

Toll Parking Areas By-law

Notice is hereby given in terms of Section 13(a) of the Municipal Systems Act, 2000 (Act 32 of 2000) that the Blue Crane Municipality has adopted the by-law set out in the attached schedule.

This by-law comes into effect on the day of publication hereof.

1. Definitions

- 1.1 Unless the context indicates the contrary, the following terms and expressions shall have the meanings hereinafter respectively ascribed to them, namely:
- 1.2 "**All day parking**" or "**All day**" means and includes parking for a continuous period not exceeding 6 hours.
- 1.3 "**Chief Traffic Officer**" means the officer of the Council appointed as such for the purpose, inter alia, of administering these regulations in whole or in part and includes the official for the time being acting in such capacity.
- 1.4 "**Display**" means, in relation to the display ticket, to affix such display ticket to the inside of the windscreen of a motor vehicle in such a manner that the parking period appearing on the display ticket is clearly legible from the outside of the motor vehicle, and "displayed" and shall have corresponding meanings.
- 1.5 "**Display ticket**" means a ticket issued by a parking control device or a toll parking attendant and on which appears the date and time of issue, the parking period and such other information as the Chief Traffic Officer or the Council may from time to time determine.
- 1.6 "**Motor vehicle**" means any vehicle designed or intended for propulsion by other than human or animal power and includes a motor cycle and a trailer, but does not include a vehicle moving exclusively on rails.
- 1.7 "**Night**" means the period between 6 o'clock in the evening and 8 o'clock in the succeeding morning.
- 1.8 "**Park**" means to allow a vehicle, whether occupied or not, to be stationary for a period of time greater than is reasonably necessary for the actual loading or off-loading of persons or goods.
- 1.9 "**Parking area**" means any area of land set aside by the Council for the parking of vehicles therein by members of the public and which is divided into parking bays.

- 1.10 "Parking Area reserved for residents"** means an area defined and set aside as such by resolution of the Council and published in the press.
- 1.11 "Parking Bay"** means any portion of a public road and of a parking area demarcated by white boundary lines either continuous or broken, visibly marked on the surface of the road or parking area so as to define a space for the parking of a motor vehicle.
- 1.12 "Parking period"** means the period of time indicated on a display ticket and commencing with the time of issue on the date of issue as indicated on such display ticket.
- 1.13 "Prescribed Fee"** means a fee payable by owner of the vehicle for parking at the toll parking area.
- 1.14 "Prescribed penalty fee"** means a fee payable by a driver / owner of the vehicle parked at the toll parking area without a permitted license disc for parking and or who has not paid the parking fee in respect of his parking.
- 1.15 "Toll parking area"** means a parking area in respect of which a fee is payable for parking according to a scale fixed by the Council from time to time.
- 1.16 "Toll parking attendant"** means a person authorized by the Council to issue display tickets on payment of the appropriate fee in accordance with the scale of fees determined in terms of this by law, and shall include traffic officers appointed in terms of the Road Traffic Act.
- 1.17 "Vehicle"** means any device designed or adapted principally to travel on wheels or crawler tracks but does not include any such device (other than a tramcar) moving exclusively on rails.

2. General

- 2.1** No person shall use any motor vehicle while it is upon a parking area for or in connection with the selling or offering for the sale of his skill or handicraft, goods, or his services in any other capacity.

3. Parking Attendants

- 3.1** No person shall act as a parking attendant on a parking area unless in possession of a license issued by the Chief Traffic Officer entitling him to do so.

3.2 Application for License

- (a) Any person desirous of becoming a parking attendant shall make application in writing to the Chief Traffic Officer on a form to be obtained from the Chief Traffic Officer.
- (b) Every such license shall be issued under the hand of the chief Traffic Officer provided that the Chief Traffic Officer shall not refuse any license without the consent of the Municipal Manager.

3.3 Licenses shall be granted yearly and the fee for such license shall be R100-00 per year and shall be payable on or before the expiration of the seventh day of July of each year

3.4 Any person other than a person with a parking license may, on payment of a certain fee to be determined from time to time by Council resolution, park at such toll parking area.

3.5 The license of any parking attendant may be suspended by the Chief Traffic Officer for any breach of these regulations or for insobriety or other misconduct. Such suspension shall be reported to the Municipal Manager and the Municipal Manager may cancel the license or make any other order thereon as may be deemed proper and expedient.

3.6 No refund of any license fee shall be claimable in respect of the unexpired term of any license which may have been suspended or cancelled.

3.7 Additional Conditions

The Chief Traffic Officer may on behalf of the Municipal Manager insert such conditions in a parking attendant's license as may be thought desirable from time to time in order to ensure the due performance of his duties by such parking attendant, and may restrict any such parking attendant to any particular parking area.

3.8 Parking attendants shall, when acting as such, be under the supervision and control of the Chief Traffic Officer and shall obey his instructions as to the hours during which parking attendants shall be on duty on any particular parking area, the manner in which parking attendants shall attend to parking of cars assigned to the care of any particular parking attendant, and the number of parking attendants assigned to any particular area.

3.9 A parking attendant shall, when acting as such, be decently clad and shall wear visible clothes and any other clothing as approved by the Chief Traffic Officer, provided that the Council may at its discretion set standards for clothing of attendants.

3.10 For identification purposes a number shall be allotted to each parking attendant and such number shall be securely attached and visibly worn for ease of identification.

3.11 No parking attendant shall ask for or demand any fee, remuneration or reward from any person in respect of any motor vehicle which has been, is or is about to be placed under his care or supervision. .

