

MANGAUNG LOCAL MUNICIPALITY BY-LAWS RELATING TO PARKING ATTENDANTS

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SCHEDULE

BY-LAWS RELATING TO PARKING ATTENDANTS

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CHAPTER 1 DEFINITIONS

1. Definitions

- (1) In these by-laws, unless the context indicates otherwise

"parking attendant" means a person who offers a service, whether in expectation of a reward or out of goodwill, whereby he looks after parked vehicles in a parking area, with the consent of the driver of the vehicle;

"Council" means the municipal council of the Mangaung Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

"municipality" means the Mangaung Local Municipality, and when referred to as -

- (a) an entity, means Mangaung Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, No. 32 of 2000; and
- (b) a geographic area, means the municipal area of the Mangaung Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);

"nuisance" means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good comfort, convenience, peace or quiet of any person within the area and includes any act, exhibition or publication contrary to public decency or morals,

"officer" means -

- (a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act No. 29 of 1989);
- (b) a member of the South-African Police Services as defined in the South African Police Service Act, 1995 (Act No. 68 of 1995), or
- (c) a peace officer contemplated by section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (d) a security officer employed by the Mangaung Local Municipality;

"park" means to keep a vehicle, whether occupied or not, stationary in a parking area for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the driver of such vehicle, and **parked** has a similar meaning;

"parking area" means an area, whether on a public road or on private property with the written consent of the owner, which is normally used by the public or to which the public has the right of access for the purpose of the parking of vehicles;

"prescribed fees" means the fees as determined from time to time by the Council by means of resolution

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

- (a) the sidewalk 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 belong to such road, street or thoroughfare;

- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 CONTROL OF ACTIVITIES OF PARKING ATTENDANTS

2. Application of these By-laws

- (1) These by-laws shall apply to all parking areas under the ownership of the municipality, including open spaces normally used by the public for parking or to which the public has the right of access and all parking areas adjacent to public roads regardless of whether there are parking meters erected in these parking areas.

- (2) The Municipality may extend the application of these by-laws to a parking area in private ownership which is used by members of the public after receipt of a written request and authorisation by the owner of the said private parking area to have the by-laws applied to the parking area concerned.

3. Registering as a parking attendant

- (1) No person shall operate as a parking attendant in a parking area in the municipality, unless he is in possession of a valid registration permit issued to him by the municipality.
- (2) A person who wish to render the services of a parking attendant must apply on the prescribed form obtainable from the municipality, for the issuing of a permit registering him as a parking attendant for a specific area in the municipality.
- (3) A person applying for registration in terms of sub-section (2) must submit a copy of his identity document as well as avail himself to have his fingerprints taken. The municipality reserves the right to submit any application received in terms of sub-section (2), to the South African Police Services for a criminal record screening. This screening will not affect the approval of the applicant adversely.
- (4) After the municipality is satisfied with the application and the acceptability of the area where he wishes to render his services, a registration permit shall be issued to the applicant on payment of the prescribed fees, which registration permit shall be valid for a period of 12 (twelve) months subject to the stipulations of subsection (9). The period of 12 (twelve) months may be extended with further periods of 12 (twelve) months.
- (5) A registration permit issued in terms of these by-laws shall indicate the identity of the parking attendant, in which area the parking attendant may render his services and the period of validity of the permit.
- (6) A registration permit must on demand be provided to an officer or an employee of the municipality;
- (7) The municipality may request a parking attendant to wear clothing or a distinguishing mark which is acceptable to the municipality.
- (8) A parking attendant may only render his service in the area indicated on his registration permit;
- (9) The municipality reserves the right to restrict the number of registered parking attendants in a particular area and may withdraw and cancel a registration permit granted in terms of this section under the following circumstances :
- (a) if a parking attendant has been convicted in a court of law for any contravention of these by-laws;
 - (b) if a parking attendant misbehaves at the place where he renders his services, which misbehavior constitutes a nuisance or can harm the image of the municipality;
 - (c) if a parking attendant operates under the influence of intoxicating liquor; or
 - (d) if a parking attendant partakes in gambling, fighting, or any harassment of any other person at the place where he renders his services .

4. Conduct of a Parking attendant

- (1) No person that renders services as a parking attendant shall -

- (a) take up a position or place himself on a sidewalk in such a way or manner that pedestrian traffic is or may be obstructed;
 - (b) in any way obstruct free access to any -
 - (i) entrance or exit from a building;
 - (ii) fire hydrant or emergency equipment;
 - (iii) municipal service or municipal service works;
 - (c) sleep overnight at the approved parking area where he renders his services;
 - (d) provide his service in such a manner as to -
 - (i) create a public nuisance;
 - (ii) create any traffic hazards;
 - (iii) prohibit proper traffic control in a public area.
 - (e) disregard any notice, whether verbally or written, given by an officer to refrain from the conduct and actions as set out in this section;
 - (f) force or demand from any person to make use of his services ;
- (2) The issuing of a registration permit to a parking attendant does not indemnify or preclude him from complying with stipulations of the Private Security Industry Regulation Act , No. 56 of 2001 or any other legislation regarding the registration for and rendering of his services;
- (3) A person who parked his vehicle in an area where a parking attendant operates shall not be forced or obliged to make use of the service provide by the parking attendant.

CHAPTER 3 MISCELLANEOUS

5. Delegation

Subject to the provisions of any other legislation, the Council may delegate or assign in writing any power, duty or function imposed by or under these by-laws, to any person in its employ subject further to such conditions as it may deem necessary.

6. Indemnification

The municipality or an employee of the municipality shall not be liable for any loss or theft or damage to any goods or vehicle or trailer which are looked after by a parking attendant registered in terms of these by-laws.

7. Offences and penalties

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R10 000-00, or imprisonment for a period not exceeding one year or both a fine as well as period of imprisonment, or such other fine or period of

imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).

- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

8. Short title and commencement

These by-laws are called the by-laws relating to Parking Attendants and shall come into operation on the date of publication in the *Provincial Gazette*.