

# DRAFT

## CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

### AMENDMENTS TO THE PUBLIC ROADS AND MISCELLANEOUS BY-LAWS

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipality Systems Act, 2000 (Act No. 32 of 2000) publishes the amendments to the Public Roads and Miscellaneous By-laws of the City of Johannesburg Metropolitan Municipality (as published under Notice 832 dated 21 May 2004), as approved by its Council, as set out hereunder.

#### AMENDMENT OF DEFINITIONS IN SECTION 1

1 Section 1(1) is amended as follows:

(a) the definition of a “demarcated space” is replaced by the following:

“demarcated space’ means a place referred to in section 80A of the National Road Traffic Act, 1996, as a space laid out and marked on a public road, the time and occupation of which by a vehicle is intended to be recorded by a parking meter;”

(b) the following definition of a driver after the definition of “demarcated space” is inserted:

“driver’ means any person who drives or who attempts to drive any vehicle or who rides or who attempts to ride any pedal cycle and ‘drive’ or any like word has a corresponding meaning;”

(c) the following definition of a “parking marshal” after the definition of “municipal store” is inserted:

“parking meter marshal’ means a person in the employ of a service provider appointed by the Council to render a parking management service to a driver in a public road;”

(d) the definition of “parking meter” is replaced by the following:

“parking meter’ means a device for registering and visibly recording the parking period on a parking meter coupon issued by the device, or any other device by which the parking period can be recorded;”

(e) After the definition of “parking meter” insert the following definition of a parking meter coupon:

“parking meter coupon’ means the slip of paper that is issued from the parking meter after payment for the parking period and on which the parking period and

# DRAFT

the registration number of the vehicle for the demarcated space in which the vehicle is parked is recorded;”

(f) the definition of “parking period” is replaced by the following:

“parking period” means the maximum continuous period during which a vehicle is permitted to park in a demarcated space in terms of the time that has been paid for as shown on the parking meter coupon;”.

## **AMENDMENT OF SECTION 28 PERTAINING TO PARKING METERS**

2. Section 28 is replaced by the following:

### **“Parking meters**

28. (1) (a) The Council may manage parking, operate a parking management system, collect any fees related to parking to which it is entitled by law and make signs, markings or other devices indicating-
- (i) specified hours during which parking is permitted in a demarcated space;
  - (ii) the boundaries of a demarcated space;
  - (iii) the prescribed fees that are payable during hours as specified for parking in a demarcated space; and
  - (iv) hours during which it is prohibited to park a vehicle in a demarcated space.
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate the hours during which parking in a demarcated space is permitted or prohibited, and what the prescribed fee is if such parking is permitted.
- (c) Any sign erected in terms of these By-laws or any other law, shall serve as sufficient notice to the driver of the permission, prohibition and prescribed fee as contemplated in subsection (b) above.
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of these By-laws, and shall have the same effect as a road sign in terms of the National Road Traffic Act, 1996.
- (2) No person shall park a vehicle or cause a vehicle to be parked in a demarcated space unless -
- (a) the driver or person in charge of the vehicle has paid the prescribed amount for the parking period selected by that person, after parking the vehicle, in cash, by cash card or electronically to the parking meter marshall appointed by the Council for that space;
  - (b) the parking meter marshall has caused the parking meter coupon for the parking period so paid for to be issued and handed it to the person contemplated in paragraph (a); and

# DRAFT

- (c) the parking meter coupon that displays the parking period so paid for is put on the dashboard of that vehicle in such a way that the time of the parking period is clearly visible from outside the vehicle.

