



**PARKING OF VEHICLES ON PUBLIC  
ROADS BYLAW**

**Bylaw Number 4 of 2014**

**GAZETTE 89 OF 11 SEPTEMBER 2015**

4/2014

**CO-OPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICE**

**SETSOTO LOCAL MUNICIPALITY**

**NOTICE OF PROMULGATION OF BY-LAW**

- 1.) Notice is hereby given that the Municipality of Setsoto has by Council Resolution on 28 May 2015 adopted the following Standard By-laws as published by the MEC for Local Government and Housing in the Provincial Gazette as by-law for the municipality:-
  - (a) Standard Impoundment of Animals By-law as published in Provincial Gazette 82 of 9 December 2011.
- 2.) This promulgation is done in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

**MUNICIPAL MANAGER**  
Date: 29 June 2015

**SETSOTO MUNICIPALITY**

**DRAFT PARKING OF VEHICLES ON PUBLIC ROADS BYLAW**

The Municipality of Setsoto Local Municipality hereby publishes the Parking of Vehicles on Public Roads Bylaw set out in the Schedule hereto. These By-Laws have been adopted by the Municipal Council on 28 May 2015 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

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**1. Definitions**

The words and expressions used in this bylaw shall have the meaning assigned thereto in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996), unless inconsistent with the context:-

"after hours" means from 20:00 to 06:00.

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

"authorized officer" means an inspector of licenses, examiner of vehicles, examiner for driving licenses, traffic warden or a traffic officer, police officers and includes any other person appointed as an inspector of licenses, examiner of vehicles, examiner for driving licenses, traffic warden or a traffic officer in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996), and includes any person nominated by any organization and authorized by the Municipality;

"authorized official" means any employee of the Municipality who is responsible for the performance of any function or the exercise of any power in terms of this by-law or any employee of the Municipality assigned or delegated to perform any function or exercise any power in the implementation of this by-law;

"business hours" means from 06:00 to 20:00

"Chief Traffic Officer" means the Chief Traffic Officer of the Municipality to whom any function, or duty has been delegated, and includes any other officer under his or her control. Official appointed by Council in terms of National Road Traffic Act, Section

"council" means the council of the municipality;

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

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

"light vehicle" means any type of self-propelled vehicle with a gross vehicle mass of 3,500 kg and less.

"municipality" means the Setsoto Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councilor, duly authorized agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councilor, agent or employee;

"prohibited vehicle" means any vehicle with gross vehicle mass of 3 500 kg or more; any trailer; boat, whether on a trailer or not; any container of any description, whether on a trailer or not, and includes any caravan, implement or animal-drawn wagon or cart;

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- (a) the roadway and the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

"residential area" means those areas in Ficksburg/Meqheleng, Clocolan/Hlohlolwane, Marquard/Moemaneng, Senekal/Matwabeng used exclusively for residential purposes;

**"road reserve"** means the portion of the road, street or thoroughfare that does not include the roadway; and  
**"roadway"** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular and pedestrian traffic and includes the shoulder of the road, any kerbs, verges or sidewalks.

## 2. Purpose

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

### Chapter 1 General provisions relating to parking Part 1 – General provision

#### 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 authorized officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.
- (2) The Municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.
- (3) No person may without the prior written approval of the municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.
- (4) The municipality may operate a parking management system in areas and during times determined by the municipality from time to time.
- (5) A person who disregards an instruction of an authorized officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence.

#### 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 07:00 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, except while actually 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, except while the vehicle is being actually loaded or off-loaded.
- (4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorized officer, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.
- (5) A person who contravenes a provision of this section commits an offence.

#### 5. Restriction on parking in public roads

- (1) No person who operates or who is in charge of a vehicle on a public road may park any prohibited vehicle/vehicle within the municipal area for a period that is indicated on a road traffic sign relevant to the specific area in a public road or within a residential area between the hours of 20h00 and 06h00-
  - (a) Except with the written permission of the Chief Traffic Officer, and
  - (b) Otherwise than in accordance with such conditions as may be determined by the council.
- (2) No person shall park a vehicle with gross vehicle mass exceeding 3 500 kg, or any trailer with gross mass exceeding 1 000kg, on a public road for a period in excess of one hour during business hours, namely from 06:00 to 20:00, except with the written permission of the Chief Traffic Officer.
- (3) Any person who is granted permission in terms of subsection (1) or (2) shall display such permission on the prohibited vehicle in accordance with the conditions as determined by the council.

