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STELLENBOSCH MUNICIPALITY

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 incident to, the effective performance of its functions.

AND WHEREAS Part B of schedule 5 to the Constitution lists traffic and parking as Local Government to the extent set out in section 155(5)(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 Stellenbosch Municipality as follows;

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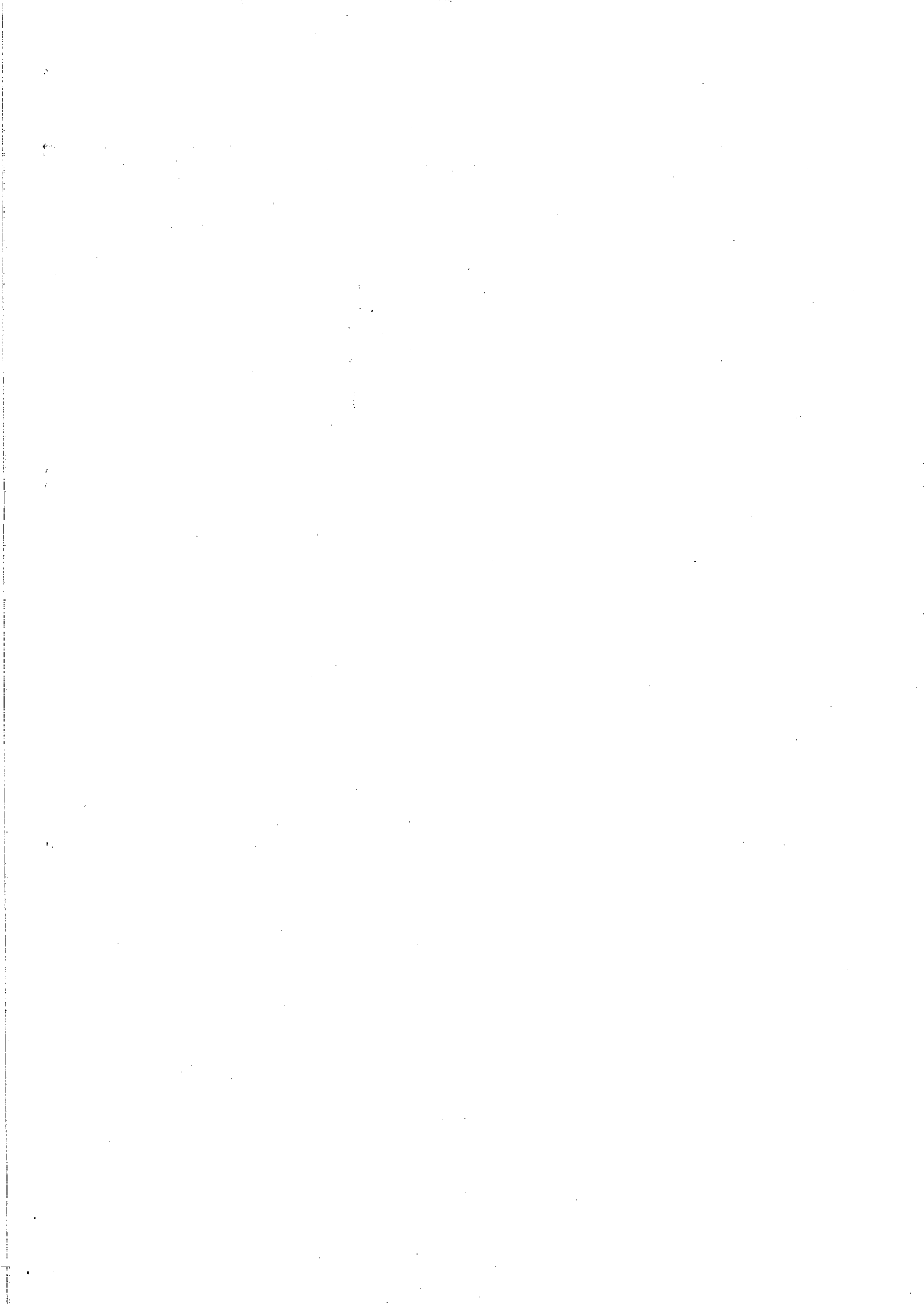
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1. Definitions

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



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- (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 quadrocycle; and
- (b) a metered taxi;

"taxi association" means a taxi association recognized as such by the Municipality and the Western Cape Province;

"taxi facility" means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the Municipality for the exclusive use of taxis and; regarding a mini bus-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 the taxi and who has been registered and an 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 48(2);

"title holder", in relation to a vehicle, means-

- (a) the person who has to give permission for the alienation of that vehicle in terms of a contractual agreement with the owner of such vehicle; or
- (b) the person who has the right to alienate that vehicle in terms of the common law,

and who is registered as such in accordance with the regulations under section 4 of the National Road Traffic Act 93 of 1996;

"Traffic Manager" means the Municipality's Traffic Manager to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

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“traffic warden” means a person appointed by the Municipality to enforce the parking by-laws and the National Road Traffic Act, Act 93 of 1996;

“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 side-car fitted to a motor cycle;

“tricycle” 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;

In this by-laws, 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.

2. PRINCIPLES AND OBJECTIVES

The Municipality of Stellenbosch, acting under the Constitution and relevant legislation, and being aware of its duty to control parking and to control motor vehicle attendants, taxis and busses within the area under its jurisdiction so as to provide a safe environment for all people within the municipal area, adopts these by-laws with the aim of controlling parking within its area of jurisdiction.

CHAPTER 1: GENERAL PROVISIONS RELATING TO PARKING

Part 1: General provisions

3. Control of Parking

- (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.

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- (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.

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 with subsection (3) or who contravenes subsection (4) commits an offence.

4. Parking in a loading zone

- (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone-
 - (a) between the hours of 06:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday;
 - (b) between the hours of 07:00 to 14:00 on Sundays, except where such day is a Public Holiday; or
 - (c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.
- (2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than five minutes continuously and only for the purpose of loading or off-loading persons or 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 and only while the vehicle is being actually loaded or unloaded.
- (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 authorized official, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.

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

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5. Parking at a bus stop

- (1) No person who operates or who is in charge of a vehicle on a public road may, in the case of a vehicle other than a bus, allow the vehicle to remain stationary in a bus stop between the hours of 06:00 and 18:00.

A person contravenes subsection (1) commits an offence.

6. Parking on a public road

- (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle on any public road within the municipal area for a period beyond that is indicated on a road traffic sign relevant to the specific area.
- (2) No person may, without the written consent of the Municipality, park a heavy motor vehicle designed, adapted or used for the conveyance of goods, between the hours of 20:00 and 06:00 anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.
- (3) Application for consent must be made on the form provided for this purpose by the Municipality.

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

7. Parking upon a traffic island

- (1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised official or unless a parking bay has been demarcated upon such traffic island.

