

CITY OF CAPE TOWN

PARKING BY-LAW, 2010

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PREAMBLE

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

AND WHEREAS Part B of Schedule 5 to the Constitution lists traffic and parking as a local government matter to the extent set out in section 155(6)(a) and (7);

AND WHEREAS the City of Cape Town seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

AND NOW THEREFORE, BE IT ENACTED by the Council of the City of Cape Town, as follows—

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Definitions

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

“**animal**” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal, or reptile which is in captivity or under the control of a person, or insects, such as, but not limited to, bees which are kept or are under the control of a person;

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

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

“authorised official” means any employee of the City 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 City assigned or delegated to perform any function or exercise any power in the implementation of this by-law;

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

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

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

“bus train” means a bus which—

- (a) consists of two sections that connect to form a unit;
- (b) can swivel in a horizontal plane at the connections between such sections;
- (c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and
- (d) has a continuous passageway over its length;

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

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

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

“City bus” means a bus forming part of a bus service operated by the City, or by a municipal entity of the City, whether so operated itself or through a service provider contracted to the City or a municipal entity of the City;

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

“combined parking meter” means an appliance in which more than one parking meter is contained;

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

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

“dedicated busway” means a roadway for the exclusive use of buses and other authorised vehicles, which may be a separate facility in its own right-of-way, part of the surfaced width of a road used by general traffic and separated from general lanes by a painted line, or part of the surfaced width of a road used by general traffic and separated from general traffic by a barrier kerb or any other such physical separation;

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

“event” means—

- (a) any sporting, recreational or entertainment event, including live acts;
- (b) any educational, cultural or religious event;
- (c) any business event, including marketing, public relations and promotional or exhibition events;
- (d) any charitable event, including any conference, organizational or community event,

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

“examiner of vehicles” means an ‘examiner of vehicles’ as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) a trailer; and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor, but does not include—
 - (i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - (ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

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

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

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

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

“**owner**” in relation to a vehicle, means—

- (a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;
- (b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and
- (c) a person who is registered as such in accordance with regulations issued under section 4 of the National Road Traffic Act, 1996 (Act 93 of 1996);

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

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

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

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

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

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

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

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

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

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

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

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

“**prescribed coin**” means a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act 78 of 1964), of the denomination indicated on the parking meter concerned and includes debit, credit or city cards and any other method of payment as may be approved and prescribed by the City from time to time;

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

- (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used by the public without interruption for a period of at least 30 years; or

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

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

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

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

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

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

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

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

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

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

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

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

“stopping place” in relation to—

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

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

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—
 - (i) fuel; and
 - (ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

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

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

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

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

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

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

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

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

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

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

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

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

Purpose

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

CHAPTER 1

GENERAL PROVISIONS RELATING TO PARKING

Part 1: General provisions

Control of parking

3. (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.

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

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

Parking in a loading zone

4. (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone—

(a) between the hours of 07:00 and 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 authorised 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.

Parking at a bus stop or in a dedicated busway

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

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

(b) in the case of a vehicle other than a City bus, allow the vehicle to be driven, park or remain stationary in a dedicated busway or at the entrance to a dedicated busway or in a manner inhibiting the movement of a City bus in, into or from such busway.

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

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

Parking in a public road

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

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

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

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

Parking upon a traffic island

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

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

Parking by a dealer or seller of a vehicle

8. (1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is for sale or for rental, whether advertised as such or not.

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

Parking of a vehicle under repair

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

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

Parking of heavy vehicles and caravans

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

- (a) a motor vehicle with a tare exceeding 3500 kg;
- (b) a trailer not attached to a vehicle;
- (c) a semi-trailer, or
- (d) a caravan not attached to a vehicle.

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

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

Exemption of medical practitioners from parking restrictions

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

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

(2) (a) The badge must be a windscreen sticker badge displaying on the face thereof—

- (i) a serial number; and
 - (ii) the name of the person to whom it is issued.
- (b) The badge must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.
- (c) The address referred to in paragraph (b) must be the same street or a street adjoining and in close proximity to the place where the vehicle is parked.

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

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

- (i) The badge issued by it;
- (ii) the serial number allocated to a badge; and
- (iii) the name of the holder of a badge.

(c) The City may issue a duplicate badge.

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

(e) The City may charge a fee for the issuing of a badge or a duplicate thereof.

(f) The City may prescribe the period for which a badge will be valid.

(4) Application for a badge must be made on a form provided for this purpose by the City.

(5) A person who displays a forged badge or a badge which was not issued by the City commits an offence.

Outspanning in public roads

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

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

Part 2: Parking permits**Resident parking permit**

- 13.** (1) Subject to any conditions the City may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—
- (a) who reside in a residence—
 - (i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time;
 - (ii) in circumstances where not more than one person who resides in the residence is the holder of a current permit; and
 - (iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (b) whose residence does not have and cannot reasonably provide off-street parking.
- (2) Subject to any conditions the City may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—
- (a) who reside in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is hosted; and
 - (b) in circumstances where such an area is cordoned off or declared a zone where access is denied to vehicles, to enter and park a vehicle in such area, cordoned off or declared zone.
- (3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

Temporary parking permit

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

Work zone permit

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

Municipal works parking permit

- 16.** (1) Subject to any conditions the City may impose and subject to section 18(1), a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—
- (a) an employee, contractor or agent of the City; and
 - (b) parking the vehicle or vehicles in the space—
 - (i) for the purpose of carrying out work for or on behalf of the City; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the City.

Conditions and originality of parking permits

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

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

18. (1) The City may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the City, and may designate such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility permits.

- (2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.
- (3) Any person who contravenes subsection (2) commits an offence.

CHAPTER 2

PARKING METERS AND PAYMENT FOR PARKING

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

- 19.** (1) The City may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area—
- (a) a parking meter at a parking space demarcated as a parking bay;
- (b) a combined parking meter at a parking space demarcated as parking bays; or
- (c) any other device by which parking time can be recorded and displayed.
- (2) The City may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay in respect of which it is installed or at any other place in close proximity that serves the parking bay.
- (3) In the instance where a parking meter 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 officer 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.

Method of parking

- 20.** (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.
- (2) A person who contravenes the provisions of subsection (1) commits an offence.

Payment for parking

- 21.** (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 in respect of which it is installed the prescribed coin 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 City irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked,

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

- (b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must—
- (i) immediately deposit or cause to be deposited in the parking meters which adjoin the parking bays in respect of which they are installed the prescribed 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 bays, 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 City irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked,

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

- (c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.
- (d) Subject to paragraph (e), a driver or person in charge of a vehicle may, without payment, park a vehicle during such time (if any) as may

be indicated on the parking meter as being unexpired from its previous use, provided that the City 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.

- (e) 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, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as 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 bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.
- (4) Subject to the provisions of section 13, 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; 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 on the parking meter,

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

- (5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if—
- the indicator shows that—
 - the time has expired;
 - the parking meter has not been set in operation; or
 - a hood has been placed over the parking meter as envisaged in section 19(4),

no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

Prevention of parking at a parking bay

22. An authorised officer may display road traffic signs whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Stopping” or “No Parking” at a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay—

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

and a person who contravenes a provisions of this section commits an offence.

Tampering with a parking meter or device

23. (1) No person may—

- misuse, damage, knock interfere with or tamper with;
- attempt to misuse, damage, knock interfere with or tamper with,

the working operation or mechanism of a parking meter.

- No person may, without authority from the City and subject to any other by-law of the City, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking meter.
- No person may paint, write upon or disfigure a parking meter.
- No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal.
- A person who contravenes a provision of this section commits an offence.

Prescribed coin only to be deposited

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

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

Unlawful operation of a parking meter

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

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

Unlawful parking and clamping or removal of unlawfully parked vehicles

26. (1) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.

- 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.
- The City may—
 - attach a wheel clamp to any unlawfully parked vehicle;
 - or cause an unlawfully parked vehicle to be removed to a place designated by the City; 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.

Exemptions

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

- (a) a vehicle used as an ambulance and being at the time used to attend to a life threatening situation;
- (b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and
- (c) a vehicle used by a member of the South African Police Service, the Metropolitan Police Service or the Law Enforcement division of the City 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 are prescribed by any other law, regulation or by-law, a parking bay may be occupied without charge during the hours indicated by the City on a sign erected for that purpose.
- (3) A person who contravenes subsection (2) commits an offence.

CHAPTER 3

PARKING GROUNDS

Part 1: General provisions

The City not liable for loss or damage

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

Interference with authorised officials, authorised officers and parking marshals

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

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

Payment of prescribed fee

30. (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the City.
- (2) The City 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 City may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the City, 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 City—
- (i) be transferred to any other person; or
- (ii) be used in respect of any vehicle other than the specified vehicle;
- (b) must be affixed by the holder of the 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 City.
- (6) 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.

Observance of signs

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

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

Manner of parking and removal of vehicle

32. (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorised officer 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 officer at the parking ground;
- (b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay; or
- (c) in a parking bay which is already occupied by another vehicle.
- (3) No person may park a vehicle on a roadway within a parking ground or on a sidewalk or in a manner restricting pedestrian movement on a sidewalk.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.

- (5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.
- (6) A person who contravenes a provision of this section commits an offence.

Abandoned vehicle

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

- (2) The City 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 City may, subject to subsection (3) and sections 59 and 60, sell the vehicle at a public auction.
- (3) The City 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 City all prescribed fees payable in terms of this By-law and the applicable costs in terms of subsection (4).
- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:
- (a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);
 - (b) the costs of removing the vehicle;
 - (c) the costs of publishing the notice of the auction;
 - (d) the costs of effecting the sale of the vehicle;
 - (e) the costs, calculated at a rate determined by the City, 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

and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.

- (5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the City.
- (6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

Damage to notices

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

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

Negligent and dangerous driving and speed restriction

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

- (2) The City may by sign indicate the maximum speed that may be travelled in a parking ground.
- (3) A person who contravenes subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.

Entering or remaining in parking ground

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

- (a) a person in the company of a person who is parking or removing a vehicle;
 - (b) officials of the City engaged in official activities or on instruction from the City; and
 - (c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.
- (2) A person who contravenes subsection (1) commits an offence.

Tampering with vehicle

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

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

Defacing coupon

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

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

Defective vehicle

39. (1) No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to remain in a parking ground.

- (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.

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

Cleaning of vehicle

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

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

Refusal of admission

41. (1) An authorised officer may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.

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

Parking hours and classes of vehicles

42. (1) The City 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 City 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 City 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 City 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 authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.

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

Reservation by the City

43. (1) The City may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the City or vehicles used by members of its staff on the business of the City.

(2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the City or for members of the City's staff commits an offence.

Part 2: Mechanically controlled parking ground

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

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

- (a) wishes to park a vehicle;
- (b) causes or permits a vehicle to be parked; or
- (c) allows a vehicle to be parked,

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

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

- (a) except in a parking bay and in compliance with such directions as may be given by an authorised officer or where no such bay has been marked, except in a place indicated by the authorised officer;
- (b) after an authorised officer 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 City may implement a system where payment is required at the end of the parking period.

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

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

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

- (a) he or she has produced to the authorised officer a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and
- (b) he or she has paid to the authorised officer the prescribed parking fee.

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

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

- (a) must require the person to produce proof of identity and complete and sign an indemnity form as supplied by the City, which form has the effect of indemnifying the City against claims of whatever nature by a person relating to the removal of that vehicle; and
 - (b) may require the person to furnish such security as may be determined by the City.
- (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 officer 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 City is payable for the next parking period.
- (6) A person who contravenes subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised officer in terms of subsection (3)(a) or (b) commits an offence.

Part 3: Pay-and-display parking ground

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

46. (1) A person who—

- (a) wishes to park a vehicle;
- (b) causes or permits a vehicle to be parked; or
- (c) allows a vehicle to be parked,

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

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

- (a) the period during which a vehicle may be parked in the pay-and-display parking ground; and
- (b) the 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 to the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.

(5) No person may park a vehicle, cause, permit or allow a vehicle to be parked in a 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.

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

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

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

- (a) 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 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

Special parking places for taxis

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

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

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

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

Taxi parking

- 49.** (1) A driver may, subject to subsection (2) and section 48 and subject to any other by-law of the City 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
 - 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 City may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.
- (3) A person who contravenes subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

Use of taxi ranks

- 50.** (1) Subject to any other by-law of the City relating to taxis, a driver—
- may, subject to subsection (3), park a taxi at the taxi rank specified on the rank access token issued with respect to that taxi, if space is available and only for the purpose of conducting business directly related to the taxi; and
 - must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 48.
- (2) The driver must, when plying for hire at a taxi rank, do so in a queue and must—
- position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
 - move his or her taxi forward as the queue moves forward.
- (3) When plying for hire at a taxi rank, a 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;
 - 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
 - may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.
- (4) No person may park or stop a taxi which is not in good working order as required by the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park a vehicle or allow a vehicle to remain stationary in a taxi rank except a taxi in possession of a valid operating licence and for which a rank access token, specifying the rank, has been issued for the year in question, as contemplated in this Part of Chapter 4.
- (6) A person who contravenes a provision of this section commits an offence.

Prohibition on parking of a taxi at no-stopping place

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

Servicing and washing taxis at taxi facilities

- 52.** (1) No person may repair or maintain any motor vehicle at a taxi facility.
- (2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.
- (3) A person who contravenes a provision of this section commits an offence.

Behaviour prohibited at a taxi rank

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

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

Establishment of bus facilities

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

Distinguishing bus stops

- 55.** (1) Each bus stop must be distinguished by the appropriate traffic sign to indicate the type of bus or minibus-taxi or, where applicable, the name of the concern entitled to use the bus stop.
- (2) The City may demarcate bus stops for tour buses.

Destination signs and stopping or parking at bus stops

- 56.** (1) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or allow such vehicle to be parked at any bus stop.
- (2) No driver or person in charge of a minibus-taxi may stop or park such vehicle or allow such vehicle to be stopped or parked at any bus stop demarcated for tour buses.
- (3) Notwithstanding the provisions of subsection (1) a driver or person in charge of a City bus may park a City bus at a bus stop demarcated for use by a concern operating City buses, if he /she needs to do so in order to delay departure from such bus stop in order to keep to the required bus schedule.
- (4) A driver or person in charge of a bus or minibus-taxi must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed at a bus stop.

- (5) Where a traffic sign identifying a bus stop or another sign displayed at the bus stop indicates the name of a concern, no driver or person in charge of a bus or minibus-taxi operated by or on behalf of a concern other than the concern indicated on the sign may stop such vehicle or allow a passenger to board or alight from the vehicle at such bus stop.
- (6) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.
- (7) No driver or person in charge of a bus or minibus-taxi may allow the engine of such bus which is allowed to stop at any bus stop to run for more than 20 minutes after it came to a stop.
- (8) A person who contravenes a provision of this section commits an offence.

CHAPTER 5

MISCELLANEOUS PROVISIONS

Obeying and interfering with an authorised officer

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

Appeal

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

Sale of impounded vehicles

59. (1) The City 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.

Procedure to be followed in application to Court

60. 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.

Compliance notices and the recovery of costs

61. (1) Notwithstanding any other provision of this By-law, the City may—
 - (a) where the permission of the City 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 City 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 City may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

Presumptions

62. (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.
- (2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be plying for hire, unless the contrary is proved.
- (3)
 - (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
 - (b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
 - (c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.
- (4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer

is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.

- (5) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.
- (6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

Penalties

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

- (a) a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment; and
- (b) in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

Repeal of by-laws

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

Short title

65. This By-law is called the City of Cape Town: Parking By-law, 2010.

SCHEDULE

Bellville Municipality

| Provincial Notice No. | Title | Extent of repeal |
|-----------------------|--|------------------|
| P.N. 852/1969 | Parking meter | The whole |
| P.N. 1151/1971 | Parking of heavy vehicles and caravans | The whole |
| P.N. 779/1985 | Toll parking | The whole |

Durbanville Municipality

| Provincial Notice No. | Title | Extent of repeal |
|-----------------------|--|------------------|
| P.N. 286/1975 | Parking of heavy vehicles, caravans and trailers | The whole |

Cape Town Municipality

| Provincial Notice No. | Title | Extent of repeal |
|-----------------------|-----------------------------|------------------|
| P.N. 0519/1979 | Exemption from toll parking | The whole |
| P.N. 0430/1983 | Exemption from toll parking | The whole |
| P.N. 0538/1985 | Exemption from toll parking | The whole |

Brackenfell Municipality

| Provincial Notice No. | Title | Extent of repeal |
|-----------------------|--|------------------|
| P.N. 737/1974 | Parking of heavy vehicles and caravans | The whole |

Goodwood Municipality

| Provincial Notice No. | Title | Extent of repeal |
|-----------------------|---------------|------------------|
| P.N. 1044/1971 | Parking meter | The whole |

Kraaifontein Municipality

| Provincial Notice No. | Title | Extent of repeal |
|-----------------------|--|------------------|
| P.N. 574/1973 | Parking of heavy vehicles and caravans | The whole |

STAD KAAPSTAD
PARKEERVERORDENING, 2010

AANHEF

AANGESIEN artikel 156(2) en (5) van die Grondwet bepaal dat 'n munisipaliteit verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer, en om enige bevoegdheid uit te oefen met betrekking tot 'n aangeleentheid wat redelikerwys nodig is vir, of in verband met, die doeltreffende verrigting van sy funksies;

EN AANGESIEN Deel B van Bylae 5 by die Grondwet verkeer en parkering lys as 'n plaaslike regeringsaangeleentheid vir sover dit in artikel 155(6)(a) en (7) uiteengesit word;

EN AANGESIEN die Stad Kaapstad parkering binne sy regsgebied en sake bykomend daartoe wil reguleer;

NOU DAAROM VERORDEN die Raad van die Stad Kaapstad soos volg:—

INHOUDSOPGAWE

1. Woordomskrywing
2. Doel

HOOFSTUK 1

ALGEMENE BEPALINGS MET BETREKKING TOT PARKERING

Deel 1: Algemene bepalings

3. Beheer van parkering
4. Parkering op 'n laaiplek
5. Parkering by 'n bushalte of in 'n toegewese buspad
6. Parkering op 'n openbare pad
7. Parkering op 'n verkeerseiland
8. Parkering deur 'n handelaar of verkoper van 'n voertuig
9. Parkering van 'n voertuig wat herstel word
10. Parkering van swaar voertuie en karavane
11. Vrystelling van mediese praktisyns van parkeerbeperkings
12. Uitspan op openbare paaie

Deel 2: Parkeerpermitte

13. Inwonersparkeerpermit
14. Tydelike parkeerpermit
15. Werksonepermit
16. Parkeerpermit vir munisipale werke
17. Voorwaardes en oorspronklike parkeerpermitte
18. Gereserveerde parkering vir gestremdes, diplomatieke korps, Suid-Afrikaanse Polisiediens en ander geïdentifiseerde groepe

HOOFSTUK 2

PARKEERMETERS EN BETALING VIR PARKERING

19. Die installering van parkeermeters of gebruik van enige ander toestel om die geparkeerde tyd aan te teken
20. Parkeermeter
21. Betaling vir parkering
22. Parkering op 'n parkeervak verbode
23. Peuter met of belemmering van 'n parkeermeter of -toestel
24. Slegs voorgeskrewe muntstuk mag ingevoer word
25. Onwettige gebruik van 'n parkeermeter
26. Onwettige parkering en vasklamping of verwydering van onwettig geparkeerde voertuie
27. Vrystellings

HOOFSTUK 3

PARKEERTERREINE

Deel 1: Algemene bepalings

28. Die Stad nie aanspreeklik vir verlies of skade nie
29. Inmenging met amptenare, gemagtigde beamptes en parkeeropsigters
30. Betaling van voorgeskrewe geld

31. Nakoming van tekens
32. Parkering en verwydering van voertuig
33. Verlate voertuig
34. Skade aan kennisgewings
35. Nalatige en gevaarlike bestuur en snelheidssperke
36. Binnegaan van of bly op parkeerterrein
37. Peutering met voertuig
38. Ontsiering van koepon
39. Onklaar voertuig
40. Skoonmaak van voertuig
41. Weiering van toegang
42. Parkeertye en klasse voertuie
43. Reservering deur die Stad

Deel 2: Meganies beheerde parkeerterrein

44. Parkering van 'n voertuig op 'n meganies of andersins beheerde parkeerterrein
45. Verwydering van 'n voertuig uit 'n meganies of andersins beheerde parkeerterrein

Deel 3: Betaal-en-vertoonparkeerterrein

46. Parkering van 'n voertuig op 'n betaal-en-vertoonparkeerterrein
47. Diverse misdrywe ten opsigte van 'n betaal-en-vertoonparkeerterrein

HOOFSTUK 4

TAXI'S EN BUSSE

Deel 1: Spesiale parkeerplekke vir taxi's, permitte en kentekenplakkers

48. Spesiale parkeerplekke vir taxi's
49. Taxiparkering
50. Gebruik van taxistaanplekke
51. Verbod op parkering van taxi's op "stilhou verbode"-plek
52. Versiening en was van taxi's by taxifasiliteite
53. Verbode gedrag by 'n taxistaanplek

Deel 2: Busfasiliteite en permitte, en bedryf van busse

54. Totstandbring van busfasiliteite
55. Onderskeidende bushaltes
56. Bestemmingstekens en parkering by bushaltes

HOOFSTUK 5

DIVERSE BEPALINGS

57. Gehoorsaam van en inmenging met 'n gemagtigde amptenaar
58. Appèl
59. Verkoop van geskutte voertuie
60. Prosedure wat by 'n hofaansoek gevolg moet word
61. Voldoeningskennisgewings en die verhaling van koste
62. Vermoedens
63. Boetes
64. Herroeping van verordeninge
65. Kort titel en inwerkingtreeding

Woordomskrywing

1. (1) In hierdie Verordening, tensy uit die samehang anders blyk, beteken—

“**bedryf**”, met betrekking tot 'n voertuig, om 'n voertuig te gebruik of te bestuur of toe te laat dat 'n voertuig op 'n openbare pad gebruik of bestuur word, of om 'n voertuig op 'n openbare pad te hê of toe te laat;

“**bedryfslisensie**” 'n bedryfslisensie soos deur die Wet op Nasionale Landvervoer, 2009 (Wet 5 van 2009) bedoel;

“**bestuurder**” iemand wat 'n voertuig bestuur of probeer bestuur of wat op 'n trapfiets ry of probeer ry, en “**bestuur**” of enige soortgelyke woord

het 'n ooreenstemmende betekenis;

“betaal-en-vertoonmasjien” enige masjien of toestel wat vir die verkoop van koepons op 'n betaal-en-vertoonparkeerterrein geïnstalleer is of bedryf word;

“betaal-en-vertoonparkeerterrein” 'n parkeerterrein waarop 'n koepon verkry moet word by 'n masjien wat parkeerkoepens verkoop en wat op of naby die parkeerterrein geleë is;

“brug” 'n brug, soos in die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), bedoel;

“bus” 'n motorvoertuig ontwerp of wettig deur 'n geregistreerde vervaardiger ter voldoening aan die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), aangepas om meer as 34 persone, met inbegrip van die bestuurder, te vervoer, en sluit 'n bustrein in;

“bushalte” 'n afgebakende plek of standplaas waar passasiers op 'n bus kan klim of daarvan kan afklim wat onderskei word deur die toepaslike verkeersteken wat die tipe bus of, waar van toepassing, die naam van die onderneming wat geregig is om van die halte gebruik te maak, aandui;

“bustrein” 'n bus wat—

- (a) uit twee seksies bestaan wat verbind is om 'n eenheid te vorm;
- (b) op 'n horisontale vlak by die verbindings tussen sodanige seksies kan swaai;
- (c) slegs of hoofsaaklik vir die vervoer van die bestuurder en minstens 100 ander persone ontwerp of aangepas is; en
- (d) 'n deurlopende gang oor die lengte daarvan het;

“dier” enige perdagtige, bees, skaap, bok, pluimvee, kameel, hond, kat of ander huisdier of voël, of enige wilde dier of reptiel wat in gevangenskap of onder die beheer van 'n persoon is, of insekte soos, maar nie daartoe beperk nie, bye wat aangehou word of onder die beheer van 'n persoon is;

“driewiel” 'n driewielfiets wat uitsluitlik vir die vervoer van goedere ontwerp of aangepas is, en wat slegs deur middel van mensekrag aangedryf word;

“eienaar”, met betrekking tot 'n voertuig—

- (a) die persoon wat die reg op die gebruik en genot van 'n voertuig ingevolge die gemenerereg of 'n kontraktuele ooreenkoms met die titelhouer van sodanige voertuig het;
- (b) iemand in paragraaf (a) bedoel, vir enige tydperk waartydens so 'n persoon versuim om ooreenkomstig die kontraktuele ooreenkoms in paragraaf (a) bedoel daardie voertuig aan die titelhouer terug te besorg; en
- (c) iemand wat as sodanig geregistreer is ooreenkomstig die regulasies kragtens artikel 4 van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996);

“gekombineerde parkeermeter” 'n toestel wat meer as een parkeermeter bevat;

“geleentheid”—

- (a) enige sport-, ontspannings- of vermaakgeleentheid, wat lewende optredes insluit;
- (b) enige opvoedkundige, kulturele of godsdienstige geleentheid;
- (c) enige sakegeleentheid, wat bemaking-, openbare betrekkinge- en produkbevordering- of tentoonstellingsgeleenthede insluit;
- (d) enige liefdadigheidsgeleentheid, wat enige konferensie-, organisasie- of gemeenskapsgeleentheid insluit,

of enige soortgelyke aktiwiteit wat in 'n stadion, vergaderplek of op 'n roete of in die onmiddellike omgewing daarvan aangebied word, en wat beplan is, oor 'n duidelike program, beheer en rekenpligtigheid beskik, maar sluit 'n geleentheid uit wat deur 'n private persoon in sy of haar privaat hoedanigheid by enige vergaderplek aangebied word of verfilming ingevolge die Verordening op Verfilming;

“gemagtigde amptenaar” enige werknemer van die Stad wat verantwoordelik is vir die verrigting van enige funksie of die uitoefening van enige bevoegdheid ingevolge hierdie Verordening of enige werknemer van die Stad wat aangewys of gedelegeer is om enige funksie te verrig of enige bevoegdheid uit te oefen in die implementering van hierdie Verordening;

“gemagtigde beampte” 'n inspekteur van lisensies, ondersoeker van voertuie, toetsbeampte vir bestuurslisensies, verkeersopsigter of verkeersbeampte, en sluit in enige ander persoon wat ingevolge artikel 3A van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), as 'n inspekteur van lisensies, ondersoeker van voertuie, toetsbeampte vir bestuurslisensies, verkeersopsigter of verkeersbeampte aangestel is), en sluit in enige persoon wat deur 'n organisasie benoem en deur die Stad gemagtig is;

“goederevoertuig” 'n motorvoertuig, ontwerp of aangepas om goedere op 'n openbare pad te vervoer;

“goedgekeur” beteken goedgekeur deur die Stad, en **“goedkeuring”** het 'n ooreenstemmende betekenis;

“handelaar” 'n persoon wat vir gewin sake doen deur voertuie te verkoop, te koop, te ruil of te stal;

“hoofverkeersbeampte” die Stad se hoofverkeersbeampte aan wie enige funksie, bevoegdheid of plig gedelegeer is, en sluit in enige ander beampte onder sy of haar beheer;

“karavaan” enige voertuig permanent toegerus vir gebruik deur persone vir leef- en slaapdoeleindes, of sodanige voertuig 'n sleepwa is of nie;

“koepon” 'n toestel, hetsy elektronies of nie, wat op sy eie of saam met enige ander voorwerp die houder daarvan geregtig maak of bedoel is om die houder daarvan geregtig te maak om enige voertuig op 'n parkeervak of parkeerterrein te parkeer, en sluit enige toestel in wat van tyd tot tyd deur die Stad goedgekeur is;

“leunwa” 'n sleepwa wat geen vooras het nie en so ontwerp is dat minstens 15% van sy tarra op die voertuig wat so 'n sleepwa trek, rus en daardeur gedra word;

“meganies of andersins beheerde parkeerterrein” 'n parkeerterrein waar toegang beheer word met 'n meganisme soos 'n afsluithek wat oopmaak of met die hand oopgemaak word wanneer bewys aangebied word dat betaling gemaak is of gemaak gaan word soos deur die Stad in die jaarlikse tariefskedule vasgestel;

“meterparkeerterrein” 'n parkeerterrein of enige deel daarvan waar parkering deur middel van 'n parkeermeter of—meters beheer word;

“meterparkeervak” ’n parkeervak ten opsigte waarvan ’n parkeermeter geïnstalleer is of ten opsigte waarvan ’n handtoestel of elektroniese betaalstelsel ingestel is;

“midibus” ’n motorvoertuig ontwerp of wettig deur ’n geregistreerde vervaardiger ter voldoening aan die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), aangepas om meer as 16 maar minder as 35 persone, met inbegrip van die bestuurder, te vervoer;

“minibus” ’n motorvoertuig ontwerp of wettig deur ’n geregistreerde vervaardiger ter voldoening aan die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), aangepas om meer as nege maar nie meer as 16 sittende persone, met inbegrip van die bestuurder, te vervoer;

