

11.5.2	<b>REQUEST FOR APPROVAL FOR STELLENBOSCH MUNICIPALITY'S REVISED DRAFT BY-LAW ON PARKING</b>
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Collaborator No: 696747  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 05 November 2020

**1. SUBJECT: REQUEST FOR APPROVAL FOR STELLENBOSCH MUNICIPALITY'S REVISED DRAFT BY-LAW ON PARKING**

**2. PURPOSE**

That Council notes and approves the revised By-Law on Parking.

**3. DELEGATED AUTHORITY**

Municipal Council, however the Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

**4. EXECUTIVE SUMMARY**

The Draft By-Law on Parking gives effect to rights contained in Section 24 of the Constitution, of the Republic of South Africa, 1996, and Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where, a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the Authority, Council may define and regulate, activities and functions on Municipal Parking areas within the jurisdiction of the Municipality. The proposed By-Law aims to promote a safe environment and control parking areas by providing definitions, procedures, methods and practices to manage the use of parking areas.

The recent increase in demand for parking, and related increases in revenue, particularly for parking in the Central Business District (CBD) areas, has necessitated revisions to make allowances for more effective management of parking areas.

**5. RECOMMENDATIONS**

- (a) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act ; and
- (b) that Council notes that a public participating process was followed and considers the discussion on comments received.

**6. DISCUSSION / CONTENTS**

**4.1 Background**

The current Parking By-Law was promulgated 05 July 2013. The increase in demand for parking has also co-incised with an increase in illegal parking on roadways and on sidewalks, creating an unsafe environment for pedestrians and cyclist and contributing to traffic congestion in the town.

**6.2 Discussion on the By-Law**

The Revised Bylaw (**ANNEXURE A**) providing a bases for the effective supply, control and regulation of parking, it defines allowable and prohibited parking and makes provision for the use of new automated technologies.

The following aspects are addressed in the By-Law

- General provisions such as the control of parking, where parking in allowable ect.
- Parking permits
- Payments for parking
- Parking areas

- Parking for Public Transport Vehicles
- Miscellaneous provisions such as impounding of vehicles and penalties

### 6.2.1 Discussion on the Comments Received

Council has noted the draft By-law and that it would be circulated for public comment. The public commenting period was between 14 September 2020 until 14 October 2020 (**ANNEXURE B**). The public was notified with an advertisement that was placed in the media “Die Burger” and on the Municipal website.

Comments and proposed amendments to the By-Law was received from Bolt SA (**ANNEXURE C**). Bolt SA is a company registered within the boundary of the City of Cape Town and is the owner of a software application company that provides a software app for an “on demand” public transport service. The software application puts a transport services company in touch with persons that require a transport service - in the form of an e-hailing transport service.

Bolt SA’s amendments proposes that special parking facilities be made available for an e-hailing type services as well as for e-scooters and e-bikes. Bolt SA also supports the provisions of pick up & drop off facilities, as these can also be utilized for deliveries of extended services goods, foods, medication etc.

The Municipality Parking Bylaw is drafted in line with national legislative standards. The Directorate is in agreement that pick up & drop off facilities have become more relevant and is currently undertaking further Planning and Development in Parking where the implementation of these facilities are being assessed. However, the Directorate proposes that amendments to the Parking Bylaw as proposed by Bolt SA - cannot be taken in account for the following reasons:

- E-scooters are not legally allowed on public roads.
- The service that Bolt SA proposes is in effect a Public Transport Service that is initiated on request; any public transport service may use public facilities (pick up and drop off facilities). At this stage, it is impractical for the Municipality to make special facilities available for Transport on Demand services, or to have facilities for transport on demand that are shared with scheduled transport services.

### 6.3 Financial Implications

There are no financial implications should the recommendations as set out in the report be accepted.

### 6.4 Legal Implications

The recommendations in this report comply with Council’s policies and all applicable legislation.

Municipal Systems Act

“12. **Legislative procedures.**—(1) *Only a member or committee of a municipal council may introduce a draft by-law in the council.*

(2) *A by-law must be made by a decision taken by a municipal council—*

- (a) *in accordance with the rules and orders of the council; and*
- (b) *with a supporting vote of a majority of its members.*

(3) *No by-law may be passed by a municipal council unless—*

- (a) *all the members of the council have been given reasonable notice; and*
- (b) *the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.*

(4) *Subsections (1) to (3) also apply when a municipal council incorporates by reference, as by-laws, provisions of—*

- (a) *legislation passed by another legislative organ of state; or*
- (b) *standard draft by-laws made in terms of section 14.*

**13. Publication of by-laws.**—*A by-law passed by a municipal council—*

- (a) *must be published promptly in the Provincial Gazette, and, when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and*
- (b) *takes effect when published or on a future date determined in or in terms of the by-law.”*

**6.5 Staff Implications**

Addition staff for the operational management of parking or for the management of a parking service provider may be required.

**6.6 Previous / Relevant Council Resolutions:**

**37<sup>TH</sup> COUNCIL MEETING: 2020-08-24: ITEM 11.5.1**

**RESOLVED** (nem con)

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

**6.7 Risk Implications**

Delegations for the operational management of a parking service or the operational management of a parking service provider may need to be clarified.

**RECOMMENDATIONS FROM INFRASTRUCTURE SERVICES COMMITTEE MEETING TO THE EXECUTIVE MAYOR: 2020-11-05: ITEM 5.1.3**

- (a) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted in terms of Section 12(2) to 12(3) and 13 of the Municipal Systems Act; and
- (b) that Council notes that a public participating process was followed and considers the discussion on comments received.

**ANNEXURES**

Annexure A: Draft Parking By-Law

Annexure B: Advertisement Notice for Comments

Annexure C: Comments Received

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<b>Director</b>
<b>DIRECTORATE</b>	<b>Infrastructure Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8213</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>22 October 2020</b>

STELLENBOSCH MUNICIPALITY PARKING BY-LAW, 2018

PREAMBLE

WHEREAS section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 5 to the Constitution lists traffic and parking as a local government matter to the extent set out in section

155(6)(a) and (7);

AND WHEREAS the Stellenbosch Municipality seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

AND NOW THEREFORE, BE IT ENACTED by the Council of the Stellenbosch Municipality, as follows—

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## Definitions

1. (1) In this By-law, unless the context otherwise indicates:

“animal” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal, or reptile

which is in captivity or under the control of a person, or insects, such as, but not limited to, bees which are kept or are under the control of a person;

“approved” means approved by the Municipality, and “approval” has a corresponding meaning;

“authorised officer” means an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer, and includes any other person appointed as an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer in terms of section 3A of the National Road Traffic Act, 1996(Act No. 93 of 1996), and includes any person nominated by any organisation and authorised by the Municipality;

“**authorized official**” means any employee of the Municipality who is acting within the scope of his or her duties on behalf of the Municipality and who is in uniform with a distinctive permit and appointment certificate of office;

“**authorised person**” means a person nominated by an organization and authorized by the Municipality;

“bridge” means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

“bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 34 persons, including the driver, and includes a bus train;

“bus stop” means a demarcated place or stand where passengers may board or alight from a bus, and which is distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the bus stop;

“bus train” means a bus which—

(a) consists of two sections that connect to form a unit;

(b) can swivel in a horizontal plane at the connections between such sections;

(c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and

(d) has a continuous passageway over its length;

“caravan” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“Chief Traffic Officer” means the Chief Traffic Officer of the Municipality to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

“Municipality” means the Stellenbosch Municipality established by Provincial Notice 479 of 2000, and includes any political structure, political office bearer, duly authorised agent thereof or any employee acting in terms of delegated or sub-delegated authority; ;



“Parking card” means any document or card, irrespective of the form thereof, issued by the Municipality in order to be used as a method of payment for parking;

“permit/disc” means official document, whether electronic or not, which either by itself or in connection with any other thing entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground, and includes any device approved by the Municipality from time to time;

“dealer” means a person who, for gain, carries on the business of selling, buying, exchanging or garaging vehicles;

“**decal**” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a taxi permit;

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

“event” means—

(a) any sporting, recreational or entertainment event, including live acts;

(b) any educational, cultural or religious event;

(c) any business event, including marketing, public relations and promotional or exhibition events;