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.

8. Parking by a dealer or seller of a vehicle

- (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 advertised for sale or for rental.
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A dealer or seller who contravenes a provision of subsection (1) commits an offence.

9. Parking of a vehicle under repair

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

A person who contravenes a provision of subsection (1) commits an offence.

10. Parking of heavy vehicles or caravans

- (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 3 500 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 provided.

A person who contravenes a provision of subsection (1) commits an offence.

11. Exemption of medical practitioners from parking restrictions

- (1)
 - (a) registered general medical practitioners to whom a parking disc been issued in terms of subsection (3)(a) are exempt from provisions of this By-law, subject to paragraph (3)(b), when using on bona fide professional domiciliary visit, a motor vehicle on which is displayed a parking 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.

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- (2) (a) the parking disc must be a windscreen sticker parking disc displaying on the face thereof-
- (i) a registration number; and
 - (ii) the name of the person to whom it is issued.
- (b) the parking 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)
- (3) (a) written application for the issue of a parking disc must be made to the Municipality and if the Municipality approves the application, it must issue a parking disc bearing a registration number to the applicant.
- (b) the Municipality must keep a register in which it records the registration number allocated by it of the parking disc, the issue of which has been authorised by it and the name of the holder.
- (c) the Municipality may issue a duplicate parking disc.
- (d) where the Municipality has reason to believe that any holder of a parking disc is abusing a privilege conferred by the parking disc, it may withdraw the parking disc from the holder and the privileges conveyed by the parking disc shall thereupon cease.
- (e) the Municipality may charge a fee for the issuing of a parking disc or a duplicate thereof.
- (f) the municipality may prescribe a period for which a parking disc will be valid.
- (4) application for a parking disc must be made on a form provided for this purpose by the Municipality.
- (5) a person who displays a forged parking disc or a parking disc which was not issued by Municipality commits an offence.

12. Pick-up and off-load areas at schools

- (1) The Municipality may by notice designate areas in the vicinity of schools and crèches as pick-up and set-down areas.
- (2) No person may park in a pick-up and set-down area for any period longer than necessary to pick-up or set down learners.

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

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13. Out spanning in public roads

- (1) No person may out span or allow to be out spanned 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 unloaded.

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

Part 2: Parking permits

14. Resident parking permit

- (1) Subject to any conditions the Municipality may impose and subject to section 18(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; and
 - (ii) in circumstances where not more than 1 person who resides in the residence is the holder of a resident parking 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 areas; and
 - (b) whose residence does not have and can not reasonably provide off-street parking.

A person who park a vehicle in contravention of subsection (1) commits an offence

15. Temporary parking permit

- (1) Subject to any conditions the Municipality may impose and subject to section 18(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 or spaces 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 or spaces.
- (2) A temporary parking permit may only be granted if the Municipality is satisfied that-

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- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces 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 or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.

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

16. Work zone permit

- (1) Subject to any conditions the Municipality may impose and subject to section 18(1) and (3) a work zone parking permit may be granted for parking or other building or construction purposes in a parking bay or parking ground or on the verge of a road or in the road reserve if the Municipality is satisfied that –
 - (a) the part of the road or the other area referred in subsection (1) to which the application relates is adjacent to the site of proposed building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and;
 - (c) having regard to the nature of the building or construction work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.

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

17. Municipal official parking permit

- (1) Subject to any conditions the Municipality may impose in term of the "Municipal Official Parking policy" and subject to section 18(1), municipal official parking permit may be granted to allow a person to park one or more vehicles in a designated parking space or spaces, 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 or spaces if the person is –
 - (a) an employee, contractor or agent of the Municipality; and
 - (b) parking the vehicle or vehicles in the space or spaces –
 - (i) for the purpose of carrying out work for or on behalf of the Municipality; and

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- (ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

18. Conditions of parking permits

- (1) The conditions that will ordinarily be imposed on all parking permits are, amongst other that may be imposed by the Municipality –
 - (a) the holder of the permit must affix the original permit to the vehicle identified in the permit facing outwards and as near as practicable to the registration label for the vehicle; and
 - (b) a replacement permit will only be issued after completion by the permit holder of a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original permit.
- (2) The conditions that will ordinarily be imposed in a resident parking permit are –
 - (a) the 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 the permit must only use the permit whilst the holder remains a resident at the place or residence identified in the permit;
 - (c) a resident parking permit is not specific to any particular vehicle; and
 - (d) a maximum of 1 parking space per residence may be granted.
- (3) The conditions that will ordinarily be imposed on a work zone parking permit are –
 - (a) the permit must specify the part of the road to which the permit relates; and
 - (b) the holder of the permit must pay the prescribed fee, as determined by the local government, for the installation of official traffic signs, or other signs and markings, as determined by the local government to be appropriate, to identify the boundaries of the work zone identified in the permit; and
 - (c) materials of any kind may not be stacked, placed or otherwise left on the road or footpath (either within or outside of the work zone); and

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- (d) a vehicle may not be parked and loading or unloading or other operations may not be carried out, in a manner which obstructs pedestrian movement along a footpath within or adjacent to the work zone; and
- (e) the permit must be kept on site and produced upon request by an authorised officer/official

Any person who contravenes any provision of this section and/ or any condition imposed by the Municipality commits an offence.

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

- (1) The Municipality may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the Municipality and may designate such areas by notice or road signage.
- (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.

Any person contravenes subsection (2) commits an offence.

CHAPTER 2: PARKING METERS AND PAYMENT FOR PARKING

20. The Municipality may install parking meters or use any other device to record the time parked

- (1) The Municipality may install or cause to be installed or operate or cause to be operated on a public road or place in the municipal area -
 - (a) a parking meter at a demarcated parking bay; or
 - (b) a combined parking meter at demarcated parking bay; or
 - (c) any other device by which parking time can be recorded and displayed.
- (2) The Municipality may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay or bays in respect of which it is installed or at any other place in close proximity that services the parking bay.

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- (3) In the instance where a parking is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter or a notice board.
- (4) In the instance where a meter is out of order, an authorised official may securely place over the meter a hood carrying in legible letters the words "Out of order" and in such instances a vehicle may be parked without payment of the prescribed amount.

21. Method of parking

- (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.

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

22. Payment for parking

- (1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must:
 - (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
 - (ii) effect payment by any other means prescribed by the Municipality and irrespective whether payment is required at the beginning or end of the period parked,

A driver or person in charge of a vehicle who fails to do so, commits an offence.