“minibustaxi” ’n motorvoertuig, ’n midi-bus of ’n mini-bus met ’n bedryfslisensie wat magtiging daaraan verleen om ’n ongeskeduleerde openbarevervoerdienst op ’n spesifieke roete of roetes, of waar van toepassing, binne ’n spesifieke gebied te bedryf;

“Minister” die Nasionale of Provinsiale Minister van Vervoer;

“motorvoertuig” enige selfaangedrewe voertuig en ook—

- (a) ’n sleepwa; en
- (b) ’n voertuig met pedale en met ’n enjin of ’n elektriese motor as ’n integrerende deel daarvan of daaraan geheg, en wat ontwerp of aangepas is om deur middel van sodanige pedale, enjin of motor, of sodanige pedale sowel as sodanige enjin of motor aangedryf te word, maar nie ook—
 - (i) ’n voertuig wat aangedryf word deur elektriese krag verkry uit opgaarbatterye en wat deur ’n voetganger beheer word nie; of
 - (ii) ’n voertuig met ’n massa van hoogstens 230 kilogram wat spesiaal ontwerp en gebou, en nie net aangepas is nie, vir gebruik deur iemand wat aan die een of ander liggaamlike gestremdheid of ongeskiktheid ly en wat uitsluitlik deur sodanige persoon gebruik word;

“ondersoeker van voertuie” ’n ‘ondersoeker van voertuie’ soos in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), omskryf;

“openbare pad” enige pad, straat, fietsrypad, deurgang, parkeerterrein, toegewese buspad, parkeervak of enige ander soortgelyke plek, en ook—

- (a) die soom van enige sodanige openbare pad;
- (b) enige voetpad, sypaadjie of soortgelyke voetgangergedeelte van ’n padreserwe;
- (c) enige brug, pont of drif waaroor of waardeur enige sodanige openbare pad loop;
- (d) enige ander voorwerp wat ’n deel uitmaak van sodanige openbare pad, wat te eniger tyd—
 - (i) vir die publiek afgesonder is;
 - (ii) vir ’n tydperk van minstens 30 jaar ononderbroke deur die publiek gebruik is;
 - (iii) deur die Stad of ander bevoegde owerheid as sodanig verklaar of beskikbaar gestel is; of
 - (iv) deur ’n plaaslike owerheid gebou is; en
- (e) enige grond, met of sonder geboue of strukture daarop, wat as ’n openbare pad aangetoon word op—
 - (i) enige ondervedelingsplan of diagram wat deur die Stad of enige ander bevoegde owerheid goedgekeur is en waarvolgens gehandel is; of
 - (ii) enige algemene plan soos omskryf in die Grondopmetingswet, 1997 (Wet 8 van 1997), wat in ’n registrasiekantoor of die Landmeter-generaalkantoor geregistreer of ingedien is, tensy sodanige grond op sodanige plan of diagram as ’n privaat openbare pad beskryf word;

“openbare plek” enige plein, park, ontspanningsterrein, sportterrein, steeg of oop ruimte wat—

- (a) in verband met enige ondervdeling of uitleg van grond in erwe voorsien, gereserveer of opsy gesit is vir gebruik deur die publiek, of die eienaars of okkupeerders van sodanige erwe, hetsy dit op ’n algemene plan, ondervedelingsplan of diagram getoon word of nie;
- (b) te eniger tyd vir die publiek afgesonder is;
- (c) vir ’n ononderbroke tydperk van minstens 30 jaar deur die publiek gebruik is; of
- (d) te eniger tyd deur die Stad of ander bevoegde owerheid as sodanig verklaar of beskikbaar gestel is;

“operateur” ’n openbarevervoeroperateur soos omskryf in die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), synde ’n persoon ’n openbare passasierspadvervoerdienst bedryf;

“organisasie” ’n groep mense, maatskappy, vereniging of liggaam wat parkeeropsigters verteenwoordig wat ’n parkeeropsigtersdiens of ’n parkeerbestuursdiens in sekere geografiese gebiede lewer soos deur die Stad goedgekeur;

“parkeer” om ’n voertuig, met of sonder insittendes, langer te laat stilhou as wat redelikerwys nodig is om persone of goedere werklik op of af te laai, maar nie ook die stilhou van ’n voertuig weens ’n rede buite die beheer van die persoon in beheer van daardie voertuig nie, en **“parkering”** het ’n ooreenstemmende betekenis;

“parkeermeter” ’n toestel wat ingevolge hierdie Verordening in werking gestel is en wat die parkeertyd registreer en sigbaar aanteken, hetsy deur middel van ’n meter wat aan die toestel aangebring is of op ’n parkeermeterkaartjie wat deur die toestel uitgereik is, of enige ander toestel waardeur parkeertyd aangeteken kan word, hetsy dit deur ’n gemagtigde amptenaar of ’n diensverskaffer wat deur die Stad goedgekeur is, bedryf word;

“parkeeropsigter” ’n persoon in diens van ’n organisasie wat ’n parkeerbestuursdiens aan bestuurders in ’n openbare plek of op ’n openbare pad lewer;

“parkeerterrein” ’n stuk grond of ’n gebou wat deur die Stad opsy gesit is as parkeerterrein of parkade vir die parkering van voertuie deur lede van die publiek, of gelde vir die gebruik daarvan deur hierdie Verordening voorskryf word of nie;

“parkeertydperk” die maksimum aaneenlopende tydperk, soos aangedui deur ’n padverkeersteken, waartydens ’n voertuig toegelaat word om op ’n parkeerterrein of parkeervak te parkeer;

“parkeervak” ’n afgebakende gebied waarbinne ’n voertuig ingevolge hierdie Verordening geparkeer mag word, as sodanig deur die Stad op die oppervlak van ’n parkeerterrein of openbare pad afgebaken;

“**parkeerwag**” ’n persoon wat ’n parkeerdienst vir sy of haar eie rekening lewer;

“**passasier**” enige persoon in of op ’n voertuig, maar sluit nie die bestuurder of kondukteur in nie;

“**regulasie**” ’n regulasie kragtens die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996);

“**sleepwa**” ’n voertuig wat nie selfaangedrewe is nie en wat ontwerp of aangepas is om deur ’n motorvoertuig getrek te word, maar nie ook ’n syspan wat aan ’n motorfiets geheg is nie;

“**soom**” die gedeelte van ’n pad, straat of deurgang, met inbegrip van die sypaadjie, wat nie die ryvlak of die skouer is nie;

“**spesiale parkeerplek**” ’n staanplek, standplaas of bushalte wat deur die Stad op ’n openbare pad in die Stad ingestel is waar ’n taxi of ’n bus kan parkeer of staan;

“**toegewese buspad**” ’n pad vir die uitsluitlike gebruik van busse en ander gemagtigde voertuie, wat ’n afsonderlike fasiliteit in sy eie reg-van-weg, deel van die bedekte breedte van ’n pad wat deur algemene verkeer gebruik word en deur ’n geveerde streep van algemene bane geskei word, of deel van die bedekte breedte van ’n pad wat deur algemene verkeer gebruik word en deur ’n sperrandsteen of enige ander sodanige fisiese skeiding van algemene verkeer geskei word, kan wees;

“**staanplek-toegangsbewys**” ’n kleurkodeerde plakker, of soortgelyke identifiseringsmetode wat deur die Stad uitgereik word aan die houër van ’n geldige bedryfslisensie;

“**Stad**” die Stad Kaapstad ingevolge Provinsiale Kennisgewing 479 van 2000 ingestel, en sluit in enige politieke struktuur, politieke ampsdraer, behoorlik gemagtigde agent daarvan of enige werknemer wat uit hoofde van gedelegeerde of subgedelegeerde gesag handel;

“**Stadbus**” ’n bus wat deel uitmaak van ’n busdiens wat deur die Stad bedryf word, of deur ’n munisipale entiteit van die Stad, hetsy dit alleen of deur ’n gekontrakteerde diensverskaffer aan die Stad of ’n munisipale entiteit van die Stad bedryf word;

“**stadskaart**” enige dokument of kaart, ongeag die vorm daarvan, wat deur die Stad uitgereik is ten einde as ’n metode van betaling vir parkering gebruik te word;

“**standplaas**”, met betrekking tot ’n bus, die plek waar ’n busroete begin of eindig;

“**stilhou**”, met betrekking tot ’n taxi wat op ’n stilhouplek op ’n openbare pad stilhou, om ’n taxi, met of sonder insittendes, nie langer te laat stilstaan as wat redelikerwys nodig is om persone of goedere werklik op of af te laai nie, maar nie ook stilhou weens ’n rede buite die beheer van die bestuurder van sodanige taxi nie;

“**stilhouplek**” met betrekking tot—

- (a) ’n taxi, ’n plek wat deur die Stad aangewys is waar ’n taxi mag stilhou om passasiers op of af te laai; en
- (b) ’n bus, ’n bushalte;

’n motorvoertuig of ’n kombinasie van motorvoertuie waarvan die bruto voertuigmassa van sodanige voertuig of kombinasie van voertuie 3,500 kg oorskry;

“**sypaadjie**” die deel van ’n openbare pad tussen die buitengrens van die ryvlak van ’n pad en die grenslyne van aanliggende eiendom of geboue wat vir gebruik deur voetgangers bedoel is;

“**tarra**”, met betrekking tot ’n motorvoertuig, die massa van so ’n voertuig wanneer dit gereed is om op ’n pad te gaan, en ook die massa van—

- (a) enige noodwiel en van alle ander toebehore en toerusting wat deur die vervaardigers as standaard vir die besondere model van die betrokke motorvoertuig verskaf word;
- (b) enigiets wat ’n permanente deel van die struktuur van so ’n voertuig is;
- (c) enigiets wat aan so ’n voertuig geheg is sodat dit ’n struktuurverandering van ’n permanente aard uitmaak; en
- (d) die opgaarbatterye, indien so ’n voertuig deur elektriese krag selfgedrewe is, maar nie ook die massa nie van—
 - (i) brandstof; en
 - (ii) enigiets wat aan so ’n voertuig geheg is en nie van die aard is wat in subartikel (a) of (b) bedoel word nie;

“**taxi**” ’n motorvoertuig wat te huur is, wat teen beloning bedryf word, en ook—

- (a) ’n minibus, ’n midibus, motordriewiel of motorvierwiel, en sluit ’n minibus-taxi in; en
- (b) ’n metertaxi;

“**taxifasiliteit**” ’n waggebied, spesiale parkeerplek, stilhouplek, staanplek, terminus en enige ander fasiliteit wat spesifiek deur die Stad geïdentifiseer en aangewys is vir die uitsluitlike gebruik van taxi’s en, rakende ’n minibus-taxi wat gebruik maak van ’n bushalte ingevolge artikel 5, insluitend ’n bushalte;

“**taxifasiliteitbeampte**” ’n persoon wat passasiers en voertuigverwante prosedures by taxifasiliteite reguleer;

“**taxi-operateur**” die persoon wat verantwoordelik is vir die gebruik van ’n taxi, met dien verstande dat ingevolge Hoofstuk IV van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), dit beteken die persoon wat as operateur van so ’n voertuig geregistreer is;

“**taxistaanplek**” ’n taxifasiliteit wat deur die Stad geïdentifiseer is as ’n plek waar ’n taxi kan staan om gehuur te word of om passasiers op te laai om teen beloning te vervoer;

“**taxivereniging**” ’n taxivereniging wat as sodanig deur die Stad en die Wes-Kaapse Provinsiale Regering erken word;

“**trapfiets**” ’n fiets of driewiel wat ontwerp is om uitsluitlik deur middel van mensekrag aangedryf te word;

“**tydelike taxifasiliteit**” ’n taxifasiliteit in artikel 49(2) bedoel;

“**voertuig**” ’n toestel ontwerp of aangepas om hoofsaaklik op wiele, buitebande of rusperbande te loop en ook so ’n toestel wat met ’n trekstang aan ’n teëspoedwa verbind is en gebruik word as deel van die sleeptoerusting van ’n teëspoedwa om enige of al die asse van ’n motorvoertuig wat geberg word, te ondersteun, behalwe so ’n toestel wat uitsluitlik op spore beweeg;

“**voetpad**” dié gedeelte of sykante van die openbare pad wat, hoewel dit nie werklik afgebaken of gemaak is nie, gereeld deur voetgangers as sypaadjie gebruik word;

“**voorgeskrewe**” bepaal deur 'n besluit van die Stad, en met betrekking tot gelde, soos uiteengesit in die tariefbeleid van die Stad;

“**voorgeskrewe muntstuk**” 'n muntstuk van die Republiek van Suid-Afrika, synde 'n wettige betaalmiddel ingevolge die Wet op die Suid-Afrikaanse Munt en Munte, 1964 (Wet 78 van 1964), met die waarde wat op die betrokke parkeermeter aangedui word, en sluit debiet-, krediet- en stadskaarte en enige ander betaalmetode in wat van tyd tot tyd deur die Stad goedgekeur en voorgeskryf word;

“**waggebied**” met betrekking tot 'n taxi, 'n ander plek as 'n staanplek, waar 'n taxi bly totdat daar plek daarvoor op 'n staanplek of stilstouplek is;

“**woning**” 'n gebou, of deel van 'n gebou, wat—

- (a) vas op die grond is; en
 - (b) ontwerp of deur die Stad goedgekeur is vir menslike bewoning deur 'n enkele gesinseenheid; en
 - (c) vir residensiële doeleindes gebruik word.
- (2) In hierdie Verordening het 'n woord of uitdrukking wat in die Nasionale Padverkeerwet, 1996 (Wet 93 van 1996), omskryf word, daardie betekenis, tensy uit die samehang anders blyk.

Doel

2. Die doel van hierdie Verordening is om parkering binne die regsgebied van die Stad te beheer ten einde 'n veilige omgewing te verskaf.

HOOFSTUK 1

ALGEMENE BEPALINGS MET BETREKKING TOT PARKERING

Deel 1: Algemene bepalings

Beheer van parkering

3. (1) Wanneer die publiek of 'n aantal persone daarop geregtig is of toegelaat word om 'n stuk grond as parkeerplek te gebruik, met inbegrip van grond wat nie deel van 'n openbare pad of 'n openbare plek is nie, kan 'n gemagtigde beampte in noodgevalle of wanneer dit in die openbare belang wenslik is, die verkeer daarop reël en reguleer.
- (2) Die Stad kan parkering bestuur en enige gelde met betrekking tot parkering invorder of 'n diensverskaffer aanstel om parkering te bestuur en om enige gelde met betrekking tot parkering in te vorder.
- (3) Niemand mag sonder vooraf skriftelike goedkeuring van die Stad 'n teken of kennisgewing in enige posisie of plek oprig op plaas wat aandui dat parkering op enige parkeervak vir 'n persoon of vir 'n klas persone gereserveer is nie.
- (4) Die Stad kan in gebiede en gedurende tye wat van tyd tot tyd deur die Stad bepaal word, 'n parkeerbestuurstelsel bedryf.
- (5) 'n Persoon wat 'n opdrag van 'n gemagtigde beampte ingevolge subartikel (1) verontagsaam of wat 'n teken of kennisgewing in stryd met subartikel (3) oprig of plaas, of wat subartikel (4) oortree, begaan 'n misdryf.

Parkering op 'n laaiplek

4. (1) Niemand wat 'n voertuig op 'n openbare pad bedryf of wat in beheer van 'n voertuig op 'n openbare pad is, mag, behoudens subartikels (2) en (3), toelaat dat 'n voertuig op 'n laaiplek bly staan nie—
- (a) tussen die ure 07:00 en 18:00 op Maandae tot Saterdag, behalwe as so 'n dag 'n openbare vakansiedag is;
 - (b) tussen die ure 07:00 en 14:00 op Sondag, behalwe as so 'n dag 'n openbare vakansiedag is; of
 - (c) tussen ander beperkte ure wat ten opsigte van 'n bepaalde laaiplek deur middel van 'n padverkeersteken of merkteken gespesifiseer word.
- (2) Niemand wat 'n voertuig op 'n openbare pad bedryf of in beheer van 'n voertuig op 'n openbare pad is, mag 'n voertuig, behalwe 'n goederevoertuig, toelaat om vir langer as vyf minute aaneenlopend op 'n laaiplek te staan nie, behalwe wanneer persone of goedere werklik op- of afgelaai word en terwyl 'n gelisensieerde bestuurder by die voertuig aanwesig is.
- (3) Niemand wat 'n voertuig op 'n openbare pad bedryf of in beheer van 'n voertuig op 'n openbare pad is, mag 'n goederevoertuig toelaat om vir langer as 30 minute aaneenlopend op 'n laaiplek laat staan nie, behalwe wanneer die voertuig werklik gelaai of afgelaai word.
- (4) Die bestuurder van 'n voertuig, behalwe 'n goederevoertuig, wat op 'n laaiplek staan, moet die voertuig onmiddellik van die laaiplek verwyder as 'n gemagtigde beampte opdrag gegee dat dit gedoen moet word, selfs al het die voertuig nie langer as die maksimum toegelate tyd vir 'n voertuig van die betrokke klas daarop gestaan nie.
- (5) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

Parkering by 'n bushalte of in 'n toegewese buspad

5. (1) Niemand wat 'n voertuig op 'n openbare pad bedryf of in beheer van 'n voertuig op 'n openbare pad is, mag
- (a) in die geval van 'n voertuig as 'n bus of 'n minibustaxi, toelaat dat die voertuig by 'n bushalte bly staan nie;
 - (b) in die geval van 'n ander voertuig as 'n Stadbus, toelaat dat die voertuig in 'n toegewese buspad of by die ingang van 'n toegewese buspad of op so 'n wyse dat die beweging van 'n Stadbus in, na of van so 'n buspad belemmer word, bestuur of geparkeer word of bly staan nie.
- (2) Subartikel (1)(a) is nie van toepassing op 'n bestuurder of persoon in beheer van 'n voertuig wat toelaat dat sodanige voertuig stil bly staan by 'n bushalte waar daardie bushalte geleë is in 'n bestuursbaan van 'n openbare pad nie, waar die voertuig stilstaan ten einde 'n verkeersteken te gehoorsaam of om 'n ander rede met padveiligheid skakel; mits sodanige bestuurder of persoon in beheer nie toelaat dat passasiers die bus bestyg of afklim nie.
- (3) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Parkering op 'n openbare pad

6. (1) Niemand wat 'n voertuig op 'n openbare pad bedryf of in beheer van 'n voertuig op 'n openbare pad is, mag die voertuig op enige openbare pad in die munisipale gebied vir 'n langer tydperk parkeer as wat op 'n padverkeerstekens van toepassing op die bepaalde gebied aangedui word nie.
- (2) Niemand mag 'n voertuig vir 'n aaneenlopende tydperk van meer as sewe dae op dieselfde plek in 'n parkeervak laat nie.
- (3) Niemand mag 'n swaar motorvoertuig wat vir die vervoer van goedere ontwerp, aangepas of gebruik word, êrens in die munisipale gebied parkeer nie, behalwe op privaat grond of in daardie gebiede waar padverkeerstekens opgerig is wat sodanige parkering reguleer.
- (4) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

Parkering op 'n verkeerseiland

7. (1) Niemand mag 'n voertuig op 'n verkeerseiland parkeer nie, tensy 'n gemagtigde beampte hom of haar beveel of magtig om dit te doen nie of tensy 'n parkeervak op so 'n verkeerseiland afgebaken is.
- (2) Iemand wat 'n voertuig in stryd met subartikel (1) op 'n verkeerseiland parkeer of wat versuim om aan 'n opdrag of bevel van 'n gemagtigde beampte te voldoen, begaan 'n misdryf.

Parkering deur 'n handelaar of verkoper van 'n voertuig

8. (1) Geen handelaar of verkoper van 'n voertuig mag 'n voertuig wat as te koop of te huur aangebied word, op die soom van 'n openbare pad binne die munisipale gebied parkeer of toelaat dat dit daar parkeer word nie, hetsy dit as sodanig geadverteer word of nie.
- (2) 'n Handelaar of verkoper wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Parkering van 'n voertuig wat herstel word

9. (1) Niemand wat verantwoordelik is vir die beheer van 'n besigheid wat voertuie insleep of herstel mag enige voertuig wat onklaar is en wat in sy of haar sorg geplaas is in die loop van die besigheid van voertuie insleep of herstel, op enige openbare pad of openbare plek binne die munisipale gebied parkeer of laat parkeer of toelaat dat dit daar parkeer word nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Parkering van swaar voertuie en karavane

10. (1) Niemand mag vir 'n ononderbroke tydperk van langer as twee ure, behalwe op plekke wat vir die parkering van swaar voertuie gereserveer is, die volgende op 'n openbare pad binne die munisipale gebied parkeer nie—
- (a) 'n motorvoertuig met 'n tarra van meer as 3 500 kg;
- (b) 'n sleepwa wat nie aan 'n voertuig geheg is nie;
- (c) 'n leunwa; of
- (d) 'n karavaan wat nie aan 'n voertuig geheg is nie.
- (2) Wanneer 'n voertuig in stryd met subartikel (1) geparkeer is, word daar geag dat die eienaar daarvan sodanige voertuig geparkeer het, tensy die teendeel bewys word.
- (3) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Vrystelling van mediese praktisyns van parkeerbeperkings

11. (1) (a) Geregistreerde algemene mediese praktisyns aan wie 'n kenteken ingevolge subartikel (3)(a) uitgereik is, is vrygestel van die bepalings van hierdie Verordening, behoudens paragraaf (b), wanneer hulle op 'n bona fide professionele huisbesoek 'n motorvoertuig gebruik waarop 'n kenteken vertoon word wat aan die vereistes van subartikel (2) voldoen wat deur die Stad aan hom of haar uitgereik is.
- (b) 'n Persoon in paragraaf (a) bedoel is nie vrygestel van 'n bepaling wat die stilhou of parkeer van 'n voertuig by 'n bushalte of voor 'n ingang verbied nie.
- (2) (a) Die kenteken moet 'n voorruitplakkerkenteken wees wat die volgende op die voorkant vertoon:
- (i) 'n reeksnommer; en
- (ii) die naam van die persoon aan wie dit uitgereik is.
- (b) Die kenteken moet op die linkerkantste onderste hoek van die voorruit vertoon word en moet 'n sakkie hê waarin die persoon in subartikel (1) beoog 'n wit kaartjie plaas wat die adres toon waar die houer van die kenteken werklik 'n professionele huisbesoek doen terwyl die motorvoertuig waarop dit aangebring is, geparkeer is, en die adres wat op die kaartjie getoon word, moet maklik van buite die voertuig gelees kan word.
- (c) Die adres in paragraaf (b) bedoel, moet in dieselfde straat of 'n straat aanliggend en naby die plek wees waar die voertuig geparkeer is.
- (3) (a) Skriftelike aansoek om die uitreiking van 'n kenteken moet by die Stad gedoen word, en as die Stad die aansoek goedkeur, moet 'n kenteken waarop 'n geregistreerde reeksnommer verskyn, aan die aansoeker uitgereik word.
- (b) Die Stad moet 'n register hou waarin hy die volgende aanteken:
- (i) Die kentekens wat hy uitgereik het;
- (ii) die reeksnommer wat aan 'n kenteken toegeken is; en
- (iii) die naam van die houer van 'n kenteken.
- (c) Die Stad kan 'n duplikaatkenteken uitreik.
- (d) Waar die Stad rede het om te glo dat enige houer van 'n kenteken 'n voorreg misbruik wat deur die kenteken verleen word, kan hy die kenteken van die houer terugtrek, en die voorregte wat die kenteken inhou, hou dan op bestaan.
- (e) Die Stad kan 'n geld vir die uitreiking van 'n kenteken of 'n duplikaat daarvan hef.

- (f) Die Stad kan die tydperk voorskryf waarvoor 'n kenteken geldig sal wees.
- (4) Aansoek om 'n kenteken moet gedoen word op 'n vorm wat die Stad vir hierdie doel verskaf.
- (5) Iemand wat 'n vervalste kenteken of 'n kenteken wat nie deur die Stad uitgereik is nie, vertoon, begaan 'n misdryf.

Uitspan op openbare paaie

12. (1) Niemand mag enige voertuig wat deur diere getrek word op enige openbare pad of openbare plek uitspan of toelaat dat dit uitgespan word nie of enige sleepwa, karavaan of voertuig wat nie selfaangedrewe is nie, op enige openbare pad of openbare plek afhaak of laat nie; hierdie bepaling geld egter nie waar so 'n voertuig gelaai of afgelaai word nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Deel 2: Parkeerpermitte

Inwonersparkeerpermit

13. (1) Onderworpe aan enige voorwaardes wat die Stad wat stel en behoudens artikel 17(1) en (2), kan 'n inwonersparkeerpermit toegestaan word aan persone—
- (a) wat woon in 'n woning—
- (i) geleë aan 'n gedeelte pad in omstandighede waar parkering onmiddellik langs die woning deur tyd gereguleer word;
- (ii) in omstandighede waar nie meer as een persoon wat in die woning woon, die houër van 'n geldige permit is nie; en
- (iii) geleë aan 'n gedeelte pad in omstandighede waar die uitreiking van die permit nie die verkeersvloei, hetsy op die pad of in die gebied, onbehoorlik sal belemmer nie; en
- (b) wie se woning nie parkering van die straat af het nie en wat dit nie redelikerwys kan voorsien nie.
- (2) Onderworpe aan enige voorwaardes wat die Stad kan stel en behoudens artikel 17(1) en (2), kan 'n inwonersparkeerpermit toegestaan word aan persone—
- (a) wat woon in 'n woning geleë in 'n gebied in die omgewing van 'n sportstadion, veld of fasiliteit, of enige veld of fasiliteit waar 'n geleentheid aangebied word; en
- (b) in omstandighede waar so 'n gebied afgesper word of verklaar word tot 'n gebied waar toegang aan voertuie geweier word, om sodanige gebied, afgesperde of verklaarde gebied met 'n voertuig binne te gaan en daar te parkeer.
- (3) Iemand wat 'n voertuig in stryd met subartikel (1) parkeer, begaan 'n misdryf.

Tydlike parkeerpermit

14. (1) Onderworpe aan enige voorwaardes wat die Stad kan stel en behoudens artikel 17(1), kan 'n tydelike parkeerpermit toegestaan word om die houër van die permit toe te laat om een of meer voertuie op 'n aangewese parkeerplek te parkeer vir 'n tydperk wat op die permit gespesifiseer word, ondanks 'n amptelike verkeerstekens tot die teendeel en ondanks die feit dat betaalde parkering andersins op die parkeerplek van toepassing is.
- (2) 'n Tydelike parkeerpermit kan slegs toegestaan word as die Stad oortuig is dat—
- (a) die aansoeker met 'n tydelike aktiwiteit besig is wat 'n perseel onmiddellik aanliggend aan die aangewese parkeerplek waarop die aansoek betrekking het, raak; en
- (b) dit nie redelikerwys vir die aansoeker prakties is om die aktiwiteit te probeer verrig nie tensy die aangewese parkeerplek waarop die aansoek betrekking het, vir die duur van die aktiwiteit vir die uitsluitlike gebruik van die aansoeker toegewys word.
- (3) Iemand wat 'n voertuig in stryd met subartikel (1) parkeer, begaan 'n misdryf.

Werksonepermit

15. (1) Onderworpe aan enige voorwaardes wat die Stad kan stel en behoudens artikel 17(1) en (3), kan 'n werksoneparkeerpermit toegestaan word vir bestuur, parkeer- en bou- of konstruksiedoeleindes op 'n parkeervak of parkeerterrein of op die soom van 'n pad of elders op 'n openbare pad as die Stad oortuig is dat—
- (a) die deel van die pad of ander gebied in subartikel (1) bedoel waarop die aansoek betrekking het, langs of by die terrein van voorgestelde bou-, konstruksie- of ander werk is; en
- (b) die verrigting van die bou-, konstruksie- of ander werk wettig is; en
- (c) dit, met inagneming van die aard van die bou-, konstruksie- of ander werk en die eienskappe van die werk, nie redelikerwys prakties is om alle werkaktiwiteite, wat die voertuig behels, insluitende die laai en aflaai en gepaardgaande voertuigbewegings, tot die perseel self of tot naby gebiede waar parkering toegelaat word, te beperk nie.
- (2) Houers van werksonepermitte mag sodanige permitte slegs vir die parkeer van 'n voertuig in die uitvoering van hulle pligte gebruik.
- (3) Iemand wat 'n voertuig in stryd met subartikel (1) parkeer of wat 'n werksonepermit gebruik terwyl hy of sy nie sy of haar pligte uitvoer nie, begaan 'n misdryf.

Parkeerpermit vir munisipale werke

16. (1) Onderworpe aan enige voorwaardes wat die Stad mag stel en behoudens artikel 18(1), kan 'n parkeerpermit vir munisipale werke toegestaan word om 'n persoon toe te laat om een of meer voertuie op 'n aangewese parkeerplek te parkeer vir 'n tydperk wat op die permit gespesifiseer word, ondanks 'n amptelike verkeerstekens tot die teendeel en ondanks die feit dat betaalde parkering andersins op die parkeerplek van toepassing is, as die persoon—
- (a) 'n werknemer, kontrakteur of agent van die Stad is; en
- (b) die voertuig of voertuie op die parkeerplek parkeer—
- (i) met die doel om werk vir of namens die Stad te verrig; en

- (ii) in die loop van die uitvoering van sy of haar pligte vir of namens die Stad.