3.12 Any parking attendant who shall demand any fee or who shall fail to produce or display his license on demand by the Chief Traffic Officer or any member of the police force in uniform or person parking a motor car with such parking attendant, shall be guilty of an offence.

4. Toll Parking Areas

4.1 The Council may from time to time by resolution -

- (a) determine that certain parking areas shall be toll parking areas;
- (b) determine that toll parking areas shall cease to be toll parking areas;
- (c) fix a scale of fees for parking in toll parking areas and differentiate between different toll parking areas;
- (d) appoint toll parking attendants;
- (e) temporarily close any toll parking areas; and
- (f) exempt any class of person from payment of the prescribed parking fee on such conditions as it may lay down.

4.2 The person in charge or control of a motor vehicle shall, immediately after stopping the motor vehicle in a parking bay in a toll parking area -

- (a) deposit or cause to be deposited in the parking control device or, if there is not such device or the said device is not in working order, pay to the toll parking attendant in attendance at the toll parking area, the appropriate amount in accordance with the scale fixed by the Council and operate the parking control device as applicable in accordance with the instructions appearing thereon, and
- (b) cause the display ticket issued by either the parking control device or the toll parking attendant to be displayed in the motor vehicle concerned.

4.3 No person shall park or cause a motor vehicle to be parked in a toll parking area -

- (a) other than in a parking bay;

- (b) without being issued with a parking ticket if the toll parking warrants so;
- (c) for a continuous period in excess of the time indicated by a road traffic sign erected in or at the toll parking areas concerned; and
- (d) for a period in excess of the parking period appearing on the display ticket displayed in respect of the vehicle concerned.

4.4 No motor vehicle -

- (a) shall be driven with a display ticket fixed to the inside of the windscreen of the motor vehicle;
- (b) shall be taken into any parking area where there is an entrance marked as such other than by such entrance;
- (c) shall be taken out of a parking area where there is an exit marked as such other than by such exit, and
- (d) other than a light motor vehicle as defined in the Road Traffic Act shall be introduced into a toll parking area; provided that tow-away vehicles may enter toll parking areas for the purpose of removing a vehicle there from but only for as long as may be necessary for such purpose.

4.5 In the event of -

- (a) the closure of the whole of a toll parking area a sign bearing the words "Closed" shall be placed at each entrance to the toll parking area in such a manner as to be conspicuous and clearly legible to drivers intending to enter the said toll parking area, and
- (b) the closure of a portion of a toll parking area, such portion shall be delimited clearly;

4.6 Any person who -

- (a) damages, misuses, interferes or tampers with any parking control device or attempts to do so; or
- (b) deposits or causes to be deposited in any parking control device any object whatever other than a South African coin of an appropriate denomination; or
- (c) without the authority of the Council -

- (i) affixes or attempts to affix any placard, advertisement, notice, document, object or anything whatsoever to any parking control device; or
- (ii) paints, writes upon or in any way disfigures any control parking device;

Any person found guilty of 4.6(a)(b)(c) shall be guilty of an offence and liable on conviction to a fine not exceeding R1000-00 or to imprisonment for a period not exceeding 6 months or to both such fine and such imprisonment.

4.7 No person shall bring or cause to be brought into a toll parking area a motor vehicle which is out of order and incapable of movement under its own power.

4.8 (1) No person shall in any toll parking area -

- (a) use or cause or allow any motor vehicle to be used for plying for hire for the conveyance of passengers or goods or both;
- (b) clean, wash or, save in an emergency, work on or effect repairs to any motor vehicle or any part thereof;
- (c) drive any motor vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons;
- (d) drive any motor vehicle at more than 15km per hour;
- (e) remove, obscure, deface, damage or interfere with any notice, sign or marking erected or made by the Council or any other property belonging to it;
- (f) perform any action or introduce anything which obstructs or is likely to obstruct the movement of traffic, or
- (g) park any vehicle in such a manner that any part of it extends across the demarcated boundary of a parking bay or so that it is not entirely within the confines of such parking bay.

4.10 Parking Area Reserved for Residents:

4.10.1 The Council may from time to time by resolution -

- (a) determine that a certain parking area, other than metered parking bays, shall be a parking area reserved for residents;

- (b) determine that a parking area reserved for residents shall cease to be a parking area reserved for residents, and
- (c) temporarily close any parking area reserved for residents.

4.10.2 The Council may from time to time by special resolution fix fees or charges for the issue of permits authorizing parking in a parking area reserved for residents, and the Council in so doing may differentiate between different parking areas reserved for residents.

4.10.3 The Council may from time to time by resolution exempt any class of person from payment of the fees or charges referred to in paragraph 4.10.2.

4.10.4 No person shall park a vehicle on that portion of a public road demarcated by a road traffic sign as a parking area reserved for residents, unless there is displayed on the windshield of the motor vehicle a valid permit, issued by the Council, which authorizes parking in such parking area reserved for residents.

4.10.5 The permit referred to in section 4.10.4 shall state the following:

- (a) The name of the street.
- (b) The registration number of the motor vehicle.
- (c) The make of the vehicle.
- (d) The expiry date of the permit.

4.10.6 The permit referred to in section 4.10.4 shall be valid for one calendar year from date of issue.

4.10.7 The Council shall only issue permits to -

- (a) persons who genuinely reside in an area adjacent to the parking area reserved for residents, or
- (b) business which genuinely carry on business in an area adjacent to the parking area reserved for residents.

5. Penalty Clause

5.1 Any person who contravenes any clause of this Toll Parking By-law shall be guilty of an offence and be liable to a fine not exceeding **R1000-00 (ONE THOUSAND RAND)**.