(d) any charitable event, including any conference, organizational or community event, or any similar activity hosted at a stadium, venue or along a route or its precinct that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person in his or her private capacity at any venue, or filming staged in terms of the by-law relating to Filming;

“footpath” means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“goods vehicle” means a motor vehicle, designed or adapted for the conveyance of goods on a public road;

“heavy motor vehicle” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

“holding area”, in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

“marshal” means a person who arranges passenger and vehicle-related procedures at taxi facilities;

“mechanically or otherwise controlled parking ground” means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of proof that any payment was or is to be made as determined by the Municipality in the annual schedule of tariffs;

“metered parking bay” means a parking bay in respect of which a parking meter has been installed or in respect of which a handheld device is used or electronic payment system has been implemented;

“metered parking ground” means a parking ground or any part thereof where parking is controlled by means of a parking meter or meters;

“midi-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 16 but less than 35 persons, including the driver;

“mini-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than nine but not more than 16 seated persons, including the driver;

“minibus-taxi” means a motor car, a midi-bus or a mini-bus with an operating licence authorising it to operate an unscheduled public transport service on a specific route or routes, or where applicable, within a particular area;

“Minister” means the National or Provincial Minister of Transport;

“motor vehicle” means any self-propelled vehicle and—

(a) a trailer; and

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

(i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

“operate”, in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

“operating license” means an operating licence contemplated by the National Land Transport Act, 2009 (Act 5 of 2009);

“operator” means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), being a person carrying on the business of a public passenger road transport service;

“organization” means a group of people, company, association or body representing parking marshals that operates a parking marshal service or a parking management service in certain geographical areas as approved by the Municipality;

“owner” in relation to a vehicle, means—

(a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;

(b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and

(c) a person who is registered as such in accordance with regulations issued under section 4 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“park” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading 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 person in charge of such vehicle, and “parking” has a corresponding meaning;

“parking attendant” means a person rendering a parking service for his or her own account;

“parking marshals” means a person in the employ of an organization to render a parking management service to drivers in a public place or on a public road;

“parking bay” means a demarcated area within which a vehicle is to be parked in terms of this By-law, demarcated as such by the Municipality upon the surface of a parking ground or a public road;

“parking ground” means any area of land or any building set aside by the Municipality as a parking ground or garage for the parking of vehicles by members of the public, whether or not charges are prescribed by this By-law for the use thereof;

“parking meter” means a device commissioned in terms of this By-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or a service provider approved by the Municipality;

“parking period” means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;

“passenger” means any person in or on a vehicle, but does not include the driver or the conductor;

“pay-and-display machine” means any machine or device installed or operated at a pay-and-display parking ground for the sale of coupons;

“pay-and-display parking ground” means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;

“pedal cycle” means any bicycle or tricycle designed for propulsion solely by means of human power;

“prescribed” means determined by resolution of the Municipality, and in relation to a fee, means as set out in the tariff policy of the Municipality;

“prescribed fee of the denomination indicated on the parking meter concerned and includes debit, credit or Municipality cards and any other method of payment as may be approved and prescribed by the Municipality from time to time;

“public place” means any square, park, recreation ground, sports ground, or open space which has—

(a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used by the public without interruption for a period of at least 30 years; or

(d) at any time been declared or rendered as such by the Municipality or other competent authority;

“public road” means any road, street, cycle path, thoroughfare, parking ground, dedicated busway, parking bay or any other similar place, and includes—

- (a) the verge of any such public road;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such public road;
- (d) any other object belonging to such public road, which has at any time been—
  - (i) dedicated to the public;
  - (ii) used without interruption by the public for a period of at least 30 years;
  - (iii) declared or rendered as such by the Municipality or other competent authority; or
  - (iv) constructed by a local authority; and
- (e) any land, with or without buildings or structures thereon, which is shown as a public road on—
  - (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon; or
  - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor

General’s office, unless such land is on such plan or diagram described as a private public road;

“rank access token” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a valid operating licence;

“regulation” means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

“residence” means a building, or part of a building, that is—

- (a) fixed to land;
- (b) designed or approved by the Municipality, for human habitation by a single-family unit; and
- (c) used for residential purposes;

“semi-trailer” means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by the vehicle drawing such trailer;

“sidewalk” means that portion of a public road between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

“special parking place” means a rank, stand or bus stop established by the Municipality on a public road within the Municipality for the parking or standing of a taxi or a bus;

“stand” in relation to a bus, means the place where a bus route starts or ends;

“stop” in relation to a taxi stopping in a stopping place on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or off-loading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

“stopping place” in relation to—

(a) a taxi, means the place designated by the Municipality where a taxi may stop to pick up or drop off passengers; and

(b) a bus, means a bus stop;

“tare” in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of—

(a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;

(b) anything which is a permanent part of the structure of such vehicle;

(c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and

(d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—

(i) fuel; and

(ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

“taxi” means a motor vehicle which plies for hire, is operated for reward, and includes—

(a) a mini-bus, a midi-bus, motor tricycle or motor quadricycle, and includes a minibus-taxi; and

(b) a metered taxi;

“taxi association” means a taxi association recognized as such by the Municipality and the Western Cape Provincial Government;

“taxi facility” means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designate by the Municipality for the exclusive use of taxis and, regarding a minibus-taxi making use of a bus stop in terms of section 5, includes a bus stop;

“taxi operator” means the person responsible for the use of a taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered as the operator of such vehicle;

“taxi rank” means a taxi facility identified by the Municipality where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“temporary taxi facility” means a taxi facility contemplated in section 49(2);

“trailer” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a sidecar fitted to a motorcycle;

“tri-cycle” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

“verge” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

“vehicle” means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged, other than such a device which moves solely on rails.

(2) In this By-law, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning, unless the context otherwise indicates.

## Purpose

2. The purpose of this By-law is to control parking within the area of jurisdiction of the Stellenbosch Municipality in order to provide a safe environment.

## CHAPTER 1

### GENERAL PROVISIONS RELATING TO PARKING

#### Part 1: General provisions

##### Control of parking

3. (1) 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 thereon.

(2) The Municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.

(3) No person may without the prior written approval of the Municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.

(4) The Municipality may operate a parking management system in areas and during times determined by the Municipality from time to time.

(5) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence.

##### Parking in a loading zone

4. (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 19:00 on Mondays to Saturdays,

(b) between the hours of 09:00 to 17:00 on Sundays, 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, except while actually loading or off-loading goods and while a licensed driver is in attendance at the vehicle.

(3) No person who operates or 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 30 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 (5) A person who contravenes a provision of this section commits an offence.



### Parking at a bus stop or public transport facility

5. (1) No person who operates or who is in charge of a vehicle on a public road may—

(a) in the case of a vehicle other than a bus or a minibus-taxi, allow the vehicle to remain stationary at a bus stop or public transport facility;

(2) Subsection (1)(a) does not apply to a driver or person in charge of a vehicle who allows such vehicle to remain stationary at a bus stop where that bus stop is located in a driving lane of a public road, where the vehicle is kept stationary in order to comply with a traffic signal or for another reason linked to road safety; Provided that such driver or person in charge does not allow passengers to board or alight from the vehicle.

(3) A person who contravenes subsection (1) commits an offence.

### Parking in a public road

6. (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.

(2) No person may leave a vehicle in the same place in a parking bay for a continuous period of more than seven days.

(3) No person may park a heavy motor vehicle designed, adapted or used for the conveyance of goods anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.

(4) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road causing obstruction or danger to other road users,

(5) No person who operates or who is in charge of a vehicle on a public road may park the vehicle on an area that is demarcated as a no-stopping area by means of a red line or no-stopping road sign, (6) A person who contravenes a provision of this section commits an offence.

### Parking upon a traffic island

7. (1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised officer.

(2) A person who parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

### Parking by a dealer or seller of a vehicle

8. (1) 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 for sale or for rental, whether advertised as such or not.

(2) A dealer or seller who contravenes subsection (1) commits an offence.

### Parking of a vehicle under repair

9. (1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in a state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.

(2) A person who contravenes subsection (1) commits an offence.

### Parking of heavy vehicles and caravans

10. (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area—

(a) a motor vehicle with a tare exceeding 3500 kg;

(b) a trailer not attached to a vehicle;

(c) a semi-trailer, or

(d) a caravan not attached to a vehicle.