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- (b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than metered parking bay, the driver or person charge of the vehicle must:
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins he parking bay or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
 - (ii) effect payment by any other means prescribed by the Municipality used to record the time parked and irrespective whether payment is required at the beginning or end of the period parked,

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 paragraph (a) and (b), the metered parking bay may be lawfully occupied by the vehicle during the period which is indicated on the parking meter, however, subject to paragraph (d), a driver or person in charge of a vehicle may, without payment, park the vehicle during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use, provided that the Municipality may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay and before the parking bay is occupied by a subsequent vehicle.
- (d) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.
- (2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may again, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation a set out in subsection (1)(a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.
- (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 meter or other device, and a person who leaves a vehicle parked in a parking for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device commits an offence.

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- (4) Subject to the provisions of section 21, 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 meter or any other device shows that –
- (a) the time has expired; or
 - (b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking;

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 meter 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 meter has not been set in operation; or
 - (b) a hood has been placed over the parking meter as envisaged in section 20(4),

no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay;

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

23. The Municipality may prevent parking at a parking bay

An authorised officer may display road traffic signs, wherever necessary or expedient to do so in the interest 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 –

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- (a) while the sign is so placed or erected; or
- (b) during any period when the stopping or parking of a vehicle on the public road or portion of the public road concerned is prohibited in terms of such traffic sign,

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

24. Tampering with a parking meter or device

- (1) No person may,
 - (a) misuse, damage or knock a parking meter or interfere, or tamper or interfere with, or
 - (b) attempt to misuse, damage or knock interfere with or tamper or with the working operation or mechanism of a parking meter.
- (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 meter.
- (3) No person may paint, write upon or disfigure a parking meter.
- (4) No person may, without the consent of a parking marshal, remove or tamper with any device for which such parking marshal is responsible for.

A person who contravenes a provision of this section commits an offence and is liable to a fine not exceeding a maximum of one thousand rand or imprisonment not exceeding three months.

25. Prescribed coin only to be deposited

- (1) No person may deposit or cause to be deposited in a parking meter anything whatever other than the prescribed coin or coins.

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

26. Unlawful operation of a parking meter

- (1) No person may operate or attempt to operate a parking meter by any means other than as prescribed in these by-laws.
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A person who contravenes subsection (1) commits an offence.

27. Unlawful parking and clamping or removal of unlawful parked vehicles

- (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 these by-laws.
- (2) Where any vehicle is found to have been parked in contravention of these by-laws, 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) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and
 - (c) charge a fee for the removal of a wheel clamp attached in terms of subsection (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.
- (5) Any person who tamper or attempt to remove or deface a wheel clamp commits an offence and is liable for a maximum fine not exceeding one thousand rand or a maximum imprisonment for three months.

28. Exemptions

- (1) Notwithstanding any other provision in these by-laws, 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

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- (c) a vehicle used by a member of the South African Police Service and being at the time used in connection with a crime that is either in progress or in connection 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 prescribed by any other law, or regulations, or by-laws a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose.

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

CHAPTER 3: PARKING GROUNDS

Part 1: General provisions

29. The Municipality not liable for loss or damage

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.

30. Interference with an Attendant

- (1) No person may obstruct, hinder or in any manner interfere with an authorised official or a parking marshal employed by an appointed service provider to the Municipality, who is the attendant of the parking grounds in the exercise of his or her duties under these by-laws.

A person who contravenes a provision of subsection (1) commits an offence.

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31. Payment of prescribed fee

- (1) A person making use of 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 coupons, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.
- (3) The Municipality may issue to any of its officials a coupon which entitles the holder, when using a vehicle in respect of the business of the Municipality, to park the vehicle in a parking ground specified, if space in the parking ground is available.
- (4) A coupon 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; and
 - (b) must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle; and
 - (c) will only be valid for the period stated on such coupon.
- (5) Application for consent contemplated in subsection 4(a) must be made on a form provided for this purpose by the Municipality.

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

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32. Observance of signs

- (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.

A person who contravenes a provision of subsection (1) commits an offence.

33. Parking and removal of vehicle

- (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 attendant 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 sidewalk or a roadway within a parking ground.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or causes inconvenience to other users of the parking ground.
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- (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.

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

34. Abandoned vehicle

- (1) The Municipality may remove a vehicle to a safe place, which has been left in the same place in a parking or parking ground for a continuous period of more than seven days.
- (2) The Municipality must take all reasonable steps to trace the owner and/ or the titleholder of a vehicle which was removed in terms of subsection (1), in terms of Regulation 320 of the National Road Traffic Act 93 of 1996 and if the owner and/ or titleholder of the vehicle and/ 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 60 and 61, sell the vehicle at a public auction.
- (3) The Municipality must, 14 (Fourteen 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, the titleholder 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 owner/ titleholder 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 the 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 cost incurred in endeavouring to trace the Owner/ Titleholder in terms of subsection (2);
 - (b) The cost of removing the vehicle;
 - (c) The cost of publishing the notice of the auction;
 - (d) The cost of effecting the sale of the vehicle;

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- (e) The cost, calculated at a rate determined by the Municipality, for keeping the vehicle in a safe place;
 - (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 infringements in respect of such vehicle and the balance, if any, of the proceeds must be paid, upon claim, to the owner or the titleholder of the vehicle or the person entitled to the vehicle if he or she 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 contravenes a provision of subsection (6) commits an offence

35. Damage to notice

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

A person who contravenes a provision of subsection (1) commits an offence.

36. Negligent and dangerous driving and speed restriction

- (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.

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

37. Entering or remaining in parking ground

- (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) an official 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.

A person who contravenes a provision of subsection (1) commits an offence.

38. Tampering with vehicle

- (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.

A person who contravenes a provision of subsection (1) commits an offence.

39. Defacing coupon

- (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 coupon issued in terms of this by-law.
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A person who contravenes a provision of subsection (1) commits an offence.

40. Defective vehicle

- (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.

- (2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it 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.

A person who contravenes a provision of subsection (1) or subsection (2) commits an offence.

41. Cleaning of vehicle

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

A person who contravenes a provision of subsection (1) commits an offence.

42. Refusal of admission

- (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 of undue inconvenience.

A person who disregards an authorised official's refusal of admission commits an offence.

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43. Parking hours and classes of vehicles

- (1) The Municipality may, subject to the provisions of these by-laws, 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 coupon issued in terms of these by-laws 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.

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

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44. Reservation by the Municipality

- (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.

A person who park 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

45. Parking of a vehicle in a mechanically or otherwise controlled parking ground

- (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-

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

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

46. Removal of a vehicle from a mechanically or otherwise controlled parking ground

- (1) No person may remove, or cause permit the removal of, a vehicle in a parking ground, unless --
 - (a) he or she produced to the authorised official 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 paid to the authorised official the prescribed parking fee.

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- (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 of 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 must require the person to produce proof of identity and complete and sign and 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
- (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 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 from time to time is payable for the next parking period.

A person who contravenes a provision of 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) commits an offence.

