permit which is or has been issued by or on behalf of the municipality, after the payment of the prescribed amount or the intrinsic value amount indicated on the permit, and which has to be displayed on a vehicle in terms of these bylaws if it is parked in a parking area during prescribed hours;

“Parking time” shall mean the permissible parking time in relation to the value of one or more parking permits;

“Permit parking” shall mean parking of a vehicle in a parking bay and the display of one or more parking permits in accordance with Bylaws 4;



“Permit parking notice” shall mean the notice displayed at a parking bay, group of parking bays or the entrance to a multiplicity of parking bays to indicate that the relevant parking bay or bays are subject to permit parking;

“Prescribed Coin” shall mean a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964) of the denomination indicated on the parking meter concerned and includes any approved token, smart card or credit card;

“Prescribed hours” shall mean the hours as prescribed by the municipality to which the provision of these Bylaws apply;

“Person with a physical disability” as defined in disabled person;

“Tariff” shall mean the tariff of charges approved by the municipality;

“Tourist” means any person that visits the KwaDukuza municipality area, being a holidaymaker, sightseer, day-tripper, traveller or any such like person or persons;

Any word or phrase not defined herein to which a meaning has been assigned in the National Road Traffic Act 93 of 1996 shall, when used in these bylaws, and unless inconsistent with the context, have the meaning assigned thereto.

## **2. Installation of Parking Meters**

2.1 The Municipality may install or cause to be installed a parking meter or meters at any demarcated parking bay or bays in the Municipality.

2.2 Every such meter shall be placed upon and fastened to the kerb, footpath or sidewalk adjoining the parking bay or bays in respect of which it is installed, and each such meter shall –

- (a) clearly indicate the time allowed for parking in such metered parking bay and the prescribed coin or coins which may be inserted and shall clearly display a notice indicating that no parking shall take place in such metered parking if the meter is out of order, provided that where a meter is out of order, it may be disabled by an authorized officer of the Municipality to enforce the provisions of these Bylaws,
- (b) be fitted with an easily visible device which shall indicate clearly that the time allowed for parking has expired or that the parking meter has not been set in operation, as the case may be.
- (c) where the meter is not automatically activated by the insertion of a prescribed coin shall clearly indicate the action to be taken in order to set the meter in operation once the prescribed coin has been inserted.

## **3. Parking Areas**

3.1 Subject to the provisions of these Bylaws the Municipality may in its discretion permit the parking of such classes of vehicles as it may determine,



- in a Parking Area during the hours when such parking area is open for parking. The permitted classes of motor vehicles and the opening hours shall be set out in a notice posted by the Municipality at the entrance to such area; provided that, notwithstanding the existence of a notice posted on a parking ground prescribing the hours during which parking will be permitted.
- 3.2 The Municipality may by notice exhibited on such parking ground, close the ground or a portion thereof for the parking of vehicles either permanently or for a period stated in such notice.
- 3.3 The Municipality may by notice reserve portions of the ground for parking of municipal owned vehicles or vehicles used by members of its staff or Councillors on the business of the Municipality.

#### 4. Parking Permit

- 4.1 A valid and marked parking permit shall mean a parking permit-
- (a) originally issued by or on behalf of the Municipality for the control of parking of vehicles in parking areas.
  - (b) On which the commencement day of parking has been marked.
- 4.2 The Municipality shall not be liable on whatever grounds to the driver of a vehicle who is in possession of a parking permit or to any other person in such vehicle or to anybody with whom it may have business or any relations or appointments if no parking bay is available for such driver in a parking area and he wishes to park his vehicle in such parking area.
- 4.3 The Municipality may permit the placing of advertisements on parking permits or may permit persons or bodies to canvass such advertisements for their own accounts or for the full or partial subsidizing of the printing of the parking permit.