Voorwaardes en oorspronklike parkeerpermitte

17. (1) (a) Die houer van 'n parkeerpermit moet die oorspronklike permit op die voorruit van die voertuig wat op die permit geïdentifiseer word, aanbring sodat dit na buite wys en so na as prakties moontlik aan die registrasieskyf van die voertuig is.
- (b) Die Stad mag 'n vervangingspermit slegs uitreik nadat die permithouer 'n verklaring oor die feite en omstandighede van 'n verlies, vernietiging of beskadiging van die oorspronklike permit tot voldoening van die Stad afgelê het.
- (2) (a) 'n Inwonersparkeerpermit mag slegs gebruik word ten opsigte van die parkeer van 'n voertuig op die plek wat op die permit geïdentifiseer word, wat—
- (i) die pad langs die woonplek moet wees wat op die permit geïdentifiseer word; of
- (ii) een of meer segmente van die pad naby die woonplek moet wees wat op die permit geïdentifiseer word.
- (b) Die houer van 'n inwonersparkeerpermit mag die permit slegs gebruik terwyl die houer by die woonplek bly woon wat op die permit geïdentifiseer word.
- (c) 'n Inwonersparkeerpermit word nie vir 'n bepaalde voertuig toegestaan nie.
- (d) Die Stad mag 'n maksimum van slegs een parkeerplek per woning toestaan.
- (3) (a) 'n Werksonepermit moet die deel van die pad spesifiseer waarop die permit betrekking het.
- (b) Die houer van 'n werksonepermit moet die voorgeskrewe geld betaal, soos deur die Stad vasgestel, vir die installering van amptelike pad-verkeerstekens of ander tekens of merktekens om die grense van die werksone te identifiseer wat op die permit geïdentifiseer word.
- (c) Niemand mag materiaal van watter aard ook al op die pad of voetpad binne of buite 'n werksone pak, plaas of andersins daar laat nie.
- (d) Niemand mag 'n voertuig parkeer, laai of aflaai of enige ander werksaamheid verrig op 'n wyse wat voetgangerbeweging op 'n voetpad binne of langs 'n werksone belemmer nie; en
- (e) Die houer van 'n werksonepermit moet die permit op die perseel hou en dit op versoek van 'n gemagtigde beampte toon.
- (4) Niemand aan wie 'n permit ingevolge artikels 13, 14, 15 en 16 uitgereik is, mag 'n voertuig te eniger tyd in 'n aangewese parkeerplek stilhou, parkeer of laat nie, tensy die voertuig 'n oorspronklike parkeerpermit vertoon.
- (5) 'n Persoon wat enige bepaling van hierdie artikel oortree, of wat 'n afdruk van 'n parkeerpermit vertoon, begaan 'n misdryf.

Gereserveerde parkering vir gestremdes, diplomatieke korps, Suid-Afrikaanse Polisiediens en ander geïdentifiseerde groepe

18. (1) Die Stad kan parkeergebiede vir gestremdes, die diplomatieke korps, Suid-Afrikaanse Polisiediens en enige ander groepe reserveer wat deur die Stad geïdentifiseer word, en kan sodanige gebiede deur middel van 'n kennisgewing of padtekens aanwys en voorwaardes met betrekking tot die spesiale parkeerfasiliteitpermitte stel.
- (2) Niemand mag te eniger tyd met 'n voertuig, behalwe 'n voertuig wat 'n aangewese parkeerpermit vertoon, op 'n aangewese parkeerplek stilhou of parkeer of die voertuig daar laat nie.
- (3) Iemand wat die bepalings van subartikel (2) oortree, begaan 'n misdryf.

HOOFSTUK 2

PARKEERMETERS EN BETALING VIR PARKERING

Die installering van parkeermeters of gebruik van enige ander toestel om die geparkeerde tyd aan te teken

19. (1) Die Stad kan die volgende op 'n openbare pad of plek in die munisipale gebied installeer of bedryf of laat bedryf—
- (a) 'n parkeermeter by 'n parkeerplek wat as 'n parkeervak afgebaken is; of
- (b) 'n gekombineerde parkeermeter by 'n parkeerplek wat as 'n parkeervak afgebaken is; of
- (c) enige ander toestel waarmee parkeertyd aangeteken en vertoon kan word.
- (2) Die Stad kan 'n parkeermeter in subartikel (1) beoog op die randsteen, voetpad of sypaadjie langs die parkeervak ten opsigte waarvan dit geïnstalleer is of op enige ander plek in die nabyheid van die parkeervak installeer of bedryf.
- (3) In die geval waar 'n parkeermeter nie outomaties deur die invoering van 'n voorgeskrewe muntstuk geaktiveer word nie, moet 'n kennisgewing wat aandui watter stappe gedoen moet word om die meter in werking te stel nadat die voorgeskrewe muntstuk ingevoer is, duidelik op die parkeermeter of 'n kennisgewingbord vertoon word.
- (4) In die geval waar 'n meter buite werking is, kan 'n gemagtigde beampte 'n mus waarop die woorde "Buite werking" in leesbare letters aangebring is, oor die meter trek, en in sodanige gevalle mag 'n voertuig geparkeer word sonder om die voorgeskrewe bedrag te betaal.

Parkeermetode

20. (1) Geen bestuurder of persoon in beheer van 'n voertuig mag die voertuig—
- (a) op 'n parkeervak oor 'n geveerde streep wat die parkeervak merk of in so 'n posisie parkeer dat die voertuig nie heeltemal binne die gebied is wat as parkeervak afgebaken is nie;
- (b) op 'n parkeervak parkeer wat reeds deur 'n ander voertuig beset word nie; of
- (c) op 'n parkeervak parkeer in stryd met 'n padverkeersteken wat die parkeer of stilhou van voertuie op die openbare pad of gedeelte van die betrokke openbare pad verbied nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Betaling vir parkering

21. (1) (a) Wanneer 'n voertuig op 'n parkeervak geparkeer word, moet die bestuurder of persoon in beheer van die voertuig—
- (i) onmiddellik die voorgeskrewe muntstuk soos aangedui op die meter vir die tydperk wat hy of sy sy of haar voertuig op die parkeervak wil parkeer, in die parkeermeter wat langs die parkeervak is ten opsigte waarvan dit geïnstalleer is, invoer of laat invoer en, waar van toepassing, die meter in werking stel deur óf die voorgeskrewe muntstuk in die toepaslike gleuf van die parkeermeter in te voer óf, waar van toepassing, die aanwysings te volg wat op die parkeermeter verskyn; of
 - (ii) betaling doen op enige ander wyse wat deur die Stad voorgeskryf word, ongeag die toestel wat gebruik word om die parkeertyd aan te teken en ongeag of die betaling vereis word aan die begin of einde van die tydperk wat aldus geparkeer word,
- en 'n bestuurder of persoon in beheer van 'n voertuig wat versuim om dit te doen, begaan 'n misdryf.
- (b) Wanneer 'n voertuig of 'n voertuig en 'n sleepwa se afmetings sodanig is dat dit meer as een meterparkeervak in beslag neem, moet die bestuurder of persoon in beheer van die voertuig—
- (i) onmiddellik die voorgeskrewe muntstukke soos aangedui op die meter vir die tydperk wat hy of sy sy of haar voertuig op die parkeervak wil parkeer, in die parkeermeters wat langs die parkeervakke is ten opsigte waarvan hulle geïnstalleer is, invoer of laat invoer en, waar van toepassing, die meters in werking stel deur óf die voorgeskrewe muntstuk in die toepaslike gleuf van die parkeermeters in te voer óf, waar van toepassing, die aanwysings te volg wat op die parkeermeter verskyn; of
 - (ii) betaling doen op enige ander wyse wat deur die Stad voorgeskryf word, ongeag die toestel wat gebruik word om die parkeertyd aan te teken en ongeag of die betaling vereis word aan die begin of einde van die tydperk wat aldus parkeer word,
- en 'n bestuurder of persoon in beheer van 'n voertuig wat versuim om dit te doen, begaan 'n misdryf.
- (c) Wanneer die stappe wat in paragrawe (a) en (b) beskryf word, afgehandel is, mag die meterparkeervak wettig deur 'n voertuig beset word vir die tydperk wat in die parkeermeter aangedui word.
- (d) Behoudens paragraaf (e), kan 'n bestuurder of persoon in beheer van 'n voertuig 'n voertuig sonder betaling parkeer vir sodanige tyd (indien enige) wat op die parkeermeter as onverstreke van die vorige gebruik aangetoon word, met dien verstande dat die Stad enige betaalde tyd wat op die meter oor is, kan kanselleer nadat 'n voertuig waarvoor die parkering betaal is, die parkeervak ontruim het en voordat die parkeervak deur 'n volgende voertuig beset word.
- (e) Subartikel (d) geld nie vir 'n parkeervak waar onverstreke tyd nie sigbaar vertoon word nie.
- (2) Behoudens die bepalings van subartikel (3), kan die bestuurder of persoon in beheer van 'n voertuig onmiddellik, ongeag of die gemagtigde parkeertyd verstryk het of nie, die parkeermeter in werking stel soos in subartikel (1)(a) uiteengesit word, en nadat die meter in werking gestel is, kan die voertuig die parkeervak wettig beset vir die verdere tydperk wat op die parkeermeter aangedui word.
- (3) Niemand mag 'n voertuig wat op 'n parkeervak geparkeer is, vir 'n aaneenlopende tydperk wat die maksimum toegelate parkeertyd oorskry soos op die meter of ander toestel aangetoon laat nie, en iemand wat 'n voertuig op 'n parkeervak geparkeer laat vir 'n aaneenlopende tydperk wat die maksimum toegelate parkeertyd oorskry soos op die meter of ander toestel aangetoon word, begaan 'n misdryf.
- (4) Behoudens die bepalings van artikel 13, mag geen bestuurder of persoon in beheer van 'n voertuig veroorsaak, toelaat, veroorloof of duld dat die voertuig op 'n parkeervak geparkeer bly terwyl die aanwyser van die parkeermeter of enige ander toestel toon dat—
- (a) die tyd verstreke is; of
 - (b) die meter nie in werking gestel is nie, hetsy deur die voorgeskrewe muntstuk in te voer of, waar van toepassing, die aanwysings te volg wat op die parkeermeter verskyn,
- en 'n bestuurder of persoon in beheer van 'n voertuig wat 'n bepaling van hierdie subartikel oortree, begaan 'n misdryf.
- (5) Behoudens subartikel 1(a), waar 'n parkeermeter nie in werking gestel kan word nie ondanks voldoening of gepoogde voldoening aan die prosedure wat in subartikel (1)(a)(i) voorgeskryf word, mag geen bestuurder of persoon in beheer van 'n voertuig veroorsaak, toelaat, veroorloof of duld dat die voertuig op die parkeervak geparkeer bly vir 'n aaneenlopende tydperk wat die tydperk oorskry wat deur die aanwyser van die parkeermeter aangetoon is toe so 'n voertuig op genoemde parkeervak geparkeer was nie; indien—
- (a) die aanwyser egter toon dat—
 - (i) die tyd verstreke is;
 - (ii) die parkeermeter nie in werking gestel is nie; of
 - (b) 'n mus oor die parkeermeter geplaas is soos in artikel 20(4) beoog,
- mag geen bestuurder of persoon veroorsaak, toelaat, veroorloof of duld dat die voertuig op die parkeervak geparkeer bly nie,
- en 'n bestuurder of persoon in beheer van 'n voertuig wat 'n bepaling van hierdie subartikel oortree, begaan 'n misdryf.

Parkering op 'n parkeervak verbode

22. 'n Gemagtigde beampte kan, wanneer dit ook al nodig of gerade is om dit in belang van die beweging of beheer van verkeer te doen, 'n verkeerstekens of -tekens wat lui "Stilhou verbode" of "Parkering verbode" by 'n parkeervak of -vakke plaas of oprig, en niemand mag op so 'n parkeervak stilhou of 'n voertuig parkeer of laat stilhou of parkeer nie—
- (a) terwyl die teken aldus geplaas of opgerig is; of
 - (b) gedurende enige tydperk wat die stilhou of parkeer van 'n voertuig op die betrokke openbare pad of gedeelte van die openbare pad ingevolge so 'n verkeerstekens verbode is nie,
- en iemand wat 'n bepaling van hierdie subartikel oortree, begaan 'n misdryf.

Peuter met of belemmering van 'n parkeermeter of -toestel

23. (1) Niemand mag—

- (a) 'n parkeermeter misbruik, beskadig of stamp of daaraan peuter of torring nie;
- (b) probeer om die werking of meganisme van 'n parkeermeter te misbruik, te beskadig, te stamp of daaraan te peuter of te torring nie.
- (2) Niemand mag, sonder magtiging van die Stad en onderworpe aan enige ander verordening van die Stad, 'n plakkaat, advertensie, kennisgewing, lys, dokument, bord of voorwerp op 'n parkeermeter aanbring of probeer aanbring of plaas nie.
- (3) Niemand mag 'n parkeermeter verf, daarop skryf of dit ontsier nie.
- (4) Niemand mag sonder die toestemming van 'n parkeeroopsigter enige toestel in besit van so 'n parkeeroopsigter uit sy besit verwyder of daaraan peuter nie.
- (5) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

Slegs voorgeskrewe muntstuk mag ingevoer word

24. (1) Niemand mag enigiets anders as die voorgeskrewe muntstuk in 'n parkeermeter invoer of laat invoer nie.

- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Onwettige inwerkingstelling van 'n parkeermeter

25. (1) Niemand mag 'n parkeermeter in werking stel of probeer in werking stel op enige ander wyse as wat in hierdie Verordening voorgeskryf word nie.

- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Onwettige parkering en vasklamping of verwydering van onwettig geparkeerde voertuie

26. (1) Niemand mag veroorsaak, toelaat veroorloof of duld dat 'n voertuig op 'n parkeervak geparkeer word nie, behalwe soos toegelaat deur die bepalings van hierdie Verordening.

- (2) Wanneer daar gevind word dat 'n voertuig in stryd met hierdie Verordening geparkeer is, word dit geag geparkeer te wees, of veroorsaak om geparkeer te wees, of toegelaat om geparkeer te wees deur die persoon op wie se naam die voertuig geregistreer is, tensy en totdat hy of sy bewys tot die teendeel voorlê.

(3) Die Stad mag—

- (a) 'n wielklamp aan enige onwettig geparkeerde voertuig aanbring;
- (b) of 'n onwettig geparkeerde voertuig laat verwyder na 'n plek wat deur die Stad aangewys is; en
- (c) 'n geld hef vir die verwydering van die wielklamp wat ingevolge subartikel (3)(a) aangebring is of vir die vrystelling van 'n voertuig wat ingevolge subartikel (3)(b) verwyder is, welke gelde by die verwydering van sodanige wielklamp of die vrystelling van sodanige voertuig betaalbaar sal wees.

- (4) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Vrystellings

27. (1) Ondanks enige andersluidende bepaling in hierdie Verordening, mag die bestuurder of persoon in beheer van die volgende voertuie, behoudens die bepalings van hierdie artikel, op 'n meterparkeervak parkeer sonder om die voorgeskrewe geld te betaal—

- (a) 'n voertuig wat as ambulans gebruik word, en op daardie tydstip gebruik word om aan 'n lewensbedreigende situasie aandag te skenk;
- (b) 'n voertuig wat deur 'n brandweer gebruik word om brande te bestry, en wat op daardie tydstip deur die brandweer gebruik word om 'n brand te bestry; en
- (c) 'n voertuig wat deur 'n lid van die Suid-Afrikaanse Polisiediens, die Metropolitaanse Polisiediens of die Wetstoepassingsafdeling van die Stad gebruik word, en wat op daardie tydstip gebruik word in verband met 'n misdad wat gepleeg word of in verband met die insameling of beskerming van getuieis na afloop van 'n misdad.

(2) Onderworpe aan enige tydsgrense of -bepelings met betrekking tot die stilhou of parkeer van voertuie soos deur enige ander wet, regulasie of verordening voorgeskryf, mag 'n parkeervak sonder betaling beset word gedurende die tye wat die Stad aandui op 'n teken wat vir daardie doel opgerig is.

- (3) Iemand wat die bepalings van subartikel (2) oortree, begaan 'n misdryf.

HOOFSTUK 3**PARKEERTERREINE****Deel 1: Algemene bepalings****Die Stad nie aanspreeklik vir verlies of skade nie**

28. Die Stad is nie aanspreeklik vir verlies van of skade aan enige voertuig of persoon of enige toebehore of die inhoud van 'n voertuig wat op 'n parkeerterrein geparkeer was nie, hoe dit ook al veroorsaak is.

Inmenging met gemagtigde amptenare, gemagtigde beamptes en parkeeroopsigters

29. (1) Niemand mag 'n gemagtigde amptenaar, gemagtigde beampte of 'n parkeeroopsigter in die uitoefening van sy of haar pligte kragtens hierdie Verordening dwarsboom, hinder of op enige manier met hom of haar inmeng nie.

- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Betaling van voorgeskrewe geld

30. (1) 'n Persoon wat van 'n parkeerterrein of parkeervak gebruik maak, moet, waar gelde ten opsigte van die parkeerterrein of parkeervak vasgestel is, die voorgeskrewe geld betaal op enige manier en in enige formaat wat deur die Stad voorgeskryf word.
- (2) Die Stad kan, ten opsigte van 'n parkeerterrein wat deur die uitreiking van koepons beheer word, teen die voorgeskrewe geld 'n koepon uitreik wat die houer geregtig maak om vir een kalendermaand of enige korter tydperk wat op die koepon vermeld word, op die tye wat op die koepon vermeld word 'n voertuig op die terrein te parkeer, as 'n parkeervak beskikbaar is.
- (3) Die Stad kan aan enige van sy amptenare 'n koepon uitreik wat die houer daarvan geregtig maak om, wanneer 'n voertuig vir sake van die Stad gebruik word, die voertuig op 'n gespesifiseerde parkeerterrein te parkeer, as daar plek op die parkeerterrein beskikbaar is.
- (4) 'n Koepon wat kragtens subartikel (2) of (3) uitgereik is—
- (a) mag nie, sonder vooraf skriftelike toestemming van die Stad—
- (i) aan enige ander persoon oorgedra word nie; of
- (ii) ten opsigte van enige ander voertuig as die gespesifiseerde voertuig gebruik word nie;
- (b) moet deur die houer van die koepon op so 'n wyse en plek op die voertuig ten opsigte waarvan dit uitgereik is, aangebring word dat die geskrewe of gedrukte teks op die koepon maklik van buite die voertuig gelees kan word; en
- (c) sal slegs geldig wees vir die tydperk wat op die koepon vermeld word.
- (5) Aansoek om toestemming wat in subartikel 4(a) beoog word, moet gedoen word op 'n vorm wat die Stad vir hierdie doel verskaf.
- (6) Iemand wat die bepalinge van subartikel (1) oortree, of wat 'n parkeerterrein of parkeervak gebruik nadat die tydperk waarvoor 'n koepon ingevolge subartikel (2) uitgereik is, verstreke is, of wat 'n bepaling van subartikel (4) oortree, begaan 'n misdryf.

Nakoming van tekens

31. (1) 'n Persoon op 'n parkeerterrein moet enige verkeers- of ander teken, kennisgewing of oppervlakmerkteken wat op die parkeerterrein geplaas is of vertoon word met die doel om voertuie te reël en te reguleer wat die parkeerterrein of die ingang na en die uitgang uit die parkeerterrein gebruik, nakom en daaraan voldoen.
- (2) Iemand wat die bepalinge van subartikel (1) oortree, begaan 'n misdryf.

Parkering en verwydering van voertuig

32. (1) Niemand mag 'n voertuig op 'n parkeerterrein op 'n ander manier parkeer as ter voldoening aan 'n bevel of opdrag wat deur 'n gemagtigde beampte gegee is of soos deur middel van 'n teken aangedui word, of 'n voertuig inbring of verwyder op 'n ander manier as by wyse van 'n ingang tot of uitgang uit die parkeerterrein wat vir daardie doel afgebaken is nie.
- (2) Waar parkeervakke op 'n parkeerterrein afgebaken is, mag niemand in beheer van 'n voertuig die voertuig parkeer—
- (a) op 'n plek op die parkeerterrein wat nie 'n afgebakende parkeervak is nie, tensy hy of sy bevel word om dit te doen deur die gemagtigde beampte by die parkeerterrein;
- (b) op 'n parkeervak oor 'n geveerde streep of in so 'n posisie dat die voertuig nie heeltemal op die gebied is wat as parkeervak afgebaken is nie; of
- (c) op 'n parkeervak wat reeds deur 'n ander voertuig beset word nie.
- (3) Niemand mag 'n voertuig op 'n ryvlak binne 'n parkeerterrein of op 'n sypaadjie of op 'n manier wat voetgangerbeweging op 'n sypaadjie beperk, parkeer nie.
- (4) Niemand mag 'n voertuig op 'n parkeerterrein parkeer op 'n wyse wat ander gebruikers van die parkeerterrein versper of verontrief nie.
- (5) Niemand mag 'n voertuig, behalwe 'n voertuig soos omskryf in die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), op 'n parkeerterrein parkeer of veroorsaak of veroorloof om daar te wees of te bly nie.
- (6) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

Verlate voertuig

33. (1) Die Stad kan 'n voertuig wat vir 'n aaneenlopende tydperk van meer as sewe dae op dieselfde plek op 'n parkeerterrein gelaat is, na die Stad se skut verwyder.
- (2) Die Stad moet alle redelike stappe doen om die eienaar op te spoor van 'n voertuig wat ingevolge subartikel (1) verwyder is, en indien die eienaar van die voertuig of die persoon geregtig op besit van die voertuig nie binne 'n tydperk van 90 dae nadat die voertuig verwyder is, opgespoor kan word nie, kan die Stad, behoudens subartikel (3) en artikels 59 en 60, die voertuig op 'n openbare veiling verkoop.
- (3) Die Stad moet 14 dae voor die veiling wat in subartikel (2) beoog word, 'n kennisgewing van die veiling publiseer of laat publiseer in minstens twee koerante wat binne die munisipale gebied versprei word; indien die eienaar of persoon geregtig op besit van die voertuig die voertuig egter opeis voordat die veiling begin, mag die voertuig nie op die veiling verkoop word nie en moet die persoon alle voorgeskrewe gelde wat ingevolge hierdie Verordening betaalbaar is en die toepaslike koste ingevolge subartikel (4) betaal.
- (4) Die opbrengs van 'n verkoop wat ingevolge hierdie artikel aangegaan word, moet eers aangewend word om die gelde te betaal wat in subartikel (3) bedoel word, en daarna om die volgende te delg:
- (a) die koste wat aangegaan is om die eienaar ingevolge subartikel (2) te probeer opspoor;
- (b) die koste daarvan om die voertuig te verwyder;
- (c) die koste daarvan om die kennisgewing van die veiling te publiseer;
- (d) die koste daarvan om die verkoop van die voertuig te bewerkstellig;
- (e) die koste daarvan, bereken teen 'n tarief wat deur die Stad vasgestel word, om die voertuig in die skut te hou;
- (f) die toepaslike parkeergelde vir die voertuig wat in die parkeerterrein gelaat is soos in subartikel (1) beoog; en
- (g) enige onbetaalde parkeergelde of onbetaalde verkeersboetes ten opsigte van so 'n voertuig;
- en die saldo, as daar is, van die opbrengs moet, as dit geëis word, aan die eienaar van die voertuig of die persoon geregtig op die voertuig betaal word as die persoon sy of haar reg op die voertuig kan bewys.

- (5) Indien daar binne een jaar na die verkoopdatum geen eis ingestel word nie, word die saldo in subartikel (4) bedoel aan die Stad verbeur.
- (6) Niemand mag 'n voertuig vir 'n aaneenlopende tydperk van meer as sewe dae op dieselfde plek op 'n parkeerterrein laat nie, en iemand wat dit doen, begaan 'n misdryf.

Skade aan kennisgewings

34. (1) Niemand mag 'n kennisgewing, kennisgewingbord, teken of ander voorwerp wat deur die Stad op 'n parkeerterrein geplaas is, verwyder, skend, verberg of op enige ander manier beskadig of daaraan peuter nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Nalatige en gevaarlike bestuur en snelheidsperke

35. (1) Niemand mag 'n voertuig op 'n parkeerterrein nalatig of op 'n wyse bestuur wat gevaarlik vir die publiek of 'n ander voertuig is nie.
- (2) Die Stad kan deur middel van 'n teken die maksimum snelheid aandui waarteen daar op 'n parkeerterrein gery mag word.
- (3) Iemand wat die bepalings van subartikel (1) oortree en iemand wat die maksimum snelheid oorskry wat ingevolge subartikel (2) voorgeskryf word, begaan 'n misdryf.

Binnegaan van of bly op parkeerterrein

36. (1) Niemand mag 'n parkeerterrein binnegaan, daarop bly of daar wees nie behalwe met die doel om 'n voertuig op die parkeerterrein te parkeer of om 'n voertuig ten opsigte waarvan hy of sy die voorgeskrewe parkeergeld betaal het, uit die parkeerterrein te verwyder; hierdie artikel is egter nie van toepassing nie op—
- (a) 'n persoon in die geselskap van iemand wat 'n voertuig parkeer of verwyder;
- (b) amptenare van die Stad wat met amptelike aktiwiteite besig is of in opdrag van die Stad daar is; en
- (c) iemand in diens van 'n aangestelde parkeerbestuursdiensverskaffer wat met die uitvoering van sy of haar pligte besig is.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Peutering met voertuig

37. (1) Niemand mag op 'n parkeerterrein sonder redelike oorsaak of sonder die wete of toestemming van die eienaar of persoon wettig in beheer van 'n voertuig op enige wyse toring of peuter met die masjinerie, toebehore, onderdele of inhoud van die voertuig, of in of op die voertuig klim, of die masjinerie van die voertuig aan die gang sit nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Ontsiering van koepoon

38. (1) Niemand mag, met die bedoeling om die Stad te bedrieg, op 'n parkeerterrein 'n parkeerkoepoon wat ingevolge hierdie Verordening uitgereik is, vervals, namaak, ontsier, skend, wysig of 'n merk daarop maak nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Onklaar voertuig

39. (1) Niemand mag 'n voertuig wat meganies onklaar is of om enige rede nie kan beweeg nie, op 'n parkeerterrein parkeer of veroorsaak of veroorloof dat dit daar geparkeer word of bly nie.
- (2) Indien 'n voertuig, nadat dit op 'n parkeerterrein geparkeer is, 'n defek ontwikkel wat dit onbeweeglik maak, moet die persoon in beheer alle redelike stappe doen om die voertuig te laat herstel indien geringe noodherstelwerk gedoen kan word, of dit binne 'n redelike tyd laat verwyder.
- (3) Iemand wat die bepalings van subartikel (1) of (2) oortree, begaan 'n misdryf.

Skoonmaak van voertuig

40. (1) Niemand mag sonder vooraf goedkeuring deur die Stad 'n voertuig op 'n parkeerterrein of parkeervak skoonmaak of was nie.
- (2) Iemand wat die bepalings van subartikel (1) oortree, begaan 'n misdryf.

Weiering van toegang

41. (1) 'n Gemagtigde beampte kan weier om toegang tot 'n parkeerterrein te gee aan 'n voertuig wat tesame met sy vrag langer as vyf meter is, of wat vanweë die breedte of hoogte daarvan waarskynlik skade aan persone of eiendom sal veroorsaak, of wat 'n versperring of oormatige ongerief sal veroorsaak.
- (2) Iemand wat 'n gemagtigde beampte se weiering van toegang verontagsaam, begaan 'n misdryf.

Parkeertye en klasse voertuie

42. (1) Die Stad kan, onderworpe aan die bepalings van hierdie Verordening, parkering op 'n parkeerterrein toelaat gedurende die ure wat die parkeerterrein oop is vir parkering van sodanige klasse voertuie soos wat hy kan bepaal.
- (2) Die Stad moet, in 'n kennisgewing wat by die ingang van die parkeerterrein aangebring word, die klasse motorvoertuie wat op die parkeerterrein geparkeer mag word en die oop- en toemaaktye van die parkeerterrein uiteensit.
- (3) Die Stad kan, ondanks 'n kennisgewing wat ingevolge subartikel (2) aangebring is, deur middel van 'n kennisgewing wat op 'n parkeerterrein vertoon word, die parkeerterrein of 'n gedeelte van die parkeerterrein permanent of vir 'n tydperk wat in die kennisgewing vermeld word, vir die parkering van voertuie sluit.
- (4) Niemand mag 'n voertuig parkeer of toelaat om geparkeer te bly op 'n parkeerterrein of gedeelte van 'n parkeerterrein wat ingevolge subartikel (3) gesluit is nie, of op enige ander tyd as gedurende die tye vir die parkeer van voertuie op die parkeerterrein soos wat tyd tot tyd deur die Stad bepaal.
- (5) Niemand mag 'n voertuig op die parkeerterrein parkeer wat nie van die klas of klasse is wat die parkeerterrein vir parkering mag gebruik soos uiteengesit in die kennisgewing wat by die ingang van die parkeerterrein aangebring is nie.
- (6) Niemand mag, tensy hy of sy die houër van 'n parkeerkoepoon is wat ingevolge hierdie Verordening uitgereik is en wat hom of haar magtig om dit te doen, 'n voertuig op 'n parkeerterrein parkeer of laat parkeer of veroorloof om daar te parkeer voor die aanvang of na die verstryking van die parkeertydperk wat vir die parkeerterrein vasgestel is nie.

