

18. Short title and commencement

This by-law shall be known the Swartland Municipality: By-law Relating to Walls and Fences, and commences on the date of publication thereof in the Provincial Gazette.

**SWARTLAND MUNICIPALITY
PARKING MANAGEMENT BY-LAW**

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Swartland Municipality enacts as follows—

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1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates—

18. Kort titel en inwerkingtreding

Hierdie verordening staan bekend as die Swartland Munisipaliteit: Verordening insake Mure en Heininge en tree in werking op die datum van die publikasie daarvan in die Provinsiale Koerant.

**SWARTLAND MUNISIPALITEIT
VERORDENING INSAKE BESTUUR VAN PARKERING**

Ingevolge die bepalings van artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Swartland Munisipaliteit soos volg—

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1. Definisies

In hierdie Verordening sluit woorde waarvan die manklike vorm gebruik word die vroulike vorm in en die enkelvoud sluit die meervoud in en omgekeerd. Die Engelse teks geld ingeval van teenstrydigheid tussen die verskillende tekste. Tensy uit die samehang anders blyk, beteken—

‘authorised official’ means—

- (a) a traffic officer appointed under the Road Traffic Act, No.93 of 1996;
- (b) a member of the South African Police Services as defined in the South African Police Services Act, No.68 of 1995;
- (c) a peace officer contemplated by section 334 of the Criminal Procedure Act, No.51 of 1977;
- (d) an employee of the municipality or any other person who is appointed or authorised thereto by the municipality to perform any act, function or duty related to the provisions of this by-law, or exercise any power in terms of this by-law.

‘caravan’ means any vehicle permanently fitted out for the use by persons for living and sleeping purposes, whether or not such vehicle is a trailer.

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

‘municipality’ means the municipality of Swartland established in terms of section 12 of the Local Government: Municipal Structures Act, No.117 of 1998, and includes duly authorised agent, service provider or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such agent service provider or employee;

‘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;

‘notice, notice board or sign’ means an adequate notice in two of the three official languages of the Province, or as acknowledged by the municipality, erected or posted in a prominent position or positions and maintained in a legible state. It includes an emblem board as approved by the municipality;

‘parking attendant’ means an appointed person who on his own initiative offers a service to the public, whether in expectation of a reward or out of goodwill, at the request or with the consent of the person in charge of a vehicle, to supervise or render assistance while such vehicle is being parked or in the employ of an organisation who provide a parking attendant service;

‘parking ground’ means any area of land set aside by the municipality, or any area controlled by, or of which the municipality has gained control, as a parking ground or garage for the parking of vehicles therein by members of the public, whether or not charges are prescribed by this by-law for use thereof;

‘parking space’ means an area demarcated by means of parking lines, a parking bay painted on a street or otherwise indicated;

‘public road or street’ means any road, street, cycle path, thoroughfare, parking bay or any other place and includes—

- (a) the verge of any such public road;
- (b) any foot path, 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:

“gemagtigde beampte”

- (a) verkeersbeampte wat ingevolge die Padverkeerswet, 93 van 1996, aangestel is;
- (b) lid van die Suid-Afrikaanse Polisiediens soos omskryf in die Wet op die Suid-Afrikaanse Polisiediens, 68 van 1995;
- (c) vredesbeampte soos beoog in artikel 334 van die Strafproseswet, 51 van 1977;
- (d) werknemer van die munisipaliteit of enige ander persoon wat deur die munisipaliteit aangestel is of gemagtig is om enige handeling, funksie of plig uit te voer wat verband hou met die bepalinge van hierdie verordening, of om enige magte ingevolge hierdie verordening uit te oefen;

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

“motorvoertuig” enige selfaangedrewe voertuig en sluit sleepwa, leunwa, voertuig met pedale en enjin of elektriese motor as integrale deel daarvan of daaraan vasgeheg en wat ontwerp en aangepas is om aangedryf te word met behulp van sodanige pedale, enjin of motor, of sodanige pedale sowel as motor, maar sluit nie voertuig in wat aangedryf word deur elektriese krag wat van opgaarbatterye verkry word en wat deur voetganger beheer word nie; of voertuig met massa van nie meer as 230 kg nie en spesiaal ontwerp en gebou en nie bloot aangepas nie, vir gebruik deur enige persoon wat aan een of ander fisiese defek of gestremdheid ly en alleenlik deur daardie persoon gebruik word;

“munisipaliteit” die munisipaliteit van Swartland, gevestig ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 117 van 1998, en sluit behoorlik gemagtigde agent, diensverskaffer of enige werknemer daarvan in wat met betrekking tot hierdie Verordening optree uit hoofde van mag wat in die munisipaliteit gevestig is en na sodanige agent, diensverskaffer of werknemer gedelegeer of gesubdelepeer is;

“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;

“kennisgewing, kennisgewingbord of teken” kennisgewing in twee van die drie amptelike tale van die Provinsie, of soos erken deur die munisipaliteit, wat op prominente plek of plekke opgerig is of vertoon word en in leesbare toestand gehou word; dit sluit emblembord soos goedgekeur deur die munisipaliteit in;

“parkeeropsigter” aangewese persoon wat op sy eie inisiatief diens aan die publiek lewer, met die verwagting om beloon te word of uit welwillendheid, op versoek van of met die toestemming van die persoon wat in beheer van voertuig is, om toesig te hou of hulp te verleen terwyl sodanige voertuig geparkeer word, of in diens van organisasie wat parkeeropsigtersdiens lewer;

