

eThekweni, South Africa

Parking Meter

Legislation as at 17 January 1957

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eThekweni South Africa

Parking Meter By-law, 1957

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1. Application

The By-laws shall apply to the public streets and public places or portions thereof specified in terms of these By-laws; provided that any other By-laws of the Council for the time being in force regulating and controlling the parking of vehicles in public streets or places shall continue to apply to a metered zone, except to the extent to which such By-laws are inconsistent or in conflict with any of the provisions of these By-laws.

[R. 1 amended by r. 1 of [PN 422 of 1974](#).]

1A. Nondiscrimination

- (1) Subject to the provision of subsection (2) hereof, no provision of these By-laws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.
- (2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provisions of these Bylaws which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards for such facilities.

[R1A. inserted by [MN 43 of 1992](#).]

2. Definitions

- (1) For the purposes of these By-laws, unless the context otherwise requires:

[Sub-r. (1) previously r. 2 amended by r. 1 of [PN 238 of 1975](#).]

"Council" means the City Council of the City of Durban;

"Metered Parking Bay" means a parking bay in respect of which a parking meter has been installed;

"Parking" means the standing or waiting of a vehicle, whether occupied or not, in a public street or place and "park" and "parked" shall have a corresponding meaning;

"Parking Bay" means an area or space demarcated by means of parking lines, marked in accordance with the relevant provisions of Regulation 166 (1) of the Road Traffic Regulations published under [Provincial Notice No. 681 of 1966](#), as amended from time to time.

[Definition of "Parking Bay" substituted by [PN 45 of 1961](#) and amended by para. (a) of [PN 362 of 1967](#) and by r. 2 of [PN 422 of 1974](#).]

"Parking Meter" means any mechanical appliance or device designed for the purpose of automatically measuring and indicating the time within which a vehicle is or may be parked in a metered parking bay and includes the standard to which the meter is or may be affixed;

"Prescribed Coin" shall mean a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 ([Act No. 78 of 1964](#)) of the denomination indicated on the parking meter concerned.

[Definition of "Prescribed Coin" amended by para (a) of [PN 389 of 1966](#) and substituted by r. 1 of [PN 290 of 1972](#)]

"Vehicle" means a contrivance that is equipped with wheels or revolving runners on which it moves or is moved, but shall not include a bicycle propelled by human power.

- (2) The words and phrases defined in the Road Traffic Ordinance, 1966 (Natal) ([Ordinance No. 21 of 1966](#)) as amended and in Regulations made thereunder shall, when used in these By-laws have the same meanings unless inconsistent with the context.

[Sub-r. (2) inserted by [PN 238 of 1975](#).]

3. Installation of parking meters

- (1) The Council may by resolution install or cause to be installed a parking meter or meters at any demarcated parking bay or bays in any public street or place in the City.

[Sub-r. (1) substituted by r. 2 of [PN 290 of 1972](#).]

- (2) Every such meter shall be placed upon and fastened to the kerb, footpath or sidewalk adjoining the parking bay or bays in respect of which it is installed, and each such meter shall—
- (a) clearly indicate the time allowed for parking in such metered parking bay and the prescribed coin or coins which may be inserted and shall clearly display a notice indicating that no parking shall take place in such metered parking if the meter is out of order, provided that where a meter is out of order, a hood may be securely place over the meter by an officer authorised by the Council to enforce the provisions of these By-laws, such hood bearing a road traffic sign R9 (on a scale reduced to one-sixth of that prescribed in regulation 161 (1) of the Road Traffic Regulations published under [Provincial Notice 681 of 1966](#).
- [Para. (a) amended by r. 1 (i) of [PN 36 of 1977](#) and by r. 1 of [PN 376 of 1982](#).]*
- (b) be fitted with an easily visible device (hereinafter referred to as an indicator) which shall indicate clearly that the time allowed for parking has expired or that the parking meter has not been set in operation, as the case may be.
- (c) where the meter is not automatically activated by the insertion of a prescribed coin, shall clearly indicate the action to be taken in order to set the meter in operation once the prescribed coin has been inserted.

[Para. (c) inserted by r. (i) of [PN 270 of 1965](#) and deleted by r. 2 of [PN 238 of 1975](#) and inserted by r. 1 (ii) of [PN 36 of 1977](#).]

