



# **DRAFT PARKING METERS BY LAW**

The Council of the Mahikeng Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with section 11(3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following by-laws:

## MAHIKENG LOCAL MUNICIPALITY

### **BY-LAW RELATING TO PARKING METERS**

#### **[1] Definitions**

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates -

**“Act”** means the National Road Traffic Act 1996 as amended and includes any regulation framed under the Act;

**“Council”** means the Mahikeng local Municipality established in terms of section 155(6) of the Constitution, 1996, and established by and under sections 11 and 12 of the Local Government : Municipal Structures Act, 1998 (Act No. 117 of 1998)

**“Demarcated parking place”** means a demarcated parking place on which a parking meter has been installed;

**“parking meter”** means a device for automatically registering and visibly recording the passage of the parking period and operated by the insertion of a coin therein, and includes any post or fixture to which it is attached; or a device for registering and visibly recording the passage of the parking period and operated by inserting a coin therein and turning the handle, which is attached for this purpose, as far as possible;

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

**“traffic officer”** means an officer appointed in terms of the Act and includes any peace officer, traffic warden and/or any official authorised by the Council to implement and enforce compliance with these by-laws and “authorised official” has a corresponding meaning;

**“Vehicle”** means a vehicle as defined in Section 1 of the Act but does not include a pedal cycle; and any other word or expression has the meaning assigned thereto in the Act.

- [2]** No person shall park any vehicle in any demarcated parking place within the hours as indicated on the parking meter regulating parking in such parking place, unless immediately after such vehicle has been brought to a standstill in such parking place, he deposits the prescribed fee in such parking meter and

causes such parking meter to come into operation in accordance with the directions displayed thereon.

- [3]** No person shall park any vehicle, or cause any vehicle to be parked in any demarcated parking place unless at the same time there shall be inserted by him or on his behalf in the parking meter allocated to that space the prescribed coin: provided that it shall be lawful without such payment to park in a vacant demarcated parking place for such part only of any parking period as the parking meter may indicate to be unexpired.
- [4]** It shall be unlawful, either with or without the insertion of a fresh coin in the parking meter, to leave any vehicle in a demarcated parking place after the expiration of a parking period as indicated by the parking meter, or to return the vehicle to that space within fifteen minutes of such expiration.
- [5]** The insertion of the prescribed coin in a parking meter shall entitle the person inserting it to park a vehicle in the appropriate demarcated parking place for a period corresponding with the payment so made: Provided that notwithstanding the making of a payment as aforesaid, nothing in these by-laws shall entitle any person to contravene any road traffic sign prohibiting the parking of vehicles between specified hours.
- [6]** It shall be unlawful -
- [a]** to park any vehicle, not being a vehicle as defined in the Act in a demarcated parking place;
  - [b]** to insert or attempt to insert into a parking meter any coin other than a coin of South African currency or a denomination as indicated by a legend of the parking meter;
  - [c]** to insert or attempt to insert into a parking meter any false or counterfeit 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 fix 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 insertion of the coin referred to in subsection [b];
  - [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 purpose of these by-laws;

- [h]** To remove or attempt to remove the mechanism of parking meter or any other structure to which it is attached.
- [7]** **[1]** No driver or other person in charge of a vehicle shall park such vehicle or cause it to be parked —

  - [a]** in a demarcated parking place across any painted line marking the confines of the parking place or in such a position that the said vehicle shall not be entirely within the area demarcated;
  - [b]** in a demarcated parking place which is already occupied by another vehicle.
- [2]** The driver or other person in charge of a vehicle shall —

  - [a]** if the demarcated parking place is parallel to the kerb or sidewalk of the public road, park such vehicle in such demarcated parking place in such a way that it shall be 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 45.6cm of the left hand kerb: Provided that, in a one-way street, reference to the demarcated parking of a vehicle in a demarcated parking place applies to the right-hand wheels and the right-hand kerb respectively;
  - [b]** if the demarcated parking place is at an angle to the kerb or side-walk of a public road, park such vehicle in such demarcated parking place in such manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.
- [8]** Where by reason of the length of any vehicle such vehicle cannot be parked wholly within a demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking place adjoining the first-mentioned parking place, and if such be the case, any person so parking shall immediately thereafter insert the prescribed coin in the parking meters of both the said places.
- [9]** The Council may whenever it deems it necessary or expedient to do so in the interests of the movements or control of traffic, place or erect a road traffic sign or sign indicating that there shall be no parking at any demarcated parking place or places, and it shall be unlawful for any person to park a vehicle or cause or permit a vehicle to be parked in such demarcated parking place or places during which parking threat is prohibited in accordance with the indications on such sign.
- [10]** It shall be unlawful for any person to cause, allow, permit or suffer any vehicle of which he is the driver or which is under his control to be parked in any

demarcated parking place except as permitted by the provisions of these by-laws.

- [11]** The provisions of these by-laws shall not apply in respect of an ambulance, a fire-fighting vehicle, a vehicle used by a police officer, traffic officer or an inspector of licences in the execution of his duty or a vehicle used in connection with the construction or maintenance of a public road or the supply of electricity or water or any other essential public service, if such service cannot be properly performed without contravening such provisions.
- [12]** The provisions of these by-laws shall not be applicable in respect of a vehicle being driven by a medical practitioner who practices in the municipal area in the execution of his duties, if such medical practitioner displays on the vehicle an official token issued by the Council on the conditions and on payment of an amount as determined by the Council from time to time.
- [13]** Any person who contravenes or fails to comply with any provision of these by-laws and/or threatens, resists, interferes with or obstructs a traffic officer in the performance of his powers, duties or functions as contemplated in these by-laws, shall be guilty of an offence and upon conviction be liable to a fine or imprisonment for a period not exceeding six months or to both the fine and the imprisonment.
- [14]** Any by-laws adopted by the Council or the Council of a Municipality now forming an administrative unit of the Council and relating to parking meters are hereby repealed.