“parkeerterrein” enige stuk grond wat deur die munisipaliteit opsy gesit is, of enige gebied wat deur die munisipaliteit beheer word of waarvoor die munisipaliteit beheer gekry het, as parkeerterrein of parkeergarage vir die parkering van voertuie deur lede van die publiek, ongeag of geld vir die gebruik daarvan deur hierdie verordening voorgeskryf word of nie;

“parkeerplek” gebied wat met behulp van parkeerstrepe afgebaken is, parkeerplek wat op straat geverf is, of wat andersins aangedui word;

“openbare pad of straat” enige pad, straat, fietsrypad, deurgang, parkeerplek of enige ander plek en sluit in—

- (a) die soom van enige sodanige openbare pad;
- (b) enige voetpad, sypaadje of soortgelyke voetgangergedeelte van padreserwe;
- (c) enige brug, pont of drif waarvoor of waardeur sodanige openbare pad loop;
- (d) enige ander voorwerp wat deel uitmaak van sodanige openbare pad, wat te eniger tyd—

- (i) dedicated to the public,
 - (ii) used without interruption by the public for a period of at least 30 years,
 - (iii) declared or rendered such by a municipality 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 municipality or other competent authority and acted upon,
 - (ii) any general plan as defined in the Land Survey Act, No. 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;

'Road Traffic Act' means the National Road Traffic Act, No.93 of 1996;

'road traffic sign' means any sign erected or given to enhance road safety, traffic signs are boards with letters or sign thereon to warn or inform drivers of vehicles or pedestrians;

'stop' means to keep a vehicle, 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 vehicle;

2. Purpose of by-law

The purpose of this by-law is to achieve a safe environment for the benefit of residents within the area of jurisdiction of the municipality, and to provide for the supply, regulation and control of parking in the area of jurisdiction of the Swartland municipality.

3. Application

(1) This by-law shall apply on parking spaces and parking grounds situated on municipal property and shall be valid in the area of jurisdiction of the municipality in so far as it is applicable and not inconsistent with or excluded by the national Road Traffic Act, No. 93 of 1996 or any other Act.

(2) If a provision of this by-law is contrary to any other by-law of the municipality, the most restrictive by-law shall be applicable.

CHAPTER 1: GENERAL PROVISIONS RELATING TO PARKING

4. Control of parking

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

(2) The municipality may manage parking and collect fees related to parking or appoint a service provider to manage parking and to collect fees related to parking.

(3) No person may without the prior written approval of the municipality erect or place any sign or notice in any position or place indicating that parking in any parking space is either reserved for a person or a class of persons.

(4) The municipality may operate a parking management system in areas and during times and against payment of the fees determined by the municipality.

5. Work zone permits

Subject to any conditions the municipality may impose, a work zone parking permit may be granted for parking or other building or construction purposes in a parking space or parking ground or on the verge

- (i) vir die publiek afgesonder is,
 - (ii) vir tydperk van minstens 30 jaar ononderbroke deur die publiek gebruik is,
 - (iii) deur munisipaliteit of ander bevoegde owerheid as sodanig verklaar of beskikbaar gestel is, of
 - (iv) deur plaaslike owerheid gebou is; en
- (e) enige grond, met of sonder geboue of strukture daarop, wat as openbare pad aangetoon word op—
- (i) enige onderverdelingsplan of diagram wat deur die munisipaliteit of ander bevoegde owerheid goedgekeur is en waarvolgens gehandel is,
 - (ii) enige algemene plan soos omskryf in die Grondopmetingswet, 8 van 1997, wat by die akteskantoor of die kantoor van die Landmetergeneraal geregistreer of ingedien is, tensy sodanige grond op sodanige plan of diagram as privaat openbare pad beskryf word;

"Padverkeerswet" die Nasionale Padverkeerswet, 93 van 1996;

"padteken" enige teken opgerig of gegee om padveiligheid te verbeter; padtekens is borde met letters of tekens daarop om voertuigbestuurders of voergangers te waarsku of in te lig;

"stilhou" om voertuig, met insittendes of nie, vir tydperk langer as wat redelikerwys nodig is vir die werklike oplaai of aflaai van persone of goedere, te laat stil staan, maar sluit nie enige sodanige stilhou in as gevolg van oorsaak wat buite die beheer van die bestuurder van sodanige voertuig is nie.

2. Doel van Verordening

Die doel van hierdie Verordening is om veilige omgewing daar te stel tot voordeel van inwoners binne die regsgebied van die munisipaliteit en om voorsiening te maak vir die verskaffing, regulering en beheer van parkering in die regsgebied van die Swartland Munisipaliteit.

3. Toepassing

(1) Hierdie verordening sal van toepassing wees op parkeerplekke en parkeerterreine wat op munisipale eiendom geleë is en sal geld in die regsgebied van die munisipaliteit in soverre dit van toepassing is en nie in stryd is met die Nasionale Padverkeerswet, 93 van 1996, of enige ander wet nie, en nie deur so wet uitgesluit word nie.

(2) Indien bepaling van hierdie verordening in stryd is met enige ander verordening van die munisipaliteit, sal die mees beperkende verordening van toepassing wees.

HOOFSTUK 1: ALGEMENE BEPALINGS MET BETREKKING TOT PARKERING

4. Beheer van parkering

(1) Wanneer die publiek of aantal persone daarop geregtig is of toegelaat word om stuk grond as parkeerplek te gebruik, met inbegrip van grond wat nie deel is van openbare pad of openbare plek nie, kan gemagtigde beampte in noodgevalle of wanneer dit in die openbare belang is, die verkeer daarop reël en reguleer.

(2) Die munisipaliteit kan parkering bestuur en geld met betrekking tot parkering invorder of diensverskaffer aanstel om parkering te bestuur en om die geld met betrekking tot parkering in te vorder.