Part 3: Pay-and-display parking ground

47. Parking of a vehicle in a pay-and display parking ground

(1) A person who-

(a) wishes to park a vehicle;

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- (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 (1) (a) (b) and (c) 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 coin or other prescribed object or method of payment to be inserted or 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 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.

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- (5) No person may park a vehicle, cause, permit, or allow a vehicle to be parked in pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.
- (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.

A person contravenes a provision of subsection (3), (4) or (5) commits an offence.

48. Miscellaneous offences in respect of pay-and display parking ground

A person commits an offence if he or she –

- (a) inserts or attempts to insert into a parking coupon vending machine –
 - (i) a counterfeit coin;
 - (ii) where another kind of object is to be used, a false object;
 - (iii) a coin which is not South African currency; 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

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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, permits and decals

49. Establishment of special parking places for taxis and taxi rank permits for special parking places for taxis

- (1) The Municipality may establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a permit to use the parking place or to park a taxi permit as been issued as provided in section 51.
- (2) A taxi rank permit 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 or her 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 taxi rank permit holder or for a taxi to which the taxi rank permit 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 51, 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 taxi rank permit, use or be parked at the special parking place or its subdivision,

A person who contravenes this provision, or a person who park a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

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50. Taxi parking

- (1) A driver may, subject to subsection (2) and section 49 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) ply 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 Traffic Manager as suitable for the parking and stopping of taxis.

A person who contravenes a provision of subsection (1), or who park or stop a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

51. Use of taxi ranks

- (1) A driver --
 - (a) may, subject to subsection (3), park a taxi at the taxi rank specified on the taxi permit concerned, 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 49.

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

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- (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, 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 National Road Traffic Act 93 of 1996, in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park or stop any vehicle in a taxi rank except a taxi for which a taxi permit and decal, specifying the rank, have been issued for the year in question, as contemplated in Part 1 to this Chapter.

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

52. Prohibition on parking of a taxi at no-stopping place

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

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53. Servicing and washing taxis at taxi facilities

- (1) No person may repair or maintain any motor vehicle in any way whatsoever 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.

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

54. Behaviour prohibited at a taxi rank

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 officer or authorised official of the Municipality.

Part 2: Bus facilities and permits, and operation of busses

55. Establishment of bus facilities

The provisions of section 49(1), (2) and (3) apply, with the necessary changes, to busses.

56. Distinguishing of demarcated stops and stands for busses

Each demarcated stopping place or stand must be distinguished by the appropriate traffic sign to indicate the type of bus, or, where applicable, the name of the concern entitled to use the stopping place or stand.

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57. Parking at stopping places for busses and destination signs

- (1) No driver or person in charge of a bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.
- (2) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

A driver or person in charge of a bus who contravenes a provision of this section commits an offence.

CHAPTER 5: MISCELLANEOUS PROVISIONS

58. Obeying and interfering with an officer

- (1) An authorised officer 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 officer or parking marshal in the exercise of the powers in terms of these by-laws.

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

59. Appeal

- (1) A person whose rights are affected by a decision made under this by-law in the event or the power of 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.

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

60. Sale of impounded vehicles

- (1) The Municipality must –
 - (a) within 30 days of the impounding of a vehicle, apply to the Court for the right to sell the vehicle; and
 - (b) in the application contemplated in paragraph (1), provide the Court with proof that he or she lodged a statement as contemplated in sub-section (2) with the owner and/or title holder.
- (2) The statement contemplated in subsection (1)(b) must include but not limited to the fees and costs due in terms of this by-law, the vehicle registration details, the date and place of impoundment, the place/ impound where the vehicle is being kept and the details of the authorised official who may be contacted.

61. Procedure to be followed in application to Court

Rules relating to conduct of proceedings in the Magistrate's Court of South Africa, published in Government Gazette No 33487 under Government Notice No GN R740 dated 23 August 2010.

The Municipality will be entitled to institute legal action against the owner and/or title holder of the impounded vehicle and thereafter proceed to sell the impounded vehicle in

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execution of such judgement debt (in accordance with the procedure set out in the Magistrates Court Act and the Rule thereto).

62. Compliance notice and the recovery of costs

- (1) Notwithstanding any other provisions of this by-law, the Municipality may –
 - (a) where the permission of the Municipality is required before a person may perform a certain action of 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 of the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material of 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 the a notice in terms of subsection (1) commits an offence, and the Municipality may, without prejudice to its powers to take actions against the offender, take necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may me.

63. Presumptions

- (1) For the purpose of these by-laws, the person in whose name a vehicle which is parked in a parking ground is licensed, 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 or bus facility or that has stopped at a taxi of bus facility 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.

Stellenbosch Municipality Parking by-law | 2013

- (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 purpose 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 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 motor vehicle which is found on a taxi facility or which has stopped at a taxi facility will be presumed to be plying for hire, 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.

64. Penalties

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,
- (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.
- (c) subject to subsections (a) and (b) a fine not exceeding two and a half thousand rand or a maximum imprisonment of twelve months.