(7) Iemand wat die bepalinge van subartikel (4), (5) of (4) oortree, begaan 'n misdryf.

Reservering deur die Stad

- 43.** (1) Die Stad kan, deur middel van 'n kennisgewing wat op die parkeerterrein vertoon word, 'n gedeelte van die parkeerterrein reserver vir die parkeer van voertuie wat aan die Stad behoort of voertuie wat deur lede van sy personeel vir stadsake gebruik word.
- (2) Iemand wat 'n voertuig parkeer op 'n gedeelte wat vir die parkeer van voertuie wat aan die Stad behoort of vir lede van die Stad se personeel gereserveer is, begaan 'n misdryf.

Deel 2: Meganies beheerde parkeerterrein

Parkering van 'n voertuig op 'n meganies of andersins beheerde parkeerterrein

44. (1) Behoudens artikel 2, moet iemand wat—

- (a) 'n voertuig wil parkeer;
- (b) veroorsaak of veroorloof dat 'n voertuig geparkeer word; of
- (c) 'n voertuig toelaat om geparkeer te word;

op 'n meganies of andersins beheerde parkeerterrein, wanneer die parkeerterrein binnegegaan word en nadat die voertuig tot stilstand gebring is, en ooreenkomstig die aanwysings wat op of naby die parkeerkoeponverkoopmasjien vertoon word, 'n parkeerkoepon verkry wat deur die masjien uitgereik word.

(2) Iemand in subartikel (1) beoog mag nie 'n voertuig parkeer nie—

- (a) behalwe op 'n parkeervak en ter voldoening aan sodanige aanwysings as wat deur 'n gemagtigde beampte gegee kan word of, waar daar nie so 'n parkeervak gemerk is nie, op 'n plek wat deur die gemagtigde beampte aangewys word;
- (b) nadat 'n gemagtigde beampte aan die persoon te kenne gegee het dat die parkeerterrein vol is;
- (c) na die verstryking van die parkeertydperk wat op die parkeerkoepon aangedui word; of
- (d) vir 'n langer tydperk as wat deur die teken aangedui word.

(3) 'n Parkeerkoepon wat ingevolge subartikel (1) verkry word, is geldig tot die verstryktyd daarvan soos op die koepon aangedui, en 'n persoon mag nie toelaat dat die voertuig op die parkeerterrein bly na die verstryking van die parkeertydperk nie, met dien verstande dat die Stad 'n stelsel kan implementeer waarvolgens betaling aan die einde van die parkeertydperk vereis word.

(4) Iemand wat nie 'n koepon in ooreenstemming met subartikel (1) verkry nie, of wat die bepalinge van subartikel (2) of (3) oortree, begaan 'n misdryf.

Verwydering van 'n voertuig uit 'n meganies of andersins beheerde parkeerterrein

45. (1) Niemand mag 'n voertuig uit 'n parkeerterrein verwyder of die verwydering daarvan veroorsaak of veroorloof nie, tensy Ä

- (a) hy of sy aan die gemagtigde beampte 'n koepon getoon het wat hom of haar magtig om op die parkeerterrein te parkeer en wat by die binnegegaan van die parkeerterrein deur die parkeerkoeponverkoopmasjien aan hom of haar uitgereik is; en
- (b) hy of sy die voorgeskrewe parkeergeld aan die gemagtigde beampte betaal het.

(2) Indien iemand versuim om 'n koepon te toon wat hom of haar magtig om op die beheerde parkeerterrein te parkeer, sal daar geag word dat hy of sy die voertuig geparkeer het van die begin van 'n tydperk wat die parkeerterrein vir parkering oop is tot die tyd wat hy of sy die voertuig wil verwyder, en hy of sy sal 'n geld gevra word soos van tyd tot tyd deur die Stad vasgestel.

(3) Niemand mag, nadat hy of sy versuim het om 'n koepon te toon, 'n voertuig wat op die parkeerterrein geparkeer is, verwyder veroorsaak of veroorloof dat dit verwyder word nie, totdat hy of sy aan 'n gemagtigde beampte ander bewys gelewer het van sy of haar reg om die voertuig te verwyder, en die gemagtigde beampte—

- (a) moet van die persoon vereis om bewys van identiteit te toon en om 'n vrywaringsvorm in te vul en te onderteken wat deur die Stad verskaf word, welke vorm die uitwerking het dat die Stad teen enige eise van watter aard ook al deur 'n persoon met betrekking tot die verwydering van die voertuig gevrywaar word; en
- (b) kan van die persoon vereis om sodanige sekuriteit te verskaf wat die Stad kan bepaal.

(4) Subartikel (1)(a) is nie van toepassing waar voorgeskrewe parkeergelde by die binnegegaan van die parkeerterrein betaal is en die persoon wat sodanige gelde betaal het, die vereiste koepon op aanvraag aan die gemagtigde beampte getoon het nie.

(5) Waar 'n voertuig nie teen die einde van die parkeertydperk waarvoor die voorgestelde geld betaal is, uit 'n parkeerterrein verwyder is nie, is 'n verdere heffing, wat die Stad van tyd tot tyd kan vasstel, vir die volgende parkeertydperk betaalbaar.

(6) Iemand wat die bepalinge van subartikel (1) oortree, of wat 'n voertuig in stryd met subartikel (3) verwyder of veroorsaak of veroorloof dat dit verwyder word, of wat nie voldoen aan 'n versoek wat 'n gemagtigde beampte ingevolge subartikel (3)(a) of (b) rig nie, begaan 'n misdryf.

Deel 3: Betaal-en-vertoonparkeerterrein

Parkering van 'n voertuig op 'n betaal-en-vertoonparkeerterrein

46. (1) Iemand wat—

- (a) 'n voertuig wil parkeer;
- (b) veroorsaak of veroorloof dat 'n voertuig geparkeer word; of
- (c) toelaat dat 'n voertuig geparkeer word;

op 'n betaal-en-vertoonparkeerterrein, moet onmiddellik, wanneer die parkeerterrein binnegegaan word, ooreenkomstig die aanwysings wat op of in die nabyheid van die parkeerkoeponverkoopmasjien op die parkeerterrein vertoon word, 'n koepon koop wat deur die masjien uitgereik word, en iemand wat nie aan hierdie subartikel voldoen nie, begaan 'n misdryf.

- (2) Die volgende moet op die parkeerkoeponverkoopmasjien aangedui word:
- die tydperk wat 'n voertuig op die betaal-en-vertoonparkeerterrein geparkeer mag word; en
 - die muntstuk of ander voorgeskrewe voorwerp of metode van betaling wat in die betaal-en-vertoonmasjien ingevoer moet word of in verband daarmee gebruik moet word ten opsigte van die parkeertydperk.
- (3) Die persoon moet die koepon vertoon deur dit aan die binnekant van die voorruit van die voertuig aan die bestuurder se kant aan te bring op so 'n wyse en plek dat die inligting wat deur die betaal-en-vertoonmasjien op die koepon gedruk is, maklik van buite die voertuig gelees kan word.
- (4) Niemand mag toelaat dat 'n voertuig na die verstryking van die vertrektyd wat op die parkeerkoepon getoon word, op 'n parkeer-en-vertoonparkeerterrein bly nie en, tensy bewys tot die teendeel gelewer word, word die datum of dag en tyd van vertrek soos deur 'n parkeerkoeponverkoopmasjien aangeteken, op die oog af geag die korrekte bewys van datum of dag en tyd te wees.
- (5) Niemand mag 'n voertuig op 'n betaal-en-vertoonparkeerterrein parkeer of veroorsaak, veroorloof of toelaat dat 'n voertuig geparkeer word as 'n parkeerkoepon nie van die parkeerkoeponverkoopmasjien verkry kan word nie of as 'n kennisgewing wat op die masjien vertoon word, aantoon dat dit buite werking is.
- (6) Indien 'n voertuig uit 'n betaal-en-vertoonparkeerterrein verwyder en binne die tydperk wat die parkeerkoepon geldig is na die parkeerterrein teruggebring word, is die koepon steeds geldig.
- (7) Die besit van 'n geldige parkeerkoepon ten opsigte van 'n voertuig wat nie op 'n parkeervak is nie, waarborg nie die beskikbaarheid van 'n onbesette parkeervak nie.
- (8) Iemand wat die bepalinge van subartikel (3), (4) of (5) oortree, begaan 'n misdryf.

Diverse misdrywe ten opsigte van 'n betaal-en-vertoonparkeerterrein

47. Iemand begaan 'n misdryf as hy of sy—

- die volgende in 'n parkeerkoeponverkoopmasjien invoer of probeer invoer—
 - 'n vervalste muntstuk;
 - waar 'n ander soort voorwerp gebruik moet word, 'n vals voorwerp;
 - 'n muntstuk wat nie 'n Suid-Afrikaanse betaalmiddel is nie; of
 - enige voorwerp wat nie bedoel is om in die parkeerkoeponverkoopmasjien ingevoer te word nie;
- 'n parkeerverkoopmasjien of toebehoorsel daarvan ruk, stamp, skud of op enige ander wyse daaraan torring of peuter of dit beskadig of skend, of 'n teken, plakkaat, advertensie, kennisgewing, lys, dokument, bord of voorwerp aan 'n parkeerkoeponverkoopmasjien aanbring of probeer aanbring, of daarop verf of skryf of dit ontsier; of
- 'n parkeerkoeponverkoopmasjien of enige deel van die masjien van sy montering verwyder of probeer verwyder.

HOOFSTUK 4

TAXI'S EN BUSSE

Deel 1: Spesiale parkeerplekke vir taxi's

Spesiale parkeerplekke vir taxi's

48. (1) Die Stad kan, behoudens enige ander verordening van die Stad met betrekking tot taxi's, spesiale parkeerplekke tot stand bring vir gebruik deur taxi's of die parkeer van 'n taxi wat behoort aan 'n persoon aan wie 'n staanplek-toegangsbewys om die parkeerplek te gebruik of 'n taxi te parkeer, uitgereik is.
- (2) 'n Staanplek-toegangsbewys kan uitgereik word waarvolgens 'n bepaalde spesiale parkeerplek of onderverdeling van 'n spesiale parkeerplek aan 'n bepaalde persoon of motorvoertuig toegewys word vir sy, haar of die voertuig se uitsluitlike gebruik.
- (3) Indien daar op 'n bepaalde tyd nie ruimte op 'n spesiale parkeerplek beskikbaar is vir die parkeer van 'n taxi deur 'n houder van 'n staanplek-toegangsbewys of vir 'n taxi waarop die staanplek-toegangsbewys betrekking het nie, moet die taxi op 'n waggebied geparkeer word wat gespesifiseer word deur 'n behoorlik aangestelde taxifasiliteitbeampte wat by die spesiale parkeerplek werksaam is, soos in artikel 49 beoog, totdat die taxifasiliteitbeampte of enige ander behoorlik aangestelde persoon die persoon ontbied en toestemming gee dat die taxi op die spesiale parkeerplek geparkeer kan word.
- (4) Geen persoon of motorvoertuig behalwe die persoon of motorvoertuig wat in subartikel (2) bedoel word, mag, behalwe uit hoofde van 'n staanplek-toegangsbewys, die spesiale parkeerplek of sy onderverdeling gebruik of daarop geparkeer word nie, en iemand wat hierdie bepaling oortree, of iemand wat 'n motorvoertuig op 'n ander waggebied parkeer behalwe die een wat in subartikel (3) beoog word, begaan 'n misdryf.

Taxiparkering

49. (1) 'n Bestuurder mag, behoudens subartikel (2) en artikel 48 en behoudens aan enige ander verordening van die Stad met betrekking tot taxi's—
- 'n taxi slegs op 'n spesiale parkeerplek of taxiwaggebied parkeer, en slegs met die doel om sake te doen wat regstreeks met die taxi verband hou; of
 - slegs op 'n spesiale parkeerplek of 'n taxistilhouplek wat voorsien is, te huur wees of passasiers op- of aflaai.
- (2) In noodgevalle of by ontspannings- en ander soortgelyke funksies kan die Stad tydelike taxifasiliteite opsy sit wat deur die hoofverkeersbeampte as geskik vir die parkeer en stilhou van taxi's geïdentifiseer is.
- (3) Iemand wat die bepalinge van subartikel (1) oortree, of wat 'n taxi parkeer of daarmee stilhou op 'n ander plek as 'n tydelike taxifasiliteit in subartikel (2) beoog, begaan 'n misdryf.

Gebruik van taxistaanplekke

50. (1) Onderworpe aan enige ander verordening van die Stad met betrekking tot taxi's—
- kan 'n bestuurder, behoudens subartikel (3), 'n taxi parkeer op die taxistaanplek wat op die staanplek-toegangsbewys spesifiek vir daardie taxi uitgereik, gespesifiseer word, as daar plek beskikbaar is, en slegs met die doel om sake te doen wat regstreeks met die taxi verband hou; en

- (b) moet 'n bestuurder, as daar geen plek beskikbaar is nie, die taxi verwyder en dit op 'n waggebied parkeer in ooreenstemming met die bepalings van artikel 48.
- (2) Die bestuurder moet, wanneer hy of sy te huur op 'n taxistaanplek is, in 'n tou staan, en moet—
- (a) sy of haar taxi op die eerste beskikbare vakante plek in die tou onmiddellik agter die taxi plaas wat reeds voor staan; en
- (b) sy of haar taxi vorentoe beweeg na gelang die tou vorentoe beweeg.
- (3) Wanneer 'n taxi op 'n taxistaanplek te huur is—
- (a) moet die bestuurder van 'n taxi wat die eerste, tweede of derde posisie van die voerpunt van die tou beklee, naby sy of haar taxi bly terwyl dit in daardie posisie is;
- (b) mag 'n bestuurder nie sy of haar taxi voor enige taxi plaas wat voor hom of haar aangekom het en 'n posisie in die tou ingeneem het nie; en
- (c) kan 'n bestuurder, as sy of haar taxi die eerste taxi in die tou is, op die versoek van iemand reageer, tensy die persoon duidelik sy of haar voorkeur te kenne gee vir 'n taxi wat nie voor in die tou is nie.
- (4) Niemand mag 'n taxi wat nie in 'n behoorlik werkende toestand is soos deur die Wet vereis word, op 'n taxistaanplek parkeer of veroorsaak of veroorloof dat die taxi in 'n staanplek bly nie.
- (5) Niemand mag 'n voertuig op 'n taxistaanplek parkeer of toelaat dat 'n voertuig daar staan nie, behalwe 'n taxi in besit van 'n geldige bedryfslisensie en waarvoor 'n staanplek-toegangsbewys, wat die staanplek spesifiseer, vir die betrokke jaar uitgereik is, soos in hierdie Deel van Hoofstuk 4 beoog.
- (6) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

Verbod op parkering van taxi's op "stilhou verbode"-plek

51. Geen taxibestuurder mag 'n taxi op 'n "stilhou verbode"-plek parkeer nie, en 'n taxibestuurder wat dit doen, begaan 'n misdryf.

Versiening en was van taxi's by taxifasiliteite

52. (1) Niemand mag 'n motorvoertuig by 'n taxifasiliteit herstel of versien nie.
- (2) Niemand mag 'n motorvoertuig by 'n taxifasiliteit was nie, behalwe by 'n wasplek by die fasiliteit wat spesiaal vir hierdie doel gebou is.
- (3) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

Verbode gedrag by 'n taxistaanplek

53. Iemand wat 'n steurnis veroorsaak of op 'n oproerige of onbetaamlike wyse optree, begaan 'n misdryf ingevolge hierdie Verordening en kan deur enige gemagtigde beampte uit 'n tou, taxistaanplek of die omgewing van 'n taxifasiliteit verwyder word.

Deel 3: Busfasiliteite en -permitte, en bedryf van busse

Totstandbring van busfasiliteite

54. Die bepalings van artikel 48(1), (2) en (3) is, met die nodige veranderinge, op busse van toepassing.

Onderskeidende bushaltes

55. (1) Elke bushalte moet deur die toepaslike verkeersteken onderskei word om die soort bus of minibus-taxi of, waar van toepassing, die naam van die instansie wat daarop geregtig is om die bushalte, aan te dui.
- (2) Die Stad kan bushaltes vir toerbusse afbaken.

Bestemmingstekens en stilhou of parkering by bushaltes

56. (1) Geen bestuurder of persoon in beheer van 'n bus of minibus-taxi mag so 'n voertuig by 'n bushalte parkeer of toelaat dat so 'n voertuig by enige bushalte geparkeer word nie.
- (2) Geen bestuurder van of persoon in beheer van 'n minibus-taxi mag so 'n voertuig stilhou of parkeer by enige afgebakende toerbus-bushaltes, of dit toelaat, nie.
- (3) Ondanks die bepalings van subartikel (1) kan 'n bestuurder of persoon in beheer van 'n Stadbus 'n Stadbus by 'n bushalte wat afgemerk is vir 'n onderneming wat Stadbusse bedryf, parkeer indien hy of sy dit moet doen om die vertrek van so 'n bushalte af te vertraag ten einde by die vereiste busrooster te hou.
- (4) 'n Bestuurder of persoon in beheer van 'n bus of minibus-taxi moet aan enige verkeersteken, kennisgewing of padmerk wat by 'n bushalte voorkom of vertoon word, gehoor gee.
- (5) Waar 'n verkeersteken 'n bushalte identifiseer of 'n ander teken by die bushalte vertoon word wat die naam van 'n onderneming aandui, mag geen bestuurder of persoon in beheer van 'n bus of minibus-taxi wat deur of namens 'n ander onderneming as die onderneming wat op die teken aangedui word, bedryf word, so 'n voertuig stop of 'n passasier toelaat om by so 'n bushalte in die voertuig te klim of daar af te klim nie.
- (6) 'n Bestuurder of persoon in beheer van 'n bus moet toesien dat 'n bestemmingsteken in die bus vertoon word.
- (7) Geen bestuurder of persoon in beheer van 'n bus of minibus-taxi mag toelaat dat die enjin van so 'n bus wat toegelaat word om by enige bushalte stil te hou, langer as 20 minute nadat die bus stilgehou het, loop nie.
- (8) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

HOOFSTUK 5

DIVERSE BEPALINGS

Gehoorsaam van en inmenging met 'n gemagtigde beampte

57. (1) 'n Gemagtigde beampte mag alle verkeer deur middel van sigbare of hoorbare tekens reël, en niemand mag sulke tekens verontagsaam nie.
- (2) Niemand mag 'n gemagtigde beampte in die uitoefening van die bevoegdheids in subartikel (1) bedoel, dwarsboom, hinder, beledig of met hom of haar inmeng nie.
- (3) Iemand wat 'n bepaling van hierdie artikel oortree, begaan 'n misdryf.

Appèl

58. (1) 'n Persoon wie se regte aangetas word deur 'n besluit wat ingevolge hierdie Verordening geneem is en in die geval waar die mag of plig om 'n besluit te neem aan die besluitnemer gedelegeer of gesubdelegeer word, kan teen sodanige besluit appelleer deur die munisipale bestuurder binne 21 dae na die datum van die kennisgewing van die besluit skriftelik van die appèl en die redes daarvoor kennis te gee.
- (2) Die appèlgesag moet die appèl oorweeg en die besluit bevestig, verander of herroep, maar sodanige verandering of herroeping mag nie afbreuk doen aan enige regte wat as gevolg van die besluit toegeval het nie.
- (3) Wanneer daar geappelleer word teen 'n besluit wat geneem is deur—
- 'n ander personeellid as die munisipale bestuurder, is die munisipale bestuurder die appèlgesag; of
 - die munisipale bestuurder, is die uitvoerende burgemeesterskomitee die appèlgesag.
- (4) Die appèlgesag moet binne ses weke met 'n appèl begin en die appèl binne 'n redelike tyd afhandel.

Verkoop van geskutte voertuie

59. (1) Die Stad moet—
- binne 14 dae nadat 'n voertuig geskut is, by die hof aansoek doen vir magtiging om die voertuig te verkoop; en
 - in die aansoek in paragraaf (a) beoog, aan die hof bewys lewer dat hy of sy 'n staat soos in subartikel (2) beoog, aan die eienaar besorg het.
- (2) Die staat in subartikel (1)(b) beoog moet die gelde en koste insluit wat ingevolge hierdie Verordening verskuldig is.

Prosedure wat by 'n hofaansoek gevolg moet word

60. 'n Hofaansoek vir die verkoop van 'n geskutte voertuig ingevolge hierdie Verordening moet voldoen aan die prosedure beoog in artikel 66 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944), en reël 41 van die Hofreëls gemaak deur die Reëlsraad vir Geregshowe ingestel deur artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet 107 van 1985), en gepubliseer kragtens Goewermentskennisgewing R.1108 in Regulasiekoerant No. 980 van 21 Junie 1968, soos van tyd tot tyd gewysig, gelees met die nodige veranderinge.

Voldoeningskennisgewings en die verhaling van koste

61. (1) Ondanks enige andersluidende bepaling van hierdie Verordening, kan die Stad—
- waar die Stad se toestemming nodig is voordat 'n persoon 'n bepaalde handeling kan verrig of enigiets mag bou of oprig en sodanige toestemming nie verkry is nie; en
 - waar enige bepaling van hierdie Verordening oortree word in omstandighede waar die oortreding deur die verwydering van enige struktuur, voorwerp, materiaal of middel beëindig kan word,
- 'n skriftelike kennisgewing aan die eienaar van die perseel of die oortreder, na gelang van die geval, beteken om sodanige oortreding te staak of om die struktuur, voorwerp, materiaal of middel te verwyder, of om sodanige stappe te doen wat die Stad kan vereis om sodanige oortreding reg te stel binne die tydperk wat in sodanige kennisgewing vermeld word.
- (2) Iemand wat versuim om aan 'n kennisgewing ingevolge subartikel (1) te voldoen, begaan 'n misdryf, en die Stad kan, met voorbehoud van sy bevoegdhede om teen die oortreder op te tree, die nodige stappe doen om sodanige kennisgewing op koste van die eienaar van die perseel of die oortreder, na gelang van die geval, ten uitvoer te bring.

Vermoedens

62. (1) Vir die doel van hierdie Verordening word die persoon op wie se naam 'n geparkeerde voertuig op 'n parkeerterrein gelisensieer is, geag die persoon in beheer van die voertuig te wees, tensy en totdat hy of sy die teendeel bewys.
- (2) 'n Motorvoertuig wat op 'n taxifasiliteit of bushalte gevind word of wat op 'n taxifasiliteit of bushalte tot stilstand gebring is, word geag te huur te wees, tensy die teendeel bewys word.
- (3) (a) Waar dit by enige vervolging ingevolge die gemenerereg met betrekking tot die bestuur van 'n voertuig op 'n openbare pad, of ingevolge hierdie Verordening, nodig is om te bewys wie die bestuurder van so 'n voertuig was, word daar, by gebrek aan bewys tot die teendeel, vermoed dat so 'n voertuig deur die eienaar daarvan bestuur is.
- (b) Wanneer 'n voertuig in stryd met enige bepaling van hierdie Verordening geparkeer word, word daar, by gebrek aan bewys tot die teendeel, vermoed dat so 'n voertuig deur die eienaar daarvan geparkeer is.
- (c) Vir die doeleindes van hierdie Verordening word daar, by gebrek aan bewys tot die teendeel, vermoed dat, waar die eienaar van die betrokke voertuig 'n regs persoon is, so 'n voertuig deur 'n direkteur of dienaar van die regs persoon in die uitoefening van sy of haar bevoegdhede of in die uitvoering van sy of haar pligte as sodanige direkteur of dienaar of ter bevordering van die belange van die regs persoon bestuur of parkeer is.
- (4) By enige vervolging ingevolge hierdie Verordening is die feit dat 'n persoon voorgee of voorgegee het om as 'n verkeersbeampte of vredesbeampte op te tree prima facie-bewys van sy of haar aanstelling en gesag om so op te tree; hierdie artikel is egter nie van toepassing op vervolging op 'n klag van identiteitsbedrog nie.
- (5) Iemand wat passasiers met 'n motorvoertuig vervoer, word vermoed sodanige passasiers teen huur of beloning te vervoer het, en so 'n voertuig word vermoed 'n taxi te wees, tensy die teendeel bewys word.
- (6) 'n Dokument wat voorgee 'n kwitansie van vooraf betaalde geregistreerde pos, 'n telefakstransmissieverslag of 'n ondertekende erkenning van handaflewering te wees, is by voorlegging deur 'n persoon wat ingevolge hierdie Verordening vervolgd word, toelaatbare getuienis en prima facie-bewys dat dit sodanige kwitansie, transmissieverslag of erkenning is.

Boetes

63. Iemand wat 'n misdryf ingevolge hierdie Verordening begaan het, is by skuldigbevinding, en onderworpe aan boetes wat in enige ander wet voorgeskryf word, strafbaar met—
- 'n boete, of by wanbetaling, met gevangenisstraf, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met sowel sodanige boete as sodanige gevangenisstraf; en
 - in die geval van 'n agtereenvolgende of voortdurende misdryf, met 'n boete vir elke dag wat sodanige misdryf voortduur, of by wanbetaling, met gevangenisstraf.

Herroeping van verordeninge

64. Die verordeninge wat in die Bylae hierby gelys word en enige verordening wat voorheen afgekondig is deur die Stad of enige van die ontbinde munisipaliteite wat nou by die Stad ingelyf is, word, in soverre dit met enige aangeleentheid verband hou waarvoor daar in hierdie Verordening voorsiening gemaak word, hiermee herroep.

Kort titel

65. Hierdie Verordening word die Stad Kaapstad: Parkeerverordening, 2010, genoem.

BYLAE

Bellville Munisipaliteit

| Provinsiale Kennisgewing no. | Titel | Omvang van herroeping |
|------------------------------|--|-----------------------|
| P.K. 852/1969 | Parkeermeter | Die geheel |
| P.K. 1151/1971 | Parkering van swaar voertuie en karavane | Die geheel |
| P.K. 779/1985 | Tolparkering | Die geheel |

Durbanville Munisipaliteit

| Provinsiale Kennisgewing no. | Titel | Omvang van herroeping |
|------------------------------|--|-----------------------|
| P.K. 286/1975 | Parkering van swaar voertuie, karavane en sleepwaens | Die geheel |

Kaapstad Munisipaliteit

| Provinsiale Kennisgewing no. | Titel | Omvang van herroeping |
|------------------------------|------------------------------|-----------------------|
| P.K. 0519/1979 | Vrystelling van tolparkering | Die geheel |
| P.K. 0430/1983 | Vrystelling van tolparkering | Die geheel |
| P.K. 0538/1985 | Vrystelling van tolparkering | Die geheel |

Brackenfell Munisipaliteit

| Provinsiale Kennisgewing no. | Titel | Omvang van herroeping |
|------------------------------|--|-----------------------|
| P.K. 737/1974 | Parkering van swaar voertuie en karavane | Die geheel |

Goodwood Munisipaliteit

| Provinsiale Kennisgewing no. | Titel | Omvang van herroeping |
|------------------------------|--------------|-----------------------|
| P.K. 1044/1971 | Parkeermeter | Die geheel |

Kraaifontein Munisipaliteit

| Provinsiale Kennisgewing no. | Titel | Omvang van herroeping |
|------------------------------|--|-----------------------|
| P.K. 574/1973 | Parkering van swaar voertuie en karavane | Die geheel |

**ISIXEKO SASEKAPA
UMTHETHO KAMASIPALA WOKUPAKA, 2010**

IMBULAMBETHE

NJENGOKO iCandelo 156(2) no-(5) loMgaqo-siseko linikezela ukuba umasipala angenza aphinde alawule imithetho kamasipala kulawulo olusebenzayo lwemiba apho anelungelo khona ukuba alawule, aphinde asebenzise nawaphina amagunya ngokunxulumene nombona onentsingiselo efanelekileyo, okanye ohambisana nenkqubela-phambili kumsebenzi wakhe;

NANJENGOKO iSigaba B seShedyuli 5 kuMgaqo-siseko sidwelisa izihamba-ndlela nokupaka njengomba karhulumente wengingqi kangangoko kuchaziwe kwiCandelo 155(6) (a) no-(7);

NANJENGOKO isiXeko saseKapa sifuna ukulawula ukupaka ngaphakathi kommandla waso wolawulo nemiba ehambelana noku;

NGOKU KENGOKO, OWISWA NGOKUSEMTHETHWENI liBhunga lesiXeko saseKapa, ngolu hlobo lulandelayo—

ULUHLU LWEZIQULATHO

1. INkcazelo
2. Injongo

ISIAHLUKO 1

AMALUNGISELELO JIKELELE ANXULUMENE NOKUPAKA

ISigaba soku-1: Amalungiselelo jikelele

3. Ulawulo lokupaka
4. Ukupaka kwindawo yokothula nokulayisha izinto
5. Ukupaka kwindawo yokumisa ibhasi okanye indawo emiselwe indlela yebhasi
6. Ukupaka kwindlela kawonke-wonke
7. Ukupaka kwisiqithi sezihamba-ndlela (traffic island)
8. Ukupaka ngakwindawo ethengisayo okanye umthengisi wesithuthi
9. Ukupaka isithuthi esilungiswayo
10. Ukupaka izithuthi ezinzima neekharavani
11. Ukhululo lwabasebenzi bezonyango kwizithintelo zokupaka
12. Ukukhulula (outspanning) kwiindlela zikawonke-wonke

ISigaba sesi-2: Iipemethe zokupaka

13. Iipemethe yokupaka yomhlali
14. Iipemethe yokupaka yexeshana
15. Iipemethe yezowuni yomsebenzi
16. Iipemethe yokupaka yemisebenzi kamasipala
17. Iimeko nemvelaphi yeipemethe zokupaka
18. Iindawo zokupaka ezigcinelwe abakhubazekileyo, oonozakuzaku bamanye amazwe, iiNkonzo zamaPolisa oMzantsi Afrika kunye namanye amaqela aphawuliweyo.