(2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.

(3) A person who contravenes subsection (1) commits an offence.

### Exemption of medical practitioners from parking restrictions

11. (1) (a) Registered general medical practitioners to whom a permit/disc has been issued in terms of subsection (3)(a) are exempt from the provisions of this By-law, subject to paragraph (b), when using, on a bona fide professional domiciliary visit, a motor vehicle on which is displayed a permit/disc conforming with the requirements of subsection (2) issued to him or her by the Municipality.

(b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.

(2) (a) The permit/disc must be a windscreen sticker permit/disc displaying on the face thereof—

(i) a serial number; and

(ii) the name of the person to whom it is issued.

(b) The permit/disc must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the permit/disc is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.

(c) The address referred to in paragraph (b) must be the same street or a street adjoining and in close proximity to the place where the vehicle is parked.

(3) (a) Written application for the issue of a permit/disc must be made to the Municipality and if the Municipality approves the application, it must issue a permit/disc bearing a registered serial number to the applicant.

(b) The Municipality must keep a register in which it records—

(i) The permit/disc issued by it;

(ii) the serial number allocated to a permit/disc; and

(iii) the name of the holder of a permit/disc.

(c) The Municipality may issue a duplicate permit/disc.

(d) Where the Municipality has reason to believe that any holder of a permit/disc is abusing a privilege conferred by the permit/disc it may withdraw the permit/disc from the holder and the privileges conveyed by the permit/disc shall thereupon cease.

(e) The Municipality may charge a fee for the issuing of a permit/disc or a duplicate thereof.

(f) The Municipality may prescribe the period for which a permit/disc will be valid.

(4) Application for a permit/disc must be made on a form provided for this purpose by the Municipality.

(5) A person who displays a forged permit/disc or a permit/disc which was not issued by the Municipality commits an offence.

### Pick-up and set-down areas at schools

12.(1) The Municipality may by notice designate areas in the vicinity of schools and crèches as pick-up and drop-off, kiss and ride areas.

(2) No person may park in a pick-up and drop-off, kiss and ride area's for any longer that necessary to pick-up or drop-off learners.

(3) A person who contravenes subsection (2) commits an offence.

### Outspanning in public roads

13. (1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or off-loaded.

(2) A person who contravenes subsection (1) commits an offence.

## Part 2: Parking permits

### Resident parking permit

14. (1) Subject to any conditions the Municipality may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—

(a) who reside in a residence—

(i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time;

(ii) in circumstances where not more than one person who resides in the residence is the holder of a current permit; and

(iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and

(b) whose residence does not have and cannot reasonably provide off-street parking.

(2) Subject to any conditions the Municipality may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—

(a) who reside in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is hosted; and

(b) in circumstances where such an area is cordoned off or declared a zone where access is denied to vehicles, to enter and park a vehicle in such area, cordoned off or declared zone.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

#### Temporary parking permit

15. (1) Subject to any conditions the Municipality may impose and subject to section 17(1), a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space.

(2) A temporary parking permit may only be granted if the Municipality is satisfied that—

(a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space to which the application relates; and

(b) it is not reasonably practical for the applicant to carry out that activity unless the designated parking space to which the application relates are allocated to the exclusive use of the applicant for the duration of the activity at the approved council tariffs.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

#### Work zone permit

16. (1) Subject to any conditions the Municipality may impose and subject to section 17(1) and (3), a work zone parking permit may be granted for driving, parking or building or construction purposes in a parking bay or parking ground or on the verge of a road or elsewhere on a public road if the Municipality is satisfied that—

(a) the part of the road or other area referred in subsection (1) to which the application relates is adjacent to or at the site of proposed building, construction or other work; and

- (b) the carrying out of the building, construction or other work is lawful; and
  - (c) having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or to areas within close proximity where parking is permitted.
- (2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties at the approved council tariffs.
- (3) A person who parks a vehicle in contravention of subsection (1) or who uses a work zone permit whilst not executing his or her duties commits an offence.

### Municipal works parking permit

17. (1) Subject to any conditions the Municipality may impose and subject to section 18(1), a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—

- (a) an employee, contractor or agent of the Municipality; and
- (b) parking the vehicle or vehicles in the space—
  - (i) for the purpose of carrying out work for or on behalf of the Municipality; and
  - (ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

### Conditions and originality of parking permits

18. (1) (a) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label for the vehicle.

(b) The Municipality may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction or damage of the original permit to the satisfaction of the Municipality.

(2) (a) A resident parking permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be—

- (i) the road adjacent to the place of residence identified in the permit; or
- (ii) the one or more segments of road in close proximity to the place of residence identified in the permit; and

(b) The holder of a resident parking permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit.

(c) A resident parking permit is not specific to any particular vehicle.

(d) The Municipality may only issue a maximum of one parking space per residence.

- (3) (a) A work zone permit must specify the part of the road to which the permit relates.
- (b) The holder of a work zone permit must pay the prescribed fee, as determined by the Municipality, for the installation of official traffic signs, or other signs and markings to identify the boundaries of the work zone identified in the permit.
- (c) No person may stack, place or otherwise leave materials of any kind on the road or footpath within or outside of a work zone.
- (d) No person may park, and load or off-load a vehicle or carry out any other operation in a manner which obstructs pedestrian movement along a footpath within or adjacent to a work zone.
- (e) The holder of a work zone permit must keep the permit on site and produce upon request by an authorised officer.
- (4) No person to whom a permit has been granted in terms of sections 13, 14, 15 and 16 may stop, park or leave a vehicle at any time in a designated parking space unless the vehicle displays an original parking permit.
- (5) Any person who contravenes any provision of this section, or who displays a copy of a parking permit commits an offence.

#### Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified groups

19. (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 permits.

(2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.

(3) Any person who contravenes subsection (2) commits an offence.

## CHAPTER 2

### PAYMENT FOR PARKING

The installation of parking management devices or use of any other device to record the time parked

20. (1) The Municipality may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area—

- (a) a parking management device at a parking space demarcated as a parking bay;
- (b) a combined parking management device at a parking space demarcated as parking bays; or
- (c) any other device by which parking time can be recorded and displayed.

(2) The Municipality may install or operate a parking management device contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay in respect of which it is installed or at any other place in close proximity that serves the parking bay.

#### Method of parking

21. (1) No driver or person in charge of a vehicle may park the vehicle—

- (a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
- (b) in a parking bay which is already occupied by another vehicle; or
- (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
- (d) In the verge or in an area where parking is prohibited.

(2) A person who contravenes the provisions of subsection (1) commits an offence.

#### Payment for parking

22. (1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must—

- (i) immediately inform the parking marshal which manage the parking bay in respect of the time period which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the device in operation either by inserting the prescribed time period in the appropriate parking device, or where applicable, in accordance with the instructions appearing on the parking device; or
- (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.

(b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must—



(i) immediately deposit or cause to be deposited in the parking device which adjoin the parking bays in respect of which they are installed the prescribed fee as indicated on the device for the period of time during which he or she desires to park his or her vehicle in the bays, and must, where applicable, set the device in operation either by inserting the prescribed time in the parking device, or where applicable, in accordance with the instructions appearing on the parking signage; or

(ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.

(c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.

(d) A driver or person in charge of a vehicle may not utilise a parking bay without payment,

(e) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.

(3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the sign or device, commits an offence.

(4) Subject to the provisions of section 14, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking device shows that—

(a) the time has expired; or

(b) that the parking device has not been set in operation either by the insertion of the prescribed time or, where applicable in accordance with the instructions appearing on the parking device,

and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

(5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking device when such vehicle was parked in the said parking bay, however if—

(a) the indicator shows that—

(i) the time has expired;

(ii) the parking device has not been set in operation; or

(b) a hood has been placed over the parking device as envisaged in section 19(4), no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.



### Prevention of parking at a parking bay

23. An authorised official may display road traffic signs whenever 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 Stopping” or “No Parking” at a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay—

(a) while the sign is so placed or erected; or

(b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provisions of this section commits an offence.

### Tampering with a parking device

24. (1) No person may—

(a) misuse, damage, knock interfere with or tamper with;

(b) attempt to misuse, damage, knock interfere with or tamper with, the working operation or mechanism of a parking device.

