

PARKING METER BY-LAWS

[MUNICIPAL NOTICE NO. 96 OF 1999.]
[DATE OF COMMENCEMENT: 9 DECEMBER, 1999.]

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DURBAN TRANSITIONAL METROPOLITAN NORTH LOCAL COUNCIL

PARKING METER BY-LAWS

The Durban Transitional Metropolitan North Local Council, acting in terms of section 156 (2) of the Constitution of the Republic of South Africa (Act 108 of 1996), hereby publishes the following Parking Meter By-laws made by the said Council at its meeting held on 22 June 1999, and repeals the existing Parking Meter By-laws of the Administrative Entities of the Town Councils of Verulam and Umhlanga, which By-laws shall come into operation on the date of publication thereof.

J. E. DAVID

Chief Executive Officer

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1. Application.—The By-laws shall apply to the public roads or portions thereof (hereinafter referred to as metered zones) in which parking meters have been installed at demarcated parking bays: provided that any other By-laws of the Council for the time being in force regulating and controlling the parking of vehicles in public roads shall continue to apply to a metered zone, except to the extent to which such By-laws are inconsistent or in conflict with any of the provisions of these By-laws.

(Editorial Note: Wording as per original *Provincial Gazette*. It is suggested that the word “inconsistent” is intended to be “inconsistent”.)

2. Definitions.—(a) For the purpose of these By-laws, unless the context otherwise requires—

“**Council**” means the Durban Transitional Metropolitan North Local Council;

“Metered parking bay” means a parking bay in respect of which a parking meter has been installed;

“Parking bay” means an area or space demarcated upon the surface of the roadway by means of parking lines and indicated by means of a road traffic sign erected, in accordance with the relevant provisions of the Road Traffic Ordinance, 1966 (Ordinance No. 21 of 1966), and the Road Traffic Regulations, published under Provincial Notice No. 681 of 1966, as amended from time to time, in which a vehicle may be parked at any time or during such periods or hours as may be indicated on such traffic sign;

“Parking meter” means any mechanical appliance or device designed for the purpose of automatically measuring and indicating the time within which a vehicle is or may be parked in a metered parking bay and includes the standard to which the meter is or may be affixed;

“Prescribed coin” shall mean a coin of the Republic of South Africa, being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964), of the denomination indicated on the parking meter concerned;

“The Ordinance” means the Road Traffic Ordinance, 1966 (Ordinance No. 21 of 1966), as amended;

“The Regulations” means the Road Traffic Regulations published under Provincial Notice No. 681 of 1966, as amended.

(b) The words and phrases defined in the Ordinance and the Regulations shall, when used in these By-laws, bear the same meanings, unless inconsistent with the context.

3. Installation of parking meters.—(1) The Council may by resolution install or cause to be installed a parking meter or meters at any demarcated parking bay or bays in the public streets of the municipality.

(2) Every such meter shall be placed upon and fastened to the kerb, footpath or sidewalk adjoining the parking bay or bays in respect of which it is installed, and each such meter shall—

- (a) clearly indicate the time allowed for parking in such metered parking bay, and the prescribed coin or coins to be inserted in order to set it in operation;
- (b) be fitted with an easily visible device (hereinafter referred to as an indicator) which shall indicate clearly that the time allowed for parking has expired or that the parking meter has not been set in operation, as the case may be.

4. Method of parking vehicle.—(1) No driver or person in charge of a vehicle shall park such—

- (a) in a metered parking bay across any painted line marking the bay or in such a position that the said vehicle shall not be entirely within the area demarcated as a metered parking bay;
- (b) in a metered parking bay which is already occupied by another vehicle.

(2) The driver or person in charge of a vehicle shall park such vehicle—

- (a) if the metered parking bay is parallel to the kerb or sidewalk of any public road so that it shall be headed in the general direction of the movement of traffic or the side of the road on which the vehicle is parked and so that the left-hand wheels of the vehicle are parallel with and within 450 mm of the left-hand kerb: provided that where in a one-way road such a parking

bay is in existence on the right-hand side of the road, the above provisions shall, in respect of the parking of a vehicle in such parking bay, apply to the right-hand wheels and right-hand kerb respectively;

- (b) if the metered parking bay is at an angle to the kerb or sidewalk of a public road in such a 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 and so that the left-front wheel is within 150 mm of the kerb.