(3) Geen persoon mag sonder vooraf skriftelike goedkeuring van die munisipaliteit enige teken of kennisgewing in enige posisie of op enige plek oprig of plaas wat aandui dat parkering op enige parkeerplek vir persoon of vir klas persone gereserveer is nie.

(4) Die munisipaliteit kan in gebiede en gedurende tye en teen betaling van die fooie wat deur die munisipaliteit bepaal word, parkeerbestuurstelsel bedryf.

5. Werksonepermitte

Onderworpe aan enige voorwaardes wat die munisipaliteit mag oëlê, kan werksone parkeerpermit uitgereik word vir parkering of ander bou- of konstruksiedoeleindes op parkeerplek of parkeerterrein of op die

of a road or in the road reserve if the municipality is satisfied that—

- (a) the part of the road or the area referred in subsection (1) is adjacent to the site of the proposed building or construction work;
- (b) the carrying out of the building or construction work is lawful; and
- (c) having regard to the nature of the building or construction work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.

6. Municipal works parking permit

Subject to conditions the municipality may impose, a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—

- (a) an employee, contractor or agent of the municipality; and
- (b) parking the vehicle or vehicles in the space—
 - (i) for the purpose of carrying out work for or on behalf of the municipality; and
 - (ii) in the course of carrying out his or her duties for on behalf of the municipality.

7. Reserved parking

(1) The municipality may reserve parking areas for the disabled, diplomatic corps; South African Police Services and any other groups identified by the municipality, and may designate such areas by notice or road signage and may impose conditions relating 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 or a vehicle used by a disabled person displaying a valid disabled permit issued in terms of regulation 305(A) of the National Road Traffic Regulations, 2000.

8. Resident parking permits

Subject to any conditions the municipality may impose, a resident parking permit may be granted to persons—

- (a) who reside in a residence—
 - (i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time; and
 - (ii) 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.

9. Parking in a loading zone

(1) No person may allow, subject to subsections (2) and (3), a vehicle to remain stationary in a loading zone—

- (a) between the hours of 07h00 and 16h30 on Mondays to Saturdays, except where such day is a public holiday;
- (b) between the hours of 07h00 to 12h00 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.

soom van die pad of in die padreserwe indien die munisipaliteit tevrede is dat—

- (a) die deel van die pad of die gebied aanliggend is tot die perseel van die voorgestelde bou- of konstruksiewerk;
- (b) die verrigting van die bou- of konstruksiewerk wettig is; en
- (c) dit met inagneming van die aard van die bou- of konstruksiewerk en die eienskappe van die perseel waar gewerk word, nie redelikerwys prakties is om al die werksaktiwiteite, wat die laai en aflaai van voertuie en die gepaardgaande beweging van voertuie behels, tot die perseel self te beperk nie.

6. Parkeerpermit vir munisipale werk

Die munisipaliteit kan, onderworpe aan enige voorwaardes wat opgelê kan word, parkeerpermit vir munisipale werk toestaan om persoon toe te laat om een of meer voertuie op aangewese parkeerruimte te parkeer vir tydperk wat in die permit gespesifiseer word, ondanks amptelike verkeerstekens tot die teendeel en ondanks die feit dat betaalde parkering andersins op die parkeerplek van toepassing is, indien die persoon—

- (a) werknemer, kontrakteur of agent van die munisipaliteit is; en
- (b) die voertuig of voertuie op die parkeerplek parkeer—
 - (i) met die doel om werk vir of namens die munisipaliteit te verrig; en
 - (ii) in die loop van die uitvoering van sy of haar pligte vir of namens die munisipaliteit.

7. Gereserveerde parkering

(1) Die munisipaliteit kan parkeergebiede vir gestremdes, die diplomatieke korps, die Suid-Afrikaanse Polisiediens en enige ander groepe wat deur die munisipaliteit geïdentifiseer word reserveer en kan sodanige gebiede deur middel van kennisgewing of padteken aanwys, en kan voorwaardes met betrekking tot die uitreiking van permitte vir spesiale parkeerfasiliteite oplê.

(2) Niemand mag te eniger tyd op enige aangewese parkeerplek stilhou, parkeer of die voertuig verlaat nie, behalwe voertuig wat permit vir aangewese parkeerplek vertoon of voertuig wat deur gestremde persoon gebruik word en geldige permit vir gestremdes vertoon ingevolge regulasie 305(A) van die Nasionale Padverkeersregulasies, 2000.

8. Parkeerpermitte vir inwoners

Onderworpe aan enige voorwaardes wat die munisipaliteit mag oplê, kan parkeerpermit vir inwoners toegestaan word aan persone—

- (a) wat woon in woning—
 - (i) geleë aan gedeelte van die pad onder omstandighede waar parkering onmiddellik langs die woning deur tyd gereguleer word; en
 - (ii) geleë aan gedeelte van die pad onder omstandighede waar die uitreiking van die permit nie die verkeersvloei op die pad of in die gebied onbehoorlik sal belemmer nie; en
- (b) wie se woning nie parkering van die straat af het nie waar sodanige parkering nie redelikerwys voorsien kan word nie.

9. Parkering op laaisone

(1) Geen persoon mag, ingevolge subartikel (2) en (3), toelaat dat voertuig op laaisone bly staan nie—

- (a) tussen die ure 07:00 en 16:30 op Maandae tot Saterdag, behalwe waar so dag openbare vakansiedag is;
- (b) tussen die ure 07:00 en 12:00 op Sondag, behalwe waar so dag openbare vakansiedag is; of
- (c) tussen ander beperkte ure wat ten opsigte van spesifieke laai-plek deur padverkeerstekens of merkteken aangedui word.