4. Method of parking

No driver or person in charge of a vehicle shall park such vehicle—

- (a) in a metered parking bay across any painted line marking the bay or in such a position that the said vehicle shall not be entirely within the area demarcated as a metered parking bay;
- (b) in a metered parking bay which is already occupied by another vehicle;
- (c) in a metered parking bay in contravention of any road traffic sign prohibiting the parking or stopping of vehicles in the street or portion of the street concerned.

[R. 4 amended by [PN 344 of 1958](#) and by r. (ii) of [PN 270 of 1965](#) and substituted by r. 3 of [PN 238 of 1975](#).]

5. Payment of fees for parking

- (1) When any vehicle shall be parked in a metered parking bay, the driver or person in charge of such vehicle shall forthwith deposit or cause to be deposited in the parking meter installed at such bay the prescribed coin or coins as indicated on such meter for the period of time during which he desires to park his vehicle in such bay and shall set the meter in operation, either by the insertion of the prescribed coin in where applicable, with the instructions appearing thereon. Thereupon the metered parking bay may be lawfully occupied by the vehicle during the period indicated on the parking meter, but no longer; provided that the driver or person in charge of such vehicle, may without payment, park the same during such time (if any) as may be indicated on the parking meter as being unexpired from its previous use.

[Sub-r. 1 amended by r. 2 (i) of [PN 36 of 1977](#).]

- (2) Subject to the provisions of Subsection (3) hereof, the driver or person in charge of a vehicle may, immediately upon the expiration of any authorised period of parking, again deposit or cause to be deposited the prescribed coin or coins in the appropriate slot of the parking meter, and after the said meter has been set in operation, either by the insertion of the prescribed coin, or where applicable, in accordance with the instructions appearing thereon the said vehicle may lawfully occupy the metered parking bay for the further period indicated on the parking meter.

[Sub-r. (2) amended by r. (i) of [PN 215 of 1959](#) and by r. 2 (ii) of [PN 36 of 1977](#) and by r. 2 (i) of [PN 376 of 1982](#).]

- (3) No person shall, either with or without the insertion of a fresh coin in the parking meter, leave a vehicle parked in a metered parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or return his vehicle to the same parking bay within 30 minutes calculated from the time the vehicle was moved therefrom.

[Sub-r. (3) previously sub-r. (4) inserted by r. (ii) of [PN 215 of 1959](#) and substituted by para (b) of [PN 389 of 1966](#) and by r. 3 of [PN 290 of 1972](#) and amended by r. 2 (iii) in [PN 36 of 1977](#) and amended by r. 2 (ii) of [PN 376 of 1982](#).]

- (4) Subject to the provisions of By-law 12, no driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to be or remain parked in a metered parking bay while the indicator of the parking meter installed thereat shows that the time has expired or 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 thereon.

[Sub-r. (4) previously sub-r. (3) amended by r. 2 (ii) of [PN 376 of 1982](#).]

- (5) Where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1), no driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to be or remain parked in the metered parking bay at which the said parking meter is installed 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; provided that if the said indicator shows that the time has expired or that the parking meter has not been set in operation, or if a hood has been placed over the parking meter as envisaged in [section 3 \(2\) \(a\)](#), no such driver or person shall cause, allow, permit or suffer such vehicle to be or remain parked in the said metered parking bay.

[R. (5) inserted by r. 2 (iii) of [PN 376 of 1982](#).]

6. Discontinuance of metered parking bay

The City Engineer or any other officer authorised by the Council to display road traffic signs may, whenever he deems it necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Stopping” or “No Parking” at any metered parking bay or bays, and it shall be unlawful for any person to stop or park a vehicle or to cause or permit

a vehicle to be stopped or parked in such parking bay or bays while such sign or signs is so place or erected or during any period when the stopping or parking of a vehicle in the street or portion of the street concerned is prohibited in terms of any such traffic sign.

[R. 6 substituted by r. (iii) of [PN 270 of 1965](#) and amended by r. 4 of [PN 238 of 1975](#).]

7. Interference with parking meters

No person shall misuse any parking meter or interfere or tamper or attempt to interfere or tamper with the working operation or mechanism of any parking meter, and no person shall, without authority from the Council, affix or attempt to affix or place any placard, advertisement, notice, list, document board or thing on or paint, write upon or disfigure any parking meter.

8. Prescribed coins only to be deposited

No person shall deposit or cause to be deposited in any parking meter anything whatever other than the prescribed coin or coins.

9. Unlawful operation of parking meter

No person shall operate or attempt to operate any parking meter by any means other than as prescribed in these By-laws.