(2) No person may, without authority from the Municipality and subject to any other by-law of the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking device.

(3) No person may paint, write upon or disfigure a parking device.

(4) No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal.

(5) A person who contravenes a provision of this section commits an offence.

### Unlawful operation of a parking device

25. (1) No person may operate or attempt to operate a parking device by any means other than as prescribed in this By-law.

(2) A person who contravenes subsection (1) commits an offence.

### Unlawful parking and clamping or removal of unlawfully parked vehicles

26. (1) 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.

(2) 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.

(3) The Municipality may—

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

(b) Instruct traffic officials appointed by the Municipality to attach a wheel clamp to any unlawfully parked vehicle;

(c) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and

(d) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.

(4) A person who contravenes subsection (1) commits an offence.

### Exemptions

27. (1) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:

(a) a vehicle used as an ambulance and being at the time used to attend to a life-threatening situation;

(b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and

(c) a vehicle used by a member of the South African Police Service, the Traffic Service, the Law Enforcement, service providers identified by the municipality or any other division within the Municipality and being at the time used in connection with doing an operational function that is either in progress, an emergency or scheduled or with the collection or protection of evidence in the aftermath of a crime.

(2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, regulation or by-law, a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose.

(3) A person who contravenes subsection (2) commits an offence.

## CHAPTER 3

### PARKING GROUNDS

#### Part 1: General provisions

##### The Municipality is not liable for loss or damage

28. The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.

##### Interference with authorised officials, authorised officers and parking marshals

29. (1) No person may obstruct, hinder or in any manner interfere with an authorised official, authorised officer or a parking marshal in the performance of his or her duties under this By-law.

(2) A person who contravenes subsection (1) commits an offence.

##### Payment of prescribed fee

30. (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality.

(2) The Municipality may in respect of a parking ground controlled by the issue of permit/disc, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the permit/disc to park a vehicle in the ground, if a parking bay is available, at the times stated in the permit.

(3) The Municipality may issue to any of its officials a permit/disc which entitles the holder, when using a vehicle regarding the business of the Municipality, to park the vehicle in a parking ground specified, or any parking owned by the Municipality if space is available.

(4) A permit/disc issued under subsection (2) or (3)—

(a) may not, without the prior written consent of the Municipality—

(i) be transferred to any other person; or

(ii) be used in respect of any vehicle other than the specified vehicle;

(b) must be affixed by the holder of the permit/disc to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the permit/disc is readily legible from the outside of the vehicle; and

(c) will only be valid for the period stated on such permit/disc.

(5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the Municipality.

(6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a permit/disc was issued in terms of subsection (2) has lapsed, or who contravenes a provision of subsection (4) commits an offence.

### Observance of signs

31. (1) A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.

(2) A person who contravenes subsection (1) commits an offence.

### Manner of parking and removal of vehicle

32. (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official or as indicated by way of a sign, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.

(2) Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle—

(a) in a place on the parking ground, which is not a demarcated parking bay, unless instructed to do so by the authorised official or marshal at the parking ground;

(b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay; or

(c) in a parking bay which is already occupied by another vehicle.

(3) No person may park a vehicle on a roadway within a parking ground or on a sidewalk or in a manner restricting pedestrian movement on a sidewalk.

(4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.

(5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.

(6) A person who contravenes a provision of this section commits an offence.

### Abandoned vehicle

33. (1) The Municipality may remove to the Municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.

(2) The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the Municipality may, subject to subsection (3) and sections 59 and 60, sell the vehicle at a public auction.

(3) The Municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the Municipality all prescribed fees payable in terms of this By-law and the applicable costs in terms of subsection (4).

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:

- (a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);
- (b) the costs of removing the vehicle;
- (c) the costs of publishing the notice of the auction;
- (d) the costs of effecting the sale of the vehicle;
- (e) the costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;
- (f) the parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1); and
- (g) any unpaid parking fees or unpaid traffic fines or unpaid licence fees in respect of such vehicle and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.

(5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the Municipality.

(6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

#### Damage to notices

34. (1) No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, noticeboard, sign or other thing placed by the Municipality on a parking ground.

(2) A person who contravenes subsection (1) commits an offence.

#### Negligent and dangerous driving and speed restriction

35. (1) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.

(2) The Municipality may by sign indicate the maximum speed that may be travelled in a parking ground.

(3) A person who contravenes subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.

#### Entering or remaining in parking ground

36. (1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, or lawfully removing from the parking ground a vehicle, in respect of which he or she has paid the prescribed parking fee, however this section does not apply to—

- (a) a person in the company of a person who is parking or removing a vehicle;

(b) officials of the Municipality engaged in official activities or on instruction from the Municipality; and

(c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.

(2) A person who contravenes subsection (1) commits an offence.

#### Tampering with vehicle

37. (1) No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.

(2) A person who contravenes subsection (1) commits an offence.

#### Defacing permit disc

38. (1) No person may, in a parking ground with intent to defraud the Municipality, forge, imitate, deface, mutilate, alter or make a mark upon a parking permit disc issued in terms of this By-law.

(2) A person who contravenes subsection (1) commits an offence.

#### Defective vehicle

39. (1) No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to remain in a parking ground not exceeding seven days.

(2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it to be immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be effected, or removed within a reasonable time of seven days.

(3) A person who contravenes subsection (1) or subsection (2) commits an offence.

#### Cleaning of vehicle

40. (1) No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground or parking bay.

(2) A person who contravenes subsection (1) commits an offence.

#### Refusal of admission

41. (1) An authorised official may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, 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.

(2) A person who disregards an authorised officer's refusal of admission commits an offence.

### Parking hours and classes of vehicles

42. (1) The Municipality may, subject to the provisions of this By-law, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.

(2) The Municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.

(3) The Municipality may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.

(4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the Municipality from time to time.

(5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.

(6) No person may, unless he or she is the holder of a parking permit disc issued in terms of this By-law authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.

(7) A person who contravenes subsection (4), (5) or (6) commits an offence.

### Reservation by the Municipality

43. (1) 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.

(2) 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.

## Part 2: Mechanically controlled parking ground

### Parking of a vehicle in a mechanically or otherwise controlled parking ground

44. (1) Subject to section 2, a person who—

(a) wishes to park a vehicle;

(b) causes or permits a vehicle to be parked; or

(c) allows a vehicle to be parked, in a mechanically or otherwise controlled parking ground must, when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.



(2) A person contemplated in subsection (1) may not park a vehicle—

(a) except in a parking bay and in compliance with such directions as may be given by an authorised official /marshal or where no such bay has been marked, except in a place indicated by the authorised official or marshal;

(b) after an authorised official or marshal has indicated to the person that the parking ground is full;

(c) after the expiry of the parking period indicated on the parking coupon; or

(d) for a longer period than indicated as indicated by sign.

(3) A parking coupon obtained in terms of subsection (1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period, provided that the Municipality may implement a system where payment is required at the end of the parking period.

(4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes subsection (2) or (3) commits an offence.

#### Removal of a vehicle from a mechanically or otherwise controlled parking ground

45. (1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless—

(a) he or she has produced to the authorised official/marshal a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and

(b) he or she has paid to the authorised official/marshal the prescribed parking fee.

(2) If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the Municipality from time to time.

(3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official—

(a) must require the person to produce proof of identity and complete and sign an indemnity form as supplied by the Municipality, which form has the effect of indemnifying the Municipality against claims of whatever nature by a person relating to the removal of that vehicle; and

(b) may require the person to furnish such security as may be determined by the Municipality.

(4) Subsection (1)(a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised official or marshal on demand.

(5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the Municipality is payable for the next parking period.



(6) A person who contravenes subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised official in terms of subsection (3)(a) or (b) commits an offence.

### Part 3: Pay-and-display parking ground

#### Parking of a vehicle in a pay-and-display parking ground

46. (1) A person who—

(a) wishes to park a vehicle;

(b) causes or permits a vehicle to be parked; or

(c) allows a vehicle to be parked, in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.

(2) The following must be indicated on the parking coupon vending machine:

(a) the period during which a vehicle may be parked in the pay-and-display parking ground; and

(b) the prescribed manner of payment to be used in respect of the parking period into or in connection with the pay and display machine.

(3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.

(4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence to the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.

(6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.

