



GA-SEGONYANA LOCAL MUNICIPALITY

PARKING AND LOADING MANAGEMENT BY-LAWS

Preamble

Ga-Segonyana Local 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, in conjunction with the National Road Traffic Act, 1996 (Act 93 of 1996) has made the By-Law set out in the schedule below:

Purpose of By-law

- To provide procedures, methods and practices to regulate parking as well as loading management.
- To repeal all By-law which were previously applicable and related to parking and loading Management By-Law

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Chapter 1

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:–

“Ambulance” means a motor vehicle specifically construed or adapted for the conveyance of sick or injured persons to or from the place;

“Motor Vehicle” means any self-propelled vehicle and includes-

(a) A trailer; and

(b) A vehicle having pedals and an engine or an electric motor as 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 motor, but does not include-

1 any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

2 any vehicle with a mass not exceeding 230 kg and specially designed and construed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person

"Municipality" means the Municipality of Ga-Segonyana Local established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), 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” means to keep a vehicle, whether occupied or not, stationary in a parking space for a period of time longer than is necessary for the actual loading or unloading of persons 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 driver of such vehicle.

“Parking attendant” means an appointed person who on his own initiative offers a service to the public, whether in expectation of a reward or out of goodwill, at the request or with the consent of the person in charge of a vehicle, to supervise or render assistance while such vehicle is being parked or in the employ of an organisation who provide a parking attendant service

“Parking space” means an area demarcated by means of parking lines, a parking bay painted on a street or otherwise indicated

“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.

2. Application

This By-law shall apply on all premises situated on public property and shall be valid in the area of jurisdiction of the Municipality in so far as it is applicable and inconsistent with or excluded by the National Road traffic Act, 29 of 1989 or any other Act;

Chapter 2

Administrative provisions

3. Parking

- (1) A parking space shall only be occupied by a motor vehicle;
- (2) 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, apply a handbrake.
- (3) It shall be unlawful, to leave any vehicle in a parking place without applying a hand brake of a parking period as necessary.
- (4) 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 hereon;
- (5) A parking area provided in this by-law that notwithstanding the making of a parking 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 reasonable hours.

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

- (1) The Municipality may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the municipality, and may designate such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility
- (2) No person may stop, park or leave a vehicle at any time in any designated parking space other than the vehicle displaying a designated parking permit or a vehicle used by a disabled person with a permit issued in terms of regulation 80 of the National Road Traffic Act, no.93 of 1996.

5. 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 07:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday;
 - (b) between the hours of 07:00 to 14:00 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 ten (10) minutes continuously, except 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 a person 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 ten (10) minutes

continuously, except while the vehicle is being actually loaded or off-loaded.

- (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 officer, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.

6. Defective Parking Area

Where a person has ascertained that the parking space at any parking place is not operating/safe, 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 area.

7. Exemptions

- (1) Notwithstanding any other provision contained in this By-law contained, the driver or person in charge of the following vehicles may, subject to the provisions of this By-law, park in a barricaded parking space without the municipal authorisations –
 - (a) a vehicle used as an ambulance and being used on urgent ambulance service at the time;
 - (b) a vehicle used by a fire brigade for inspection purpose or for attendance at fires and being used by the fire brigade in carrying out inspection or its duties of preventing or suppressing fires at the time;
 - (c) a vehicle used by a police or traffic officer, and being used in connection with the execution of urgent duties at the time;
 - (d) a vehicle used for rescue or urgent bona-fide medical purposes and being used in carrying out a rescue, or for professional medical reasons at the time.

- (2) Any disabled person who has been exempted from the laws relating to parking in accordance with the laws of any province, and to whom proof of such exemption has been issued, shall be deemed to be so exempted from the By-law applicable in the area of jurisdiction of the Municipality, but only to the extent to which that disabled person is originally exempted.

Chapter 3

Unlawful conduct and control of parking

8. Offences

(1) It shall be unlawful –

- (a) to park or leave anything except a vehicle at any parking space;
- (b) to park a vehicle next to an entrance or exit from a building; fire hydrant or emergency equipment
- (c) to park on a bridge
- (d) to provide and use any parking facilities, road markings, signs, cones and barriers on any part of a public road, without the prior written consent of the Municipality;
- (e) to defraud the Municipality, forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of this By-law;
- (f) to allow any parked vehicle to cause a nuisance in any manner whatsoever;
- (g) to park or allow a vehicle to be parked in such a position in a parking space, parking ground or parking garage, that is likely to obstruct or to impede the movement of other vehicles or persons;

- (h) to clean, wash, work on or effect repairs to a vehicle, except minor emergency repairs, in a parking space, parking ground or parking garage, unless with the prior written permission of the Municipality;
- (i) to allow or permit any vehicle to be parked in any parking space, parking ground or parking garage, except as permitted by the provisions

(2) 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.

(3) 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,

(4) 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.

9. Control of Traffic

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.

10. Two-wheeled Vehicles

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.

11. Presumption

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.

Chapter 4

Penalties for contraventions

12. Penalties for unlawful parking and clamping or removal of unlawfully parked vehicles

- (1) 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 –
 - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
 - (b) 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
 - (c) 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.
 - (d) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.
 - (e) 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.

(4) The Municipality may —

(a) attach a wheel clamp to any unlawfully parked vehicle;

(b) 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 (4)(a) or the release of a vehicle which was removed in terms of subsection (4)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle

Chapter 5

General provisions

13. General provisions

- (1) The Municipality may, whenever it deems it necessary or expedient to do so in the interest of the movement or control of traffic, place or erect a road traffic sign indicating that there shall be no parking in any metered parking space or spaces, and it shall be unlawful for any person to stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking space during the hours in which stopping or parking therein is prohibited in accordance with the indications on such sign.
- (2) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle. The Municipality may by sign indicate the maximum speed that may be travelled in a parking ground.

- (3) No person in charge of a vehicle, shall park such vehicle or cause or allow any vehicle to be parked –
- (a) at any parking space which is being used by some other vehicle;
 - (b) at any parking space in such manner that any portion of the vehicle protrudes over or beyond any of the lines of demarcation of such metered parking space;
 - (c) in an area demarcated for commercial loading purposes; unless immediately utilized by such delivery vehicle for that purpose.
- (4) The Municipality may also set aside and demarcate within the parking area smaller spaces for the parking of two-wheeled vehicles, and the provisions of this By-law shall be applicable such smaller spaces.
- (5) Any motor vehicle which has been left in a parking space, or a parking ground or in a parking garage for a continuous period of 7 days or more during any period within which this By-law operates, may be removed under the direction of the Chief Traffic Officer, or any other officer duly authorised by him. The vehicle shall be deemed to be an abandoned vehicle and shall be dealt with in accordance with the procedures prescribed in terms of the National Road Traffic Regulations, 2000.
- (6) The cost of such removal and custody and any other costs and expenses incurred in connection therewith shall be recovered from the person having control or being in charge of such motor vehicle, or the registered owner thereof.
- (7) The Municipality shall not be liable for any damage caused to any motor vehicle during the removal thereof or while is in the custody of the Municipality in terms of this section.
- (8) An authorised officer may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five meters, 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.

- (9) 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 on the business of the Municipality. A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the Municipality or for members of the Municipality's staff commits an offence.
- (10) 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

14. Repeal of by-laws

Any By-Laws which was previously applicable and related to Parking and Loading Management and are hereby repealed.

13. Short Title and Commencement

These By-laws shall be known as the Ga - Segonyana Local Municipality: Parking and Loading Management and takes effect on the date of publication thereof in the *Provincial Gazette*.