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65. Repeal of by-laws

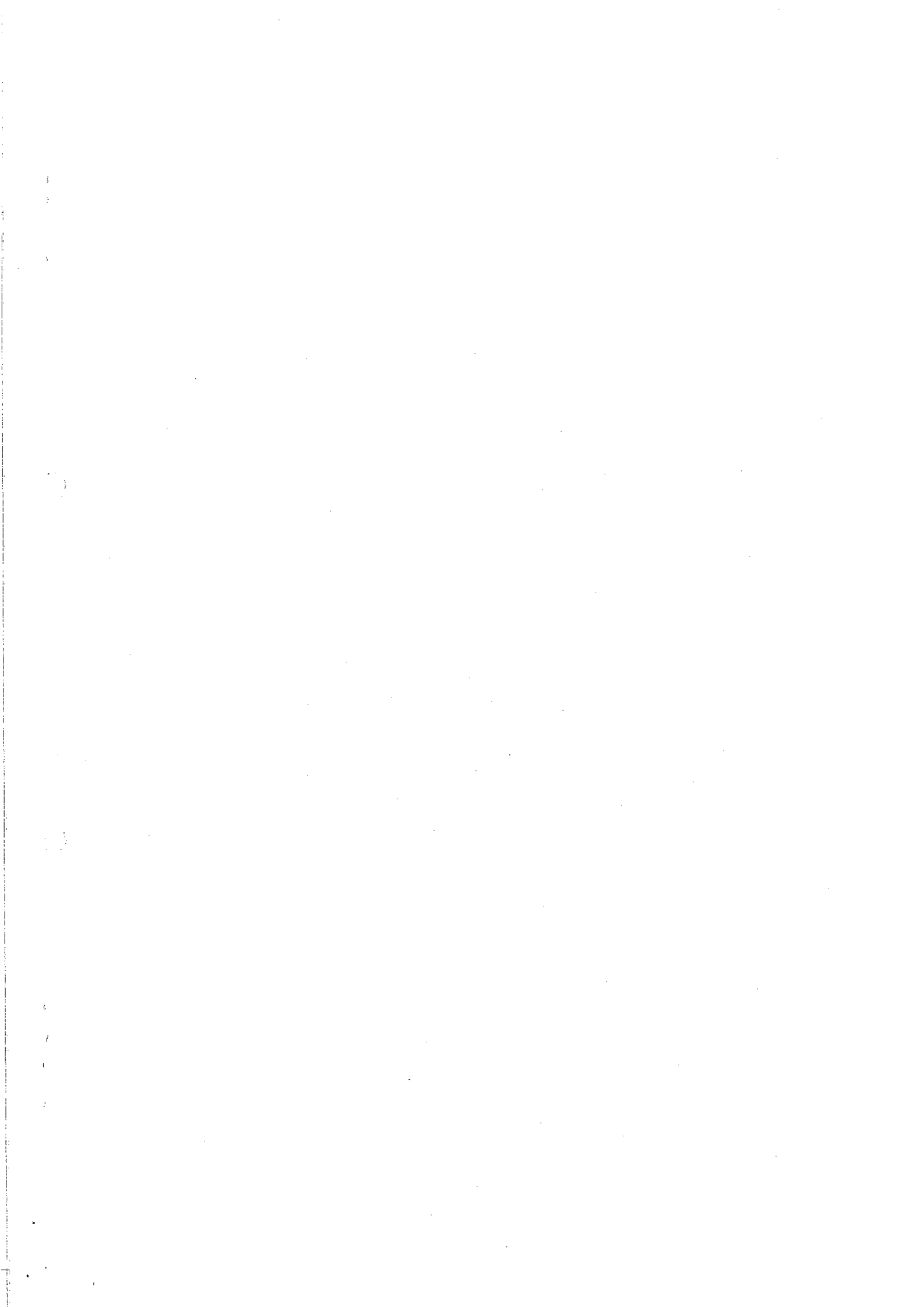
The By-law listed in the Schedule hereto and any by-law previously promulgated by the Municipality or any of the disestablished municipalities now incorporated into the Stellenbosch Municipality, in so far as it relates to any matter provided for in this By-law, are here repealed.

SCHEDULE

No	Name	Repeal
PN 81/1935	Regulation regarding parking on sidewalks or pavements	Whole
PN 144/1940	Traffic Regulations and registration and licensing of cycles	Whole
PN 31/1953	Regulation for the prohibition of the stopping or standing of vehicles in certain public roads within the Municipality	Whole
PN 902/1954	Traffic	Whole
PN 136/1972	Regulation for the prohibition and control of parking and stopping of vehicles in loading zones on public streets	Whole
PN 561/1976	By-law relating to street parking	Whole
PN 68/1985	By-laws relating to the Parking of heavy vehicles, caravans and trailers	Whole
PN 370/1985	Taxi by-law	Whole
PN 215/1988	Standard by-law relating to streets	Whole

66. Short title and commencement

These by-laws are called the Stellenbosch Municipality Parking By-law and come into operation upon publication in the Provincial Gazette.