(7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

(8) A person who contravenes subsection (3), (4) or (5) commits an offence.

#### Miscellaneous offences in respect of a pay-and-display parking ground

47. A person commits an offence if he or she—

(a) attempts to utilise counterfeit coupon into a parking coupon vending machine—

(i) a counterfeit method of payment;

(ii) where another kind of object is to be used, a false object;

(iii) a object which is not prescribed by the Municipality; or

(iv) any object which is not meant to be inserted into the parking coupon vending machine;

(b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or

(c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

## CHAPTER 4

### TAXIS AND BUSES

#### Part 1: Special parking places for taxis

##### **Establishment of special parking places for taxis and taxi rank permits for these special parking places.**

48. (1) The Municipality may, subject to any other by-law of the Municipality relating to taxis, establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a rank access token to use the parking place or to park a taxi has been issued.

(2) A rank access token may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.

(3) If no space is available in a special parking place at any particular time for the parking of a taxi by a rank access token holder or for a taxi to which the rank access token relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 49, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

(4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a rank access token, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

#### Taxi parking

49. (1) A driver may, subject to subsection (2) and section 48 and subject to any other by-law of the Municipality relating to taxis—

(a) park a taxi at a special parking place or taxi holding area only and only for the purpose of conducting business directly related to the taxi; or

(b) apply for hire or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.

(2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.

(3) A person who contravenes subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection

(2) commits an offence.

#### Use of taxi ranks

50. (1) Subject to any other by-law of the Municipality relating to taxis, a driver—

(a) may, subject to subsection (3), park a taxi at the taxi rank specified on the rank access token issued with respect to that taxi, if space is available and only for the purpose of conducting business directly related to the taxi; and

(b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 48.

(2) The driver must, when plying for hire at a taxi rank, do so in a queue and must—

(a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and

(b) move his or her taxi forward as the queue moves forward.

(3) When plying for hire at a taxi rank, a driver—

(a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;

(b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and

(c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.

(4) No person may park or stop a taxi which is not in good working order as required by the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.

(5) No person may park a vehicle or allow a vehicle to remain stationary in a taxi rank except a taxi in possession of a valid operating licence and for which a rank access token, specifying the rank, has been issued for the year in question, as contemplated in this Part of Chapter 4.

(6) A person who contravenes a provision of this section commits an offence.

#### Prohibition on parking of a taxi at no-stopping place

51. No taxi driver may park a taxi at a no-stopping place, and a taxi driver who does so, commits an offence.

#### Servicing and washing taxis at taxi facilities

52. (1) No person may repair or maintain any motor vehicle at a taxi facility.

(2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.

(3) A person who contravenes a provision of this section commits an offence.

#### Behaviour prohibited at a taxi rank

53. A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-law and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised official.

### Part 3: Bus facilities and permits, and operation of buses

#### Establishment of bus facilities

54. The provisions of section 48(1),(2) and (3) apply, with the necessary changes, to buses.

#### Distinguishing bus stops

55. (1) Each bus stop must be distinguished by the appropriate traffic sign to indicate the type of bus or minibus-taxi or, where applicable, the name of the concern entitled to use the bus stop.

(2) The Municipality may demarcate bus stops for tour buses.

#### Destination signs and stopping or parking at bus stops

56. (1) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or allow such vehicle to be parked at any bus stop.

(2) No driver or person in charge of a minibus-taxi may stop or park such vehicle or allow such vehicle to be stopped or parked at any bus stop demarcated for tour buses.

(3) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or utilise such stop as an overnight facility.

(4) A driver or person in charge of a bus or minibus-taxi must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed at a bus stop.

(5) Where a traffic sign identifying a bus stop or another sign displayed at the bus stop indicates the name of a concern, no driver or person in charge of a bus or minibus-taxi operated by or on behalf of a concern other than the concern indicated on the sign may stop such vehicle or allow a passenger to board or alight from the vehicle at such bus stop.

(6) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

(7) No driver or person in charge of a bus or minibus-taxi may allow the engine of such bus which is allowed to stop at any bus stop to run for more than 20 minutes after it came to a stop.

(8) A person who contravenes a provision of this section commits an offence.

## CHAPTER 5

### MISCELLANEOUS PROVISIONS

#### Obeying and interfering with an authorised official

57. (1) An authorised official may direct all traffic by means of visible or audible signals, and no person may disobey such signals.

(2) No person may obstruct, hinder, abuse or interfere with any authorised official in the exercise of the power referred to in subsection (1).

(3) A person who contravenes a provision of this section commits an offence.

#### Appeal

58. (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(3) When the appeal is against a decision taken by—

(a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or

(b) the Municipal Manager, the Executive Mayoral Committee is the appeal authority.

(4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

#### Sale of impounded vehicles

59. (1) The Municipality must—

(a) within 14 days of the impounding of a vehicle, apply to the Court or Municipal Court for authority to sell the vehicle; and

(b) in the application contemplated in paragraph (a), provide the Municipal Court or Court with proof that he or she has lodged a statement as contemplated in subsection (2) with the owner.

(2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this By-law.

#### Procedure to be followed in application to Court or Municipal Court

60. An application to Court or Municipal Court for the sale of an impounded vehicle in terms of this By-law, must comply with the procedure contemplated in section:

66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

### Compliance notices and the recovery of costs

61. (1) Notwithstanding any other provision of this By-law, the Municipality may—

(a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and

(b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.

(2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

### Presumptions

62. (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.

(2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be plying for hire, unless the contrary is proved.

(3) (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.

(b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.

(c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.

(4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.

(5) Any person who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.

(6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

### Penalties

63. A person who has committed an offence in terms of this By-law is, on conviction, and subject to penalties prescribed in any other law, liable to—

(a) a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment; and

(b) in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

### Repeal of by-laws

64. The by-laws listed in the Schedule hereto and any by-law previously promulgated by the Municipality or any of the disestablished municipalities now incorporated into Municipality, in so far as it relates to any matter provided for in this By-law, are hereby repealed.

### Short title

65. This By-law is called the Stellenbosch Municipality: Parking By-law, 2018.







Bolt Services ZA (Pty) Ltd  
M5 Office Park  
Unit 7, Block B  
Eastman Road  
Maitland  
Cape Town  
7405

Reg. number: 2016/095400/07  
Tuesday, 13 October 2020

Mr Deon Louw  
Director  
Infrastructure Services Directorate  
Stellenbosch Municipality

CC

Per email  
engineering.services@stellenbosch.gov.za

**RE: Bolt SA Submission - Parking By-Law**

Dear Mr Louw,

We trust this finds you well.

Bolt SA appreciates the opportunity to provide comment on the Draft Parking Policy as a key, interested and affected stakeholder as it pertains to matters regarding parking in the Stellenbosch Municipality.

Accordingly, herewith Bolt SA submits and provides our written comments and recommendations regarding the proposals contained in the Parking By-Law.

During this time of socio-economic recovery from the COVID-19 pandemic, we consider a conducive and safe operating environment to be of utmost importance in the interest of e-hailing platform providers, drivers and passengers choosing to use e-hailing services and other micro-mobility solutions. We therefore deem it imperative to ensure that all persons, road-users and parties including pedestrians are able to benefit from a safe environment and the evolution of public transport

and development and revision of the Municipality's Parking By-Law in support of the efficient provision of public transport services, effective movement as well as increased and safe mobility of citizens.

We hereby submit our comments and recommendations in this regard and trust you will afford such your due consideration and attention in order to inform conducive and beneficial parking provisioning framework and by-law in the interests of efficient spatial planning and public transport supporting enhanced mobility within the Municipality going forward for all.

We further kindly request feedback on our submission and an outline of the process towards the finalisation of the By-Law once the comment and consultation period has closed.

Bolt kindly requests an opportunity of a one-on-one engagement with the Directorate to discuss our comments, proposals and recommendations contained herein.

Your favourable consideration of our request and willingness to accommodate such a bilateral engagement, at your earliest possible convenience would be highly appreciated.

We trust you will afford our request your due consideration and attention.

We look forward to your acknowledgement of receipt and considered feedback hereon.

Kindly do not hesitate to contact us should you have any enquiries in this regard. Thanking you in advance and with appreciation.