#### 5. Methods of Parking

Where parking bays have been demarcated no person having control or charge of a vehicle shall park such vehicle:

- 5.1 in a metered parking bay across any painted line marking the bay or in such a position that the said vehicle shall not be entirely within the area demarcated as a metered parking bay;
- 5.2 in a metered parking bay which is already occupied by another vehicle;
- 5.3 The driver of a vehicle who is in possession of a parking permit and who wishes to park the vehicle in a parking area, may do so only if an open parking bay is available and he has signalled his intention to do so before another person by flashing the indicator light of his vehicle next to/directly in front of the available parking bay;



- 5.4 The driver of a vehicle who parks the vehicle in a parking area must display the parking permit on the vehicle for the full duration of the parking;
- 5.5 The driver of a vehicle who parks the vehicle in a parking area in the place of a driver claiming the parking bay in terms of subsection 5.3 shall commit an offence in terms of these bylaws and shall remove his vehicle from the parking bay without delay if told to do so by an authorised official;
- 5.6 In any place on the parking area which is not a demarcated parking bay unless instructed to do so by a policeman or the authorized official at such area;
- 5.7 In a parking bay across any painted line marking the bay or in such a position that the said vehicle shall not be entirely within the area demarcated as a parking bay;
- 5.8 In a metered parking bay in contravention of any road traffic sign prohibiting the parking or stopping of vehicles in the street or portion of the street concerned;
- 5.9 No person shall upon parking carry on any business, trade or calling or perform any act in connection therewith;
- 5.10 Any person using a parking area shall do so in a way which will avoid obstruction or inconvenience to other users of the ground, and shall comply with any instruction which may be given by a member of the South African Police Services or any authorized attendant or official employed by the Municipality, when parking or removing his vehicle and shall observe and comply with any traffic or other signs, notices or surface markings which may be placed or displayed on such ground for the purpose of directing and regulating vehicles using the parking ground or the entrances thereto or the exits there from and in particular, but without derogating from the generality of the foregoing;
- 5.11 No person shall park on a sidewalk or a roadway within the parking ground;
- 5.12 No person shall obstruct, hinder or in any way interfere with any member of the South African Police Services, or authorized official of the Municipality in the exercise of his duties under these Bylaws;
- 5.13 The valid and marked parking permit shall, subject to the provisions of subsection 5.16 here in below, remain valid for any parking bay in any controlled parking area from the commencement date of the parking marked thereon until it expires in a continuous and uninterrupted period from such commencement date of parking;
- 5.14 If it is not practically feasible to display a valid and marked parking permit in accordance with subsection 5.4, the driver of the vehicle shall-
  - (i) place the parking permit on the instrument panel of the vehicle directly behind the windscreen with the date facing upwards; or



- (ii) if the steps referred to in paragraph 5.14(i) are also not feasible, place the parking permit on the driver's seat of the vehicle with the date facing upwards;
- 5.15 The driver of the vehicle must ensure that each valid and marked parking permit remains visible and legible and remains so for the full duration of the parking, from the kerb next to the vehicle, or if there is no kerb, from the side of the steering wheel of the vehicle;
- 5.16 No person shall tamper with a valid and marked parking permit displayed on a vehicle in a controlled parking area, make changes thereon or damage, or destroy or remove it;
- 5.17 A parking permit on which the commencement date of parking is shown or fully marked shall be valid and shall also not become valid until commencement time of parking marked on the coupon is reached, if applicable, and the vehicle shall be deemed to be parked without such coupon;
- 5.18 (i) A person who marks a commencement date or time of parking on a parking permit and where the marked commencement date or time of parking is not the date or time on which the parking has commenced, shall be guilty of an offence and the appropriate date or time difference may be taken into consideration for the purpose of determining punishment in any legal proceedings in terms of this provision or in terms of a common-law offence.
- (ii) The provisions of paragraph 5.1 shall not derogate from the offence-creating nature of the other acts or omissions referred to in subsection 5.15 and which are not included in paragraph 5.9.
- 5.19 No vehicle shall be parked in parking bay for a parking period longer than the maximum period permissible in accordance with the displayed parking permit.