10. ...

[R. 10 deleted by r. 4 of [PN 290 of 1972](#).]

11. Unlawful parking

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle to be parked in any metered parking bay, except as permitted by the provisions of these By-laws.

Where any vehicle is found to have been parked in contravention of the By-laws, it shall be deemed to have been or caused or allowed to have been parked by the person in whose name such vehicle is registered unless and until he shall prove to the contrary.

12. Exemption

- (1) Notwithstanding anything in these By-laws contained, the driver or person in charge of the following vehicles may, subject to the provisions of this By-law, 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 on urgent ambulance service.
 - (b) A vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in carrying out its duties of preventing or suppressing fires.
 - (c) A vehicle used by a member of any Police Force and being at the time used in connection with the execution of urgent police duties.
- (2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by the Road Traffic Ordinance, 1966, or regulations or By-laws made thereunder every metered parking bay may be occupied without charge on Sundays and Public Holidays and also on any other days during the period from 5 p.m. to 8 a.m. on the following day; provided that on Saturdays such bays may be occupied without charge after 1 p.m..

[Sub-r. (2) amended by para (c) of [PN 389 of 1966](#) and substituted by [PN 463 of 1985](#) and amended by [PN 387 of 1987](#).]

12A. Special provisions for disabled persons' vehicles

- (1) The Chief Constable may, on application on a form approved by him, issue a hood to a licensed driver who produces a certificate by a registered medical practitioner or, if deemed necessary by the Chief Constable, by a medical specialist certifying that due to a permanent disability such person has substantial difficulty in walking.

[Sub-r. (1) amended by r. 5 of [PN 238 of 1975](#).]

- (2) Notwithstanding anything in the By-laws contained, a hood issued in terms of Subsection (1) shall, when placed over a parking meter, authorise the person to whom it was issued, subject to compliance with the provisions of Subsection (3), to park a motor car in the parking bay to which such meter relates without the need for depositing a coin in the meter, for a continuous period not exceeding three hours during any period other than that during which the stopping or parking of a motor car in the street or portion of the street concerned is prohibited.

[Sub-r. (2) amended by [PN 217 of 1986](#).]

- (3) The hood shall only be—
- (a) used in connection with the motor car the registration number of which appears on such hood.
 - (b) placed upon a parking meter if such motor car was, when it was parked in the metered parking bay, being operated by the person to whom it was issued, and will when such hood is removed from the parking meter, again be operated by such person;
 - (c) left upon a parking meter during such time as the motor car, the registration number whereof appears on such hood, is lawfully parked in the metered parking bay relating to such meter.
- (4) The Chief Constable may require the person to whom the hood has been issued who fails to comply with the provisions of subsection (3) to return such hood and it shall not be lawful for such hood to be used pending its return.
- (5) Any person who is aggrieved by any refusal by the Chief Constable of his application or by any action taken by him in terms of subsection (4) may appeal within 14 days of being notified of the Chief Constable's decision, to the Council or to any committee thereof to whom this function has been delegated whose decision shall be final.
- (6) Any person to whom a hood is issued shall be responsible for its maintenance and safekeeping and will be liable for the cost of its replacement or repair.

[R. 12A inserted by [PN 615 of 1974](#).]

13. Offences

Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R200 in the case of a first conviction or in the case of a second or subsequent conviction, for the same offence, a fine not exceeding R400, or in default of payment of any fine imposed in either case, imprisonment for any period not exceeding three months.

[R. 13 substituted by para (d) of [PN 389 of 1966](#).]

First Schedule (By-Laws 1 and 10)

Metered zones and tariff of parking fees

[First Schedule amended by [PN 343 of 1958](#), by r. (iii) of [PN 215 of 1959](#), by [PN 266 of 1960](#), by [PN 419 of 1961](#), substituted by [PN 90 of 1962](#), amended by [PN 346 of 1963](#), by [MN 7 of 1965](#), amended by para. (e) of [PN 389 of 1966](#),

substituted by [PN 44 of 1966](#), amended by para. (b) of [PN 362 of 1967](#), by [PN 154 of 1968](#), by [PN 526 of 1969](#), by [PN 292 of 1969](#), by [PN 99 of 1970](#), by [PN 324 of 1970](#), by [PN 353 of 1970](#), by [PN 84 of 1972](#) and deleted by r. 4 of [PN 290 of 1972](#).]