Yours truly



Mr. Gareth Roland Taylor  
Country Manager  
Bolt South Africa

## **BOLT SA: COMMENTS AND RECOMMENDATIONS**

## Parking By-Law - Stellenbosch Municipality

### 1. Introduction

Bolt SA recognises that the revised Parking By-Law unfolds in the context of growing congestion and evolving demands and mobility preferences of persons including the overarching imperative of promoting a safe environment for all.

In this regard, Bolt contends that it is necessary to achieve an inclusive and balanced approach to the provision and management of parking as well as facilities and designated areas in the Municipality. Accordingly, such should not hinder or stifle the provision of and access to public transport services, which directly respond to commuter demand and mobility preferences such as e-hailing services and micro-mobility solutions (i.e. electric scooters and electric bikes), including convenience services such as food and grocery delivery, which has become a necessary service of choice due to the COVID-19 pandemic.

Furthermore, the quality and reliability of public transport is inconsistent and unstable, which means that there remains a high-demand for transport services and micro-mobility solutions that will contribute to reducing any dependencies on private vehicle use and public transport services.

Bolt SA acknowledges the need to provide a regulatory framework for parking. However, the approach to such should appropriately recognise and cater for existing as well as upcoming transport preferences and mobility trends. Thus such should also not be disproportionately skewed towards traditional public transport services but also factor in the new and emerging paradigm, which the Municipality has not fully catered for and may not be equally accessible to all due to the absence of adequate and suitable regulatory provisioning. This would adversely impact on its provision, use and the benefits of which have a more favourable growth and adoption trajectory than more traditional modes of land-based public transport (i.e. minibus and metered taxis).

We encourage the advancement and strengthening of the Parking By-law to support an efficient public transport ecosystem, which may be agile to the evolution of travel demands and commuter choice but that also contributes to environmental sustainability. Accordingly, we support the provision of parking allocations and facilities which favour and support a diverse array of sustainable modes of private travel including e-hailing services, electric micro-mobility solutions (like e-scooters and e-bikes) and also enables and promotes the efficiency in the provision of other services such as the delivery of essential goods (food, groceries, medication). However, such provisioning should be practical in its application to enable choice without negatively impacting on the nature, delivery and access of the services.

Therefore, Bolt SA is of the view that relevant data and information regarding the existing and future transport services should be used to support, inform and shape the Municipality's thinking and approach to revising and introducing an updated and new Parking By-Law.

On the basis of the Municipalities finalisation of this revised and updated Parking By-Law, Bolt SA would appreciate the opportunity of consultation, engagement and discussions regarding the application of the By-Law in pursuit of Municipality's implementation of the provisions set out in the By-Law.



## 2. Observations

- 2.1. The use of e-hailing services and micro-mobility solutions (e-scooters and e-bikes) supports the use of diversified, safe and reliable public transport, which may be strengthened by the appropriate parking regulatory framework.
- 2.2. An efficient and safe environment requires effective transport planning and appropriate provisioning to support its ease of access and use. The drop-and-go nature of services such as e-hailing and micro-mobility solutions contributes to the efficient and optimal use of parking provisioning and respects spatial planning principles by ensuring that public spaces and areas are easily accessible and occupied for the intended purpose while not infringing on the rights of pedestrians and others using public areas/spaces.
- 2.3. Furthermore, currently the use of e-hailing services and micro-mobility options is increasing and should be catered for appropriately. These may be easily supported by clearly demarcated areas for:
  - (a) e-hailing services to park and respond to the drop-off and pick-up and go needs of persons.
  - (b) e-scooters and e-bikes to park at the users-convenience in response to their mobility and movement requirements.
- 2.4. At present, the Municipality has catered for parking bays and facilities for both metered taxis and minibus taxis. While an essential feature of e-hailing services is our ability to roam in response to commuter demands, serious consideration should be given to affording e-hailing services the opportunity to make use of allocated special parking bays and dedicated drop-off/pick-up and go areas, as deemed convenient based on:
  - (a) commuter preference
  - (b) facilitated ease of access
  - (c) reducing unnecessary transit time
  - (d) decreasing congestion at high volume areas
  - (e) safe provisioning for commuter accessibility
- 2.5. Accordingly, the By-Law should also be responsive to and appropriately accommodate existing innovation and developments in the public transport ecosystem as well as the evolution of commuter/passenger preferences and needs in support of increased mobility to facilitate economic and social activities and participation.
- 2.6. In addition, Bolt proposes that due consideration be given to support micro-mobility solutions. For such purposes many persons use e-hailing services for short-trips in and around the Municipality. Moreover, micro-mobility is a fast-growing trend globally especially as it relates to the use of electric scooters and electric bikes.

Therefore, Bolt supports e-hailing services as well as micro-mobility solutions, which entrench the development of towns to support their mobility and movement requirements of all persons.

As such parking provisioning must also advance and enhance existing functions and services in the interests of environmental sustainability,

reduced dependency of private car use, congestion and improved access and mobility for all.

- 2.7. Furthermore, we propose that e-hailing services and micro-mobility solutions such as e-scooters and e-bikes support:
- (a) An increase in accessibility and use of different types of transport and modes of public transport and services
  - (b) Public Transport and alternative transport use - persons choose to use e-hailing services to substitute the need to use their own cars and often also use e-hailing services to assist their movement between short distances, their destination and public transport facilities as well as inter-model hubs
  - (c) Local economic activity, inclusion and participation - mobility solutions and micro-mobility options as well as the effective access thereto facilitates improved and effective economic inclusion.
- 2.8. E-hailing services are typically also feeder and ‘last-mile’ services, which facilitate the efficient and safe movement of persons from and in between public transport interchanges or facilities to their end-destinations or residences. Therefore, there remains a need to consider how best to introduce and integrate these feeder services within parking provisions for public transport services.
- 2.9. Accordingly, Bolt has thus herein proposed that special parking provisioning be designated for e-hailing services. This provisioning should include dedicated drop-off and pick-up areas and facilities. Such provisions should not be subject to pricing tariffs and must be available for use at no cost to e-hailing operators as it remains part of the broader public transport ecosystem. At present, metered taxis and minibus taxis enjoy the benefit of dedicated parking provisioning including ranks and designated drop-off and pick up areas and facilities. Such is also extended to bus services; therefore e-hailing should specifically be afforded the same.
- 2.10. Cultivating a safe environment by limiting our carbon footprint must be equally incentivised by the Municipality’s approach to the evolution of innovative transport services such as e-hailing and micro-mobility solutions, which respond to the movement patterns and preferences of persons.

### **3. Key Recommendations**

- 3.1. E-hailing is an existing service, which should be appropriately catered for as well as other micro-mobility options going forward.
- 3.2. E-hailing services respond to commuter/passenger preferences and demands and facilitates ‘last mile’ mobility. Thus parking provisioning for such services should be created to support the efficient movement of persons for economic and social activities, participation and inclusion.
- 3.3. Bolt SA proposes the implementation of designated special parking provisions for e-hailing services, e-scooters and e-bikes as well as pick-up and drop-off areas or facilities for e-hailing services.

- 3.4. The use of special parking provisions and pick-up and drop-off areas or facilities should be used per convenience, not mandatory or imposed and accessible at no cost to e-hailing operators.
- 3.5. Demarcated parking provisioning may be enabled through the conversion of parking bays in areas with high-density and demand especially those in close proximity to education facilities, office premises and business hubs.
- 3.6. Implementation of designated pick-up and drop-off areas or facilities for e-hailing services in high-density and demand areas are required to improve access and efficient transport service delivery.

**Bolt further puts forward our comments and recommendations as it relates to specific sections per the revised Parking By-Law**

#### 4. Definitions

Bolt is of the view that the definitions provided herein does not cater for existing innovation in the transport sector such as e-hailing services as well as micro-mobility solutions which require convenient parking provisions and drop-and-go embayments and that such have not been adequately catered for in this revised By-Law.

Moreover, now more than ever due to the prevailing COVID-19 pandemic there is an increased need for the use of delineated parking bays or areas to accommodate e-hailing, micro-mobility modes of transport and other services, such as deliveries (via motorbikes, scooters or another mode/type). These services as well as the users of such would benefit from the ability to make use of and occupy delineated parking bays, areas and designated spaces. A broad-based and inclusive provisioning for different modes of public transport and micro-mobility is required to enable a safe and effective environment supported by the regulation of parking and services therein which facilitates the mobility requirements of persons within the Municipality as well as spatial development and planning considerations.