(2) No person may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than ten minutes continuously, except while actually loading or off-loading persons or goods.

(3) No person may allow a goods vehicle to remain stationary in a loading zone for more than ten minutes continuously, except while the vehicle is being actually loaded or off-loaded.

(4) An authorised official may however, request the immediate removal of a vehicle from a loading zone even if the vehicle has not been stationary therein for longer than the maximum period allowed.

10. Parking of heavy vehicles, trailers and caravans

(1) No person shall park—

- (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

on a public road or road reserve within the jurisdiction of the municipality or property of the municipality for a period of more than two hours between 06h00 and 19h00 daily.

(2) No person shall park a vehicle contemplated in subsection (1) (a) to (d) on a public road or road reserve within the jurisdiction of the municipality or property of the municipality between 19h00 and 06h00 daily.

(3) The provisions of subsections (1) and (2) shall not apply—

- (a) when a temporary parking permit has been issued by the municipality; or
- (b) when such vehicle, trailer or caravan is parked in a parking area designated therefor.

(4) The municipality may on application, issue a temporary parking permit to vehicles and trailers, which must park on public roads or road reserves for specific periods, because of agricultural, general heavy duty transport, business or industrial activities.

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

11. Stopping of vehicles

(1) Except in order to avoid an accident, or in compliance with a road traffic sign or with a direction given by an authorised officer, or for any cause beyond the control of the driver, no person shall stop a vehicle on the roadway of a public road—

- (a) alongside or opposite an excavation or obstruction on the public road if other traffic would be obstructed or endangered by such stopping;
- (b) within any tunnel or subway or on any bridge or within six metres of any tunnel, subway or bridge;
- (c) on, or within six metres from the beginning or end of, any part of such roadway where the normal width thereof has for any reason been constricted;
- (d) in contravention of any road traffic sign;
- (e) on the right-hand side of such roadway facing oncoming traffic;
- (f) alongside or opposite any other vehicle on such roadway where such roadway is less than nine metres wide;
- (g) within the railway reserve at a level crossing;
- (h) within nine metres of his or her approaching side of a pedestrian crossing demarcated by appropriate road traffic signs; or
- (i) in any other place where the stopping of a vehicle would or would be likely to constitute a danger or an obstruction to other traffic.

(2) Geen persoon mag toelaat dat voertuig, behalwe goedervoertuig, vir langer as tien minute aaneenlopend op laaiplek staan nie, behalwe wanneer persone of goedere werklik op- of afgelaai word.

(3) Geen persoon mag goedervoertuig toelaat om vir langer as tien minute aaneenlopend op laaiplek stil te staan nie, behalwe terwyl die voertuig werklik goedere op- of aflaai.

(4) Gemagtigde beampte mag egter versoek dat voertuig onmiddellik van laaiplek verwyder word selfs al het die voertuig nie vir langer as die maksimum toegelate tyd op die plek gestaan nie.

10. Parkering van swaar voertuie, sleepwaens en woonwaens

(1) Geen persoon mag—

- (a) motorvoertuig met tarra van meer as 3500 kg;
- (b) sleepwa wat nie aan voertuig geheg is nie;
- (c) leunwa; of
- (d) woonwa wat nie aan voertuig geheg is nie

op openbare pad of padreserwe binne die regsgebied van die munisipaliteit of eiendom van die munisipaliteit parkeer vir tydperk van meer as twee ure tussen 06:00 en 19:00 daaglik nie.

(2) Geen persoon sal voertuig soos beoog in subartikel (1) (a) tot (d) op openbare pad of padreserwe binne die regsgebied van die munisipaliteit of eiendom van die munisipaliteit parkeer tussen 19:00 en 06:00 daaglik nie.

(3) Die bepalinge van subartikels (1) en (2) sal nie van toepassing wees nie—

- (a) wanneer tydelike parkeerpermit deur die munisipaliteit uitgereik is; of
- (b) wanneer sodanige voertuig, sleepwa of woonwa geparkeer is op parkeergebied wat daarvoor aangewys is.

(4) Die munisipaliteit kan na aansoek tydelike parkeerpermit uitreik aan voertuie en sleepwaens wat vir spesifieke tydperke op openbare paaie of padreserwes moet parkeer weens aktiwiteite wat met landbou, algemene swaar vervoer, besigheid of nywerheid verband hou.

(5) Wanneer voertuig in stryd met subartikel (1) of (2) geparkeer is, word dit geag dat die eienaar daarvan sodanig voertuig geparkeer het, tensy die teendeel bewys word.

11. Die stilhou van voertuie

(1) Behalwe om ongeluk te vermy of ter nakoming van padteken of aanwysings wat deur gemagtigde beampte gegee word, of om enige rede buite die beheer van die voertuigbestuurder, mag niemand met voertuig op die ryvlak van openbare pad stop nie—

- (a) langs of oorkant uitgraving of versperring op die openbare pad indien ander verkeer deur sodanige handeling belemmer of in gevaar gestel sal word;
- (b) in enige tonnel of duikweg of op enige brug of binne ses meter van enige tonnel, duikweg of brug;
- (c) op of binne ses meter van die begin of einde van enige gedeelte van sodanige ryvlak waar die normale breedte daarvan om enige rede vernou is;
- (d) in stryd met enige padteken;
- (e) aan die regterkant van sodanige ryvlak in die rigting van aankomende verkeer;
- (f) langs of oorkant enige ander voertuig op sodanige ryvlak waar die ryvlak minder as nege meter breed is;
- (g) binne die spoorwegreserwe by spooroorgang;
- (h) binne nege meter van die kant vanwaar hy of sy aankom na voetgangeroorgang wat deur die gepaste padtekens aangedui is; of
- (i) op enige ander plek waar die stilhou van voertuig gevaar sal meebring of waarskynlik sal meebring of versperring vir ander verkeer sal veroorsaak.