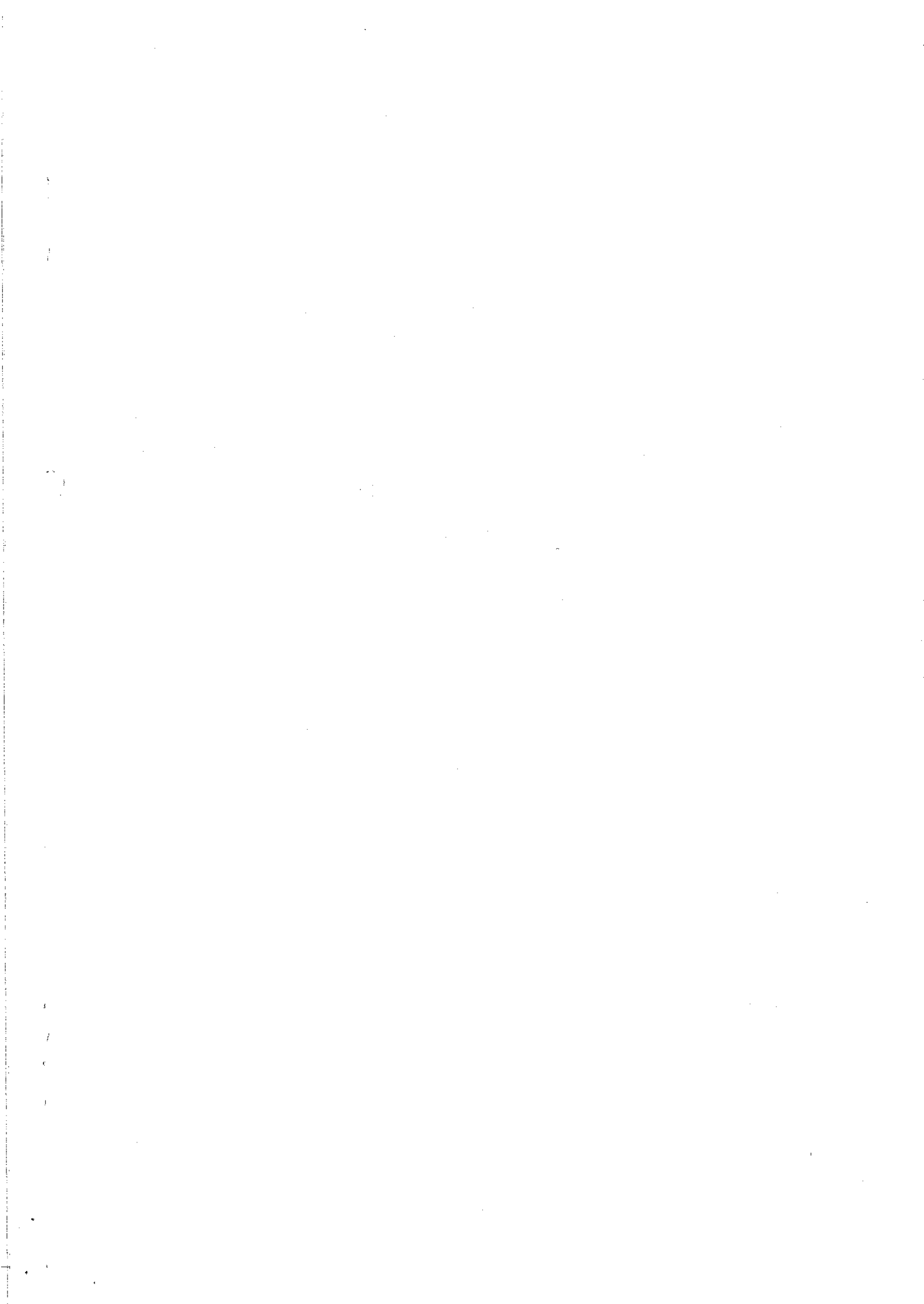


ITEM 7.10

APPENDIX 2

SUGGESTED FINES

**17TH COUNCIL MEETING:
2013-12-11**



SUGGESTED FINES

SECTION	DESCRIPTION OF OFFENCE	SUGGESTED FINE
Section 3(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. A person who places a sign or notice in contravention with subsection (3) commits an offence.	R300
Section 4 (1)(a)	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 between the hours of 06:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday. A person who contravenes a provision of this section commits an offence.	R400
Section 4(1)(b)	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 between the hours of 07:00 to 14:00 on Sundays, except where such day is a Public Holiday. A person who contravenes a provision of this section commits an offence.	R400
Section 4(1)(c)	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 between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking. A person who contravenes a provision of this section commits an offence.	R400
Section 4(2)	No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than five minutes continuously and only for the purpose of loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle. A person who contravenes a provision of this section commits an offence.	R300
Section 4(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 and only while the vehicle is being actually loaded or unloaded. A person who contravenes a provision of this section commits an offence.	R300
Section 4(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 authorized official, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class. A person who contravenes a provision of this section commits an offence.	R500
Section 5(1)	No person who operates or who is in charge of a vehicle on a public road may, in the case of a vehicle other than a bus, allow the vehicle to remain stationary in a bus stop between the hours of 06:00 and 18:00. A person contravenes subsection (1) commits an offence.	R300
Section 6(1)	No person who operates or who is in charge of a vehicle on a public road may park the vehicle on any public road within the municipal area for a period beyond that is indicated on a road traffic sign relevant to the specific area. A person who contravenes a provision of this section commits an offence.	R300
Section 6(2)	No person may, without the written consent of the Municipality, park a heavy motor vehicle exceeding 2400 kg tare, a trailer, an animal drawn vehicle or goods vehicle designed, adapted or used for the conveyance of goods, between the hours of 20:00 and 06:00 anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.	R300

	A person who contravenes a provision of this section commits an offence.	
Section 7(1)	No person may park a vehicle upon a traffic island. A person who contravenes a provision of subsection (1) commits an offence.	R300
Section 8(1)	No dealer or seller of a vehicle may park or allow a vehicle to be parked on a public road within the municipal area which is advertised for sale or for rental. A dealer or seller who contravenes a provision of subsection (1) commits an offence.	R300
Section 9(1)	No person, responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, on any public road or public place within the municipal area any vehicle that is in an obvious state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing. A person who contravenes a provision of subsection (1) commits an offence.	R500
Section 10(1)(a)	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 motor vehicle with a tare exceeding 3 500 kg. A person who contravenes subsection (1) commits an offence.	R300
Section 10(1)(b)	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 trailer not attached to a vehicle. A person who contravenes subsection (1) commits an offence.	R300
Section 10(1)(c)	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 semi-trailer. A person who contravenes subsection (1) commits an offence.	R300
Section 10(1)(d)	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 caravan not attached to a vehicle. A person who contravenes subsection (1) commits an offence.	R300
Section 11(5)	A person who displays a forged parking disc or a parking disc which was not issued by Municipality commits an offence. (Registered Medical Practitioner)	R300
Section 12(2)	No person may park in a pick-up and set-down area for any period longer than necessary to pick-up or set down learners. A person who contravenes subsection (2) commits an offence.	R300
Section 13	No person may out span or allow to be out spanned 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 unloaded. A person who contravenes subsection (1) commits an offence.	R300
Section 14(1)(a)(iii)	Subject to any conditions the Municipality may impose and subject to section 18(1) and (2) a resident parking permit may be granted to persons who reside in a residence 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 areas. A person who park a vehicle in contravention of subsection (1) commits an offence	R300
Section 18(f)(a)	The conditions that will ordinarily be imposed on all parking permits are, amongst other that may be imposed by the Municipality the holder of the permit must affix the original permit to the vehicle identified in the permit facing outwards and as near as practicable to the registration label for the vehicle. Any person who contravenes any provision of this section and/ or any condition imposed by the Municipality commits an offence.	R300
Section 18(2)(a) & (b)	The conditions that will ordinarily be imposed in a resident parking permit are – (a) the 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	R300

	(b) the holder of the permit must only use the permit whilst the holder remains a resident at the place or residence identified in the permit; Any person who contravenes any provision of this section and/ or any condition imposed by the Municipality commits an offence.	
Section 18(3)(c)	The conditions that will ordinarily be imposed on a work zone parking permit are - materials of any kind may not be stacked, placed or otherwise left on the road or footpath (either within or outside of the work zone) Any person who contravenes any provision of this section and/ or any condition imposed by the Municipality commits an offence.	R300
Section 18(3)(d)	The conditions that will ordinarily be imposed on a work zone parking permit are a vehicle may not be parked and loading or unloading or other operations may not be carried out, in a manner which obstructs pedestrian movement along a footpath within or adjacent to the work zone Any person who contravenes any provision of this section and/ or any condition imposed by the Municipality commits an offence.	R300
Section 18(3)(e)	The conditions that will ordinarily be imposed on a work zone parking permit are - the permit must be kept on site and produced upon request by an authorised officer/official.	R300
Section 19(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. Any person contravenes subsection (2) commits an offence.	R500
Section 21(1)(a)	No driver or person in charge of a vehicle may park the vehicle – 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; A person who contravenes the provisions of subsection (1) commits an offence.	R300
Section 21(1)(b)	No driver or person in charge of a vehicle may park the vehicle – in a parking bay which is already occupied by another vehicle A person who contravenes the provisions of subsection (1) commits an offence.	R300
Section 21(1)(c)	No driver or person in charge of a vehicle may park the vehicle – 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. A person who contravenes the provisions of subsection (1) commits an offence.	R300
Section 22(1)(a)(i)	When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter A driver or person in charge of a vehicle who fails to do so, commits an offence.	R200
Section 22(1)(a)(ii)	When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must effect payment by any other means prescribed by the Municipality and irrespective whether payment is required at the beginning or end of the period parked, A driver or person in charge of a vehicle who fails to do so, commits an offence.	R200
Section 22(1)(b)(i)	When a vehicle or a combination vehicle and trailer is of such dimensions that it occupies more than the metered parking bay, the driver or person in charge of the vehicle must immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where	R200