ISIAHLUKO 2

IIMITHA ZOKUPAKA NENTLAWULO YOKUPAKA

19. Ukufakelwa kweemitha zokupaka okanye ukusetyenziswa kwaso nasiphina isixhobo esingisinye sokugcina ixesha ekupakwe ngalo
20. Indlela yokupaka
21. Intlawulo yokupaka
22. Uthintelo lokupaka kwindawo emiselwe ukupaka
23. Ukubhucabhuca okanye ukuphazamisana nemitha yokupaka okanye isixhobo esithile sokupaka
24. Ikhoyini emiselwe ukuyifaka kuphela
25. Ukusetyenziswa okungekho mthethweni kwemitha yokupaka
26. Ukupaka okungekho mthethweni nokubamba okanye ukususa izithuthi ezipakwe ngokungekho mthethweni
27. Ukhululo

ISIAHLUKO 3

IMIHLABA YOKUPAKA

ISigaba soku-1: Amalungiselelo jikelele

28. IsiXeko asinokubekwa tyala kwilahleko okanye umonakalo
29. Ukuphazamisana nabasebenzi abagunyazisiweyo, namagosa agunyazisiweyo okanye iimashali zokupaka

30. Intlawulo yomrhumo omiselweyo
31. Ukuqwalaselwa kweempawu
32. Indlela yokupaka nokususwa kwesithuthi
33. Isithuthi esishiywe sodwa
34. Umonakalo kwiinotisi
35. Ukuqhuba ngokungakhathali nangokuyingozi nezithintelo zesantya
36. Ukungena okanye ukuhlala kumhlaba wokupaka
37. Ukubhucabhuca isithuthi
38. Ukonakalisa itikiti
39. Isithuthi esinesiphene
40. Ukucoca /ukuhlamba isithuthi
41. Ukungavunyelwa ukungena
42. Iiyure zokupaka neendidi zezithuthi
43. Ugcino olwenziwa sisiXeko

ISigaba sesi-2: Umhlaba wokupaka olawulwa ngokusebenzisa oomatshini

44. Ukupaka isithuthi kumhlaba osebenzisa oomatshini okanye okungokunye
45. Ukususwa kwesithuthi kumhlaba osebenzisa oomatshini okanye okungokunye

ISigaba sesi-3: Umhlaba wokupaka ongu-Bhatala-ubonise

46. Ukupaka isithuthi kumhlaba wokupaka ongu-bhatala-ubonise
47. Izohlwayo ezingezinye ezinxulumene nomhlaba wokupaka ongu-bhatala-ubonise

ISAHLUKO 4

IITEKSI NEEBHASI

ISigaba soku-1: Iindawo ezizodwa zokupaka iiteksi

48. Iindawo ezizodwa zokupaka iiteksi
49. Ukupaka kweeteksi
50. Ukusetyenziswa kweerenki zeeteksi
51. Uthintelo lokupakwa kweeteksi kwiindawo ezingamelanga kumisa kuzo
52. Ukuseviswa nokuhlanjwa kweeteksi kwizibonelelo zeeteksi
53. Indlela yokuziphatha engavunyelwanga kwirenki yeeteksi

ISigaba sesi-2: Izibonelelo zebhasi neepemethe nokusebenza kweebhasi

54. Ukusekwa kwezibonelelo zebhasi
55. Ukwahluka kweendawo nezokumisa iibhasi
56. Iimpawu zeendawo ekuyiwa kuzo nokupaka kwiindawo zokumisa iibhasi

ISAHLUKO 5

AMALUNGISELELO ANGAMANYE

57. Ukuthobela nokuphazamisana negosa eligunyazisiweyo
58. Isibheno
59. Intengiso yezithuthi ezithinjweyo
60. Inkqubo ekufuneka ilandelwe kwisicelo senkundla
61. Iinotisi zokuthobela nokufumanisa kwakhona amaxabiso
62. Ukucingela (Presumptions)
63. Izohlwayo
64. Ukurhoxiswa komthetho kamasipala
65. Itayitile emfutshane noqaliso

Iinkcazelo

1. (1) Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo ubonisa ngenye indlela:

“**isilwanyana**” sithetha nasiphina isilwanyana esinjengehashe, njengenkomo, igusha, ibhokhwe, iinkukhu, inkamela,inja, ikati okanye ezinye izilwanyana zasekhaya okanye intaka, okanye nasiphina isilwanyana sasendle, okanye isilwanyana esirhubuluzayo (reptile) esikugcino okanye esiphantsi kolawulo lomntu, okanye izinambuzane ezinjengeenyosi ezigciniweyo okanye eziphantsi kolawulo lomntu;

“kwamkelwe” kuthetha ukwamkelwa sisiXeko, luze ”ulwamkelo” lube nentsingiselo ekwafana nale;

“igosa eligunyazisiweyo” lithetha umhloli weelayisensi, umvavanyi wezithuthi, iwadeni yezihamba-ndlela okanye igosa lezihamba-ndlela ngokweCandelo 3A le-National Road Traffic Act, 1996(uMthetho 93 ka-1996), kukwaquka nawuphina umntu owonyulwe nguwo nawuphina umbutho nogunyaziswe sisiXeko;

“umsebenzi ogunyazisiweyo” uthetha nawuphina umntu oqeshwe sisiXeko onoxanduva lokwenziwa kwawo nawuphina umsebenzi okanye ugunyaziso lwamagunya phantsi kwalo mthetho kamasipala okanye nawuphina umntu osebenzela isiXeko omiselwe okanye ugunyaziselwe ukwenza nawuphina umsebenzi okanye omiselwe ukugunyazisa nawuphina amagunya kuzalisekiso lwalo mthetho kamasipala;

“ibhulorho” ithetha ibhulorho, njengoko kumiswe njalo kwi-National Road Traffic Act, 1996 (uMthetho 93 ka-1996);

“ibhasi” ithetha isithuthi esiyilelwe okanye esamkelwe ngokusemthethweni ngumvelisi obhalisiweyo ngokuthobelana ne-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), ukuba ithwale abantu abangama-34, ukuquka nomqhubi, kwaye oku kuquka nebhasi enguloliwe;

“indawo yokumisa ibhasi” ithetha indawo engumda okanye isiza apho abakhweli banokukhwela okanye behle ebhasini nebonakaliswa luphawu olufanelekileyo lwezihamba-ndlela ekuboniseni udidi lwebhasi okanye, apho kufaneleke khona, igama lalowo unelungelo lokusebenzisa indawo leyo yokuma;

“ibhasi enguloliwe” ithetha ibhasi—

- (a) equlathe amacandelo amabini adibanayo ukuze abe ziyunithi;
- (b) ingajikajika kwindawo ethe tyaba kuthungelwano phakathi kwalo macandelo;
- (c) iyilelwe okanye yamkelwe iyonke okanye ikakhulu ekuhambiseni umqhubi kunye nabanye abantu abali-100 ubuncinane; kwakunye
- (d) nokuba inendlelana eqhubekayo kubude bayo;

“ikharavani” ithetha nasiphina isithuthi esifakelwe ngokusisigxina ukuba sisetyenziswe ngabantu kwiinjongo zokuhlala nokulala kuso, nokuba eso sithuthi sisisikhoji okanye asisiso;

“IGosa eliyiNtloko leziHamba-ndlela” lithetha iGosa eliyiNtloko leziHamba-ndlela lesiXeko nalapho nawuphina umsebenzi, amagunya nokusebenza kunikezelwe kuye, kukwaquka nalo naliphina igosa elingelinye eliphantsi kolawulo walo;

“IsiXeko” sithetha isiXeko saseKapa esisekwe yiNotisi yePhondo 479 ka-2000, kwaye siquka naluphina ulwakhiwo lwezopolitiko, umthwali we-ofisi yezopolitiko, naliphina igosa eligunyazisiweyo okanye nawuphina umsebenzi obambeleyo phantsi kweziphatha-mandla ezigunyazisiweyo;

“Ibhasi yesiXeko” ithetha ibhasi eyinxenye yenkonzo yebhasi esetyenziswa sisiXeko, okanye isibonelelo esithile sikamasipala wesiXeko, nokuba bayazenzela okanye iqhutywa ngumnikezeli wenkonzo onesivumelwano okanye ikhontrakthi yesiXeko okanye nesibonelelo sikamasipala wesiXeko;

“ikhadi lesiXeko” lithetha naluphina uxwebhu okanye ikhadi, nokuba loluphina uhlobo, elinikezelwe sisiXeko ukuze lisetyenziswe njen- gendlela yokubhatalela ukupaka;

“imitha edityanelweyo yokupaka” ithetha isibonelelo esiqulathe ngaphezulu kwemitha enye yokupaka;

“itikiti” lithetha isixhobo, nokuba sesombane okanye akunjalo, nesiyakuthi ngokunokwaso okanye ngokusidibanisa nenye into sivumele okanye senze ngathi sivumela umnikazi ukuba apake nasiphina isithuthi kwindawo yokupaka okanye umhlaba wokupaka, kwaye kukwaquka nasiphina isixhobo esinikezelwa sisiXeko kumaxesha ngamaxesha;

“umrhwebi” uthetha umntu othi ukuze afumane inzuzo, aqhube ishishini lokuthengisa, ukuthenga, ukutshintshisa okanye ukufaka egaraji izithuthi;

“Indawo emiselwe ibhasi” ithetha indawo endleleni emiselwe ukuba isetyenziswe ziibhasi kuphela kunye nezinye izithuthi ezigunyazisiweyo, nesenokuba sisibonelelo esohlukileyo ngokwelungelo laso, inxenye yomphezulu obanzi wendlela esetyenziswa zizihamba-ndlela jikelele nowahluliweyo kwiileyini jikelele ngomgca opeyintiweyo, okanye inxenye yomphezulu obanzi wendlela osetyenziswa zizihamba-ndlela jikelele nowahlulwe kwizihamba-ndlela jikelele sisithinteli esilngumda okanye nakuphina ukwahlulwa okubonakalayo okunjalo;

“umqhubi” uthetha nawuphina umntu oqhuba okanye ozama ukuqhuba nasiphina isithuthi okanye oqhuba okanye ozama ukuqhuba nayiphina into esebenzisa imicephe yokunyova **“ayiqhube”** okanye njengalo naliphina elinye igama elinentsingiselo ehambelana nale;

“isiganeko” sithetha—

- (a) nawuphina umdlalo, ulonwabo okanye isiganeko sokuzonwabisa, ukuquka imidlalo yeqonga;
- (b) nasiphina isiganeko semfundo, esenkubeko okanye esenkolo;
- (c) nasiphina isiganeko sezoshishino, ukuquka iziganeko zokushishina, unxulumano nabantu kunye neziganeko zentengiso okanye imi- boniso; okanye
- (d) nasiphina isiganeko sesisa, ukuquka inkomfa, isiganeko sombutho okanye esoluntu kummandla,

okanye nawuphina umsebenzi ofanayo obanjelwe kwibala lezemidlalo, kwindawo ethile okanye kwindlela ethile okanye icandelo layo elicwangcisiweyo, elinenkqubo ecacileyo, ulawulo noxanduva lokunika inkcaza, kodwa ngaphandle kwesiganeko esiququzelelwa ngumntu wabucala kwisikhundla sakhe abucala kuyo nayiphina indawo, okanye ukwenziwa kwefilimu ngokunxulumene nomthetho kamasipala onxulumene nokwenziwa kweFilimu;

“umvavanyi wezithuthi” uthetha ‘umvavanyi wezithuthi’ njengoko kuchaziwe kwiCandelo 1 le-National Road Traffic Act, 1996 (uMthetho 93 ka-1996);

“indlela yeenyawo” ithetha ela candelo okanye amacala akude kwindlela kawonke-wonke, nethi nangona ingachazwanga okanye yenziwe, isetyenziswa ngabahambi-nyawo njengepevemente;

“izithuthi ezifanelekileyo” zithetha isithuthi esiyilelwe okanye esamkelwe njengesithuthi sokuhambisa izinto kwindlela kawonke-wonke;

“izithuthi ezinzima” kuthetha isithuthi okanye izithuthi zidibene ezinobunzima bubonke besithuthi obungaphezulu kwama-3,500kg;

“indawo yokulinda”, ngokunxulumene neteksi, ithetha indawo engeyiyo irenki, apho iteksi ilinda khona de kufumaneka indawo yayo eren- kini okanye kwindawo yokumisa;

“imashali” ithetha umntu owenza amalungiselelo nezinye iinkqubo ezinxulumene nesithuthi kwizibonelelo zeeteki;

“umhlaba wokupaka olawulwa ngoomatshini okanye okungokunye” uthetha umhlaba wokupaka apho isango lokungena lilawulwa ngoomatshini onjengebhumi (boom), ezivulayo okanye evulwa ngesandla xa unikezele isiqinisekiso sokuba kukho intlawulo eyenziweyo njengoko kumiswe njalo sisiXeko kwishedyuli yeerhafu zonyaka;

“indawo yokupaka enemitha” ithetha indawo yokupaka apho kufakelwe khona imitha yokupaka okanye apho isixhobo esibanjwa ngesandla sisetyenziswa okanye apho kuzalisekiswa inkqubo yentlawulo ngekhompyutha;

“umhlaba wokupaka onemitha” uthetha umhlaba wokupaka okanye nayiphina indawo engenye apho ukupaka kulawulwa ngemitha yokupaka okanye iimitha;

“i-midi-bus” ithetha isithuthi esiyilelwe okanye esamkelwe ngokusemthethweni ngumvelisi obhalisiweyo ngokuthobelana ne-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), ukuba silayishe abantu abangaphezulu kwe-16 kodwa abangaphantsi kwama-35, ukuquka nomqhubi;

“i-mini-bus” ithetha isithuthi esiyilelwe okanye esamkelwe ngokusemthethweni ngumvelisi obhalisiweyo ngokuthobelana ne-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), ukuba silayishe abantu abangaphezulu kwethoba kodwa abangekho ngaphezulu kwe-16, ukuquka nomqhubi;

“i-minibus-teksi” ithetha imoto, i-midi-bus okanye i-mini-bus enelayisensi yokusebenza eyigunyazisela ukuba isebenzise inkonzo yezithuthi zikawonke-wonke engamiselwanga xesha kwindlela okanye iindlela ezithile, okanye apho kufaneleke khona, ngaphakathi kummandla othile;

“uMphathiswa” uthetha uMphathiswa wezoThutho kuZwelonke okanye kwiPhondo;

“isithuthi” sithetha nasiphina isithuthi esiqhutywayo kunye—

- (a) nesikhoji; kunye
- (b) nesithuthi esineepedali ne-enjini okanye isithuthi sikagesi njengenxenywe ebalulekileyo okanye edityanisiweyo kuso nesiyilelwe okanye esamkelwe ukuba siqhutywe ngalo micephe, i-enjini okanye imoto, okanye zombini, iiphedali ne-enjini okanye imoto, kodwa asibandakanyi-
 - (i) isithuthi esiqhutywa ngombane osuka kwiibhetri ezigciniweyo nesilawulwa ngumhambi ngeenyawo; okanye
 - (ii) isithuthi esinobunzima obungekho ngaphezulu kwama-230 kilograms nesiyilwe futhi sakhiwa ngokukodwa, kodwa singamkelwanga ukuba sisetyenziswe nangabanina onesifo esithile sasemzimbeni okanye ukukhubazeka kwaye sisetyenziswe ngulo mntu kuphela;

“ukusebenza”, ngokunxulumene nesithuthi, oku kuthetha ukusebenzisa okanye ukuqhuba isithuthi, okanye ukuvumela isithuthi ukuba sisetyenziswe okanye siqhutywe kwindlela kawonke-wonke, okanye ukuba nepemethe okanye kuvunyelwe isithuthi kwindlela kawonke-wonke;

“ilayisensi yokusebenza” ithetha ilayisensi yokusebenza emiswe phantsi kwe-National Land Transport Act, 2009 (uMthetho 5 ka-2009);

“umsebenzisi” uthetha umsebenzisi wezithuthi zikawonke-wonke, njengoko kuchaziwe kwi-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), ungumntu oqhuba ushishino lwenkonzo yezothutho kwindlela yabahambi bakawonke-wonke;

“umbutho” uthetha iqela labantu, inkampani, umbutho okanye iqumrhu elimele iimashali zokupaka ezinikezela inkonzo yobumashali ekupakeni okanye inkonzo yolawulo lokupaka kwimimandla ethile kwimida, njengoko kwamkelwe oko sisiXeko;

“umnini” ngokunxulumene nesithuthi uthetha—

- (a) umntu onelungelo lokusebenzisa nokonwabela isithuthi ngokomthetho ongabhalwanga okanye ikhontrakthi yezivumelwano nomnikazi wetayitile kwisithuthi esinjalo;
- (b) umntu ekuthethwa ngaye kumhlathi (a), kulo naliphina ixesha ethe umntu onjalo akaphumelela ukubuyisela isithuthi esinjalo kumnini wetayitile ngokuhambelana nekhontrakthi yesivumelwano ekuthethwa ngayo kumhlathi (a); nokuba
- (c) umntu obhaliswe njalo ngokuhambelana nemimiselo enikezelwe phantsi kwecandelo 4 le-National Road Traffic Act, 1996 (uMthetho 93 ka-1996);

“ukupaka” kuthetha ukugcina isithuthi, nokuba sinomntu okanye asinamntu, simile kangangexesha elide elingaphezulu kwelo lifunekayo ekothuleni umthwalo okanye ukwehlisa umntu okanye iimpahla, kodwa kungabandakanyi ugcino olunjalo lwesithuthi ngesizathu esinunobangela ongaphaya kolawulo lomntu olawula eso sithuthi, aze u- **“paka”** abe nentsingiselo ehambelana noku;

“umqwalaseli wokupaka” uthetha umntu onikezela inkonzo yokupaka ngokuzenzelayo;

“iimashali zokupaka” zithetha umntu oqeshwe ngumbutho othile ekunikezeleni inkonzo yolawulo lokupaka kubaqhubi kwindawo kawonke-wonke okanye kwindlela kawonke-wonke;

“indawo emiselwe ukupaka” ithetha indawo engumda ngaphakathi apho isithuthi kufuneka sipakwe khona ngokwalo Mthetho kaMasipala, umda omiswe sisiXeko kwindawo engumhlaba wokupaka okanye kwindlela kawonke-wonke;

“umhlaba wokupaka” uthetha nayiphina indawo emhlabeni okanye nasiphina isakhiwo esibekelwe bucala sisiXeko njengomhlaba wokupaka okanye igaraji yokupaka izithuthi ngamalungu asekuhlaleni, nokuba kukho okanye akukho mirhumo emiselweyo ngulo Mthetho kaMasipala kusetyenziso lwawo;

“imitha yokupaka” ithetha isixhobo esigunyaziswe phantsi kwalo Mthetho kaMasipala, esibhalisayo nesishicilela ngokubonakalayo ixesha lokupaka nokuba kungemitha efakelwe kwisixhobo okanye kwitikiti lokupaka lemitha elinikezelwe sisixhobo, okanye nasiphina isixhobo esingesinye nalapho ixesha lokupaka linokushicilelwa nokuba ngokusetyenziswa ligosa eligunyazisiweyo okanye umnikezeli wenkonzo owamkelwe sisiXeko;

“ixesha lokupaka” lithetha ixesha lilonke eliqhubekayo apho isithuthi sivumelekile ukuba sipake kumhlaba okanye indawo emiselwe ukupaka njengoko kubonisiwe luphawu lwezihamba-ndlele endloleni;

“umhambi” uthetha nawuphina umntu ongaphakathi okanye okwisithuthi kodwa oko kungaquki umqhubi okanye umnqomfi-matikiti;

“umatshini ongu-bhatala-ubonise” uthetha nawuphina umatshini okanye isixhobo esifakelweyo okanye esisebenza kumhlaba wokupaka ongu-bhatala-ubonise wokuthengisa amatikiti;

“umhlaba wokupaka ongu-bhatala-ubonise” uthetha umhlaba wokupaka apho itikiti lokupaka kufuneka lifumanekile kumatshini wentengiso yamatikiti okupaka nome ngaphakathi okanye kufutshane nomhlaba wokupaka;

“i-pedal cycle” ithetha nayiphina ibhayisekile okanye i-tricycle eyilelwe ukuqhutywa ngokusebenzisa amandla omntu;

“okumiselweyo” kuthethwa okumiselwe ngesisombululo sesiXeko, nangokuhambelana nomrhumo, kuthetha njengoko kuchaziwe kumgaqo-nkqubo werhafu yesiXeko;

“ikhoyini emiselweyo” ithetha ikhoyini yeRiphabhlikhi yoMzantsi Afrika neyithenda esemthethweni ngokwe-South African Mint and Coinage Act, 1964 (uMthetho 78 ka-1964), kudidi oluboniswe kwimitha yokupaka ekuthethwa ngayo nokubandakanya amakhadi edebhithi, khredithi namakhadi esixeko kwakunye nayiphina indlela engenye yokuhlawula eyamkelweyo nemiselweyo sisiXeko kumaxesha ngamaxesha;

“indawo kawonke-wonke” ithetha nasiphina isikwere, ipaki, umhlaba wolonwabo, umhlaba wezemidlalo, ileyini yococeko okanye indawo evulekileyo e—

- (a) nokuthungelana naliphina icandelo elingaphantsi okanye uyilo lomhlaba ekubeni lube sisiza, olunikezelweyo, olugciniweyo okanye olubekwe bucala ukuze lisetyenziswe luluntu jikelele, okanye abanini, okanye abahlali kwisiza esinjalo, nokuba sibonisiwe okanye asibonisiwanga kwisicwangciso jikelele, isicwangciso solwahlulo olungaphantsi okanye kumzobo;
- (b) ngalo naliphina ixesha elimiselwe uwonke-wonke;
- (c) esetyenziswe nguwonke-wonke ngaphandle kokuphazamiseka kangangexesha elingangeminyaka engama-30 ubuncinane; okanye
- (d) nangaliphina ixesha elimiselwe okanye elinikezelwe njalo sisiXeko okanye esinye isiphatha-mandla esigunyazisiweyo;

“indlela kawonke-wonke” ithetha nayiphina indlela, isitalato, indlela yebhayisekile, indlela yeenyawo, umhlaba wokupaka, indawo emiselwe ukupaka iibhasi okanye nayiphina indawo efana noku, nekwabandakanya—

- (a) umphetho wayo nayiphina indlela kawonke-wonke;
- (b) nayiphina indlela yeenyawo, indlela esecaleni kwendlela okanye isigaba esifanayo sabahambi ngeenyawo sogcino lwendlela;
- (c) nayiphina ibhulorho, iferi okanye idrifti enqamleza nayiphina indlela kawonke-wonke;
- (d) nayiphina enye into eyeyendlela kawonke-wonke, nethe ngaliphina ixesha—
 - (i) yamiselwa uwonke-wonke;
 - (ii) yasetyenziswa ngaphandle kophazamiseko nguwonke-wonke kwixesha eliyiminyaka engama-30;
 - (iii) emiselwe okanye enikezelwe njalo sisiXeko okanye nasiphina isiphatha-mandla esingesinye;
 - (iv) yakhiwe ziziphatha-mandla zengingqi; kwakunye
- (e) nawuphina umhlaba, onezakhiwo okanye ongenazo izakhiwo, noboniswa njengendlela kawonke-wonke—
 - (i) kulo naliphina icandelo elingaphantsi okanye umzobo owamkelwe sisiXeko okanye isiphatha-mandla esingesinye kwaze kwathathwa inyathelo; okanye
 - (ii) nasiphina isicwangciso jikelele njengoko kuchaziwe kwi-Land Survey Act, 1997 (uMthetho 8 ka-1997), obhaliselwe okanye indawo ethile kubhaliso lokwenziwa kwesigqibo okanye kwi-ofisi Jikelele kaNocanda, ngaphandle kokuba umhlaba onjalo okanye umzobo omisiweyo uchazwa njengendlela yabucala kawonke-wonke;

“umqondiso wokungena erenkini” uthetha isincamathelisi okanye nayiphina indlela engenye yokuzazisa enikezelwe sisiXeko kumnini welayisensi esebenzayo;

“ummiselo” uthetha ummiselo omiswe phantsi kwe-National Road Traffic Act, 1996 (uMthetho 93 ka-1996);

“indawo yokuhlala” ithetha indawo yokuhlala okanye inxenye yolwakhiwo, oko kukuthi—

- (a) idityaniswe emhlabeni;
- (b) iyilwe okanye yamkelwe sisiXeko ukuze kuhlale kuyo abantu kwiyunithi enye yosapho; kwakunye
- (c) nesetyenziswa kwiinjongo zokuhlala;

“i-semi-trailer” ithetha isikhoji esingena-axle yangaphambili saze sayilwa ngohlobo lokuba i-15% yobunzima baso ithwaliswa ngokubanzi ngaphakathi sisithuthi esirhuqa isikhoji esinjalo;

“indlela yabucala” ithetha isigaba esithile sendlela kawonke-wonke phakathi komda ongaphandle wendlela kunye nemigca yomda yeepropati ekufuphi okanye izakhiwo, nemiselwe ukuba isetyenziswe ngabahambi ngeenyawo;

“indawo eyodwa yokupaka” ithetha irenki, isiza okanye indawo yokumisa ibhasi emiswe sisiXeko kwindlela kawonke-wonke ngaphakathi kwisiXeko ukuze kupakwe okanye kume iiteksi okanye ibhasi;

“isiza” ngokunxulumene nebhasi, sithetha indawo apho kuqala khona indlela yebhasi okanye apho iphela khona;

“indawo yokuma” ngokunxulumene neteksi ema kwindawo yokuma kwindlela kawonke-wonke, oku kuthetha ukugcina iteksi, nokuba inabantu nokuba ayinabantu, emileyo kwixesha elithile nelingekho lide kunelo lifanelekileyo kwixesha lokothula okanye ukothula umthwalo okanye ukothula abantu okanye iimpahla kodwa akubandakanyi nakuphina ukuma okunjalo ngesizathu sikanobangela ongaphaya kolawulo lomqhubi weteksi enjalo;

“indawo zokuma” ngokunxulumene—

- (a) neteksi, kuthetha indawo emiselwe sisiXeko apho iteksi isenokuma okanye yehlise abantu abakhwelweyo;
- (b) ibhasi, ithetha indawo yokuma ibhasi;

“i-tare” ngokunxulumene nesithuthi, ithetha ubunzima besithuthi esinjalo, esilungele ukuhamba endleleni kwaye nesibandakanya ubunzima—

- (a) balo naliphina ivili elingelinye nazo zonke ezinye izinto ezincedisayo nezixhobo ezinikezelwe ngumzi-mveliso njengokufanelekile kwimodeli ethile yesithuthi eso;
- (b) bayo nayiphina into eyinxenye esisigxina kulwakhiwo lwesithuthi esinjalo;
- (c) nayiphina into edityaniswe kwisithuthi esinjalo ekuyileni utshintsho kulwakhiwo lwesakhiwo esisigxina; nokuba

(d) iibhetri, ukuba isithuthi esinjalo ziyaziqhuba ngombane kodwa singaquki ubunzima be—

(i) petroli; kunye

(ii) nantonina edityaniswe kwisithuthi esinjalo engelo didi oluchazwe kwicandelo elingaphantsi (a) okanye (b);

“iteksi” ithetha isithuthi esisebenza kwingqeshiso, nesisetyenziswa ekufumaneni umvuzo sikwaquka—

(a) i-mini-bus, i-midi-bus, i-motor tricycle okanye i-motor quadrucycle ikwaquka ne-minibus-teksi; kunye

(b) iteksi enemitha;

“umbutho wonooteksi” uthetha umbutho wonooteksi owaziwa njalo sisiXeko kunye noRhulumente wePhondo leNtshona Koloni;

“isibonelelo seteksi” sithetha indawo yokulinda, indawo eyodwa yokupaka, indawo yokuma, irenki, itheminali kwakunye nasiphina isibonelelo esingezinye esiphawulwe ngokukodwa saze samiswa sisiXeko ekubeni sisetyenziswe ngokukodwa ziteksi nangokunxulumene neminibus-teksi esebenzisa indawo yokumisa ibhasi phantsi kwecandelo 5, siquka indawo yokumisa ibhasi;

“umsebenzi weteksi” uthetha umntu onoxanduva lokusebenzisa iteksi, enikezelwe phantsi kweSahluko IV se-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), uthetha ukuba umntu obhalisiweyo njengomsebenzisi weso sithuthi;

“irenki yeteksi” ithetha isibonelelo seteksi esiphawulwe sisiXeko apho iteksi ingema ukuze isebenze kwingqeshiso okanye ithuthe abasebenzi ukuze bafumane umvuzo;

“isibonelelo sexeshana seteksi” sithetha isibonelelo seteksi esichazwe kwicandelo 49(2);

“isikhoji” sithetha isithuthi esingaziqhubiyo okanye esiyilelwe okanye esamkelwe ukuba sitsalwe sisithuthi, kodwa asiquki imoto edityaniswe kwisithuthuthu;

“i-tri-cycle” ithetha inqwelo enamavili amathathu eyilelwe okanye elungiselelwe ukuthutha iimpahla kwaye iqhutywa ngabantu;

“umphetho” ithetha icandelo lendlela, isitalato okanye indlela yeenyawo, ukuquka indlela yabucala, engeyiyo indlela yezithuthi okanye umphezulu oqinileyo ecaleni kwendlela;

“isithuthi” sithetha isixhobo esiyilelwe okanye esamkelweyo, ikakhulu ekuhambeni ngamavili okanye iindlela zomatshini orhubuluzayo kwaye ubandakanya isixhobo esinjalo nesidityaniswe ne-draw bar kwisithuthi seenqwelo ezonakeleyo nesisetyenziswa njengenxenywe yesixhobo sokutsala kwisithuthi seenqwelo ezonakeleyo ukuxhasa nayiphina i-asi okanye zonke ii-asi zesithuthi esihlangulwayo, ingesiso isixhobo esihamba sisonke kwiireyile.

