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PROVINCIAL NOTICE 99 OF 2017



MUSINA LOCAL MUNICIPALITY

PARKING METER BY-LAW

The Municipal Manager of Musina Local Municipality hereby acting in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes Parking Meter by-law for the municipality as approved by its Council as set out hereunder.

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1. Definitions

For the purpose of this by-law, unless the context otherwise indicates –

“**business hours**” means the hours from 06h30 to 17h00 on Mondays to Fridays and 06h30 to 13h00 on Saturdays or such other times as may be determined by the Council from time to time;

“**council**” means the Council of Musina Local Municipality;

“**metered parking bay**” means any parking bay on a public road or public place in respect of which –

(a) a parking meter has been installed or is used; and

(b) the Municipality imposes parking fees;

“**metered parking ground**” means a parking ground or any part thereof on a public road or public place in respect of which –

(a) a parking meter has been installed or is used; and

(b) the Municipality imposes parking fees;

"motor vehicle" means a motor vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996);

"municipality" means the Musina Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"parking fee" means the charge imposed by the Municipality from time to time for parking a motor vehicle on a metered parking bay or on a metered parking ground and such fees is payable by the driver of such motor vehicle;

"parking-meter" means a static or hand-held device for registration, recording and display of the passage of the parking time period, including the display thereof in a mechanical or electronic format on a display panel or indicator and which is operated by parking-meter attendant;

"parking-meter attendant" means a person possessing a valid appointment card who collects parking fees in terms of this by-law;

"parking penalty" means a charge imposed by the Municipality from time to time and payable to the Municipality, for parking a motor vehicle on a metered parking bay or on a metered parking ground in contravention of this by-law;

"parking time" means the period of time purchased, against payment of the parking fee, for which a motor vehicle may be parked on a metered parking bay or metered parking ground;

"the Act" means the National Road Traffic Act, 1996 (Act 93 of 1996);

"traffic officer" means a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996 and Criminal Procedure Act, 1977 (Act 51 of 1977) and includes a member of the South African Police Service and Traffic warden; and any other word of expression has the meaning assigned thereto in the National Road Traffic Act, 1996.

2. Purpose

The purpose of this by-law is to regulate public parking within the area of jurisdiction of Musina Local Municipality.

3. Establishment of metered parking bays and metered parking grounds

(1) The Municipality may, from time to time –

- (a) designate by road signs and establish metered parking bays and metered parking grounds;
- (b) install and operate parking meters for metered parking bays and metered parking grounds;
- (c) determine parking times applicable to metered parking bays and metered parking grounds;

- (d) determine and levy parking fees and parking penalties; and
- (e) collect and recover parking fees and parking penalties.

4. Parking fees and parking times

- (1) No person may, during business hours, park a motor vehicle on a metered parking bay or metered parking ground, or cause a motor vehicle to be so parked –
 - (a) without paying the applicable parking fee; or
 - (b) for a period of time which is longer than the parking time purchased in respect of that motor vehicle.

5. Operation of parking meters

- (1) Any person parking a motor vehicle or causing any motor vehicle to be parked on any metered parking bay or metered parking ground, during business hours, shall immediately–
 - (a) pay the applicable parking fee to the responsible parking meter attendant; and
 - (b) if required by the parking meter attendant enter his or her motor vehicle's registration number and the bay number which the motor vehicle occupies into the parking meter.

6. Exemptions

- (1) Notwithstanding anything contained in this by-law, the following persons are exempted from the payment of parking fees –
 - (a) the drivers of fire-fighting vehicles, emergency rescue vehicles or ambulances whilst those vehicles are being used for the purpose of fire-fighting, emergency rescue or a medical emergency, as the case may be;
 - (b) traffic officers engaged in the performance of their duties;
 - (c) the drivers of motor vehicles engaged in civil protection;
 - (d) the drivers of motor vehicle engaged in essential services;
 - (e) the drivers of motor vehicles which are the property of the Council or motor vehicles used by an official or councillor of the Municipality in his or her official capacity, provided that an official badge or parking disc, designed and approved of by the Municipality, is displayed in a prominent place on the motor vehicle; and

- (f) the drivers of motor vehicles being driven by or used to convey a person with a permanent physical disability or mobility impairment provided that an appropriate disability permit is displayed in a prominent place on the motor vehicle.

7. Prohibitions

(1) No person may –

- (a) cause or attempt to cause a parking meter to record the passage of time incorrectly;
- (b) misuse, tamper with, damage or in any way interfere with a parking meter;
- (c) deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign or notice affixed or erected for the purpose of this by-law;
- (d) forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of this by-law; or
- (e) hinder or interfere with a parking meter attendant or traffic officer in the performance of his or her duty.