## 6. Payment of Fees for Parking

- 6.1 When any vehicle is parked in a metered parking bay, the driver or person in charge of such vehicle shall forthwith deposit or cause to be deposited in the parking meter installed at such by the prescribed coin as indicate on such meter for the period of time during which he desires to park his vehicle in such bay and shall set the meter in operation, in accordance, with the instructions appearing thereon. The metered parking bay may thereupon be lawfully occupied by the vehicle during the period indicated on the parking meter, but no longer; provided that the driver or person in charge of such vehicle, may without payment, park the same during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use.
- 6.2 Subject to the provision of Subsection 6.3 hereof, the driver or person in charge of a vehicle may, immediately upon expiration of any authorized period of parking, again set the meter in operation in

- accordance with the instruction appearing thereon and the said vehicle may lawfully occupy the metered parking bay for the further period indicated on the parking meter.
- 6.3 No person shall, either or with or without the insertion of a fresh coin in the parking meter, leave a vehicle parked in a metered parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter.
- 6.4 Subject to the provisions of Bylaw 11; no driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to be or remain parked in a metered parking bay while the indicator of the parking meter installed there at shows that the time has expired or that the parking meter has not been set in operation in accordance with the instructions appearing thereon.
- 6.5 The fees payable for parking on a parking area shall be in accordance with the Tariff of Charge.
- 6.6 The Municipality may authorise any person or body to acquire permits from the Municipality at a discount determined by the Municipality in order to make them available to the public on behalf of the Municipality (excluding annual permits).
- 6.7 No person or body shall supply a parking permit to a member of the public at a price higher than the intrinsic value tariff shown on the parking permit.



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- 6.8 Permits may be bought for the following periods and at the value indicated in the Municipality's tariff of charges at the date of purchase:

Daily Permits  
Weekly Permits  
Annual Permits  
Annual Business Permits

- 6.9 Any person or body supplying a parking permit to a member of the public or to the public in general, shall be obliged if so requested by a member of the public to furnish him with proof of authorisation to do so.
- 6.10 Where the parking accommodation does not consist of metered parking bays, any person parking a vehicle on parking ground shall subject to the provisions subsection 6.14 below at the time of parking such vehicle, pay to the Municipality's authorized attendance, the prescribed fee which shall entitle such person to park such vehicle on the parking ground on the day in question for the prescribed period covered by the fee.
- 6.11 Where a vehicle in respect of which a parking fee has been paid is not removed within the prescribed period for which payment has been made, no person shall remove such vehicle unless and until he has paid to the authorized attendant the further fee which is then due for each prescribed period or portion thereof during which the vehicle has remained at the parking ground after expiry of the first prescribed period for which it was parked notwithstanding the fact that he presented the ticket issued in respect of the parking of such vehicle.
- 6.12 If a parking coupon vending machine has been installed in a parking area any person who parks or causes a vehicle to be parked in such area for which parking fees are payable as indicated in a notice displayed at the entrance to the parking area shall forthwith:
- 6.12.1 obtain a coupon in the manner indicated on the parking coupon vending machine for the required parking period after such vehicle has been brought to a standstill in a parking bay;
- 6.12.2 affix such coupon on the inner side of the windscreen of such vehicle on the driver's side, in such a manner that the information shown thereon shall be clearly visible from the outside of the vehicle or, in the event of such vehicle not having a windscreen, in the aforementioned manner in a conspicuous position on a headlamp of the vehicle.
- 6.13 (a) A coupon obtained in terms of subsection shall be valid until the time of expiry thereof as indicated on the coupon.
- (b) If a vehicle is removed from a parking and returned thereto within the period of validity of the coupon, such coupon shall continue to be valid.



- (c) Possession of a valid coupon in respect of a vehicle not within a parking bay does not guarantee the validity of a vacant parking bay.
- 6.14 (a) No person shall cause or permit a vehicle parked by him in parking ground in which a parking coupon vending machine has been installed, to remain therein:
  - (i) without affixing a valid parking coupon in terms of subsection (14)(b);
  - (ii) after the coupon obtained in terms of subsection (14)(a) has ceased to be valid;
  - (iii) if a coupon cannot be obtained from any such machine in a parking ground in the manner indicated thereon as contemplated by subsection 914)(a) or when a notice displayed on each machine indicates that it is out of order.
- 6.15 A vehicle in a parking area in which a coupon machine has been installed which does not bear a coupon affixed in terms of subsection (14)(b) shall be presumed to have been caused or allowed to remain therein in contravention of subsection (14)(a)(i) until the contrary is proved.