Bolt as an e-hailing platform supports sustainable transport modes of which e-hailing services is a key component. E-hailing and micro-mobility solutions contribute to decreasing congestion and opening up public spaces by a reduction of use of individual cars and persons choosing their mobility preference according to their movement needs and requirements.

We therefore submit that the Municipality via this Parking By-Law should enable and incentivise the adoption of more sustainable transport modes such as e-hailing and ridesharing including motorbikes and micro-mobility solutions such as electric scooters and electric bikes going forward, which are also more feasible, sustainable and accessible on a macro scale at present and in the medium-to-long-term.

We are therefore of the view that a more proactive and inclusive approach is needed to accommodate new generation mobility, as such already prevails in the form of e-hailing as well as micro-mobility options like e-scooter and e-bikes. However, the use of e-hailing and the driver and passenger choice to use e-hailing platforms and micro-mobility modes of transport are disincentivised in the current articulation of this By-Law.

We therefore propose the insertion of the following definitions including amendments of existing definitions to appropriately accommodate the evolution of transport services. These include:

#### 4.1. Electronic Hailing Service and Vehicle

“electronic hailing service” or “e-hailing service” means a public transport service operated by means of a motor vehicle, which—  
(a) is available for hire by hailing while roaming;  
(b) may stand for hire at a rank, and  
(c) is equipped with an electronic e-hailing technology-enabled application

“electronic hailing vehicle” or “e-hailing vehicle” means a vehicle hailed or pre-booked electronically using an e-hailing or technology-enabled application.

The introduction of the aforementioned definitions for e-hailing services and vehicles are consistent with that which is currently provided for in the National Land Transport Amendment Bill [B7D-2016] as passed by Parliament’s National Assembly on 10 March 2020.

#### 4.2. Electric Scooters

“Electric scooter” or “e-scooter” means a scooter with an electric drive system other than directly applied human or animal effort, intended for use on public streets or public pathways.

#### 4.3. Electric Bikes

“Electric bike” or “e-bike” means cycles equipped with an auxiliary electric motor that can be exclusively propelled by that motor.

#### 4.4. Special Parking Places

“special parking place” means a rank, stand or bus stop established by the Municipality on a public road within the Municipality for the parking or standing of a taxi, e-hailing vehicle, e-scooter, e-bike or a bus;

#### 4.5. Stops and Stopping Places

“stop” in relation to a taxi or e-hailing vehicle stopping in a stopping place on a public road, means to keep a taxi or e-hailing vehicle, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or off-loading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi or e-hailing vehicle;

“stopping place” in relation to —

- (a) a taxi, means the place designated by the Municipality where a taxi may stop to pick up or drop off passengers; and
- (b) an e-hailing vehicle, means the place designated by the Municipality where an e-hailing vehicle may stop to pick up or drop off passengers



(c) a bus, means a bus stop;

## 5. Chapter 4: Taxis and Buses

This Parking By-Law does not appropriately cater for the prevailing developments and future evolution of public transport. This is specifically evident in the absence of provisioning for e-hailing services, which was already introduced into South Africa in 2013 and is not categorised as a “taxi” (i.e. it is not a minibus or metered taxi service) and should thus be provided for as distinct and specific category.

Bolt is of the view that persons must equally be able to access a means of transport or mode of mobility of their choice and means in order to facilitate economic and social inclusion, activity and participation. Therefore we submit that Chapter 4 should include provisioning for:

- e-hailing services
- e-scooters
- e-bikes

Accordingly this chapter, should be titled as follows - Chapter 4: Taxis, E-hailing, E-Scooters, E-Bikes and Buses

### 5.1. Part 1: Special parking places for taxis

In accordance with our aforementioned comments, Bolt submits that this title should be amended to read as follows:

“Part 1: Special parking places for taxis, e-hailing, e-scooters, e-bikes”

#### 5.1.2. Establishment of special parking places for taxis and taxi rank permits for these special parking places.

In accordance with our aforementioned comments, Bolt submits that this title should be amended to read as follows:

“Establishment of special parking places for taxis, e-hailing, e-scooters, e-bikes and taxi rank permits for these special parking places.”

Bolt SA further proposes the amendment of the section with the insertions of new Sections 49, 50 and 51 in order to follow Section 48 to be read as:

*“49.(1) The Municipality may, subject to any other by-law of the Municipality relating to e-hailing services, establish special parking places for use by e-hailing vehicles.*

*(2) If no space is available in a special parking place at any particular time for the parking of an e-hailing service, the e-hailing vehicle may be parked at or make use of any other available public parking bay, until such time that a special parking place is available for the e-hailing vehicle to park.*

*(3) No person or motor vehicle other than the person or motor vehicle referred to in subsection (1) may use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a*

*person who parks a motor vehicle at a holding area other than the one contemplated in subsection (2) commits an offence.”*

*“50.(1) The Municipality may, subject to any other by-law of the Municipality relating to e-scooters, establish special parking places for use by e-scooters or the parking of an e-scooter belonging to or being operated by a juristic or natural person.*

*(2) The Municipality may define or designate areas where e-scooters may not and are prohibited from parking or standing..*

*(3) No person or motor vehicle other than the person or motor vehicle referred to in subsection (1) may use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks an e-scooter at a holding area other than the one contemplated in subsection (2) commits an offence.”*

*“51.(1) The Municipality may, subject to any other by-law of the Municipality relating to e-bikes, establish special parking places for use by e-bikes or the parking of an e-bike belonging to or being operated by a juristic or natural person.*

*(2) The Municipality may define or designate areas where e-bikes may not and are prohibited from parking or standing.*

*(3) No person or e-bike other than the person or e-bike referred to in subsection (1) may use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks an e-scooter at a holding area other than the one contemplated in subsection (2) commits an offence.”*

### 5.1.2. Taxi Parking

In accordance with our aforementioned comments, Bolt submits that this title should be amended to read as follows:

*“Taxi, e-hailing, e-scooter, e-bike Parking”*

Furthermore, we propose that “Section 49” is amended to enable the logical numerical citation of the provisions and is thus substituted by reference to “Section 52”

Bolt SA further recommends the amendment of this section with the insertions of new Section 53, 54 and 55 in order to follow the proposed Section 52 per above, to be read as:

*“E-hailing parking*

*53.(1) A driver may, subject to subsection (2) and section 49 and subject to any other by-law of the Municipality relating to e-hailing services may –*

*(a) park an e-hailing vehicle at any available public parking bay, a special parking place or e-hailing vehicle holding area for the exclusive purpose of conducting business directly related to the e-hailing service and vehicle ; or  
(b) apply for hire or pick up or drop off passengers at a special parking place or an e-hailing services and e-hailing vehicle stopping place provided.*

*(2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary e-hailing services facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of e-hailing vehicles.*

*(3) A person who parks or stops an e-hailing vehicle in a loading zone, at a bus stop or an area that is demarcated as a no-stopping area by means of a red line or no-stopping road sign commits an offence."*

*"E-scooter parking*

*54.(1) A user may, subject to subsection (2) and section 50 and subject to any other by-law of the Municipality relating to e-scooters may –*

*(a) park an e-scooter at a special parking place or e-scooter holding area including for the purpose of using or conducting business directly related to the e-scooter; or*

*(b) pick up or drop off e-scooters at a special parking place or an e-scooter stopping place provided.*

*(2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary e-scooter facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of e-scooters.*

*(3) A person who parks or stops an e-scooter at a place designated by the Municipality as prohibiting the parking or stopping of e-scooters commits an offence."*

*"E-bike parking*

*55.(1) A user may, subject to subsection (2) and section 51 and subject to any other by-law of the Municipality relating to e-bikes may –*

*(a) park an e-bike at a special parking place or e-bike holding area including for the purpose of using or conducting business directly related to the e-bike; or*

*(b) pick up or drop off e-bikes at a special parking place or an e-bike stopping place provided.*

*(2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary e-bike facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of e-bikes.*

*(3) A person who parks or stops an e-bike at a place designated by the Municipality as prohibiting the parking or stopping of e-bikes commits an offence."*