12. Parking of vehicles

(1) No person shall park a vehicle on a public road—

- (a) in contravention of any road traffic sign;
- (b) in any place referred to in section 11;
- (c) on the same side as a fire hydrant within an area bounded by the centre-line of the roadway and lines at right angles to such centre-line one and a half metres on either side of the hydrant, if such hydrant is clearly visible to and recognizable as such by drivers of moving vehicles, or if it is indicated by an appropriate road traffic sign;
- (d) in any place where the vehicle would obscure any road traffic sign;
- (e) in such manner as to encroach upon the sidewalk, if any; or
- (f) in such manner as to obstruct any private or public vehicular entrance to such road.

(2) The provisions of subsection (1)(e) shall not apply to any vehicle, other than a motor vehicle, while it is being used in carrying on the business of street vendor, pedlar or hawker, unless it exceeds such maximum weight, height, length or mass as may be prescribed by the municipality.

(3) No person shall park a vehicle on any portion of the roadway (excluding the shoulders) of a public road outside an urban area or with any part of such vehicle within one metre of the edge of such roadway except in a parking place demarcated by an appropriate road traffic sign.

(4) No person shall park a vehicle on the roadway of a public road within an urban area—

- (a) within nine metres of the side from which he or she approaches a pedestrian crossing demarcated by appropriate road traffic signs, unless such parking is permitted by appropriate road traffic signs;
- (b) within five metres of any intersection unless such parking is permitted by a road traffic sign;
- (c) upon or over the actuating mechanism of a traffic signal;
- (d) (i) with the outside of any left-hand wheel thereof more than 450 millimetres within the roadway; or
(ii) where the public road concerned is restricted to vehicles moving in one direction and the vehicle is parked on the side of the roadway, with the outside of any right hand wheel thereof more than 450 millimetres within the roadway, unless such parking is permitted by an appropriate road traffic sign; or
- (e) which is less than five and a half metres wide unless the public road concerned is restricted to vehicles moving in one direction and such parking is permitted by appropriate road traffic signs.

(5) No person shall park a motor vehicle on a traffic island or in a pedestrian mall or pedestrian lane.

(6) Whenever a vehicle has been parked in contravention of any provision of this by-law or in contravention of or in disregard of the directions of any road traffic sign or notice board as prescribed in this by-law, such vehicle may be removed or caused to be removed and impounded by an authorised officer, and unless the vehicle has been so parked in the course of a theft thereof, the owner shall bear the costs of such removal and impoundment.

13. Prohibited conduct

No person may—

- (a) remove, disfigure, obscure or in any manner damage or interfere with a notice, notice-board, sign or other thing placed by the municipality in a parking area;

12. Parkering van voertuie

(1) Niemand mag voertuig soos volg op openbare pad parkeer nie—

- (a) in stryd met enige padteken;
- (b) op enige plek waarna in artikel 11 verwys word;
- (c) aan dieselfde kant as brandkraan in gebied wat begrens word deur die middellyn van die ryvlak en lyne teen regte hoeke tot sodanige middellyn een en halwe meter aan albei kante van die brandkraan, indien sodanige brandkraan duidelik sigbaar is vir en as sodanig herkenbaar is vir die bestuurders van bewegende voertuie, of indien dit deur gepaste padteken aangedui word;
- (d) op enige plek waar die voertuig enige padteken versper;
- (e) op so manier dat dit gedeelte van die sypaadjie in beslag neem, indien daar sypaadjie is; of
- (f) op so manier dat dit enige privaat of openbare voertuigingang na sodanige pad versper.

(2) Die bepalings van subartikel (1)(e) sal nie van toepassing wees op enige voertuig, anders as motorvoertuig, terwyl dit gebruik word vir die besigheid van straatverkoper, smous of venter, tensy dit sodanige maksimum gewig, hoogte, lengte of massa oorskry soos wat deur die munisipaliteit voorgeskryf kan word nie.

(3) Niemand mag voertuig op enige gedeelte van die ryvlak (met uitsluiting van die skouers) van openbare pad buite stedelike gebied parkeer of met enige gedeelte van sodanige voertuig binne een meter van die kant van sodanige ryvlak parkeer buiten op parkeerplek wat deur gepaste padteken afgebaken word nie.

(4) Niemand mag voertuig soos volg op die ryvlak van openbare pad binne stedelike gebied parkeer nie—

- (a) binne nege meter van die kant waarvandaan hy of sy voetgangeroorgang wat deur gepaste padtekens aangetoon word nader, tensy sodanige parkering deur gepaste padtekens toegelaat word;
- (b) binne vyf meter van enige kruising, tensy sodanige parkering deur padteken toegelaat word;
- (c) op of oor die aanskakelmeganisme van verkeersein;
- (d) (i) met die buitekant van enige linkerviel daarvan meer as 450mm binne die ryvlak; of
(ii) waar die betrokke openbare pad beperk word tot voertuie wat in een rigting beweeg en die voertuig aan die kant van die ryvlak geparkeer is met die buitekant van enige regterwiel van die voertuig meer as 450mm binne die ryvlak, tensy sodanige parkering deur gepaste padteken toegelaat word; of
- (e) wat minder as vyf en half meter breed is, tensy die betrokke openbare pad beperk word tot voertuie wat in een rigting beweeg en sodanige parkering deur die gepaste padtekens toegelaat word.