(2) Kulo Mthetho kaMasipala, igama okanye intetho echazwe kwi-National Road Traffic Act, 1996 (uMthetho 93 ka-1996), unalo ntsingiselo, ngaphandle kokuba umxholo ubonisa ngenye indlela.

Injongo

2. Injongo yalo Mthetho kaMasipala kukulawula ukupaka okungaphakathi kummandla wolawulo lweSixeko ekunikezeleni indawo ekhuselekileyo.

ISAPHLUKO 1

AMALUNGISELELO JIKELELE ANXULUMENE NOKUPAKA

ISigaba soku-1: Amalungiselelo jikelele

Ulawulo lokupaka

3. (1) Nangaliphina ixesha uwonke-wonke okanye inani labantu linelungelo okanye livumelekile ukuba lisebenzise, njengendawo yokupaka, indawo ethile emhlabeni, ukuquka umhlaba ongeyonxenywe yendlela kawonke-wonke okanye indawo kawonke-wonke, igosa eligunyazisiweyo, kumaxesha kakakeka, okanye xa kufuneka njalo ngokomdla woluntu, ngokuthe ngqo futhi lilawule izihambi-ndlela.

(2) IsiXeko singalawula ukupaka futhi siqokelele nayiphina imirhumo enxulumene nokupaka okanye siqeshe umnikezeli wenkonzo ukuba alawule ukupaka ekwaqokelela nayiphina imirhumo enxulumene nokupaka.

(3) Akukho mntu onokuthi ngaphandle kolwamkelo lwangaphambili olubhaliweyo lweSixeko afakele okanye abeke naluphina uphawu okanye inotisi nangayiphina indlela okanye indawo, ebonisa ukuba ukupaka kuyo nayiphina indawo emiselwe ukupaka kugcinelwe umntu othile okanye udidi oluthile lwabantu.

(4) IsiXeko singasebenzisa inkqubo yolawulo lokupaka kwiindawo ezithile nangamaxesha athile amiswe sisiXeko, kumaxesha ngamaxesha.

(5) Umntu ongahoyi umyalelo wegosa eligunyazisiweyo ngokwecandelo elingaphantsi (1) okanye ofaka okanye abeke uphawu okanye inotisi echasene necandelo elingaphantsi (3) okanye ochasene necandelo elingaphantsi (4) wenza ityala.

Ukupaka kwindawo yokothula nokulayisha izinto

4. (1) Akukho mntu usebenzisa okanye olawula isithuthi esithile kwindlela kawonke-wonke oyakuthi avumele, ngokuxhomekeka kumacandelo angaphantsi (2) no-(3), isithuthi sihlale simile kwindawo yokothula nokulayisha izinto—

(a) phakathi kweeyure 07:00 no-18:00 ngeMivulo ukuya kwiMigqibelo, ngaphandle kokuba usuku olunjalo luyiHolide kaWonke-wonke;

(b) phakathi kweeyure 07:00 no-14:00 ngeeCawa, ngaphandle kokuba usuku olunjalo luyiHolide kaWonke-wonke; okanye

(c) phakathi kwezinye iiyure ezithintelweyo nezinokuchazwa ngokunxulumene nexesha elithile kwindawo yokothula izinto ngophawu lwezihamba-ndlela okanye ukuphawulwa nje.

(2) Akukho mntu usebenzisa okanye olawula isithuthi kwindlela kawonke-wonke onokuvumela isithuthi, ngaphandle kwesithuthi seempahla, ukuba sime kwindawo yokulayisha izinto ngaphezulu kwemizuzu emihlanu rhoqo, ngaphandle kwaxa elayisha okanye esothula abantu okanye iimpahla ngexa umqhubi onelayisensi ekhona kwisithuthi.

(3) Akukho mntu osebenza okanye onelungelo lwesithuthi kwindlela kawonke-wonke onokuvumela isithuthi seempahla ukuba sime kangangexesha elingaphezulu kwimizuzu engama-30 rhoqo, ngexa isithuthi silayisha okanye sisothula.

(4) Umqhubi wesithuthi, ingenguye umqhubi wesithuthi seempahla esimileyo kwindawo yokulayisha, kufuneka ngokukhawuleza asuse isithuthi kwindawo yokulayisha xa ethe wayalelwa njalo ligosa eligunyazisiweyo, nokuba isithuthi besingamanga apho ngaphezu kwexesha elide elivunyiweyo ngokunxulumene nesithuthi solo didi.

(5) Umntu ochasana nelungiselelo leli candelo unetyala.

Ukupaka kwindawo yokumisa ibhasi okanye kwindawo emiselwe indlela yebhasi

5. (1) Akukho mntu osebenzisa okanye olawula isithuthi kwindlela kawonke-wonke, angathi—

- (a) kumba wesithuthi ingenguwo owebhasi okanye i-minibus-tekisi, avumele isithuthi ukuba sime kwindawo yokumisa ibhasi;
 - (b) okanye kumba wesithuthi ingenguwo owebhasi yesiXeko, avumele ukuba isithuthi siqhutywe, sipakwe okanye sihlale simile kwindawo emiselwe indlela yebhasi okanye ekungeneni kwindlela emiselwe indlela yebhasi okanye ngendlela ephazamisana nokuhamba kwebhasi yesiXeko ekungeneni okanye ekuphumeni kwindlela yebhasi
- (2) Icandelo elingaphantsi (1)(a) alisebenzi kumqhubi okanye umntu olawula isithuthi ovumela ukuba isithuthi esinjalo sihlale simile kwindawo yokumisa ibhasi apho lo ndawo yokumisa ibhasi ibekwe kwileyini yokuqhuba kwindlela kawonke-wonke, apho isithuthi sigcinwe sime khona ukuze kuthoyelwane nophawu lwezihamba-ndlela okanye ngenxa yesizathu esingesinye esihambelana nokhuseleko ezindleleni; ngaphandle kokuba umqhubi onjalo okanye umntu olawulayo akavumeli abakhweli ukuba bakhwele okanye behle kwisithuthi.
- (3) Umntu ochasana necandelo elingaphantsi (1) unetyala.

Ukupaka kwindlela kawonke-wonke

6. (1) Akukho mntu osebenzisa okanye olawula isithuthi kwindlela kawonke-wonke onokupaka isithuthi kuyo nayiphina indlela kawonke-wonke kummandla kamasipala kangangexesha elingaphezulu kunelo liboniswe kuphawu lwezihamba-ndlela endleleni kwindawo enjalo eyodwa.
- (2) Akukho mntu unokushiya isithuthi kwindawo enye eyindawo emiselwe ukupaka kwixesha eliqhubekayo elingaphezulu kweentsuku ezisixhenxe.
- (3) Akukho mntu unokupaka isithuthi esinzima esiyilelwe, esamkelwe okanye esisetyenziswa ekuhambiseni iimpahla naphina kummandla kamasipala, ngaphandle kwakumhlaba wabucala okanye kwezo ndawo apho iimpawu ezilawula ukupaka okunjalo zifakiwe.
- (4) Umntu ochasana nelungiselelo leli candelo unetyala.

Ukupaka kwisiqithi sezihamba-ndlela (traffic island)

7. (1) Akukho mntu unokupaka isithuthi kwisiqithi sezihamba-ndlela ngaphandle kokuba kuchazwe njalo okanye kuyalelwe njalo ligosa eligunzazisiweyo okanye ngaphandle kokuba indawo emiselwe ukupaka yahluliwe kwisiqithi sezihamba-ndlela eso.
- (2) Umntu opaka isithuthi kwisiqithi sezihamba-ndlela ngokuchasene necandelo elingaphantsi (1), okanye othi angaphumeleli ukuthobelana nomyalelo osuka kwigosa eligunzazisiweyo unetyala.

Ukupaka ngakwindawo ethengisayo okanye umthengisi wesithuthi

8. (1) Akukho mrhwebi okanye umthengisi wesithuthi oya kupaka, okanye avunyelwe ukuba apake kumphetho wendlela kawonke-wonke ngaphakathi kummandla kamasipala, isithuthi esithengiswayo okanye esiqeshisayo, nokuba saziswe ngokunjalo na okanye akunjalo.
- (2) Umrhwebi okanye umthengisi ochasana necandelo elingaphantsi (1) unetyala.

Ukupaka isithuthi esilungiswayo

9. (1) Akukho mntu unoxanduva lokulawula ushishino lolungiso lwezithuthi oya kupaka, unobangela okanye avunyelwe ukuba apake, kuyo nayiphina indlela kawonke-wonke okanye indawo kawonke-wonke ngaphakathi kummandla kamasipala, nasiphina isithuthi esilungiswayo esibekwe phantsi kolawulo lwakhe kwixesha loshishino lolungiso.
- (2) Umntu ochasana necandelo elingaphantsi (1) unetyala.

Ukupaka izithuthi ezinzima neekharavani

10. (1) Akukho mntu unopaka, engaphazamisekanga kangangexesha elingaphezulu kweeyure ezimbini, ngaphandle kwakwindawo ezigcinelwe ukupaka izithuthi ezinzima, kwindlela kawonke-wonke ngaphakathi kummandla kamasipala—
- (a) isithuthi esine-tare engaphezulu kwama-3500 kg;
 - (b) isikhoji esingadibenanga nesithuthi;
 - (c) i-semi-trailer, okanye
 - (d) ikharavani engadityanisiwanga nesithuthi.
- (2) Naninina xa isithuthi sipakwe ngokuchasene necandelo elingaphantsi (1), kubonwa ukuba umntu usipakile isithuthi esinjalo, ngaphandle kokuba okuchasene noku kuvunyiwe.
- (3) Umntu ochasana necandelo elingaphantsi (1) unetyala.

Ukhululo lwabasebenzi bezonyango kwizithintelo zokupaka

11. (1) (a) Amagosa ezonyango abhalisiweyo jikelele nanikezelwe ibheji phantsi kwecandelo elingaphantsi (3)(a) akhululwe kumalungiselelo alo Mthetho kaMasipala, ngokuxhomekeka kumhlathi (b), xa esebenzisa, kwi-bona fide elutyelelo olusisigxina, isithuthi esibekwe ibheji engqinisisa iimfuno zecandelo elingaphantsi (2) enikezwe kuye okanye sisiXeko.
- (b) Umntu ocingelwa kumhlathi (a) akhululwa kumalungiselelo amthintela ekumiseni isithuthi okanye ukupaka isithuthi kwindawo emisa iibhasi okanye ngokunqamlezayo kwindawo yokungena.
- (2) (a) Ibheji kufuneka ibe sistikha sasafestileni esibonisa ebusweni—
- (i) inombolo yesiriyali, kunye
 - (ii) negama lomntu onikezelweyo.
- (b) Ibheji kufuneka iboniswe kwikona esezantsi yefestile kwaye kufuneka ibe nepokotho nalapho umntu ocingelwa kwicandelo elingaphantsi (1) ufaka ikhadi elimhlophe elibonisa idilesi apho umntu webheji esenza utyelelo olusisigxina kwindawo yokuhlala ngexesha isithuthi efakwe kuso sipakiwe, kwaye nedilesi ebonisiweyo kwikhadi kufuneka kube lula ukuyifunda xa ungaphandle kwesithuthi.
- (c) Idilesi ekubhekiselelwe kuyo kumhlathi (b) kufuneka ibe sisitalato esinye okanye isitalato esimeleneyo futhi kufuphi nendawo apho isithuthi sipakwe khona.
- (3) (a) Isicelo esibhaliweyo sokunikezelwa kwebheji kufuneka senziwe kwisiXeko size ukuba isiXeko siyasivuma isicelo, kufuneka sinikezele ibheji enenombolo yesiriyali yomenzi-sicelo.

- (b) IsiXeko kufuneka sigcine irejista nalapho sigcina ukuba—
 - (i) Ibheji ekhutshwe siso;
 - (ii) Inombolo yesiriyali eyabelwe kwibheji; kwakunye
 - (iii) Negama lomnini wesibambi sebheji.
 - (c) IsiXeko singanikezela ibheji efanayo.
 - (d) Apho isiXeko sinesizathu sokukholelwa ukuba nawuphina umnini webheji usebenzisa kakubi amalungelo anikezelwa yibheji, ingayirhoxisa ibheji kumnini futhi namalungelo ahamba nebheji apheliswe.
 - (e) IsiXeko singabhatalisa umrhumo othile wokunikezelwa kwebheji okanye ibheji yesibini.
 - (f) IsiXeko singachaza ixesha lokuphelelwa kwebheji.
- (4) Isicelo sebheji kufuneka senziwe kwifomu enikezelwe le njongo sisiXeko.
- (5) Umntu obonisa ibheji efojiweyo okanye engeyonene nengakhutshwanga sisiXeko unetyala.

Ukukhulula (outspanning) kwiindlela zikawonke-wonke

12. (1) Akukho mntu unokukhulula okanye avumele ukuba akhululwe kuyo nayiphina indlela kawonke-wonke okanye indawo kawonke-wonke nasiphina isithuthi esitsalwa zizilwanyana, okanye ahlule okanye ashiye kuyo nayiphina indlela kawonke-wonke okanye indawo kawonke-wonke nasiphina isikhoji, ikharavani okanye isithuthi esingaqhutywayo, kodwa ke, eli lungiselelo alisebenzi xa isithuthi esinjalo sisethula okanye sisothulwa.

- (2) Umntu ochasana necandelo elingaphantsi (1) unetyala.

ISigaba sesi-2: Iipemethe zokupaka

Iipemethe yokupaka yomhlali

13. (1) Ngokuxhomekeka kuzo naziphina iimeko ezinokuveliswa sisiXeko nokuxhomekeka kwicandelo 17(1) no-(2), ipemethe yokupaka yomhlali inganikwa umntu—

- (a) ohlala kwindawo yokuhlala—
 - (i) eme kwicandelo lendlela kwiimeko apho ukupaka ngokukhawuleza kufuphi nendawo yokuhlala kulawulwa lixesha;
 - (ii) kwiimeko apho ingengomntu ongaphezulu kwisinye ohlala kwindawo yokuhlala ongumnini wepemethe yangoku; futhi
 - (iii) eme kwicandelo lendlela kwiimeko apho unikezelo lwepemethe lungenakuthintela ukuhamba kwezithuthi nokuba kusendleleni okanye kummandla;
 - (b) nendawo yakho yokuhlala engenayo nengakwaziyo ukunikezela indawo yokupaka esitalatweni.
- (2) Ngokuxhomekeka kuzo naziphina iimeko ezinokuveliswa sisiXeko nangokuxhomekeka kwicandelo 17(1) no-(2), ipemethe yokupaka yomhlali inganikezelwa kubantu—
- (a) abahlala kwindawo yokuhlala eme kwindawo ekwizingqi enebala lezemidlalo, ibala okanye isibonelelo okanye naliphina ibala okanye isibonelelo ekunokuququzelelwa kulo isiganeko esithile;
 - (b) nakwiimeko apho indawo enjalo yohlukanisiwe ngamapolisa okanye imiswe njengendawo apho ufikelelo lungavunyelwa kwizithuthi ukuba zingene zize zipake isithuthi kummandla onjalo, indawo eyohlukanisiwe ngamapolisa okanye emisiweyo.
- (3) Umntu opaka isithuthi ngokuchasene necandelo elingaphantsi (1) unetyala.

Iipemethe yokupaka yexeshana

14. (1) Ngokuxhomekeka kuzo naziphina iimeko ezinokuveliswa sisiXeko nangokuxhomekeka kwicandelo 17(1), ipemethe yokupaka yexeshana inganikezelwa ukuvumela ukuba umnini wepemethe apake isithuthi esinye okanye ezininzi kwindawo emiselwe oko kangangexesha elichaziweyo kwipemethe ngaphandle kokuboniswa kuphawu olusesikweni lwezihamba-ndlela elichasana noko nangaphandle kokuba ukupaka okubhatalweyo kungasebenzisa lo ndawo.

- (2) Iipemethe yokupaka yexeshana inikezelwa kuphela ukuba isiXeko sonelisekile ukuba—
- (a) umenzi wesicelo uthatha inxaxheba kumsetyenzana wethutyana ochaphazela amaziko asele ekufuphi nendawo emisiweyo yokupaka nalapho isicelo sinxulumene khona; nokuba
 - (b) kusenokwenzeka ukuba umenzi wesicelo enze umsebenzi ngaphandle kokuba indawo emiselwe ukupaka nenxulumene nesicelo yabelwe ukuba isetyenziswe ngokukodwa ngumenzi wesicelo kwixesha elimiselwe lo msebenzi.
- (3) Umntu opaka isithuthi ngokuchasene necandelo elingaphantsi (1) unetyala.

Iipemethe yezowuni yomsebenzi

15. (1) Ngokuxhomekeka kuzo naziphina iimeko ezinokuveliswa sisiXeko nangokuxhomekeka kwicandelo 17(1), no-(3), ipemethe yokupaka yezowuni yomsebenzi inganikezelwa ekuqhubeni, ekupakeni okanye kulwakhiwo okanye kwiinjongo zolwakhiwo kwindawo emiselwe ukupaka okanye umhlaba wokupaka okanye kumphetho wendlela okanye naphina kwindlela kawonke-wonke ukuba isiXeko sanelisekile kukuba—

- (a) inxenywe yendlela okanye omnye ummandla ekuthethwa ngawo kwicandelo elingaphantsi (1) nalapho isicelo esinxulumene nawo sikufuphi okanye sikwisiza solwakhiwo olucetywayo, umsebenzi wolwakhiwo okanye umsebenzi ongomnye;
 - (b) nokwenziwa kwesakhiwo, umsebenzi wolwakhiwo okanye umsebenzi ongomnye ubesemthethweni;
 - (c) nokuqaphela ubume besakhiwo, ulwakhiwo okanye umsebenzi ongomnye kwakunye neempawu zesiza somsebenzi, akunokwenzeka ukuba sikwenziwa okukayishisa nokwehliswa kwesithuthi nokuhamba-hamba kwezithuthi okunxulumene noku kungaxiniselwa kwesi siza okanye iindawo ezikufutshane nendawo ukupaka ekuvumelele kuyo.
- (2) Abanini beepemethe yezowuni yomsebenzi bangazisebenzisa kuphela ezi pemethe ekupakeni kwaso nasiphina isithuthi xa besenza imisebenzi yabo.
- (3) Umntu opaka isithuthi ngokuchasene necandelo elingaphantsi (1) okanye osebenzisa ipemethe yezowuni yomsebenzi ngexa angenzi imisebenzi yakhe unetyala.

Ipemethe yokupaka yemisebenzi kamasipala

16. (1) Ngokuxhomekeka kuzo naziphina iimeko ezinokoveliswa sisiXeko nangokuxhomekeka kwicandelo 18(1), ipemethe yokupaka yemisebenzi kamasipala inganikezelwa ukuvumela umntu ukuba apake isithuthi esinye okanye ezininzi kwindawo emiselwe ukupaka, kangangexesha elichaziweyo kwipemethe ngaphandle kokuboniswe kuphawu olusesikweni lwezihamba-ndlela oluchaseneyo nangaphandle kokuba ukupaka okubhatalelwayo kungasebenza endaweni ukuba umntu—

- (a) umsebenzi, ikhontraktha okanye i-arhente yesiXeko;
- (b) ukupaka isithuthi okanye izithuthi kwisithuba—
 - (i) ngeenjongo zokwenza umsebenzi egameni lesiXeko; nokuba
 - (ii) ngexesha lokwenza imisebenzi yakhe egameni lesiXeko.

Iimeko nemvelaphi yeepemethe zokupaka

17. (1) (a) Umnini wepemethe yokupaka kufuneka afakele ipemethe yokuqala efestileni yesithuthi ephawulwe kwipemethe ejonge ngaphandle, kwaye kufutshane kangangoko kwileyibhile yobhaliso lwesithuthi.

- (b) IsiXeko singanikezela kuphela ipemethe engenye emva kokuba umnini wepemethe echaze imiba neemeko zelahleko, ukutshabalalisa nomonakalo wepemethe yokuqala ngokonelisayo kwisiXeko.
- (2) (a) Ipemethe yokupaka yabahlali kufuneka isetyenziswe kuphela ngokunxulumene nokupaka isithuthi kwindawo ephawulwe kwipemethe, nekufuneka—
 - (i) ibe yindlela ekufuphi nendawo yokuhlala ephawulwe kwipemethe; okanye
 - (ii) kwisahlulo esinye okanye ezininzi zendlela ekufutshane nendawo yokuhlala ephawulwe kwipemethe; nokuba
- (b) Umnini wepemethe yokupaka kwabahlali kufuneka asebenzise ngexa umnini esengumhlali kule ndawo yokuhlala ephawulwe kwipemethe.
- (c) Ipemethe yokupaka yomhlali ayimelanga ngokukodwa naso nasiphina isithuthi.
- (d) IsiXeko singanikezela kuphela indawo enye yokupaka kumhlali ngamnye.
- (3) (a) Ipemethe yezowuni yomsebenzi kufuneka ichaze ngokukodwa inxenywe yendlela ipemethe ehambelana nayo.
- (b) Umnini wepemethe yezowuni yomsebenzi kufuneka ahlawule umrhumo omiselweyo, njengoko uchaziwe sisiXeko, ekufakeleni iimpawu zezihamba-ndlela, okanye iimpawu ezingezinye ekuphawuleni imida yezowuni yomsebenzi ephawulwe kwipemethe.
- (c) Akukho mntu onokufumba, abeke okanye kungenjalo ashiye imateriyali yalo naluphina uhlobo endleleni okanye indlela yeenyawo ngaphakathi okanye ngaphandle kwezowuni yokusebenza.
- (d) Akukho mntu unokupaka, alayishe okanye othule isithuthi okanye enze nawuphina umsebenzi ngendlela engabonisi abahambi-ngenyawo kwindlela yeenyawo ngaphakathi okanye kufuphi nezowuni yomsebenzi
- (e) Umnini wepemethe yezowuni yomsebenzi kufuneka agcine esizeni aze ayibonise xa ecelwe njalo ligosa eligunyazisiweyo.
- (4) Akukho mntu onikezelwe ipemethe phantsi kwamacandelo 13, 14, 15 no-16 onokumisa, apake okanye ashiye isithuthi ngalo naliphina ixesha kwindawo emiselwe ukupaka ngaphandle kokuba isithuthi sibonisa ipemethe yokupaka yokuqala.
- (5) Nawuphina umntu ochasana naliphina ilungiselelo kweli candelo, okanye obonisa ikopi yepemethe yokupaka unetyala.

Iindawo zokupaka ezigcinelwe abakhubazekileyo, oonozakuzaku bamanye amazwe, iiNkonzo zamaPolisa oMzantsi Afrika kunye namanye amaqela aphawuliweyo

18. (1) IsiXeko singagcina iindawo zokupaka abo bakhubazekileyo, oonozakuzaku bamanye amazwe, iiNkonzo zamaPolisa oMzantsi Afrika kunye namanye amaqela aphawulwe sisiXeko, kwaye singayaba le mimandla ngenotisi okanye iimpawu ezindleleni kwaye ingavelisa iimeko ezinxulumene nomba wepemethe zezibonelelo ezibodwa.

- (2) Akukho mntu uya kumisa, apake okanye ashiye isithuthi ngalo naliphina ixesha kuyo nayiphina indawo yokupaka ngaphandle kwesithuthi esibonisa ipemethe emiselwe ukupaka kulo ndawo.
- (3) Nawuphina umntu ochasana necandelo elingaphantsi (2) unetyala.

ISIAHLUKO 2: IIMITHA ZOKUPAKA NENTLAWULO YOKUPAKA**Ukufakelwa kweemitha zokupaka okanye ukusetyenziswa kwaso nasiphina isixhobo esingezinye sokugcina ixesha ekupakwe ngalo**

19. (1) IsiXeko singafakela okanye sibangele ukuba kufakelwe okanye sisebenzise okanye sibangele ukuba kusetyenziswe kwindlela kawonke-wonke okanye indawo kawonke-wonke kummandla kamasipala—

- (a) imitha yokupaka kwindawo yokupaka emiswe njengendawo yokupaka;
- (b) imitha yokupaka edityanelweyo kwindawo yokupaka emiselwe iindawo zokupa; okanye
- (c) nasiphina isixhobo esingezinye esinokushicilela ixesha lokupaka size silibonise.
- (2) IsiXeko singafakela okanye sisebenzise imitha yokupaka njengoko kuchazwe kwicandelo elingaphantsi (1) kumqumbelo wendlela, indlela yeenyawo okanye indlela yabucala edibanisa indawo emiselwe ukupaka ngokunxulumene nokuba ifakelwe okanye kwenye indawo ekufutshane esebenzisana nendawo yokupaka.
- (3) Kwityeli apho imitha yokupaka ingavuleki ngokuzenzekelayo xa ufake ikhoyini emiselweyo, inotisi, ebonisa uhlobo lwenyathelo ekufuneka lithathiwe ekusetheni imitha ukuba isebenze xa ikhoyini emiselweyo ifakiwe, kufuneka kuboniswe ngokucacileyo kwimitha yokupaka okanye kwibhodi yenotisi.
- (4) Kwityeli apho imitha ingasebenzi, igosa eligunyazisiweyo lingabeka ngokuhuselekileyo kwimitha isigqubuthelo esibhalwe ngokucacileyo amagama athi: “Ayisebenzi” kwaye kumatyeli anjalo, isithuthi singapakwa ngaphandle kwentlawulo yemali emisiweyo.

Indlela yokupaka

20. (1) Akukho mqhubi okanye mntu olawula isithuthi oya kupaka isithuthi—

- (a) kwindawo emiselwe ukupaka ngaphaya komgca opeyintiweyo ophawula indawo yokupaka okanye indawo enjalo ukuze singabikho ngaphakathi sisonke kwindawo emiselwe ukupaka;

- (b) kwindawo emiselwe ukupaka esele kukho kuyo esinye isithuthi; okanye
- (c) kwindawo emiselwe ukupaka ngokuchasene nophawu lwezihamba-ndlela endleleni noluthintela ukupaka okanye ukumisa isithuthi kwindlela kawonke-wonke okanye kwinxenye yendlela kawonke-wonke.
- (2) Umntu ochasana namalungiselelo ecandelo elingaphantsi (1) unetyala.