	<p>applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter.</p> <p>A driver or person in charge of a vehicle who fails to do so, commits an offence.</p>	
Section 22(1)(b)(ii)	<p>When a vehicle or a combination vehicle and trailer is of such dimensions that it occupies more than the metered parking bay, the driver or person in charge of the vehicle must effect payment by any other means prescribed by the Municipality used to record the time parked and irrespective whether payment is required at the beginning or end of the period parked.</p> <p>A driver or person in charge of a vehicle who fails to do so, commits an offence.</p>	R200
Section 22(3)	<p>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 meter or other device, and a person who leaves a vehicle parked in a parking for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device commits an offence.</p>	R300
Section 22(4)(a)	<p>Subject to the provisions of section 21, 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 meter or any other device shows that – the time has expired</p> <p>A driver of person in charge of a vehicle who contravenes a provision of this subsection commits an offence.</p>	R300
Section 22(4)(b)	<p>Subject to the provisions of section 21, 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 meter or any other device shows that – that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking,</p> <p>A driver of person in charge of a vehicle who contravenes a provision of this subsection commits an offence.</p>	R300
Section 22(5)(a)(i)	<p>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 which exceeds the maximum period as indicated for the specific parking bay on condition that when such vehicle was parked in the said parking bay, – the indicator shows that the time has expired.</p> <p>A driver or person in charge of a vehicle who contravenes a provision of this subsection commits and offence.</p>	R300
Section 22(5)(a)(ii)	<p>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 which exceeds the maximum period as indicated for the specific parking bay on condition that when such vehicle was parked in the said parking bay, the indicator shows that the parking meter has not been set in operation.</p> <p>A driver or person in charge of a vehicle who contravenes a provision of this subsection commits and offence.</p>	R300
Section 23(a)	<p>An authorised officer may display road traffic signs, whenever necessary or expedient to do so in the interest of the movement of 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 – while the sign is so placed or erected</p>	R300

	A person who contravenes a provision of this section commits an offence.	
Section 23(b)	An authorised officer may display road traffic signs, whenever necessary or expedient to do so in the interest of the movement of 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 – during any period when the stopping or parking of a vehicle on the public road or portion of the public road concerned is prohibited in terms of such traffic sign, A person who contravenes a provision of this section commits an offence.	R300
Section 24(1)(a)	No person may misuse, damage or knock a parking meter or interfere, or tamper or interfere with. A person who contravenes a provision of this section commits an offence and is liable to a fine not exceeding a maximum of one thousand rand or imprisonment not exceeding three months.	R1000
Section 24(1)(b)	No person may, attempt to misuse, damage or knock interfere with or tamper or with the working operation or mechanism of a parking meter. A person who contravenes a provision of this section commits an offence and is liable to a fine not exceeding a maximum of one thousand rand or imprisonment not exceeding three months.	R1000
Section 24(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 meter. A person who contravenes a provision of this section commits an offence and is liable to a fine not exceeding a maximum of one thousand rand or imprisonment not exceeding three months.	R500
Section 24(3)	No person may paint, write upon or disfigure a parking meter. A person who contravenes a provision of this section commits an offence and is liable to a fine not exceeding a maximum of one thousand rand or imprisonment not exceeding three months.	R500
Section 24(4)	No person may, without the consent of a parking marshal, remove or tamper with any device for which such parking marshal is responsible for. A person who contravenes a provision of this section commits an offence and is liable to a fine not exceeding a maximum of one thousand rand or imprisonment not exceeding three months.	R500
Section 25(1)	No person may deposit or cause to be deposited in a parking meter anything whatever other than the prescribed coin or coins or any other prescribed method of payment. A person who contravenes subsection (1) commits an offence.	R300
Section 26(1)	No person may operate or attempt to operate a parking meter by any means other than as prescribed in these by-laws. A person who contravenes subsection (1) commits an offence.	R300
Section 27(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 these by-laws.	R300
Section 27(5)	Any person who tamper or attempt to remove or deface a wheel clamp commits an offence and is liable for a maximum fine not exceeding one thousand rand or a maximum imprisonment for three months.	R1000
Section 28(1)(a)	Notwithstanding any other provision in these by-laws, 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 vehicle used as an ambulance and being at the time used to attend to a life threatening situation;	R300

Section 28(1)(b)	Notwithstanding any other provision in these by-laws, 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 vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire	R300
Section 28(c)	Notwithstanding any other provision in these by-laws, 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: (c) a vehicle used by a member of the South African Police Service and being at the time used in connection with a crime that is either in progress or in connection with the collection or protection of evidence in the aftermath of a crime	R300
Section 30(1)	No person may obstruct, hinder or in any manner interfere with an authorised official or a parking marshal employed by an appointed service provider to the Municipality, who is the attendant of the parking grounds in the exercise of his or her duties under these by-laws. A person who contravenes a provision of subsection (1) commits an offence.	R500
Section 31(1)	A person making use of 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.	R300
Section 31(2)	The Municipality may in respect of a parking ground controlled by the issue of coupons, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.	R300
Section 31(4)(a)(i)	A coupon issued under subsection (2) or (3) – may not, without the prior written consent of the Municipality be transferred to any other person	R300
Section 31(4)(a)(ii)	A coupon issued under subsection (2) or (3) – may not, without the prior written consent of the Municipality be used in respect of any vehicle other than the specified vehicle	R300
Section 31(b)	A coupon issued under subsection (2) or (3) – (b) must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle	R300
Section 31(c)	A coupon issued under subsection (2) or (3) – (c) will only be valid for the period state on such coupon.	R300
Section 32(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. A person who contravenes a provision of subsection (1) commits an offence.	R500
Section 33(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.	R500
Section 33(2)(a)	Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle – in a place on the parking ground which is not a demarcated parking bay, unless instructed to do so by the authorised attendant at the parking ground.	R300
Section 33(2)(b)	Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle – (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.	R300
Section 33(2)(c)	Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle – in a parking bay which is already occupied by another vehicle.	R300
Section 33(3)	No person may park a vehicle on a sidewalk or a roadway within a parking ground.	R300

Section 33(4)	No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.	R750
Section 33(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.	R300
Section 35(1)	No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, notice-board, sign or other thing placed by the Municipality on a parking ground. A person who contravenes a provision of subsection (1) commits an offence.	R500
Section 36(1)	No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.	R500
Section 36(2)	The Municipality may by signage indicate the maximum speed that may be travelled in a parking ground.	R300
Section 37(1)(a)	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 person in the company of a person who is parking or removing a vehicle.	R300
Section 37(1)(b)	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: (b) an official of the Municipality engaged in official activities or on instruction from the Municipality.	R300
Section 37(1)(c)	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: (c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.	R300
Section 38(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. A person who contravenes a provision of subsection (1) commits an offence.	R1000
Section 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 coupon issued in terms of this by-law.	R500
Section 40(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.	R300
Section 40(2)	If a vehicle, after having been parked in a parking ground, develops a defect which renders it 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.	R300
Section 41(1)	No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground or parking bay.	R300
Section 42(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 of undue inconvenience.	R500
Section 43(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.	R300
Section 43(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.	R500
Section 43(6)	No person may, unless he or she is the holder of a parking coupon issued in terms of these by-laws authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before	R500