(5) Niemand mag motorvoertuig op verkeerseiland, wandellaan of voetgangerlaan parkeer nie.

(6) Wanneer voertuig in stryd met enige bepaling van hierdie verordening of in stryd met of met verontagsaming van die opdragte van enige padteken of kennisgewingbord soos voorgeskryf in hierdie verordening geparkeer word, mag sodanige voertuig verwyder word of daar mag opdrag gegee word dat gemagte beampte sodanige voertuig verwyder en daarop beslag lê, en tensy die voertuig so geparkeer is nadat dit gesteel is, sal die eienaar verantwoordelik wees vir die koste van sodanige verwydering en beslaglegging.

13. Verbode gedrag

Niemand mag—

- (a) kennisgewing, kennisgewingbord, teken of ander voorwerp wat deur die munisipaliteit in parkeergebied geplaas is, verwyder, skend, verberg of op enige manier beskadig of daarmee inmeng nie;

- (b) drive a vehicle negligently or in a manner causing danger to the public or to another vehicle in a parking area;
- (c) clean or wash a vehicle in a parking ground or parking space;
- (d) park or allow a vehicle to be parked in such a position in a parking space or parking ground that is likely to obstruct or to impede the movement of other vehicles or persons;
- (e) park or allow a vehicle to be parked in a parking space or parking ground for the purposes of advertising, sale or rental.

14. Abandoned vehicles

(1) Any motor vehicle which has been left in a metered parking space, or a parking ground or in a parking garage for a continuous period of 7 days or more may be removed under the direction of the Director: Protection Services, or any other officer authorised by him.

(2) The vehicle shall be deemed to be an abandoned vehicle and shall be dealt with in accordance with the procedures prescribed in terms of regulation 320 of the National Road Traffic Regulations, 2000, provided that such vehicle may not be sold unless a court order from a competent court has been obtained.

CHAPTER 2: TAXI PARKING

15. Taxi parking

(1) A driver of a taxi may—

- (a) park a taxi at a designated parking place or taxi holding area only and only for the purpose of conducting business directly related to the taxi; or
- (b) pick up or drop off passengers only at a designated parking place or a taxi stopping place provided.

(2) In emergencies or at recreational and other similar functions, the municipality may set aside temporary taxi facilities suitable for the parking and stopping of taxis.

16. Use of taxi ranks

(1) A driver of a taxi—

- (a) may 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
- (b) must, if no space is available, remove and park the taxi at a holding area.

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

- (a) position his taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
- (b) move his taxi forward as the queue moves forward.

(3) 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.

(4) 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 license and for which a rank access token, specifying the rank, has been issued for the year in question.

17. Behaviour prohibited at a taxi rank

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

- (b) voertuig nalatig bestuur of bestuur op manier wat gevaar veroorsaak vir die publiek of ander voertuig in parkeergebied nie;
- (c) voertuig in parkeerterrein of parkeerruimte skoonmaak of was nie;
- (d) voertuig parkeer of toelaat dat voertuig op so posisie in parkeerruimte of parkeerterrein geparkeer word dat dit waarskynlik die beweging van ander voertuie of persone sal versper of belemmer nie;
- (e) voertuig parkeer of toelaat dat voertuig op parkeerruimte of parkeerterrein geparkeer word om te adverteer, te verkoop of te verhuur nie.

14. Verlate voertuie

(1) Enige motorvoertuig wat by parkeermeter of op parkeerterrein of in parkeergarage gelaat word vir aaneenlopende tydperk van 7 dae of langer, mag in opdrag van die Direkteur: Beskermingsdienste, of enige ander beampte wat deur hom gemagtig is, verwyder word.

(2) Die voertuig sal as verlate voertuig beskou word en daar mag met die voertuig gehandel word in ooreenstemming met die prosedures voorgeskryf ingevolge Regulasie 320 van die Nasionale Padverkeersregulasies, 2000, op voorwaarde dat sodanige voertuig nie verkoop mag word nie, tensy hofbevel van bevoegde hof verkry is.

HOOFSTUK 2: TAXIPARKERING

15. Taxiparkering

(1) Die bestuurder van taxi mag—

- (a) taxi slegs op aangewese parkeerplek of taxi waggebied parkeer en slegs met die doel om sake te doen wat direk met die taxi verband hou; of
- (b) slegs by aangewese parkeerplek of taxi stilhouplek wat voorsien is passasiers op- of aflaa.

(2) In noodgevalle of by ontspannings- en ander soortgelyke geleenthede kan die munisipaliteit tydelike taxi fasiliteite opsy sit wat geskik is vir die parkeer en stilhou van taxi s.

16. Gebruik van taxistaanplekke

(1) Die bestuurder van taxi—

- (a) mag taxi parkeer by die taxi staanplek wat gespesifiseer word op die taxi staanplek toegangsbewys spesifiek vir daardie taxi uitgereik, indien plek beskikbaar is en slegs met die doel om sake te doen wat direk met die taxi verband hou; en
- (b) moet, indien geen plek beskikbaar is nie, die taxi verwyder en dit op waggebied parkeer.

(2) Die bestuurder moet, wanneer hy te huur op taxi staanplek is, in tou staan en moet—

- (a) sy taxi posisioneer in die eerste beskikbare vakante staanplek in die tou onmiddellik agter enige ander taxi wat reeds voor staan; en
- (b) sy taxi vorentoe beweeg na gelang die tou vorentoe beweeg.