#### 6. Restriction on parking in road reserves

- (1) No person may park any light vehicle or prohibited vehicle in a road reserve except-
  - (a) Where parking is allowed by means of a traffic sign erected by the Chief Traffic Officer;
  - (b) With the written permission of the Chief Traffic Officer, and
  - (c) Otherwise than in accordance with such conditions as may be determined by the council.
- (2) Any person who is granted permission in terms of subsection (1) shall display such permission on the light vehicle or prohibited vehicle in accordance with the conditions determined by the council.

#### 7. 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 for sale or for rental, whether advertised as such or not.

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

**8. Parking of a vehicle under repair**

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

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

**9. Parking of heavy vehicles and 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 3,500kg;

(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 illegally unless the contrary is proved.

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

**10. Outspanning in public roads**

(1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision Unlawful parking and clamping or removal of unlawfully parked vehicles

**Part 2 – Parking Permits**

**11. Resident parking permit**

(1) Subject to any conditions the Municipality may impose a resident parking permit may be granted to persons-

(a) Who reside in a residence –

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

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

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

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

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

(d) In circumstances where such an area is cordoned off or declared zone.

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

**12. Temporary parking permit**

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

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

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

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

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

**13. Work zone permit**

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

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

(b) The carrying out of the building, construction or other work is lawful; and

(c) Having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or to areas within close proximity where parking is permitted.

(2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties.

- (3) A person who parks a vehicle in contravention of subsection (1) or who uses a work zone permit whilst not executing his or her duties commits an offence.
- 14. Municipal works parking permit**
- (1) Subject to any conditions the Municipality may impose a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—
- (a) An employee, contractor or agent of the Municipality; and
  - (b) Parking the vehicle or vehicles in the space—
    - (i) For the purpose of carrying out work for or on behalf of the Municipality; and
    - (ii) In the course of carrying out his or her duties for or on behalf of the Municipality.
- 15. Conditions and originality of parking permits**
- (1) (a) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label for the vehicle.  
 (b) The Municipality may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction or damage of the original permit to the satisfaction of the Municipality.
- (2) (a) A resident parking permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be—
- (i) The road adjacent to the place of residence identified in the permit; or
  - (ii) The one or more segments of road in close proximity to the place of residence identified in the permit; and
- (b) The holder of a resident parking permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit.  
 (c) A resident parking permit is not specific to any particular vehicle.  
 (d) The Municipality may only issue a maximum of one parking space per residence.
- (3) (a) A work zone permit must specify the part of the road to which the permit relates.  
 (b) The holder of a work zone permit must pay the prescribed fee, as determined by the Municipality, for the installation of official traffic signs, or other signs and markings to identify the boundaries of the work zone identified in the permit.  
 (c) No person may be stack, place or otherwise leave materials of any kind on the road or footpath within or outside of a work zone.  
 (d) No person may park, and load or off-load a vehicle or carry out any other operation in a manner which obstructs pedestrian movement along a footpath within or adjacent to a work zone.  
 (e) The holder of a work zone permit must keep the permit on site and produce upon request by an authorized officer.
- (4) No person to whom a permit has been granted may stop, park or leave a vehicle at any time in a designated parking space unless the vehicle displays an original parking permit.
- (5) Any person who contravenes any provision of this section, or who displays a copy of a parking permit commits an offence.
- 16. Reserved parking for the disabled, 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 and may impose conditions apering to the issue of special parking facility permits.
- (2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.
- (3) Any person who contravenes subsection (2) commits an offence.

## Chapter 2 Unlawful parking

- 17. Unlawful parking and clamping or removal of unlawfully parked vehicles**
- (1) (a) No person may cause, allow, permit or any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.  
 (b) No person shall turn with any vehicle that draws a semi-trailer, trailer or combination of vehicles at any crossing for the purpose of driving in the opposite's direction.
- (2) Where any vehicle is found to have been parked in contravention of this By-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.
- (3) The Municipality may—
- (a) Attach a wheel clamp to any unlawfully parked vehicle;
  - (b) Or cause an unlawfully parked vehicle to be removed to a place designated/identified 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.
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**18. Exemptions**

- (1) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in any area without being charged:
- (a) A vehicle used as an ambulance and being at the time used to attend to a life threatening situation;
  - (b) A vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and
  - (c) A vehicle used by a member of the South African Police Service, the Law Enforcement division(traffic) of the Municipality 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.

**Chapter 3**  
**Parking Ground**  
**Part 1 – General provision**

**19. The Municipality not liable for loss or damage**

- (1) 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.