Intlawulo yokupaka

21. (1) (a) Xa isithuthi sipakiwe kwindawo emiselwe ukupakwa, umqhubi okanye umntu olawula isithuthi kufuneka—

- (i) ngokukhawuleza afake okanye enze ukuba kufakwe kwimitha yokupaka edibana nendawo emiselwe ukupaka ngokuhambelana noko kufakiweyo, ikhoyini emiselwe oku njengoko kubonisiwe kwimitha ubungakanani bexesha apho afuna ukupaka khona imoto yakhe kwindawo emiselwe ukupaka kwaye kufuneka, apho kufaneleke khona, asete imitha esebenzayo ngokufaka ikhoyini kwindawo efanelekileyo kwimitha yokupaka okanye apho kufaneleke khona, ngokuhambelana nemiyalelo evelo kwimitha yokupaka; okanye
- (ii) enze intlawulo ngayo nayiphina indlela engenye emiselwe sisiXeko ngokungakhathaleli isixhobo esisetyenzisiweyo sokugcina ixesha kunye nokuba intlawulo ifuneka ekuqaleni okanye ekupheleni kwexesha ekupakwe ngalo, umqhubi okanye umntu olawula isithuthi othi angaphumeleli ukwenza njalo, unetyala.
- (b) Xa isithuthi okanye isithuthi nesikhoji sisikhulu kangangokuba sithatha ngaphezulu kwendawo enye yokupaka, umqhubi okanye umntu olawula isithuthi kufuneka—
- (i) ngokukhawuleza afake okanye enze ukuba kufakwe kwimitha zokupaka ezikufuphi neendawo ezimiselwe ukupaka ukuba zifakelwe, iikhoyini ezifunekayo njengoko kubonisiwe kwimitha, zexesha anqwenela ukupaka isithuthi sakhe kwindawo emiselwe ukupaka, aze apho kufaneleke khona, asete imitha esebenzayo ngokufaka ikhoyini emiselweyo kwindawo efanelekileyo yemitha yokupaka, okanye apho kufaneleke khona, ngokuhambelana nemiyalelo evelo kwimitha yokupaka;
- (ii) enze intlawulo ngayo nayiphina indlela engenye emiselwe sisiXeko ngokungakhathaleli isixhobo esisetyenzisiweyo sokugcina ixesha kunye nokuba intlawulo ifuneka ekuqaleni okanye ekupheleni kwexesha ekupakwe ngalo, umqhubi okanye umntu olawula isithuthi othi angaphumeleli ukwenza njalo, unetyala.
- (c) Emva kokugqiba ukwenza amanyathelo achazwe kwimihlathi (a) no-(b), indawo emiselwe ukupaka kungangena kuyo isithuthi ngokusemthethweni kwixesha elichazwe kwimitha yokupaka.
- (d) Ngokuxhomekeka kumhlathi (e), umqhubi okanye umntu olawula isithuthi, ngaphandle kwentlawulo, angapaka isithuthi ngelo xesha (ukuba ikhona) njengoko kuzakube kubonisiwe kwimitha yokupaka njengengaphelelwanga emva kosetyenziso lwayo lwangaphambili, ngaphandle kokuba isiXeko singarhoxisa nayiphina ehlawulelwe ixesha kwimitha emva kokuba ukupaka ebekuhlulwe isithuthi simkile kwindawo emiselwe ukupaka nangaphambi kokuba indawo emiselwe ukupaka kungene kuyo isithuthi esilandelayo.
- (e) Icandelo elingaphantsi (d) alisebenzi kuyo nayiphina indawo emiselwe ukupaka apho ixesha elingaphelanga lingaboniswa ngokubonakalayo.
- (2) Ngokuxhomekeka kumalungiselelo ecandelo elingaphantsi (3), umqhubi okanye umntu olawula isithuthi nokuba ixesha eligunyazisiweyo lokupaka liphelile na okanye kungenjalo, ngokukhawuleza asete imitha yokupaka esebenzayo njengoko kwenziwe kwicandelo elingaphantsi (1)(a), kuze emva kokwenziwa kwemitha ukuba isebenze, isithuthi singangena ngokusemthethweni kwindawo emiselwe ukupaka kwixesha elongeziweyo elibonisiwe kwimitha yokupaka.
- (3) Akukho mntu unokushiya isithuthi sipakiwe kwindawo emiselwe ukupaka kwixesha eliqhubekayo elingaphezulu kwelo livunyelweyo njengoko kubonisiwe kwimitha okanye isixhobo esingenyane, nomntu oshiya isithuthi sipakiwe kwindawo emiselwe ukupaka kwixesha eliqhubekayo elingaphezulu kwelo livunyelweyo njengoko kubonisiwe kwimitha, kuphawu okanye isixhobo, unetyala.
- (4) Ngokuxhomekeka kumalungiselelo ecandelo 13, akukho mqhubi okanye umntu olawula isithuthi onokubangela, avumele, anike imvume okanye abeke isithuthi ekubeni okanye sihlale sipakwe kwindawo emiselwe ukupaka ngexa isibonisi semitha yokupaka okanye nasiphina isixhobo esingenyane sibonisa ukuba—
- (a) ixesha liphelile; okanye
- (b) imitha yokupaka ayisetalwanga ukuba isebenze ngokufaka ikhoyini emiselweyo okanye apho kufanelekile, ngokuhambelana nemiyalelo ebonisiwe kwimitha yokupaka,

umqhubi okanye umntu olawula isithuthi ochasana nelungiselelo leli candelo elingaphantsi unetyala.

- (5) Ngokuxhomekeka kwicandelo elingaphantsi 1(a), apho imitha yokupaka ingenokusetelwa ukuba isebenze ngaphandle kokuthobelana okanye iinzame zokuthobelana nenkqubo emisiweyo kwicandelo elingaphantsi (1)(a)(i), akukho mqhubi okanye umntu olawula isithuthi onokubangela, avumele, anike imvume okanye abeke isithuthi ekubeni okanye sihlale sipakwe kwindawo emiselwe ukupaka kwixesha eliqhubekayo elingaphezulu kwelo belibonisiwe sisibonisi semitha yokupaka ngexa isithuthi esinjalo besipakiwe kwindawo emiselwe ukupaka, kodwa ke xa—
- (a) isibonisi sibonisa ukuba—
- (i) ixesha liphelile;
- (ii) imitha yokupaka ayisetalwanga ukuba isebenze; okanye
- (c) isigqubuthelo sibekwe phezu kwemitha yokupaka njengoko kuchaziwe kwicandelo 19(4),
- akukho mqhubi okanye umntu olawula isithuthi onokubangela, avumele, anike imvume okanye abeke isithuthi ekubeni okanye sihlale sipakwe kwindawo emiselwe ukupaka,

umqhubi okanye umntu olawula isithuthi ochasana nelungiselelo leli candelo elingaphantsi unetyala.

Uthintelo lokupaka kwindawo emiselwe ukupaka

22. Igosa eligunyazisiweyo lingabonisa iimpawu zezihamba-ndlela naninina xa kufanelekile okanye kuluncedo ukwenza njalo kumdlu wokulawula izithuthi, indawo okanye afake uphawu okanye iimpawu ezibonisa ukuba "Akumiwa" okanye "Akupakwa" kwindawo yokupaka, kwaye akukho mntu onokumisa okanye apake isithuthi okanye abangele okanye avumele isithuthi ukuba simiswe okanye sipakwe kwindawo emiselwe ukupaka enjalo—

- (a) ngexa uphawu lubekiwe okanye lufakiwe; okanye
- (b) ngexesha apho ukumisa okanye ukupaka isithuthi kwindlela kawonke-wonke okanye kwinxenye yendlela kawonke-wonke kungavunyelwanga ngenxa yophawulo olunjalo lwendlela,

umntu ochasana nalo malungiselelo eli candelo unetyala.

Ukubhucabhuca okanye ukuphazamisana nemitha yokupaka okanye isixhobo esithile sokupaka

23. (1) Akukho mntu onoku—

- (a) sebenzisa kakubi, onakalise, aphazamisane okanye abhucabhucane;
- (b) azame ukusebenzisa kakubi, onakalise, aphazamisane okanye abhucabhucane,

nendlela yokusebenza okanye umatshini wemitha yokupaka.

- (2) Akukho mntu, ngaphandle kwemvume esuka kwisiXeko nangokuxhomekeka kuwo nawuphina umthetho ongomnye kamasipala, afake okanye azame ukufaka okanye abeke isibhengezo esibhaliweyo, isibhengezo, inotisi, uluhlu, ibhodi yexwebhu okanye into kwimitha yokupaka.
- (3) Akukho mntu unokupeyinta, abhale okanye onakalise imbonakalo yemitha yokupaka.
- (4) Akukho mntu onokuthi ngaphandle kwemvume yemashali yokupaka, asuse okanye abhucabhuca nasiphina isixhobo semashali yokupaka.
- (5) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

Ikhoyini emiselwe ukuyifaka kuphela

- 24. (1) Akukho mntu onokufaka okanye abangele ukuba kufakwe kwimitha yokupaka nayiphina into ngaphandle kwekhoyini emiselweyo.
- (2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

Ukusetyenziswa okungekho mthethweni kwemitha yokupaka

- 25. (1) Akukho mntu unokusebenzisa okanye azame ukusebenzisa imitha yokupaka ngayo nayiphina indlela ngaphandle kwaleyo imiswe kulo Mthetho kaMasipala.
- (2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

Ukupaka okungekho mthethweni nokubamba okanye ukususa izithuthi ezipakwe ngokungekho mthethweni

- 26. (1) Akukho mntu unokubangela, avumele, anike imvume okanye abeke nasiphina isithuthi sipakwe kwindawo emiselwe ukupaka, ngaphandle kokuvunyelwe ngamalungiselelo alo Mthetho kaMasipala.
- (2) Apho nasiphina isithuthi sifunyenwe ukuba sipakwe ngokuchasene nalo Mthetho kaMasipala, iya kubonwa njengepakwe, okanye ebangele ukupakwa, okanye evunyelweyo ukuba ipakwe ngumntu onegama elibhaliswe kwesi sithuthi ngaphandle kwaye de avelise ubungqina obuchasene noku.
- (3) IsiXeko singa—
 - (a) faka isibambi-mavili kuso nasiphina isithuthi esipakwe ngokungekho mthethweni;
 - (b) okanye sibangele ukuba isithuthi esipakwe ngokungekho mthethweni sisuswe sisiwe kwindawo emiswe sisiXeko; kwaye
 - (c) isohlwayo somrhumo wokususwa kwesibambi-mavili esifakiweyo phantsi kwecandelo elingaphantsi (3)(a) okanye ukukhululwa kwesithuthi esisuswa phantsi kwecandelo elingaphantsi (3)(b), nemirhumo eya kuhlawulwa xa kususwa isibambi-mavili esinjalo okanye ukukhululwa kwesithuthi.
- (4) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

Ukhululo

- 27 (1) Ngaphandle kokujongela phantsi naliphina ilungiselelo kulo Mthetho kaMasipala, umqhubi okanye umntu olawulayo kwezi zithuthi zilandelayo, ngokuxhomekeka kumalungiselelo eli candelo, angapaka kwindawo yokupaka enemitha ngaphandle kwentlawulo yomrhumo omiselweyo:
 - (a) isithuthi esisetyenziswa njengenqwelo yezigulane nesithi ngelo xesha sisetyenziswe ekuqwalaseleni imeko ebeka ubomi emngciphekweni;
 - (b) isithuthi esisetyenziswa ngabacimi-mlilo ekufikeleleni kwimililo nokufika ngexesha elisetyenziswa ngabacimi-mlilo ekuleqeni umlilo;
 - (c) isithuthi esisetyenziswe lilungu leNkonzo yamaPolisa oMzantsi Afrika, iNkonzo yamaPolisa oLawulo lweNqila okanye icandelo loGun-yaziso loMthetho lesiXeko kwakunye nokufika ngexesha elisetyenzisiweyo ngokuhambelana nolwaphulo-mthetho mhlawumbi olwenzekayo okanye ngokuhambelana nokuqokelelwa okanye ukukhuselwa kobungqina emva kolwaphulo-mthetho.
- (2) Ngokuxhomekeka kumaxesha amisiweyo okanye izithintelo ezinxulumene nokuma okanye ukupaka izithuthi njengoko oko kumisiwe nguwo nawuphina umthetho ongomnye, ummiselo okanye umthetho kamasipala, indawo emiselwe ukupaka kungangenwa kuyo ngaphandle kwentlawulo ngexesha leeyure ezibhalwe sisiXeko kuphawu olufakelwe le njongo.
- (3) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (2) unetyala.

ISIAHLUKO 3: IMIHLABA YOKUPAKA***ISigaba soku-1: Amalungiselelo jikelele*****IsiXeko asinokubekwa tyala kwilahleko okanye umonakalo**

28. IsiXeko asinokubekwa tyala kwilahleko okanye umonakalo nokuba unjani owenzeke kuso nasiphina isithuthi okanye umntu okanye nasiphina isibonelelo esingenesinye okanye iziqulatho zesithuthi ebepakwe kumhlaba wokupaka.

Ukuphazamisana nabasebenzi abagunyazisiweyo, namagosa agunyazisiweyo okanye iimashali zokupaka

- 29. (1) Akukho mntu uya kunqanda, athintele okanye nangayiphina indlela aphazamisane negosa eligunyazisiweyo, umsebenzi ogunyazisiweyo okanye imashali yokupaka ekwenzeni imisebenzi yakhe phantsi kwalo Mthetho kaMasipala.
- (2) Umntu ochasana neli lungiselelo leli candelo lingaphantsi (1) unetyala.

Intlawulo yomrhumo omiselweyo

- 30. (1) Umntu osebenzisa umhlaba wokupaka okanye indawo emiselwe ukupaka kufuneka, apho imirhumo sele imisiwe ngokunxulumene nomhlaba wokupaka okanye indawo emiselwe ukupaka, ahlawule umrhumo omiselweyo nangayiphina indlela okanye ifomathi emiswe sisiXeko.
- (2) IsiXeko ngokunxulumene nomhlaba wokupaka olawulwa ngamatikiti, singanikezela itikiti ngomrhumo omiselweyo nobangela umnini kwinyanga enye okanye kwixesha elincinci elichazwe kwitikiti lokupaka isithuthi emhlabeni, ukuba indawo emiselwe ukupaka ikhona, kumaxesha achazwe kwitikiti.
- (3) IsiXeko singanikezela kulo naliphina kumagosa alo, itikiti elibangela umnini, xa esebenzisa isithuthi malunga noshishino lweSixeko, ukuba

lipake isithuthi kumhlaba wokupaka ochaziweyo, ukuba ikhona indawo kumhlaba wokupaka.

- (4) Itikiti elinikezelwe phantsi kwecandelo elingaphantsi (2) okanye (3)—
 - (a) alina, ngaphandle kwemvume ebhaliweyo yangaphambili yesiXeko—
 - (i) kugqithiselwa komnye umntu ongomnye; okanye
 - (ii) kusetyenziswa ngokunxulumene naso nasiphina isithuthi ngaphandle kweso sichaziweyo;
 - (b) kufuneka sifakwe ngumnini wetikiti kwisithuthi ngokunxulumene nokunikeziweyo ngendlela nendawo apho amagama abhaliweyo okanye aprintiweyo kwitikiti efundeka ngaphandle kwesithuthi;
 - (c) liya kusebenza kuphela kwixesha elichazwe kwitikiti elinjalo.
- (5) Isicelo semvume echazwe kwicandelo elingaphantsi (4)(a) kufuneka senziwe kwifomu enikezelelwa le njongo sisiXeko.
- (6) Umntu ochasana necandelo elingaphantsi (1), okanye osebenzisa umhlaba wokupaka okanye indawo emiselwe ukupaka xa ixesha lonikezelo lwetikiti phantsi kwecandelo elingaphantsi (2) liphelile, okanye ochasana nelungiselelo lecandelo elingaphantsi (4) unetyala.

Ukuqwalaselwa kweempawu

31. (1) Umntu okumhlaba wokupaka kufuneka aqwalasele kwaye athobelane nazo naziphina izihamba-ndlela okanye uphawu olungolunye, inotisi okanye uphawu olusemhlabeni nolubekwa okanye oluboniswa kumhlaba wokupaka ngenjongo yokulawula izithuthi kusetyenziswa umhlaba wokupaka okanye isango lokungena okanye lokuphuma kumhlaba wokupaka.
- (2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

Indlela yokupaka nokususwa kwesithuthi

32. (1) Akukho mntu kuwo nawuphina umhlaba wokupaka opaka isithuthi ngenye indlela ngaphandle kokuthobelana nomyalelo okanye umgaqo onikezelweyo ligosa eligunyazisiweyo okanye njengoko kubonisiwe ngophawu, okanye kwazisiwe okanye kususwe isithuthi ngenye indlela engelo sango okanye ekuphumeni kumhlaba wokupaka emiselwe le njongo.
- (2) Apho iindawo ezimiselwe ukupaka zithe zohlulwa kumhlaba wokupaka, akukho mntu onolawulo okanye olawula isithuthi onokupaka isithuthi—
 - (a) kwindawo ekumhlaba wokupaka engeyondawo emiselwe ukupaka, ngaphandle kokuba uyalelwe ukuba wenze njalo ligosa eligunyazisiweyo kumhlaba wokupaka;
 - (b) kwindawo emiselwe ukupaka kumgca opeyintiweyo ophawula indawo emiselweyo okanye kwindawo enjalo esinokuthi isithuthi singabikho sisonke kwindawo eyohlulelwe indawo yokupaka; okanye
 - (c) kwindawo emiselwe ukupaka esele kukho esinye isithuthi.
- (3) Akukho mntu unokupaka isithuthi kwindlela yezithuthi ngaphakathi kumhlaba wokupaka okanye kwindlela yabucala okanye ngendlela ethintela indlela yabahambi ngeenyawo kwindlela yabucala.
- (4) Akukho mntu onokuthi kumhlaba wokupaka apake isithuthi ngendlela ethintela okanye ephazamisa abanye abasebenzisi bomhlaba wokupaka.
- (5) Akukho mntu unokupaka, okanye abangele, okanye avumele isithuthi ingesiso isithuthi njengoko sichaziwe kwi-National Road Traffic Act, 1996 (uMthetho 93 ka- 1996), ukuba sipakwe okanye sihlale kumhlaba wokupaka.
- (6) Umntu ochasana neli lungiselelo leli candelo unetyala.

Isithuthi esishiywe sodwa

33. (1) IsiXeko singasusa sise kwisikiti sesiXeko isithuthi esishiywe kwindawo enye kumhlaba wokupaka kwixesha elilandelelanayo leentsuku ezingaphezulu kwesixhenxe.
- (2) IsiXeko kufuneka sithathe onke amanyathelo afanelekileyo ekufuneni umntu wesithuthi esisuswe phantsi kwecandelo elingaphantsi (1), kwaye ukuba umntu wesithuthi okanye umntu onelungelo kubunini besithuthi akafumaneki kwixesha leentsuku ezingama-90 emva kokususwa kwesithuthi, isiXeko, ngokuxhomekeka kwicandelo elingaphantsi (3) namacandelo 59 no-60, siyathengisa isithuthi kwifandesi kawonke-wonke.
- (3) IsiXeko kufuneka kwiintsuku ezili-14 ngaphambi kwefandesi echazwe kwicandelo elingaphantsi (2), sipapashe okanye senze ukuba kupapashe kumaphephandaba amabini ubuncinane asasazwa ngaphakathi kummandla kamasipala, inotisi yefandesi, kodwa ke, ukuba umntu okanye umntu onelungelo kubunini besithuthi ubange isithuthi ngaphambi kokuba kuqalise ifandesi, isithuthi asisayi kuthengiswa kwifandesi, umntu lowo kufuneka ahlawule kwisiXeko yonke imirhumo ekufuneka ihlawuliwe ngokwalo Mthetho kaMasipala namaxabiso angamanye phantsi kwecandelo elingaphantsi (4).
- (4) Ukuqhutywa kwentengiso okugqitywe phantsi kweli candelo kufuneka kusetyenziswe kuqala kwintlawulo yemirhumo ekuthethwa ngayo kwicandelo elingaphantsi (3) nakamva ekuhlawuleni oku kulandelayo:
 - (a) amaxabiso kwiinzame zokufuna umntu ngokwecandelo elingaphantsi (2);
 - (b) amaxabiso okususa isithuthi;
 - (c) amaxabiso okupapasha inotisi yefandesi;
 - (d) amaxabiso okuqalisa intengiso yesithuthi;
 - (e) amaxabiso, abalwe ngokwezinga elimiswe sisiXeko, okugcina isithuthi esikiti;
 - (f) imirhumo yokupaka esetyenziswayo ngokushiya isithuthi kumhlaba wokupaka njengoko kuchaziwe kwicandelo elingaphantsi (1); kunye
 - (g) nayiphina imirhumo yokupaka okanye izohlwayo ezingahlawulwanga zezihamba-ndlela ngokunxulumene nesithuthi esinjalo kunye nent-salela, ukuba ikhona, yokuqhutywa, emva kwebango, kumnini wesithuthi okanye umntu onelungelo kwisithuthi ukuba angaqinisekisa ngelungelo lakhe kwisithuthi.
- (5) Ukuba akukho bango elisekiweyo kunyaka omnye ukususela kumhla wentengiso, intsalela yokuqhutywa kokuchazwe kwicandelo elingaphantsi (4) ilahlelwa kwisiXeko.
- (6) Akukho mntu unokushiya isithuthi kwindawo enye kumhlaba wokupaka kwixesha eliqhubekayo ezingaphezulu kwiintsuku ezisixhenxe, kwaye umntu owenza njalo unetyala.

Umonakalo kwiinotisi

34. (1) Akukho mntu unokususa, onzakalise, afihle okanye nangayiphina indlela onakalise okanye aphazamisane nenotisi, obhodi yenotisi, uphawu okanye enye into ebekwe sisiXeko kumhlaba wokupaka.

(2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala..

Ukuqhuba ngokungakhathali nangokuyingozi nezithintelo zesantya

35. (1) Akukho mntu, kumhlaba wokupaka, onokuqhuba isithuthi ngokungakhathali okanye ngendlela enobungozi kuluntu jikelele okanye kwesinye isithuthi.

(2) IsiXeko singathi ngophawu sibonise esona santya siphezulu esinokusetyenziswa kumhlaba wokupaka.

(3) Umntu ochasana necandelo elingaphantsi (1) nomntu oqhuba ngaphezulu kwesantya esingaphezulu ngokwecandelo elingaphantsi (2), unetyala.

Ukungena okanye ukuhlala kumhlaba wokupaka

36. (1) Akukho mntu unokungena, ahlale okanye abe kumhlaba wokupaka ngaphandle kweenjongo zokupaka kumhlaba wokupaka isithuthi, okanye ukususa ngokusemthethweni isithuthi kumhlaba wokupaka, ngokuhambelana nokuba ehlawule umrhumo wokupaka omisiweyo, kodwa ke, eli candelo alisebenzi ku—

(a) mntu ohamba nomntu opaka okanye osusa isithuthi;

(b) amagosa eSixeko athatha inxaxheba kwimisebenzi esesikweni okanye ayalelwe sisiXeko; kunye

(c) nomntu oqeshwe ngumnikezeli wenkonzo yolawulo lokupaka owenza umsebenzi wakhe.

(2) Umntu ochasana neli lungiselelo leli candelo elingaphantsi (1) unetyala.

Ukubhucabhuca isithuthi

37. (1) Akukho mntu, kumhlaba wokupaka, ngaphandle kwesizathu okanye ngaphandle kolwazi okanye imvume yomnini okanye umntu onolawulo olusemthethweni lwesithuthi, ngayo nangayiphina indlela aphazamisane okanye abhucabhucane noomatshini, izincedisi, inxenye okanye iziqulatho zesithuthi, okanye ukungena okanye ukukhwela kwisithuthi, okanye ukuseta umatshini wesithuthi ukuba uhambe.

(2) Umntu ochasana necandelo elingaphantsi (1) unetyala.

Ukonakalisa itikiti

38. (1) Akukho mntu, kumhlaba wokupaka ngenjongo yokwenza ubuqhetseba kwisiXeko, afoje, alinganise, onakalise inkangeleko, onzakalise, atshintshe okanye enze uphawu kwitikiti lokupaka elinikezwe phantsi kwalo Mthetho kaMasipala.

(2) Umntu ochasane necandelo elingaphantsi (1) unetyala.

Isithuthi esinesiphene

39. (1) Akukho mntu unokupaka, okanye abangele, okanye avumele isithuthi esinesiphene okanye ngaso nasiphina isizathu, esingakwaziyo ukushukuma, ukuba sipakwe okanye sihlale kumhlaba wokupaka.

(2) Ukuba isithuthi, emva kokuba sipakiwe kumhlaba wokupaka, sivele isiphene esinikezela ukuba singahambi, umntu olawulayo kufuneka athathe onke amanyathelo afanelekileyo ukuba kulungiswe isithuthi ukuba kungenziwa ulungiso olungephi okanye sisuswe kwixesha elifanelekileyo.

(3) Umntu ochasane necandelo elingaphantsi (1) okanye (2), unetyala.

Ukucoca/ukuhlamba isithuthi

40. (1) Akukho mntu ngaphandle kwemvume yangaphambili yesiXeko, uya kuhlamba isithuthi kumhlaba wokupaka okanye kwindawo emiselwe ukupaka.

(2) Umntu ochasane necandelo elingaphantsi (1) unetyala.

Ukungavunyelwa ukungena

41. (1) Igosa eligunyazisiweyo lingangavumi ukuvumela kumhlaba wokupaka isithuthi kunye nomthwalo waso, ukuba side ngaphezulu kweemitha ezintlanu, okanye ngenxa yesizathu sobubanzi okanye ubude baso, singenza umonakalo ebantwini okanye ipropati, okanye esinobangela isithintelo okanye ingxaki ethile.

(2) Umntu ongahoyi ukwalelwa kwakhe ukuba angene ligosa eligunyazisiweyo unetyala.

Iiyure zokupaka neendidi zezithuthi

42. (1) IsiXeko, ngokuxhomekeka kumalungiselelo alo Mthetho kaMasipala, singavumela ukupaka kumhlaba wokupaka ngexesha leeyure xa umhlaba wokupaka uvulekile ekupakeni kwiindidi ezinjalo zezithuthi, njengoko sinokumisa njalo.

(2) IsiXeko kufuneka kwintotisi ebekwe ekungeneni kumhlaba wokupaka, siseke iindidi zezithuthi ezinokupaka kumhlaba wokupaka, kunye nama-xesha okuvula nokuvula komhlaba wokupaka.

(3) IsiXeko, ngaphandle kokujongela phantsi inotisi ebekwe ngaphantsi kwecandelo elingaphantsi (2), ngenotisi eboniswe kumhlaba wokupaka, singavala umhlaba wokupaka okanye inxenye yomhlaba wokupaka, ngokusisigxina okanye kwixesha elichazwe kwintotisi, ekupakeni izithuthi.

(4) Akukho mntu unokupaka isithuthi okanye avumele isithuthi ukuba sihlale sipakiwe kumhlaba wokupaka ovaliweyo phantsi kwecandelo elingaphantsi (3), okanye ngalo naliphina ixesha ngexesha leeyure zokupaka izithuthi kumhlaba wokupaka njengoko kumiswe njalo sisiXeko kumaxesha ngamaxesha.

(5) Akukho mntu unokupaka kumhlaba wokupaka isithuthi esingelulo udidi okanye iindidi ezinokusebenzisa umhlaba wokupaka njengoko kuchazwe njalo kwintotisi efakwe ekungeneni kumhlaba wokupaka.

(6) Akukho mntu, ngaphandle kokuba ngumnini wetikiti lokupaka elinikezelwe phantsi kwalo Mthetho kaMasipala omgunyazisayo ukuba enze njalo, apake isithuthi okanye abangele okanye avumele isithuthi ukuba sipakwe kumhlaba wokupaka ngaphambi kokuqala okanye emva kokuphelelwa kwixesha lokupaka elimiswe kumhlaba wokupaka.

(7) Umntu ochasane neli candelo lingaphantsi (4), (5) okanye (6) unetyala.

Ugcino olwenziwa sisiXeko

43. (1) IsiXeko singathi ngenotisi eboniswe kumhlaba wokupaka, sigcine inxenywe yomhlaba wokupaka ukuze kupake izithuthi zeSixeko okanye izithuthi ezisetyenziswa ngamalungu abasebenzi kushishino lweSixeko.
- (2) Umntu opaka isithuthi kwinxenywe yecandelo eligcinelwe ukuba izithuthi zeSixeko okanye amalungu abasebenzi beSixeko unetyala.

ISigaba sesi-2: Umhlaba wokupaka olawulwa ngokusebenzisa oomatshini**Ukupaka isithuthi kumhlaba osebenzisa oomatshini okanye kungenjalo kumhlaba wokupaka olawulwayo**

44. (1) Ngokuxhomekeka kwicandelo 2, umntu—

- onqwenela ukupaka isithuthi;
- obangela okanye ovumela isithuthi ukuba sipakwe; okanye
- ovumela isithuthi ukuba sipakwe,

kwindawo enoomatshini okanye kungenjalo kumhlaba wokupaka olawulwayo kufuneka xa engena kumhlaba wokupaka nasemva kokuba isithuthi simile, nangokuhambelana nemiyalelo eboniswe kufutshane okanye kumatshini wokuthengisa amatikiti okupaka, afumane itikiti lokupaka elinikezelwa ngumatshini.

- (2) Umntu ochazwe kwicandelo elingaphantsi (1) akanako ukupaka isithuthi—
- ngaphandle kwakwindawo emiselwe ukupaka nangokuthobelana nemigaqo enjalo njengoko ibinikezelwe ligosa eligunyazisiweyo okanye apho indawo enjalo ingaphawulwanga, ngaphandle kwakwindawo eboniswe ligosa eligunyazisiweyo;
 - emva kokuba igosa eligunyazisiweyo libonisile emntwini ukuba umhlaba wokupaka ugcewele;
 - emva kokuphelelwa kwexesha lokupaka eliboniswe kwitikiti lokupaka; okanye
 - kwixesha elide kunelo liboniswe ngophawu.
- (3) Itikiti lokupaka elifunyenwe ngokwecandelo elingaphantsi (1) liyasebenza de kufike ixesha lokuphelelwa kwalo njengoko kubonisiwe kwitikiti, kwaye nomntu akanokuvumela isithuthi ukuba sihlale kumhlaba wokupaka emva kokuphelelwa kwexesha lokupaka, ngaphandle kokuba isiXeko singazalisekisa inkqubo apho intlawulo ifuneka ekupheleni kwexesha lokupaka.
- (4) Umntu ongafumani tikiti ngokuhambelana necandelo elingaphantsi (1) okanye ochasana necandelo elingaphantsi (2) okanye (3) unetyala.