#### **7. Discontinuance of Metered Parking Pay**

Any authorised officer or official authorized by the Municipality to display a road traffic sign, may whenever he deems it necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating "No Stopping" or "No Parking" at any metered parking bay or bays, and it shall be unlawful for any person to stop or park a vehicle or to cause or permit a vehicle to be stopped or parked in such parking bay or bays while such sign or signs is also placed or erected or during any period when the stopping or parking of a vehicle in the street or portion of the street concerned is prohibited in terms of any such traffic sign.

#### **8. Interference with Parking Meters, Devices and Signage**

- 8.1 No person shall misuse any parking meter or interfere or tamper or attempt to interfere or tamper with the working operation or mechanism of any parking meter, and no person shall, without authority from the Municipality, affix or attempt to affix or place any placard, advertisement, notice, list, document board or thing on or paint, write upon or disfigure any parking meter.
- 8.2 No unauthorised person shall enter or be on any parking area otherwise than for the purpose of a parking thereon a vehicle or removing there from a vehicle in respect of which he has paid the prescribed parking fee; provided that his section shall not apply to a person in the company of a person so parking or removing a vehicle.



- 8.3 No unauthorised person shall, on any parking area, 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.
- 8.4 No person shall remove, mutilate, obscure or in any manner, damage or interfere with any notice, notice board, sign or any other thing placed by the Municipality on any parking area.

#### 9. Prescribed Coins only to be Deposited

No person shall deposit or cause to be deposited in any parking meter anything whatever other than the prescribed coin or coins.

#### 10. Unlawful Acts

- 10.1 No person shall operate or attempt to operate any parking meter by any means other than as prescribed in these Bylaws:
- (a) Any person parking a vehicle on a parking area any person having control or charge of a vehicle parked on a parking area, shall, by reason of such parking be deemed to have agreed to be bound by the terms and conditions of these Bylaws.
- (b) For the purpose of these Bylaws the person in whose name the vehicle using a parking area is licensed shall be deemed to be the person having control or charge of such vehicle unless and until he shall prove to the contrary.
- 10.2 It shall be unlawful for any person to cause, allow, permit or suffer any vehicle to be parked in any metered parking bay, except as permitted by the provisions of these Bylaws.
- 10.3 Where any vehicle is found to have been parked in contravention of the Bylaws, it shall be deemed to have been or caused or allowed to have been parked by the person in whose name such vehicle is registered unless and until he shall prove the contrary.
- 10.4 No person shall, on any parking area, drive any vehicle negligently or in a manner dangerous to the public or to any vehicle.
- 10.5 No person may duplicate a parking coupon or token or be in possession of any imitation or reproduction thereof.
- 10.6 No person shall use or occupy a disabled persons parking or any public road or portion of public road reserved for disabled persons, unless his vehicle is displaying a disabled persons parking disc and conveying a disabled person.

#### 11. Exemption

Notwithstanding anything in these Bylaws contained, the driver or person in charge of the following vehicles may, subject to the provisions of this Bylaw, park in a metered parking bay without payment of the prescribed fee:



- 11.1 A vehicle used as an ambulance and being at the time used on urgent medical emergency.
- 11.2 A vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in carrying out its duties of preventing or suppressing fires.
- 11.3 A vehicle used by a member of any Police Force and being at the time used in connection with the execution of urgent police duties.
- 11.4 Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by the National Road Traffic Act 93 of 1996, or regulations or bylaws made there under every parking bay may be occupied without charge.

**12. Removal of Vehicles at close of Parking Hours**

No person having control or charge of any vehicle shall park such vehicle to remain on any parking area or portion thereof which has been closed in terms of the provisions of Bylaw 1.3 hereof, or at any time other than during the prescribed hour for the parking of vehicles on such area or park thereon any vehicle which is not of the class or classes which may use the parking ground for parking as prescribed in the notice erected at the entrance to such area.

**13. Municipality not Liable for Damage to Vehicles**

The Municipality shall in no way be liable for the loss of or damage howsoever caused, to any vehicle, or any accessories or contents of a vehicle which has been parked in a parking area or parking bays as designated by the Municipality.

**14. Offences and Penalties**

Any person who contravenes any provision of these bylaws shall be guilty of an offence and upon conviction be liable to such penalty as may be prescribed by a Magistrate of a Magistrate's Court with jurisdiction in the area in which the offence was committed.

**15. Repeal of Bylaws**

All Municipal Bylaws, and amendments thereto, relating to Parking made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.