Provided that -

- (i) the prescribed amount shall only be paid for the hours for which parking of a vehicle in a demarcated space must be paid as determined by the Council;
  - (ii) the amount as prescribed as contemplated in subparagraph (i) must be paid to the parking meter marshall in cash or by means of a bank, credit or other card;
  - (iii) a vehicle may be parked in a demarcated space only for the duration of the parking period;
  - (iv) the parking period may be paid for at the beginning or during the parking period; and
  - (v) where the parking meter of the parking meter marshall in attendance at that demarcated space is out of operation or not operating properly, the driver of a vehicle may leave his or her vehicle in the demarcated space appropriate to such meter for so long as the parking meter continues to be out of order but not for longer than the parking period determined for that space and the vehicle may not be returned to such space within 15 minutes of removing it therefrom.
- (3) No person may leave a vehicle in a demarcated space after the expiry of the parking period as indicated by the parking meter coupon or return his or her vehicle to that space within 15 minutes after that expiry or prevent the use of that space by any other vehicle.
  - (4) The payment for the parking period and the display of the parking meter coupon as contemplated in subsection (2) entitles the person contemplated in subsection (2) to park a vehicle in the demarcated space for the period shown on the parking meter coupon, provided that, notwithstanding the making of a payment as aforesaid, nothing in this section contained shall entitle any person to contravene a notice or road traffic sign exhibited by the Council in terms of these by-laws or other road traffic legislation prohibiting the parking.
  - (5) The period during which a vehicle may be parked in any demarcated space and the amount payable for that period shall be as prescribed and the said period and the prescribed amount payable must at all times be clearly indicated on a notice board that must be displayed within a distance of not more than 20 metres of such space.
  - (6) No person may—
    - (a) make payment for a parking period except in South African currency;
    - (b) damage or deface, or write or draw on, or affix any handbill, poster, placard or other document, whether or not of an advertising nature, to a parking meter or a parking meter coupon, unless the Council determines otherwise;

# DRAFT

- (c) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than as prescribed by the Council;
  - (d) jerk, knock, shake or 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;
  - (e) deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any sign or notice erected for the purpose of this section;
  - (f) remove or attempt to remove a parking meter, notice or any part thereof from the post or other fixture to which it is attached;
  - (g) write on or deface a parking meter coupon in such a way that the parking period for which payment was made is not legible or that another time is displayed on the coupon than for which payment was made;
  - (h) without the consent of the parking meter marshall remove or tamper with any device in the possession of such parking marshall.
- (7) Every vehicle must be so placed in a demarcated space, other than one which is at an angle to the kerb line, that its near side wheels are not more than 450 mm from the kerb line and that it is laterally within that space and that the driver's seat, or in the case of a motor vehicle with left-hand drive, the front passenger's seat, is opposite and close to the mark known as the driver's marker, painted on the surface of the road or in the case of a one-way street in which parking on the right-hand side thereof is permitted, on the roadway.
- (8) No person may place or cause or permit to be placed or to stand any vehicle not specially designed or constructed for the carriage of goods in any loading space so indicated by road markings in terms of national traffic legislation, otherwise than for the shortest possible time necessary for the loading or unloading of passengers.
- (9) Where a vehicle parked in a demarcated space occupies by reason of its length so much of an adjoining space that another vehicle cannot be parked in such space in the manner referred to in subsection (7), the person parking the first mentioned vehicle must immediately after parking it pay for the same length of parking period for both the demarcated spaces occupied by the vehicle.
- (10) No person may park a two-wheeled vehicle without a side-car in any demarcated space unless such space is designed for the use of such vehicle by means of a road traffic sign or notice.
- (11) Where any vehicle is found to have been parked in contravention of these by-laws, it is deemed to have been parked, or cause 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.
- (12) The Council may:
- (a) attach a wheel clamp to any unlawfully parked vehicle;

# DRAFT

- (b) or cause an unlawfully parked vehicle to be removed to a place designated by the Council; and
- (c) charge a fee for the removal of a wheel clamp attached in terms of paragraph (a) or the release of a vehicle which was removed in terms of paragraph (b), which fee shall be payable upon removal or such wheel clamp or release of such vehicle.”

**TSHEPISO NAGE  
SECRETARY OF COUNCIL  
CITY OF JOHANNESBURG  
158 LOVEDAY STREET  
METRO CENTRE  
BRAAMFONTEIN**