

DRAKENSTEIN MUNICIPALITY

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

SCHEDULE

BY-LAW NO. 9/2007: PARKING METERS

Purpose of By-law

- To provide for the installation of parking meters.
- To provide for procedures, methods and practices to regulate and manage parking.

Definitions

1. In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and *vice versa*; the Afrikaans text shall prevail in the event of an inconsistency between the different texts; and unless the context otherwise indicates:–

“coin” means a coin of South African currency;

"municipality" means the Municipality of Drakenstein established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice 488 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

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

“parking period” means that period of time of parking in a parking place which is determined by the insertion into a parking meter of the appropriate coin;

“parking place” means a demarcated parking place in conjunction wherewith a parking meter has been installed.

“traffic officer” means an officer appointed in terms of section 3 of the National Road Traffic Act, 1989 (Act 29 of 1989);

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

Parking

- 2.(1) No person may during the hours prescribed in section 11 stop or park any vehicle in any parking place unless he/she pays the prescribed fee in accordance with any direction displayed on a parking meter or on any notice board on such parking area.
 - (2) Any person who stops or parks a vehicle in a parking place before the commencement of the hours prescribed by section 11 and allows such vehicle to remain in such parking place until the commencement of the hours prescribed by section 11 must pay the prescribed fee in accordance with any direction displayed on a parking meter or on any notice board on such parking area, or remove his vehicle from such parking place.
 - (3) Where a vehicle or a combination of vehicles by reason of the length thereof occupies so much of an adjoining parking place or places that it is not possible to park a vehicle in an adjoining parking place or places in the manner prescribed in the by-law, the person parking the first-mentioned vehicle or combination of vehicles shall immediately after parking such vehicle or combination of vehicles in such parking place or places, pay in the prescribed manner, the parking fee of all the parking places occupied by the vehicle or combination of vehicles.
3. It shall be unlawful, either with or without the insertion of a fresh coin in the parking meter, to leave any vehicle in a parking place after the expiration of a parking period as

indicated by the parking meter, or to return the vehicle to that parking place within 15 minutes of such expiration.

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

Defective Parking Meters

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

Offences

6. It shall be unlawful –
 - (a) to stop or park anything except a vehicle in a parking place;
 - (b) to insert or attempt to insert into a parking meter any coin other than a coin of South African currency of a denomination as indicated by any direction on the parking meter;
 - (c) to insert or attempt to insert into a parking meter any false or counterfeit or damaged or bent coin or any foreign object;
 - (d) to damage or deface, soil or obliterate or otherwise render less visible the face or dial of a parking meter or to write or draw thereon, or to affix any handbill, poster, placard or other article, whether or not of an advertising nature, to a parking meter;
 - (e) in any way whatsoever to cause or attempt to cause a parking meter to record the passage of time otherwise than by the directions on such parking meter;
 - (f) to jerk, knock, shake or in any way interfere with a parking meter which is not working properly or at all in order to make it do so, or for any other purpose;
 - (g) to deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign or notice affixed or erected for the purposes of this by-law;
 - (h) to remove or attempt to remove the mechanism or any other part of a parking meter from the post or other structure to which it is attached.

7. No person shall cause or permit any vehicle to be stopped or parked in any parking place which is already being used by some other vehicle.
8. No person shall cause or permit any vehicle to be stopped or parked in a parking place in such a manner that any portion of the vehicle protrudes over or beyond any of the lines of demarcation of such parking place except as provided in section 2(3).
9. No person shall cause, permit or suffer any vehicle of which he is the driver or which is under his control to be stopped or parked in any parking place except as permitted by the provisions of this by-law.

Control of Traffic

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

Parking Hours

11. The provisions of this by-law shall be in operation between the hours of 08:00 and 18:00 from Mondays to Fridays, and between the hours of 08:00, and 13:00 on Saturdays, but shall not be in operation on Sundays or public holidays, or during hours other than those set out above.

Two-wheeled Vehicles

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

Fees

13. .All fees paid in respect of parking are paid to the municipality.

Presumption

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

Exemptions

15. Notwithstanding anything to the contrary in this by-law contained, the driver or other person in charge of the following vehicles may stop or park the following vehicles in a parking place without payment of the fees envisaged herein –
 - (a) a vehicle used as an ambulance and being at the time required for urgent ambulance service;
 - (b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in carrying out its duties of preventing or suppressing fires.
 - (c) a vehicle used by a police or traffic officer and being at the time used in connection with the execution of his duties.

Penalties

16. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to –
 - (1) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
 - (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

Repeal of by-laws

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

Short Title and Commencement

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

SCHEDULE

<u>BY-LAWS OF THE DISESTABLISHED MUNICIPALITY OF PAARL</u>		
PN No.	Short title	Extent of repeal
854/1967	Parking meters and fees	The whole
734/1985	Parking meters	The whole
712/1990	Toll parking and monthly parking	The whole
<u>BY-LAWS OF THE DISESTABLISHED MUNICIPALITY OF WELLINGTON</u>		
567/1974	Parking	The whole
182/1994	Parking Meters and Parking Places	The whole