(3) Niemand mag taxi wat nie, soos vereis deur die Wet, in goeie werkende toestand is, in taxi staanplek parkeer of daar stilhou nie, of veroorsaak of toelaat dat die taxi in die staanplek bly nie.

(4) Geen persoon mag voertuig op taxi staanplek parkeer of toelaat dat voertuig daar staan nie, behalwe taxi wat in besit is van geldige bedryfslisensie en waarvoor staanplek toegangsbewys, wat die staanplek spesifiseer, uitgereik is. Dit moet vir die betrokke jaar uitgereik wees.

17. Verbode gedrag by taxi staanplek

Iemand wat steurnis veroorsaak of op oproerige of onbetaamlike wyse optree, begaan oortreding ingevolge hierdie verordening en kan deur 'n gemagtigde beampte uit tou, taxi staanplek of taxi fasiliteit verwyder word.

CHAPTER 3: PARKING ATTENDANTS

18. Parking attendants

(1) No person may, in exchange for money or some other thing of value or in anticipation thereof—

- (a) direct the driver or occupant of a motor vehicle to a public parking space; or
- (b) provide any other parking or related services in a street or public place.

(2) Notwithstanding subsection (1), the municipality may, subject to such requirements and conditions as determined by it on application by a person or organisation, permit such person or organisation to render the service of parking attendant.

19. Conduct of persons acting as parking attendants

No person may—

- (a) force or demand from any person to make use of his services; or
- (b) damage or threaten to damage any vehicle for not receiving a donation or fee.

CHAPTER 4: GENERAL PROVISIONS

20. Compliance and enforcement

The Director: Protection Services of the municipality is responsible for the implementation and administration of this by-law and may delegate in writing any power or duty granted to him to a competent official in his directorate.

21. Notice of compliance

(1) An authorised official may issue and serve a notice of compliance on any permit holder or person not complying with any provision of this by-law, calling upon such person to comply with the provisions of this by-law.

(2) A compliance notice must stipulate—

- (a) the provisions of the by-law that is contravened;
- (b) the act or omission constituting non-compliance;
- (c) the measures which must be taken to comply;
- (d) the date or time by which compliance must be achieved, where applicable; and
- (e) the possible consequences of non-compliance.

22. Closure of parking

Notwithstanding anything to the contrary in this by-law, the municipality may, when necessary, close any parking space or parking ground and must indicate the fact of such closure at the entrance of the parking space or parking ground.

23. Exemptions

(1) Notwithstanding any other provision contained in this by-law, the driver or person in charge of the following vehicles may park in a restricted or designated parking space or parking ground—

- (a) a vehicle used as an ambulance and being used on urgent ambulance service at the time;
- (b) a vehicle used by a fire brigade for inspection purpose or for attendance at fires and being used by the fire brigade in carrying out inspection or its duties of preventing or suppressing fires at the time;
- (c) a vehicle used by a police or traffic officer, and being used in connection with the execution of urgent duties at the time;
- (d) a vehicle used for rescue or urgent bona-fide medical purposes and being used in carrying out a rescue, or for professional medical reasons at the time, provided that a badge issued by the municipality to the effect that such vehicle is

HOOFSTUK 3: PARKEEROPSIGTERS

18. Parkeeropsigters

(1) Niemand mag in ruil vir geld of enigiets anders wat van waarde is of in afwagting daarop—

- (a) die bestuurder of insittende van motorvoertuig na openbare parkeerplek beduie nie; of
- (b) enige ander parkeer- of verwante dienste in straat of op openbare plek lewer nie.

(2) Ondanks subartikel (1) mag die munisipaliteit, onderworpe aan sodanige vereistes en voorwaardes as wat deur die munisipaliteit bepaal word, persoon of organisasie wat aansoek doen om parkeeropsigtersdienste te lewer, toelaat om sodanige dienste te lewer.

19. Gedrag van persone wat as parkeeropsigters optree

Niemand mag—

- (a) enigiemand dwing of verplig om van sy dienste gebruik te maak nie; of
- (b) enige voertuig beskadig of dreig om voertuig te beskadig indien hy nie donasie of geld ontvang nie.

HOOFSTUK 4: ALGEMENE BEPALINGS

20. Nakoming en toepassing

Die Direkteur: Beskermingsdienste van die munisipaliteit is verantwoordelik vir die implementering en administrasie van hierdie verordening en mag enige magte of pligte wat aan hom verleen is, skriftelik aan bevoegde beampte in sy direktoraat deleger.

21. Kennisgewing van nakoming

(1) Gemagtigde beampte kan kennisgewing van nakoming bedien op enige permissiehouer of persoon wat versuim om enige bepaling van hierdie verordening na te kom om op sodanige persoon beroep te doen om dit na te kom.

(2) Nakomingskennisgewing moet die volgende stipuleer—

- (a) die bepaling van die verordening wat oortree word;
- (b) die handeling of versuim wat op nie-nakoming neerkom;
- (c) die stappe wat geneem moet word om aan die vereistes te voldoen;
- (d) die datum of tyd waarteen nakoming moet geskied; en
- (e) die moontlike gevolge van nie-nakoming.

22. Sluiting van parkering

Ongeag enigiets in stryd met hierdie verordening, kan die munisipaliteit wanneer nodig enige parkeerplek of parkeerterrein sluit. Die munisipaliteit moet die feit van sodanige sluiting by die ingang na die parkeerplek of parkeerterrein aandui.