(2) No person may park a motor vehicle, not being a motor vehicle as defined in this by-law, in a metered parking bay or metered parking ground.

(3) No driver or person in charge of a motor vehicle may park such vehicle or cause it to be parked:

- (a) in a metered parking bay or metered parking ground across any painted line marking the confines of the parking bay or in such a position that the said vehicle is not entirely within the area demarcated;
- (b) in a demarcated parking bay which is already occupied by another vehicle;
- (c) in contravention of a road traffic sign; or
- (d) in an area demarcated for commercial loading purposes.

(4) The person or driver in charge of a motor vehicle shall park such vehicle in a metered parking bay or metered parking ground –

- (a) if the metered parking bay or metered parking ground is parallel to the curb or sidewalk of the public road, in such a manner that the vehicle is headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left-hand wheels of the vehicle are substantially parallel to and within

450mm of the left-hand curb, provided that where, in a one-way street the metered parking bay or metered parking ground is situated on the right-hand side of the road, these provisions shall apply in respect of the right-hand wheels of the vehicle and the right-hand curb, respectively; or

- (b) if the metered parking bay or metered parking ground is at an angle to the curb or the sidewalk of a public road, in such a manner that the vehicle is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.
- (5) Where by reason of the length of any motor vehicle, the vehicle cannot be parked wholly within a metered parking bay or metered parking ground, it shall be lawful to park the vehicle by encroaching upon a metered parking bay or metered parking ground adjoining the first-mentioned parking place and any person so parking shall be liable for payment of parking fees in respect of the parking bays encroached upon.
- (6) A traffic officer or traffic warden may, whenever he or she deems it necessary or expedient to do so in the interest of the movement or control of traffic, place a road traffic sign or signs indicating that there shall be no parking at any metered parking bay or metered parking ground, and it shall be unlawful for any person to park or cause or permit to be parked a vehicle in such metered parking bay or metered parking ground while such sign is so displayed.

8. Towing and clamping

- (1) The Municipality may, in respect of a motor vehicle parked in contravention of this by-law, and without notice to the owner, driver or any person in control of that motor vehicle –
- (a) remove or cause the motor vehicle to be removed to a place designated by the Municipality; or
 - (b) attach or cause to be attached a wheel clamp to the motor vehicle.
- (2) The Municipality may charge a fee for the removal and impounding of a motor vehicle, or for the clamping of a motor vehicle, as determined by the Municipality from time to time.
- (3) Any motor vehicle towed and impounded in terms of this by-law, or whose wheel is clamped in terms of this by-law, may not be released until such time as the owner has paid the applicable parking fee, the parking penalty and the charge for towing and impounding the vehicle or clamping the motor vehicle, as the case may be.
- (4) Any person who claims a motor vehicle that has been impounded in terms of this by-law must produce his or her valid identification document or driver's licence, as well as proof acceptable to the Municipality that he or she is the owner of the motor vehicle concerned.

- (5) The Municipality is not liable for any damage caused to a motor vehicle which is towed and impounded or clamped in terms of this by-law.

9. Presumptions

- (1) The passage of time as recorded by a parking meter shall for the purposes of this by-law and in any proceedings arising out of the enforcement thereof, be deemed to be correct unless and until the contrary is proved.
- (2) Where any motor vehicle is found to have been parked in contravention of this by-law, it shall be presumed to have been parked or caused to have been parked, or allowed to have been parked, by the person in whose name the motor vehicle is registered unless and until the contrary is proved.

10. Tariffs

The tariffs to be charged for parking of a motor vehicle shall be determined by the Municipal Council from time to time.

11. Payment

- (1) Any parking fee, parking penalty and any other amount due to the Municipality in terms of this by-law may be paid by any means made available by the Municipality.
- (2) A person making use of 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.
- (3) The Municipality may in respect of parking controlled by the issue of permits, issue at the prescribed fee a permit which entitles the holder for one calendar month or any lesser period stated in the permit to park a vehicle in the allocated bays, if a parking bay is available, at the times stated in the permit.
- (4) Any amount owed in terms of this by-law to the municipality shall be recovered by the municipality after it shall have followed a duly legal process to institute a civil claim.

12. Liability for loss or damage

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

13. Offences and penalties

- (1) Any person who contravenes or cause or permits a contravention of any provision of this by-law, shall upon conviction if found guilty of an offence, be liable on conviction to a fine not exceeding R750 or to imprisonment for a period not exceeding six months.

14. Repeal of by-laws

Musina Local Municipality Parking by-law gazetted on 16 November 2015 in the Limpopo *provincial gazette* number 2633 is hereby repealed.

15. Short title and commencement

This by-law is called the Musina Local Municipality Parking Meter By-law and shall come into operation on the date of publication in the *Provincial Gazette*.