**20. Interference with authorized officials, authorized officers and parking marshals**

- (1) No person may obstruct, hinder or in any manner interfere with an authorized official, authorized officer or a parking marshal in the performance of his or her duties under this By-law.
- (2) A person who contravenes subsection (1) commits an offence.

**21. Payment of prescribed fee**

- (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality, either payment at the municipal office or at the bank identified by the municipality.
- (2) The Municipality may in respect of a parking ground controlled by the issue of payment slip which will have all the details of vehicle to be released,
- (3) A person who contravenes subsection (1) commits an offence.

**22. 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.
- (2) A person who contravenes subsection (1) commits an offence.

**23. Abandoned vehicle**

- (1) The Municipality may remove to the pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.
- (2) The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the Municipality may, subject to subsection (3) and sections 59 and 60, sell the vehicle at a public auction.
- (3) The Municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the Municipality all prescribed fees payable in terms of this By-law and the applicable costs in terms of subsection (4).
- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:
- (a) The costs incurred in endeavoring to trace the owner in terms of subsection (2);
  - (b) The costs of removing the vehicle;
  - (c) The costs of publishing the notice of the auction;
  - (d) The costs of effecting the sale of the vehicle;
  - (e) The costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;
  - (f) The parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1); and
  - (g) Any unpaid parking fees or unpaid traffic fines in respect of such vehicle
- (5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the Municipality.
- (6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.
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**24. Damage to notices**

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

**25. 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.
- (3) A person who contravenes subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.

**26. Entering or remaining in parking ground/pound**

- (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 law- fully removing from the parking ground a vehicle, in respect of which he or she has paid the prescribed parking fee; however this section does not apply to—
  - (a) A person in the company of a person who is parking or removing a vehicle;
  - (b) Officials of the Municipality engaged in official activities or on instruction from the Municipality; and
  - (c) A person employed by an appointed parking management service provider engaged in the execution of his or her duties.
- (2) A person who contravenes subsection (1) commits an offence.

**27. Tampering with vehicle**

- (1) No person may, on a parking ground/pound, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.
- (2) A person who contravenes subsection (1) commits an offence.

**28. Defacing municipal payment slip**

- (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 payment slip issued in terms of this By-law.
- (2) A person who contravenes subsection (1) commits an offence

**29. Cleaning of vehicle**

- (1) No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground/pound
- (2) A person who contravenes subsection (1) commits an offence.

**30. Parking hours and classes of vehicles**

- (1) The Municipality may, subject to the provisions of this By-law, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.
- (2) The Municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.
- (3) The Municipality may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.
- (4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the Municipality from time to time.
- (5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.
- (6) No person may, unless he or she is the holder of a parking coupon issued in terms of this By-law authorizing him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.
- (7) A person who contravenes subsection (4), (5) or (6) commits an offence.

**CHAPTER 4  
Miscellaneous provisions**

**31. Obeying and interfering with an authorized officer**

- (1) An authorized 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 authorized officer in the exercise of the power referred to in subsection (1).
- (3) A person who contravenes a provision of this section commits an offence.

**32. Appeal**

- (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by—
  - (a) A staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or
  - (b) The Municipal Manager, the Executive Committee of the Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

**33. Sale of impounded vehicles**

- (1) The Municipality must—
  - (a) Within 14 days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and
  - (b) In the application contemplated in paragraph (a), provide the Court with proof that he or she has lodged a statement as contemplated in subsection (2) with the owner.
- (2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this By-law.

**34. Procedure to be followed in application to Court**

An application to Court for the sale of an impounded vehicle in terms of this By-law, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

**35. Compliance notices and the recovery of costs**

- (1) Notwithstanding any other provision of this By-law, the Municipality may—
  - (a) Where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
  - (b) Where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,  
serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

**36. Presumptions**

- (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.
- (2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be playing for hire, unless the contrary is proved.
- (3)
  - (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
  - (b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
  - (c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavoring to further the interests of the corporate body.
- (4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.
- (5) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.
- (6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

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**37. Offences and 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; and
- (b) In the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

**38. Repeal of by-law**

The Parking of Vehicles on Public Road Bylaw, Bylaw 1 of 2008 is hereby repealed and replaced with this Bylaw.

**39. Date of commencement**

These by-laws commence on the date of publication in the Provincial Gazette.

**40. Short title**

This By-law is called Parking of Vehicles on Public Road Bylaw, Bylaw 4 of 2014.

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**Correction Notice:**

Please note that the Notice regarding the Unallocated Bank Deposits for Phumelela Local Municipality, published in Provincial Gazette No 87, 04 September 2015, was incorrectly published as "Notice 59 of 2015"  
This advert does not require Notice Numbers.

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