Ukususwa kwesithuthi kumhlaba osebenzisa oomatshini okanye okungokunye

45. (1) Akukho mntu unokususa, okanye abangele, okanye avumele ukususwa kwesithuthi kumhlaba wokupaka, ngaphandle kokuba—

- avelise kwigosa eligunyazisiweyo itikiti elimvumelayo ukuab apake kumhlaba wokupaka nelinikezelwe kuye ngumatshini wentengiso yamatikiti okupaka xa engena kumhlaba wokupaka; kwaye
- uhlawule kwigosa eligunyazisiweyo umrhumo wokupaka omisiweyo.

- (2) Ukuba umntu akaphumeleli ukuvelisa itikiti elimgunyazisa ukuba apake kumhlaba wokupaka olawulwayo, kuya kucingwa ukuba upake isithuthi ekuqaleni kwexesha lokuvulwa komhlaba wokupaka kwade kwalixesha apho afune ukususa isithuthi, kwaye uya kubhatala umrhumo omiswe njalo sisiXeko kumaxesha ngamaxesha.

- (3) Umntu, emva kokuba engaphumelelanga ukuvelisa itikiti, asuse, okanye abangele okanye avumele ukususwa kwesithuthi esipakwe kumhlaba wokupaka ade avelise obunye ubungqina kwigosa eligunyazisiweyo ngelungelo lakhe lokususa isithuthi, igosa eligunyazisiweyo—

- kufuneka lifune umntu ukuba avelise isiqinisekiso sesazisi aze agcwalise, asayine ifomu yokhuseleko njengoko inikezelwe sisiXeko, ifomu leyo enesiphumo sokuthintela isiXeko kumabango alulo naluphina uhlobo ngumntu onxulumene nokususwa kweso sithuthi;
- lingafuna ukuba umntu anikezele ukhuseleko olunjalo njengoko kumiswe njalo sisiXeko.

- (4) Icandelo elingaphantsi (1)(a) alisebenzi apho imirhumo emiselweyo ibihlawuliwe ekungeneni kumhlaba wokupaka kwaye umntu ohlawule imirhumo enjalo uvelise itikiti elifunekayo kwigosa eligunyazisiweyo xa lifuniwe.

- (5) Apho isithuthi singasuswanga kumhlaba wokupaka ekupheleni kwexesha lokupaka nalapho umrhumo omisiweyo uhlawuliwe, umrhumo ongomnye njengoko uya kumiswa sisiXeko uya kuhlawulelwa ukupaka okulandelayo.

- (6) Umntu ochasana necandelo elingaphantsi (1), okanye osusa okanye obangela, okanye ovumela ukususwa kwesithuthi ngokuchasana necandelo elingaphantsi (3), okanye ongathobelani nesicelo esenziwe ligosa eligunyazisiweyo ngokwecandelo elingaphantsi (3)(a) okanye (b) unetyala.

ISigaba sesi-3: Umhlaba wokupaka ongu-Bhatala-ubonise**Ukupaka isithuthi kumhlaba wokupaka ongu-bhatala-ubonise**

46. (1) Umntu—

- onqwenela ukupaka isithuthi;
- obangela okanye ovumela isithuthi ukuba sipakwe; okanye
- ovumela isithuthi ukuba sipakwe,

kumhlaba wokupaka ongu-bhatala-ubonise kufuneka ngokukhawuleza xa engena kumhlaba wokupaka, athenge, ngokuhambelana nemimiselo ebhalwe kumatshini wentengiso yamatikiti okupaka, itikiti elinikezelwa ngumatshini, kwaye umntu ongathobelani neli candelo elingaphantsi unetyala.

- (2) Oku kulandelayo kufuneka kubonise kumatshini wentengiso yamatikiti okupaka:

- ixesha apho isithuthi singapakwa khona kumhlaba wokupaka ongu-bhatala-ubonise; kwaye
- ikhoyini okanye enye into emiselweyo okanye indlela yokuhlawula kufuneka ifakwe okanye isetyenziswe ngokunxulumene nexesha lokupaka kumatshini ongu-bhatala-ubonise.

- (3) Umntu kufuneka abonise itikiti ngokulincamathisela ngaphakathi kwicala lomqhubi kwifestile engaphambili yesithuthi ngendlela nakwindawo apho ulwazi olubhalwe kwitikiti ngumatshini ongu-bhatala-ubonise lucafile kwifestile engaphandle yesithuthi.

- (4) Akukho mntu unokuvumela ukuhlala kumhlaba wokupaka ongu-bhatala-ubonise emva kokuphelelwa kwexesha elibonise kwititiki lokupaka kwaye, ngaphandle kokuba ubungqina kokuchasene noku buvelisiwe, umhla okanye usuku nexesha lokuhamba njengoko libonise ngumatshini wokuthengisa amatikiti okupaka, kubuso bawo, bubungqina obuchanekileyo bomhla okanye usuku nexesha.
- (5) Akukho mntu unokupaka isithuthi, abangele, enze ukuba okanye avumele isithuthi ukuba sipakwe kumhlaba wokupaka ongu-bhatala-ubonise ukuba itikiti lokupaka alifumaneki kumatshini wokuthengisa amatikiti okupaka ngendlela ebonisiweyo okanye xa inotisi ibonise kumatshini ebonisa ukuba awusebenzi.
- (6) Ukuba isithuthi sisusiwe kumhlaba wokupaka ongu-bhatala-ubonise size sibuyiselwe kumhlaba wokupaka ongu-bhatala-ubonise kwakwixesha elivumelekileyo letikiti lokupaka, itikiti liyaqhubekeka ukuba lisebenze.
- (7) Ukuba netikiti lokupaka elisebenzayo ngokunxulumene nesithuthi esingekho ngaphakathi kwindawo emiselwe ukupaka akuqinisekisi ubukho bendawo engenamntu yokupaka.
- (8) Umntu ochasana necandelo elingaphantsi (3), (4) okanye (5) unetyala.

Izohlwayo ezingezinye ezinxulumene nomhlaba wokupaka ongu-bhatala-ubonise

47. Umntu unetyala ukuba—

- (a) ufaka okanye uzama ukufaka kumatshini wokuthengisa amatikiti okupaka—
 - (i) ikhoyini engeyiyo evumelekileyo;
 - (ii) apho olunye udidi oluthile luza kusetyenziswa, into ebubuxoki;
 - (iii) ikhoyini engeyomali yaseMzantsi Afrika; okanye
 - (iv) nayiphina into engafanelekanga ukuba ifakwe kumatshini wokuthengisa amatikiti okupaka;
- (b) oojeke, ii-knock, ii-shake okanye nangayiphina indlela baphazamisane okanye babhucabhuze okanye bonakalise, okanye ukonakalisa inkangeleko yomatshini wokuthengisa amatikiti okupaka okanye into ehamba nenyene (appurtenance) okanye ukuncamathisela okanye ukuzama ukuncamathisela okanye ukubeka uphawu, isibhengezo esibhaliweyo, isibhengezo, inotisi, uluhlu, uxwebhu, ibhodi okanye into ethile, okanye ipeyinti, ukubhala kuyo okanye ukonakalisa imbonakalo yomatshini wokuthengisa amatikiti okupaka; okanye
- (c) ususa okanye azame ukususa umatshini wokuthengisa amatikiti okupaka okanye nayiphina inxenye yomatshini ekumisweni kwawo.

ISIAHLUKO 4: IITEKSI NEEBHASI

ISigaba soku-1: Iindawo ezizodwa zokupaka iiteksi

Iindawo ezizodwa zokupaka iiteksi

48. (1) IsiXeko, ngokuxhomekeka kuwo nawuphina uMthetho ongomnye kaMasipala onxulumene neeteksi, ukumiswa kweendawo ezizodwa eziza kusetyenziswa ziiteksi okanye ukupaka kweteksi yomntu onomqondiso wokungena erenkini wokusebenzisa indawo yokupaka okanye ukupaka iiteksi.
- (2) Umqondiso wokungena erenkini unganikezelwa nowabela indawo eyodwa yokupaka okanye isahlulo esingezantsi sendawo eyodwa yokupaka kumntu othile okanye isithuthi esithile ukuze asisebenzise ngokukodwa.
- (3) Ukuba akukho ndawo efumanekayo kwindawo eyodwa yokupaka kwixesha elithile lokupaka iiteksi ngumnini womqondiso wokungena erenkini okanye kwiteksi enxulumene nomqondiso wokungena erenkini, iiteksi kufuneka ipakwe kwindawo yokulinda echazwe yimashali eqeshiweyo nesebenza kwindawo eyodwa yokupaka, njengoko kucaciswe njalo kwicandelo 49, de imashali okanye nawuphina omnye umntu oqeshiweyo ambize aze amvumele umntu ukuba apake iiteksi kwindawo eyodwa yokupaka.
- (4) Akukho mntu okanye isithuthi ngaphandle komntu okanye isithuthi esichaziweyo kwicandelo elingaphantsi (2), ngaphandle komqondiso wokungena erenkini, angasebenzisa okanye apake kwindawo eyodwa yokupaka okanye ulwahlulo lwayo, kwaye umntu ochasene neli lungiselelo, okanye umntu opaka isithuthi kwindawo yokulindela ingeyiyo indawo echazwe kwicandelo elingaphantsi (3) unetyala.

Ukupaka kweeteksi

49. (1) Umqhubi, ngokuxhomekeka kwicandelo elingaphantsi (2) necandelo 48 nangokuxhomekeka kuwo nawuphina umthetho kamasipala ongomnye weSixeko onxulumene neeteksi—
 - (a) angapaka iiteksi kwindawo eyodwa yokupaka okanye kwindawo yokulinda ngenjongo kuphela yokuqhuba ushishino olunxulumene ngqo neteksi; okanye
 - (b) asebenzele ingqesho, okanye alande okanye ahambise abahambi kuphela kwindawo eyodwa yokupaka okanye kwindawo enikezelweyo yokuma iiteksi.
- (2) Kwixesha likaxakeka okanye kulonwabo neminye imibhiyozo, isiXeko singabekela bucala izibonelelo zexeshana zeeteksi eziphawulwe liGosa eliyiNtloko leziHamba-ndlela njengezifanelekileyo ekupakeni nasekumisweni iiteksi.
- (3) Umntu ochasana necandelo elingaphantsi (1), okanye opaka okanye omisa iiteksi endaweni engesiso isibonelelo sexeshana seteksi njengoko kuchaziwe kwicandelo elingaphantsi (2), unetyala.

Ukusetyenziswa kweerenki zeeteksi

50. (1) Ngokuxhomekeka kuwo nawuphina umthetho kamasipala weSixeko onxulumene neeteksi, umqhubi—
 - (a) ngokuxhomekeka kwicandelo elingaphantsi (3), angapaka iiteksi kwirenki yeteksi echazwe komqondiso wokungena erenkini onikezelwe ngokuhambelana neteksi leyo, ukuba ikhona indawo kwaye kuphela ngenjongo yokuqhuba ushishino olunxulumene neteksi;
 - (b) kufuneka, ukuba akukho sithuba esikhoyo, asuse aze apake iiteksi kwindawo yokulinda, ngokuhambelana namalungiselelo ecandelo 48.
- (2) Umqhubi kufuneka, esebenzela ingqesho kwirenki yeteksi, enze njalo emgceni kwaye kufuneka—
 - (a) abeke iiteksi yakhe kwindawo yokuqala engenamntu emgceni ngokukhawuleza emva kwayo nayiphina iiteksi ebisele ingaphambili;
 - (b) ahambise iiteksi yakhe phambili xa umgca uhambela phambili.
- (3) Xa usebenzela ingqeshiso kwirenki yeeteksi, umqhubi—
 - (a) wayo nayiphina iiteksi ungena kwisikhundla sokuqala, sesibini okanye sesithathu ukusuka ngaphambili kuwo nawuphina umgca erenkini, kufuneka abe kufutshane kwaye abekho rhoqo kwiteksi yakhe oko nje ihlala ikwisikhundla esinye;
 - (b) akanokubeka iiteksi yakhe ngaphambili kwayo nayiphina iiteksi efikileyo aze athathe isikhundla emgceni ngaphambi kokuba enze njalo;

- (c) ukuba iteksi yakhe yeyokuqala emgceni, aze nokuba ngubani na umntu abize iteksi, aphendule ubizo, ngaphandle kokuba umntu ubonise ngokuphandle ukuba ufuna eyiphi na iteksi engekho ngaphambili emgceni.
- (4) Akukho mntu ongapaka okanye amise iteksi engasebenzi kakuhle njengoko kufuneka kuMthetho, kwirensi yeeteksi, okanye abangele, okanye avumele iteksi ihlale erenkini.
- (5) Akukho mntu unokupaka isithuthi okanye avumele isithuthi ukuba sihlale simile kwirensi yeeteksi ngaphandle kweteksi enelayisensi esebenzayo yokusebenza nalapho umqondiso wokungena erenkini, ocacisa irensi, unikezelwe kunyaka lowo, njengoko kuchazwe njalo kwesi Sigaba seSahluko 4.
- (6) Umntu ochasana nelungiselelo leli candelo unetyala.

Uthintelo lokupakwa kweeteksi kwiindawo ezingamelanga kumisa kuzo

51. Akukho mqhubi weteksi onokupaka kwindawo ekungamiswayo kuyo, umqhubi weteksi owenza njalo, unetyala.

Ukuseiswa nokuhlajwa kweeteksi kwizibonelelo zeeteksi

52. (1) Akukho mntu onokulungisa okanye agcine nasiphina isithuthi kwizibonelelo seteksi.

- (2) Akukho mntu unokuhlamba nasiphina isithuthi kwizibonelelo seteksi, ngaphandle kwakwindawo yokuhlamba kwizibonelelo esakhiwe ngokukodwa le njongo.
- (3) Umntu ochasana neli lungiselelo leli candelo unetyala.

Indlela yokuziphatha engavunyelwanga kwirensi yeeteksi

53. Umntu obangela ukuphazamiseka okanye oziphethe ngendlela enobundlobongela okanye engenasidima unetyala ngokwalo Mthetho kaMasipala kwaye angasuswa emgceni, kwirensi yeeteksi okanye kwindawo ejikeleze isibonelelo seteksi ligosa eligunyazisiweyo.

ISigaba sesi-2: Izibonelelo zebhasi neepemethe nokusebenza kwebhasi

Ukusekwa kwezibonelelo zebhasi

54. Amalungiselelo ecandelo 48(1), (2) no-(3) asebenza, neenguqulelo ezifanelekileyo, kwiibhasi.

Ukwahluka kweendawo zokumisa iibhasi

55. (1) Indawo nganye yokumisa ibhasi kufuneka yohlulwe ngophawu olufanelekileyo lwezihamba-ndlela ekuboniseni udidi lwebhasi okanye i-minibus-teksi okanye apho kufaneleke khona, igama lalowo unelungelo lokumisa ibhasi.

- (2) IsiXeko singohlula iindawo zokumisa iibhasi zabatyeleli.

Iimpawu zeendawo ekuyiwa kuzo nokumisa okanye ukupaka kwiindawo zokumisa iibhasi

56. (1) Akukho mqhubi okanye mntu olawula ibhasi okanye i-minibus-teksi onokupaka ibhasi kuyo nayiphina indawo yokumisa ibhasi okanye avumele isithuthi esinjalo ukuba sipakwe kwindawo yokumisa ibhasi.

- (2) Akukho mqhubi okanye umntu olawula i-minibus-teksi onokumisa okanye apake isithuthi esinjalo okanye avumele isithuthi esinjalo ukuba simiswe okanye sipakwe kuyo nayiphina indawo yokumisa ibhasi emiselwe iibhasi zabakhenkethi.
- (3) Ngaphandle kokujongela phantsi amalungiselelo ecandelo elingaphantsi (1) umqhubi okanye umntu olawula ibhasi yesiXeko angapaka ibhasi yesiXeko kwindawo yokumisa ibhasi emiselwe ukuba isetyenziswe ngulowo oqhuba iibhasi zesiXeko, ukuba ufuna ukwenza njalo ngenjongo yokulibazisa ukuhamba kwindawo yokumisa ibhasi enjalo ekugcineni ishedyuli efunekayo yebhasi.
- (4) Umqhubi okanye umntu olawula ibhasi okanye i-minibus-teksi kufuneka aqwalasele aze athobelane nasiphina isihamba-ndlela okanye uphawu olungolunye, inotisi okanye okuphawulwe endleleni okubekwe okanye okuboniswa kwindawo yokumisa ibhasi.
- (5) Apho uphawu lwezihamba-ndlela oluphawula indawo yokumisa ibhasi okanye uphawu olungolunye olubekwe kwindawo yokumisa ibhasi elibonisa igama lalomntu, akukho mqhubi okanye mntu olawula ibhasi okanye i-minibus-teksi esetyenziswa okanye egameni lomntu othile ngaphandle kwalowo uboniswa kuphawu, unokumisa isithuthi esinjalo okanye avumele umkhweli ukuba akhwele okanye ehle kwisithuthi esikwindawo yokuma enjalo.
- (6) Umqhubi okanye umntu olawula ibhasi kufuneka aqinisekise ukuba uphawu lwendawo eya kuyo lubonisiwe ebhasini.
- (7) Akukho mqhubi okanye umntu olawula ibhasi okanye i-minibus-teksi ongavumela i-enjini yalo bhasi ekuvumeleke ukuba ime kuyo nayiphina indawo yokumisa ibhasi ukuba idume kwixesha elingaphezulu kwemizuzu engama-20, emva kokuba imile.
- (8) Umntu ochasana neli lungiselelo leli candelo unetyala.

ISAHLUKO 5

AMALUNGISELELO ANGAMANYE

Ukuthobela nokuphazamisana negosa eligunyazisiweyo

57. (1) Igosa eligunyazisiweyo lingayalela zonke izihamba-ndlela ngokusebenzisa iimpawu ezibonakalayo okanye ezivakalayo kwaye akukho mntu onokungathobeli ezo mpawu.

- (2) Akukho mntu onokunqanda, athintele, aphaathe kakubi okanye aphazamisane nalo naliphina igosa eligunyazisiweyo xa libenzisa amagunya alo achazwe kwicandelo elingaphantsi (1).
- (3) Umntu ochasane neli lungiselelo leli candelo unetyala.

Isibheni

58. (1) Umntu onamalungelo achatshazelwe sisigqibo esenziwe phantsi kwalo Mthetho kaMasipala nakwimiba yamagunya okanye umsebenzi wokwenza isigqibo esinjalo agunyaziswe okanye agunyazise owakhe ongaphantsi kumenzi wesigqibo, angafaka isibheni ngokuchasene nesigqibo eso ngokugqithisa inotisi ebhaliweyo yesibheni nezizathu kuManejala kaMasipala kwiintsuku ezingama-21 emva kosuku lokwaziswa kwesigqibo.

- (2) Isiphatha-mandla sesibheni kufuneka sicinge ngesibheni size siqinisekise, sitshintshe okanye sirhoxise isigqibo, kodwa akukho lutshintsho okanye lurhoxiso lwesigqibo olunokunciphisa nawaphina amalungelo akhoyo ngenxa yesigqibo.

(3) Xa isibheni sichasene nesigqibo esithatyathiweyo—

- (a) ngumsebenzi ingenguye uManejala kaMasipala, uManejala kaMasipala sisiphatha-mandla sesibheni; okanye

- (b) uManejala kaMasipala, iKomiti kaSibonda yesiGqeba esiLawulayo sisiphatha-mandla sesibheni.
- (4) Isiphatha-mandla sesibheni kufuneka siqalise ngesibheni kwiiveki ezintandathu size senze isigqibo kwixesha elifanelekileyo.

Intengiso yezithuthi ezithinjweyo

59. (1) IsiXeko kufuneka—

- (a) kwiintsuku ezili-14 zokuthinjwa kwesithuthi, sifake isicelo eNkundleni segunya lokuthengisa isithuthi;
- (b) kwisicelo esichazwe kumhlathi (a), sinikezele iNkundla ngobungqina bokuba sifake ingxelo njengoko kuchaziwe kwicandelo elingaphantsi (2) kumnini.
- (2) Ingxelo echazwe kwicandelo elingaphantsi (1)(b) kufuneka iquke imirhumo namaxabiso ekufuneka ehlawuliwe ngokwalo Mthetho kaMasipala.

Inkqubo ekufuneka ilandelwe kwisicelo senkundla

60. Isicelo esiya eNkundleni sentengiso yesithuthi esithinjweyo ngokwalo Mthetho kaMasipala kufuneka sithobelane nenkqubo echazwe kwicandelo 66 le-Magistrates' Courts Act, 1944 (uMthetho 32 ka-1944), noMthetho 41 weMithetho yeNkundla, eyenziwe yiBhodi yeMithetho yeeNkundla zoMthetho ngokwecandelo 6 le-Rules Board for Courts of Law Act, 1985 (uMthetho 107 ka-1985), nopapashwe phantsi Notisi kaRhulumente enguNomb. R.1108 kwiGazethe yeMimiselo enguNomb. 980 yomhla wama-21 Juni 1968, njengoko ulungisiwe kumaxesha ngamaxesha, nofundwa neenguqulelo ezifanelekileyo.

Iinotisi zokuthobela nokufumanisa kwakhona amaxabiso

61. (1) Ngaphandle kokujongela phantsi nawaphina amalungiselelo alo Mthetho kaMasipala, isiXeko—

- (a) apho imvume yesiXeko ifuneka khona ngaphambi kokuba umntu enze naliphina inyathelo okanye akhe okanye afake nantonina, nemvume enjalo ingekafumaneki;
- (b) apho naliphina ilungiselelo lalo Mthetho kaMasipala lichaswa khona phantsi kweemeko apho inkcaso inokupheliswa ngokususwa kwalo naluphina ulwakhiwo, into ethile, imateriyali okanye umba othile,

sinikezele inotisi ebhaliweyo kumnini wamaziko okanye umoni, ukuba aphelise inkcaso enjalo okanye asuse ulwakhiwo, into ethile, imateriyali okanye umba othile, okanye athathe amanyathelo angamanye xa isiXeko sinokufuna ukulungisa inkcaso enjalo lingaphelanga ixesha elimiswe kwi-notisi.

- (2) Nawuphina umntu othi angaphumeleli ukuthobelana nenotisi ngokwecandelo elingaphantsi (1) unetyala, kwaye isiXeko, ngaphandle kwekhethe kumagunya aso sithathe inyathelo ngokuchasene nomoni, sithathe amanyathelo afanelekileyo ekuzalisekiseni inotisi enjalo ngeendleko zomnini wamaziko okanye umoni, ngokuxhomekeka kwiimeko zetyala.

Ukucingela (Presumptions)

62. (1) Ngenjongo zalo Mthetho kaMasipala, umntu ekubhaliswe ngayo isithuthi kwilayisensi nesipakwe kumhlaba wokupaka ubonwa njengomntu onolawulo okanye olawula isithuthi, ngaphandle kokuba okanye avelise ubungqina obuchasene noko.

- (2) Isithuthi esifunyenwe kwisibonelelo seteksi okanye kwindawo yokumisa ibhasi okanye esimise kwisibonelelo seteksi okanye kwindawo yokumisa ibhasi sicingelwa njengesomsebenzi wengqesho, ngaphandle kokuba okuchasene noko kuqinisekisiwe.
- (3) (a) Kuso nasiphina isimangalo ngokomthetho ongabhalwanga onxulumene nokuqhutywa kwesithuthi kwindlela kawonke-wonke, okanye ngokwalo Mthetho kaMasipala, kufanelekile ukuqinisekisa ukuba yayingubani na umqhubi wesithuthi esinjalo, kucingelwa, xa kungekho bungqina ngokuchasene noku, ukuba isithuthi esinjalo sasiqhutywa ngumnini waso.
- (b) Nanini na isithuthi xa sipakwe ngokuchasene nalo naliphina ilungiselelo lalo Mthetho kaMasipala, kuya kucingelwa, xa kungekho bungqina ngokuchasene noku, ukuba isithuthi esinjalo sasipakwe ngumnini waso.
- (c) Ngokweenjongo zalo Mthetho kaMasipala, kucingelwa ukuba xa kungekho bungqina obuchasene nokuthile, apho umnini-sithuthi ukwiqumrhu loshishino, isithuthi esinjalo sasiqhutywa okanye sapakwa ngumlawuli okanye isicaka sequmrhu elo loshishino, kugunyaziso lwamagunya, sisenza umsebenzi waso njengomlawuli okanye isicaka okanye ekwandiseni, okanye ekuzameni ukwandisa umdla wequmrhu loshishino.
- (4) Kuso nasiphina isimangalo ngokwalo Mthetho kaMasipala, umba wokuba nawuphina umntu uthetha ngokungathi ukusebenza prima facie siqinisekiso okanye isigqibo sakhe negunya lokuthatha inyathelo, kodwa ke, eli candelo alisebenzi kwizimangalo zetyala lokuzenza omnye umntu.
- (5) Nawuphina umntu othi ngaso nasiphina isithuthi, ahambise abahambi uya kucingelwa njengohambise abahambi abanjalo kwingqeshiso okanye ngomvuzo othile, kwaye isithuthi esinjalo siya kucingelwa njeteksi ngaphandle kokuba okuchasene noku kuqinisekisiwe.
- (6) Uxwebhu olungathi yirisithi yeposi esele ibhatalwe yerejista, ingxelo yogqithiso lwe-telefax okanye ulwamkelo olusayiniweyo lweposi ehanjiswa ngesandla, iya kuthi xa igqithiswa ngumntu ubanjwa phantsi kwalo Mthetho kaMasipala, yamkelwe njengobungqina prima facie nangejengesiqinisekiso sokuba yirisithi enjalo, ingxelo egqithisiweyo okanye ulwamkelo.

Izohlwayo

63. Umntu onetyala ngokwalo Mthetho kaMasipala ukwisigwebo kwaye ujongene nezohlwayo ezichazwe kuwo nawuphina umthetho ongomnye, ekwanemfanelo—

- (a) kwisohlwayo, okanye ukusilela kwintlawulo, okanye ukubanjwa ngaphandle kokhetho lwesohlwayo okanye zombini, isohlwayo nokubanjwa;
- (b) kumba wetyala elilandelanayo okanye eliqhubekayo, kwisohlwayo semihla ngemihla ityala elinjalo liyaqhubeka okanye ukusilela kwintlawulo, ukuya ekubanjweni.

Ukurhoxiswa kwemithetho kamasipala

64. Imithetho kamasipala edweliswe kwiShedyuli kunye nawuphina umthetho kamasipala owabhengezwayo ngaphambili sisiXeko okanye nabaphina oomasipala abahlukaniswayo ngoku abadityanise kwisiXeko, njengoko unxulumene nawuphina umba olungiselelweyo kulo Mthetho kaMasipala, kengoko uyarhoxiswa.

Itayitile emfutshane

65. Lo Mthetho kaMasipala ubizwa ngokuba, IsiXeko saseKapa: uMthetho kaMasipala wokuPaka, 2010.

ISHEDYULI

UMasipala waseBellville

| INomb. yeNotisi yePhondo | Itayitile | Ubungakanani borhoxiso |
|---------------------------------|--|-------------------------------|
| P.N. 852/1969 | Imitha yokupaka | Uwonke |
| P.N. 1151/1971 | Ukupakwa kwezithuthi ezinzima neekharavani | Uwonke |
| P.N. 779/1985 | Irhafu yokupaka | Uwonke |

UMasipala waseDurbanville

| INomb. yeNotisi yePhondo | Itayitile | Ubungakanani borhoxiso |
|---------------------------------|--|-------------------------------|
| P.N. 286/1975 | Ukupakwa kwezithuthi ezinzima neekharavani | Uwonke |

UMasipala waseKapa

| INomb. yeNotisi yePhondo | Itayitile | Ubungakanani borhoxiso |
|---------------------------------|----------------------------|-------------------------------|
| P.N. 0519/1979 | Ukhululo kwirhafu yokupaka | Uwonke |
| P.N. 0430/1983 | Ukhululo kwirhafu yokupaka | Uwonke |
| P.N. 0538/1985 | Ukhululo kwirhafu yokupaka | Uwonke |

UMasipala waseBrackenfell

| INomb. yeNotisi yePhondo | Itayitile | Ubungakanani borhoxiso |
|---------------------------------|--|-------------------------------|
| P.N. 737/1974 | Ukupakwa kwezithuthi ezinzima neekharavani | Uwonke |

UMasipala waseGoodwood

| INomb. yeNotisi yePhondo | Itayitile | Ubungakanani borhoxiso |
|---------------------------------|------------------|-------------------------------|
| P.N. 1044/1971 | Imitha yokupaka | Uwonke |

UMasipala waseKraaifontein

| INomb. yeNotisi yePhondo | Itayitile | Ubungakanani borhoxiso |
|---------------------------------|--|-------------------------------|
| P.N. 574/1973 | Ukupakwa kwezithuthi ezinzima neekharavani | Uwonke |