## **6. Regulated Parking Provisioning for the Evolution of Mobility and Transport Services**

- 6.1. As previously highlighted, Bolt SA supports the need to facilitate sustainable modes of transport, such e-hailing as well as micro-mobility solutions such as electric scooters and bikes/bicycles, which are more accessible and reliable.
- 6.2. Furthermore, micro-mobility solutions are also more spatially optimal, less encroaching on the environments and public spaces and are further easily integrated within the existing parking provisions including accommodating such in high density and demand areas.
- 6.3. Therefore, Bolt supports the introduction and provisions for:

- (a) Special parking provisions which encourage more sustainable modes of transport like e-hailing services, e-scooters and e-bikes.
  - (b) Implementing bicycle as well as e-bike racks for bicycle and e-bike parking, in areas where cycleways have been implemented and at locations with a regular demand for bicycle parking
  - (c) Enclosed and lockable bicycle storage facilities such as bike sheds and boxes at Public Transport Interchanges.
  - (d) Identification and demarcation of e-scooters and e-bike parking provisioning, areas and bays through the conversion of parking bays in areas with high demand for micro-mobility parking spaces.
  - (e) Demarcated parking bays must also be accessible to and available for use by motorcycle and scooter delivery services as optimal allocations and use of space, which will curtail the encroachment on public or pedestrian spaces.
- 6.4. In this regard the Municipality's spatial, development and parking planning should integrate and accommodate parking provisions and designated areas for e-hailing, e-scooters and e-bikes particularly in high-demand and high-density areas. This is particularly useful during peak and seasonal times where persons may be inclined and thus incentivised to use different types of transport services and modes of micro-mobility to enable efficient movement and access to certain areas and public spaces.
- 6.5. Globally, many first-world and developed cities have already accommodated e-hailing services and also supported micro-mobility solutions by adopting and implementing parking provisioning, designated pick-up/drop-off areas as well as designated zones for e-scooters and e-bikes specifically to benefit mobility and aid increased movement in small but high and densely populated towns, cities and areas.

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
<b>Parking BY-LAW DATED July 2020</b>						
PB1	Parking By Law 2020 S3(2)	Determine fees for parking for own use or use by service provider	Council			
PB2	Parking By Law 2020 S3(3)	To grant written approval to erect sign within Street Reserve	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB3	Parking By Law 2020 S11(1)	Issuing of Parking Disc for exemption to Parking Restrictions	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB4	Parking By Law 2020 S11(3)(d)	Withdrawal of Parking Disc	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB5	Parking By Law 2020 S11(3)(e)	Determination of fee for issuing a permit	Council			
PB6	Parking By Law 2020 S11(3)(f)	Determination of Disc Validity Period	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB7	Parking By Law 2020 S12(1)	Approval of Notice of designated areas pick-up and drop-off of learners	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB8	Parking By Law 2020 S14(1)	Granting of Resident Parking Permits	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	

PB9	Parking By Law 2020 S15(1)	Granting of Temporary Parking Permits	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB10	Parking By Law 2020 S16(1)	Granting of Work Zone Permits	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB11	Parking By Law 2020 S17(1)	Granting of Municipal works parking permits	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB12	Parking By Law 2020 S19(1)	Designating Disabled. Diplomatic corps, SAPS and other identified reserved parking areas	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB13	Parking By Law 2020 S30(2)	Issue permits to effect monthly parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB14	Parking By Law 2020 S30(2)	Determine parking fees for permits	Council			
PB15	Parking By Law 2020 S30(3)	Issue permits for official parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB16	Parking By Law 2020 S30(4)	Approve the transfer of a permit	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB17	Parking By Law 2020 S33(1)	Authorize the removal of an abandoned vehicle	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	

PB18	Parking By Law 2020 S40(1)	Approval of the cleaning of vehicles within a parking ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB19	Parking By Law 2020 S42(1)	Approval of parking hours of a parking ground and classes of vehicles allowed to park on this ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB20	Parking By Law 2020 S43(1)	Approve notices to reserve parking for municipal vehicles and municipal staff vehicles	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB21	Parking By Law 2020 S45(5)	Approval of parking for vehicles exceeding one day's parking time	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB22	Parking By Law 2020 S48(1)	Approval of Special parking spaces for taxis	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB23	Parking By Law 2020 S61(1)	Approval of compliance notices and recovery costs	Council			

**PARKING BY-LAW OFFENCES AND FINES**

<b>Section Contravened</b>	<b>Description of Offence</b>	<b>Proposed Fine (1)</b>	<b>Approved Fine (2)</b>
3(5)	Contravenes regulations on control of parking	R500	
4	Contravenes regulations wrt parking in a Loading Zone	R500	
5(3)	Contravenes prohibitions parking at a bus stop or public transport facility	R500	
6(5)	Contravening regulations on Parking in a Public Road	R500	
7(2)	Contravening the regulations of parking upon a traffic island	R500	
8	Contravening regulations of a dealer or seller of a vehicle	R500	
9(2)	Contravening regulations of the parking of a vehicle under repair	R500	
10(3)	Contravening regulations of the parking of heavy vehicles and caravans	R1 000	
11(5)	Contravening the regulations of displaying a permit/disc exemption of medical practitioners from parking restrictions	R1 000	
12(3)	Contravening regulations by illegally parking on pick-up and drop-off points	R500	
14(3)	Contravening regulations on parking permits	R500	
15(3)	Contravening regulations on temporary parking permits	R250	
16(3)	Contravening regulations on working zone parking permits	R500	
18(5)	Contravening regulations on conditions and originality of parking permits	R500	
19(3)	Contravening regulations on reserved parking for disabled, diplomatic corps, SAPS and other identified groups	R500	
21(2)	Contravening the regulations of method of parking	R250	
22	Contravening the Regulations wrt to the payment for parking	R500	



23(b)	Contravention of prohibition to park at a restricted parking bay	R500	
24(5)	Tampering with Parking Device	R1000	
25(2)	Unlawful operation of a parking device	R500	
26(5)	Unlawful parking	R500	
27(3)	Contravening the regulations wrt authorised parking without charge	R250	
29(2)	Interference with authorised official, authorised officers and parking marshals	R1 000	
30(6)	Contravening regulations wrt the payment of the prescribed fee	R500	
31(2)	Contravention of Observance signs	R500	
32(6)	Contravening the regulations on the manner of parking a vehicle	R500	
33(6)	Contravention of the regulations of the abandoning of a vehicle	R1 000	
34(2)	Causing damage to notices	R1 000	
35(3)	Contravention of regulations wrt negligent and dangerous driving and speed restriction within Parking Areas	R500	
36(2)	Contravening the regulations on entering or remaining in parking ground	R250	
37(2)	Tampering with a parked vehicle	R1000	
38(2)	Defacing a Parking Permit	R500.00	
39(3)	Contravening Regulations on parking a defective vehicle and failing to remove within 7 days.	R1 000	
40(2)	Cleaning or washing a vehicle within parking ground without authorisation	R500	
41(2)	Not following instructions from an authorised Official	R1 000	
42(7)	Contravention of the regulations ito Parking Hours	R500	
43(2)	Contravention of observing municipal authorised vehicle parking reservations	R500	

44(4)	Contravention of Regulations on the parking of a vehicle in a mechanically or otherwise controlled parking ground.	R500	
45(6)	Contravention of Regulations wrt unauthorised removal of vehicle from Parking Ground	R1 000	
46(8)	Contravening Regulations of the parking of a vehicle in a pay-and-display parking ground	R500	
47	Contravening Regulations on miscellaneous offences within a pay-and-display parking ground	R500	
48(4)	Contravening Regulations on special parking spaces for taxis and taxi rank permits	R1 000	
49(3)	Contravening regulations on taxi parking	R1 000	
50(6)	Contravening the Regulations of the use of taxi ranks	R1 000	
51	Contravention of parking on a non-stopping place	R1 000	
52(3)	Contravening servicing and washing taxis within taxi facilities without authorisation	R1 000	
53	Contravening regulation on behaviour	R1 000	
56(8)	Contravening the regulations wrt Signs, stopping or parking at bus stops	R500	
57(3)	Contravening issued instructions of authorised traffic official	R500	
61(2)	Failure to comply with recovery notices	R500	

NAG = No Admission of Guilt fine allowed