	the beginning or after the expiry of the parking period determined for the parking ground.	
Section 44(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. A person who park 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.	R300
Section 45(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 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.	R300
Section 45(2)(a)	A person contemplated in subsection (1) may not park a vehicle- except in a parking bay and in compliance with such directions as may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official.	R300
Section 45(2)(b)	A person contemplated in subsection (1) may not park a vehicle- (b) after an authorised official has indicated to the person that the parking ground is full.	R300
Section 45(2)(c)	A person contemplated in subsection (1) may not park a vehicle- (c) after the expiry of the parking period indicated on the parking coupon.	R300
Section 45(2)(d)	A person contemplated in subsection (1) may not park a vehicle- (d) for a longer period than indicated as indicated by sign.	R300
Section 45(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.	R300
Section 46(1)(a)	No person may remove, or cause permit the removal of, a vehicle in a parking ground, unless – he or she produced to the authorised official 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.	R300
Section 46(1)(b)	No person may remove, or cause permit the removal of, a vehicle in a parking ground, unless – he or she paid to the authorised official the prescribed parking fee.	R300
Section 46(3)	A person may not, after he or she fails to produce a coupon, remove, or cause of 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 must require the person to produce proof of identity and complete and sign and 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	R300
Section 47(1)(a)	A person who wishes to park a vehicle 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.	R300
Section 47(1)(b)	A person who- causes or permits 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.	R300
Section	A person who allows a vehicle to be parked in a pay-and-display parking ground must immediately, upon entering the parking ground,	R300

47(1)(c)	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.	
Section 47(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.	R300
Section 47(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 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.	R300
Section 47(5)	No person may park a vehicle, cause, permit, or allow a vehicle to be parked in pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.	R300
Section 48(a)(i)	A person commits an offence if he or she – inserts or attempts to insert into a parking coupon vending machine a counterfeit coin.	R500
Section 48(a)(ii)	A person commits an offence if he or she – inserts or attempts to insert into a parking coupon vending machine where another kind of object is to be used, a false object.	R500
Section 48(a)(iii)	A person commits an offence if he or she – inserts or attempts to insert into a parking coupon vending machine a coin which is not South African currency.	R500
Section 48(a)(iv)	A person commits an offence if he or she – inserts or attempts to insert into a parking coupon vending machine any object which is not meant to be inserted into the parking coupon vending machine.	R500
Section 48(b)	A person commits an offence if he or she 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	R500
Section 48(c)	A person commits an offence if he or she removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.	R500
Section 49(3)	if no space is available in a special parking place at any particular time for the parking of a taxi by a taxi rank permit holder or for a taxi to which the taxi rank permit 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 51, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place. A person who contravenes this provision or a person who park a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.	R300
Section 50(1)(a)	A driver may, subject to subsection (2) and section 49 and subject to any other by-law of the Municipality relating to taxis 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	R300
Section 50(1)(b)	A driver may, subject to subsection (2) and section 49 and subject to any other by-law of the Municipality relating to taxis ply for hire, or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.	R300
Section 51(1)(a)	A driver may, subject to subsection (3), park a taxi at the taxi rank specified on the taxi permit concerned, if space is available and only for the purpose of conducting business directly related to the taxi	R300
Section 51(1)(b)	A driver must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 49.	R300
Section 51(2)(a)	The driver must, when plying for hire at a taxi rank, do so in a queue and must position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front.	R300
Section 51(2)(b)	The driver must, when plying for hire at a taxi rank, do so in a queue and must move his or her taxi forward as the queue moves forward.	R300

Section 51(3)(a)	When plying for hire at a taxi rank, driver 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.	R300
Section 51(3)(b)	When plying for hire at a taxi rank, driver 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.	R300
Section 51(3)(c)	When plying for hire at a taxi rank, driver 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.	R300
Section 51(4)	No person may park or stop a taxi which is not in good working order as required by the National Road Traffic Act 93 of 1996, in a taxi rank, or cause or permit the taxi to remain in a rank.	R300
Section 51(5)	No person may park or stop any vehicle in a taxi rank except a taxi for which a taxi permit and decal, specifying the rank, have been issued for the year in question, as contemplated in Part 1 to this Chapter.	R300
Section 52	No taxi driver may park a taxi at a no-stopping place, and a taxi driver who does so, commits an offence.	R300
Section 53(1)	No person may repair or maintain any motor vehicle in any way whatsoever at a taxi facility.	R300
Section 52(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.	R300
Section 54	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 officer or authorised official of the Municipality.	R500
Section 55	If no space is available in a special parking place at any particular time for the parking of a busses by a bus rank permit holder or for a bus to which the bus rank permit relates, the bus must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 51, until the marshal or any other duly appointed person summons and permits the person to park the bus at the special parking place. A person who contravenes this provision or a person who park a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.	R300
Section 57(1)	No driver or person in charge of a public bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.	R300
Section 57(2)	A driver or person in charge of a public bus must ensure that a destination sign is displayed in the bus.	R300
Section 58(1)	An authorised officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.	R300
Section 58(2)	No person may obstruct, hinder, abuse, or interfere with any authorised officer or parking marshal in the execution of his or her duties in terms of these by-laws.	R300

1/3/11 X 5/17/11 (4)

7.10 FINES IN TERMS OF THE BY-LAW RELATING TO PARKING

File number : 1/3/1/11

Report by : Director: Community & Protection Services

Compiled by : Head: Traffic Law Enforcement

Delegated authority : Council

Strategic intent of item

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living

Good Governance

1. PURPOSE OF THE REPORT

To refer the following proposed fines in terms of the Parking By-Law to Council for approval.

2. BACKGROUND

Council approved the promulgation of the "Parking by-law" on 15 May 2013. Said by-law is attached hereto as **APPENDIX 1**. The by-law has been promulgated in terms of the relevant legislation on 5 July 2013.

Fines are thus referred to Council for consideration and approval, before it is submitted to the Magistrates for Stellenbosch and Paarl Districts for approval. The proposed fines are attached hereto as **APPENDIX 2**.

3. DISCUSSION

Said fines are more or less in line with the fines established by the Magistrates Committee for the National Road Traffic Act. Fines are categorised in terms of parking offences.

4. CONCLUSION

The fines are thus submitted to Council for approval.

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Strategic intent of item

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input checked="" type="checkbox"/>
Dignified Living	<input type="checkbox"/>
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ITEM 7.10

APPENDICES 1-2

FINES IN TERSM OF THE BY-LAW
RELATING TO PARKING

17TH COUNCIL MEETING:
2013-12-11

ITEM 7.10

APPENDIX 1

PARKING BY-LAW

**17TH COUNCIL MEETING:
2013-12-11**