23. Vrystellings

(1) Ondanks enige ander bepaling vervat in hierdie verordening, mag die bestuurder of persoon in beheer van die volgende voertuie op beperkte of aangewese parkeerplek of parkeerterrein parkeer—

- (a) voertuig wat as ambulans gebruik word en op daardie tydstip gebruik word om dringende ambulansdiens te lewer;
- (b) voertuig wat deur brandweer gebruik word vir inspeksie of om aandag te gee aan brande en wat op daardie tydstip deur die brandweer gebruik word in die uitvoering van inspeksie of pligte ter voorkoming of bestryding van brand;
- (c) voertuig wat deur polisie- of verkeersbeampte gebruik word en wat op daardie tydstip vir die uitvoering van dringende pligte gebruik word;
- (d) voertuig wat gebruik word vir redding of dringende bona fide- mediese doeleindes en op daardie tydstip gebruik word vir die uitvoering van reddingspoging, of vir professionele mediese redes, op voorwaarde dat kenteken wat deur die munisipaliteit uitgereik is dat sodanige voertuig vrygestel is,

exempted, must be displayed on the windscreen thereof at the time.

24. Appeal

A person whose rights are affected by a decision of the municipality in terms of delegated authority may appeal against that decision by giving written notice of the appeal and the reasons therefor in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

25. Offences and penalties

(1) A person is guilty of an offence if that person—

- (a) contravenes any of the provisions of sections 4(3), 7(2), 9, 10, 11, 12, 13, 15, 16, 17, 18 and 19;
- (b) fails to comply with a notice issued in terms of section 21(1);
- (c) fails to comply with a request or directive of an authorised official, or hinders, interferes with or obstructs an authorised official;
- (d) furnishes false information relating to an application or offence in terms of this by-law;

(2) A person convicted of an offence in terms of this by-law, is liable to—

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

26. Repeal of bylaws and provisions

The following by-laws and provisions are hereby repealed—

- (1) The Swartland Municipality: Traffic By-law published in Provincial Gazette No. 5859 of 19 April 2002;
- (2) Section 10 of the Swartland Municipality: By-law relating to Roads and Streets, published in Provincial Gazette No. 7285 of 11 July 2014.

27. Short title and commencement

This by-law shall be known as the Swartland Municipality: Parking Management By-law and shall come into operation on the date of proclamation thereof in the Provincial Gazette.

SWARTLAND MUNICIPALITY

Notice 149/2015/2016

AMENDMENT TO THE CREDIT CONTROL AND DEBT COLLECTION BY-LAW

The by-law promulgated in Provincial Gazette 7285 dated 11 July 2014 is hereby amended as follows:

In section 5, by the substitution of the word “may” with the word “must”.

J J SCHOLTZ, MUNICIPAL MANAGER, MUNICIPAL OFFICES, PRIVATE BAG X52, MALMESBURY

24 June 2016

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op daardie tydstop op die voorruit van die voertuig vertoon word.

24. Appèl

Persone wie se regte deur besluit van die munisipaliteit ingevolge gedelegerde gesag geraak word, mag appèl aanteken teen sodanige besluit deur binne 21 dae van die datum van die kennisgewing van die besluit aan die munisipale bestuurder skriftelik kennis te gee van die appèl en die redes daarvoor ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

25. Oortredings en boetes

(1) Persoon is skuldig aan oortreding indien hy of sy—

- (a) enige van die bepalings van artikels 4(3), 7(2), 9, 10, 11, 12, 13, 15, 16, 17, 18 en 19 oortree;
- (b) versuim om te voldoen aan kennisgewing wat ingevolge artikel 21(1) uitgereik word;
- (c) versuim om te voldoen aan versoek of opdrag van gemagtigde beampte, of gemagtigde beampte hinder, dwarsboom of op enige manier met hom inmeng;
- (d) vals inligting verskaf in verband met aansoek of oortreding ingevolge hierdie verordening;

(2) Iemand wat skuldig bevind word aan oortreding van hierdie verordening, is aanspreeklik vir—

- (a) boete of gevangenisstraf, of vir sodanige boete of gevangenisstraf of vir sodanige boete sowel as sodanige gevangenisstraf; en
- (b) in die geval van voortgaande oortreding, vir addisionele boete of addisionele tydperk van gevangenisstraf of vir sodanige addisionele gevangenisstraf sonder die opsie van boete of sodanige addisionele boete en gevangenisstraf vir elke dag waarop sodanige oortreding voortduur; en
- (c) verdere bedrag gelyk aan enige kostes en uitgawes wat volgens die hofbevinding as gevolg van sodanige oortreding of versuim deur die munisipaliteit aangegaan is.

26. Herroeping van verordeninge

Die volgende verordeninge word hiermee herroep—

- (1) Die Swartland Munisipaliteit: Verkeersverordening gepubliseer in Provinsiale Koerant 5859 van 19 April 2002;
- (2) Artikel 10 van die Swartland Munisipaliteit: Verordening rakende Paaie en Strate, gepubliseer in Provinsiale Koerant 7285 van 11 Julie 2014.

27. Kort titel en inwerkingtreeding

Hierdie Verordening sal bekend staan as die Swartland Munisipaliteit: Verordening insake Bestuur van Parkering en sal in werking tree op die datum waarop dit in die Provinsiale Koerant geproklameer word.

SWARTLAND MUNISIPALITEIT

Kennisgewing 149/2015/2016

WYSIGING VAN DIE KREDIETBEHEER- EN SKULDINVORDERINGSVERORDENING

Die verordening afgekondig in Provinsiale Koerant 7285 van 11 Julie 2014 word hiermee soos volg gewysig:

Deur in artikel 5 die woord “mag” te vervang met die woord “sal”.

J J SCHOLTZ, MUNISIPALE BESTUURDER, MUNISIPALE KANTOOR, PRIVAATSAK X52, MALMESBURY

24 Junie 2016

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