5. Payment of fees for parking.—(1) When any vehicle shall be parked in a metered parking bay, the driver or person in charge of such vehicle shall forthwith deposit or cause to be deposited in the parking meter installed at such bay the prescribed coin or coins as indicated in such meter for the period or time during which he desires to park his vehicle in such bay. Thereupon the metered parking bay may be lawfully occupied by the vehicle during the period indicated on the parking meter, but no longer: provided that the driver or person in charge of such vehicle may, without payment, park the same during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use.

(2) Subject to the provisions of By-law 11 no driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to be or remain parked in a metered parking bay while the indicator of the parking meter installed thereat shows that the time has expired or that the parking meter has not been set in operation by the insertion of the prescribed coin or coins.

6. Discontinuance of metered parking bay.—The Chief Traffic Officer, or his duly authorised assistant, may, whenever he deems it necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Parking” at any metered parking bay or bays, and it shall be unlawful for any person to park or to cause or permit to be parked a vehicle in such parking bay or bays while such sign or signs is so placed or erected.

7. Interference with parking meters.—No person shall misuse any parking meter or interfere or tamper or attempt to interfere or tamper with the working, operation or mechanism of any parking meter, and no person shall, without authority from the Council, affix or attempt to affix or place any placard, advertisement, notice, list, document, board or thing on or paint, write upon or disfigure any parking meter.

8. Prescribed coins only to be deposited.—No person shall deposit or cause to be deposited in any parking meter anything whatever other than the prescribed coin or coins.

9. Unlawful operation of parking meter.—No person shall operate or attempt to operate any parking meter by any means other than as prescribed in these By-laws.

10. Unlawful parking.—It shall be unlawful for any person to cause, allow, permit or suffer any vehicle to be parked in any metered parking bay, except as permitted by the provisions of these By-laws.

Where any vehicle is found to have been parked in contravention of these By-laws, it shall be deemed to have been or caused or allowed to have been parked by the person in whose name such vehicle is registered unless and until he shall prove to the contrary.

11. Exemption.—(1) Notwithstanding anything in these By-laws contained, the driver or person in charge of the following vehicles may, subject to the provisions of this By-law, park in a metered parking bay without payment of the prescribed fees—

- (a) a vehicle used as an ambulance and being at the time used on 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 member of any police force and being at the time used in connection with the execution of urgent police duties;
- (d) a vehicle used in connection with road construction, water supply, electricity supply or other like essential public service and being at the time necessarily used in connection with any such service.

(2) Subject, however, to such parking time limits and restrictions as are prescribed by any other By-law of the Council for the time being in force, every metered parking bay may be occupied without charge on Sundays and public holidays and on any other day between the hours of 5 p.m. and 8 a.m. on the following day: provided that on Saturdays such bays may be occupied without charge after 1 p.m.

12. Obstruction.—No person shall interfere with, molest or obstruct any traffic officer or Council official in the execution of the powers or in the performance of the duties imposed or conferred upon such traffic or council official under these By-laws.

13. Offences and penalties.—(a) Any person who shall contravene any of these By-laws shall be guilty of an offence and liable, upon conviction, to a fine not exceeding fifty rand (R50) in the case of a first conviction, or in the case of a second or subsequent conviction for the same, offence, a fine not exceeding one hundred rand (R100), or, in default of payment of any fine imposed in either case, to imprisonment for any period not exceeding three months, provided that in the case of a continuing offence a fine not exceeding five rand (R5) for each day upon which the contravention continued may be prescribed, but no such fine shall in anyone prosecution or within any one month exceed one hundred rand (R100).

(b) It shall be presumed that the parking meter timing device is accurate and in sound working order, unless the contrary is proved.

14. Repeals.—The Parking Meter By-laws, published under Municipal Notice No. 343 of 1983 and No. 468 of 1974, are hereby repealed in respect the Durban Transitional Metropolitan North Local Council.
