

**LEGAL NOTICE NO. .... OF 2024**  
**THE URBAN GOVERNMENT ACT 1969**  
**(ACT NO. 8 OF 1969)**  
**EZULWINI PARKING BYE-LAWS, 2024**  
**(Under Section 77)**

In exercise of the powers conferred by section 77 of the Urban Government Act, 1969, the Minister for Housing and Urban Development makes the following Bye-laws -

**Arrangement of bye-laws**

**PART I**

**PRELIMINARY PROVISIONS**

1. Citation and commencement
2. Interpretation
3. Objects
4. Application

**PART II**

**DECLARATION OF PARKING ZONES**

5. Power to declare and constitute parking zones
6. Power to fix and alter boundaries of parking stations
7. Gated parking and parking metres
8. Parking requirements
9. Powers over parking zones
10. Permit for establishing parking stations
11. Fee payable by permit holders
12. Objections and Appeals

**PART III**

**INSPECTIONS AND PARKING CONTROL**

13. Parking inspectors and traffic wardens
14. Duties of inspectors and traffic wardens
15. Powers of inspectors and traffic wardens
16. Motorists to give information required by inspectors and traffic wardens
17. Police to assist inspectors and traffic wardens
18. Penalty recoverable as a debt
19. Prohibition

#### **PART IV**

#### **MISCELLANEOUS PROVISIONS**

20. Motorist and passengers with disabilities and special needs
21. Vehicles exempted from parking fees
22. Indemnity
23. Disposal of unclaimed motor vehicles
24. Offences
25. Schedules
26. Amendment of schedules
27. Amendment of Bye-laws

#### **PART I**

#### **PRELIMINARY PROVISIONS**

##### ***Citation and Commencement***

1. (1) These Bye-laws may be cited as the Ezulwini Parking Bye-laws, 2024.  
(2) These Bye-laws shall come into force on the date of publication in the Gazette.

##### ***Interpretation***

2. In these Bye-laws, unless the context otherwise requires -  
“authorized officer” means -

- (a) any person authorized by the Municipality to perform the duties of the Municipality in terms of these Bye-laws;
- (b) an employee of the Municipality who is responsible for the performance of any function or the exercise of any power in terms of these Bye-laws; or
- (c) any employee of the Municipality assigned or delegated to perform any function or exercise any power in the enforcement of these Bye-laws;

“Court” means the Magistrates Court established in terms of the Magistrate’s Court Act No. 66 of 1938;

“gated parking” means a parking space that has a control gate on entrance and exit where the parking charges prescribed by the Municipality are made prior to entry or on exit;

“inspector or traffic warden” means an authorized officer employed by the Municipality to perform the duties of inspector or traffic warden in terms of these Bye-laws;

“metered parking” means a space for parking motor vehicles designated, declared and constituted by the Municipality for motorists for parking motor vehicles in terms of these Bye-laws, and at which parking meters are installed or for motorists to pay a fee, through parking wardens, parking meters or mobile payment systems prescribed or approved by the Municipality;

“Minister” means the Minister responsible for Urban Government administration;

“motorist” means any person using a motor vehicle under such circumstances or within such parking spaces as are regulated in terms of these Bye-laws and shall include the owner or possessor of a motor vehicle for the time being, employee or any other person in control of the motor vehicle at any given time;

“motor vehicle” means any vehicle designed or adapted for propulsion or haulage on a road by means of any power (not being exclusively human or animal power) without the aid of rails, and includes any trailer of such a vehicle, but does not include a vehicle which is specially constructed for the use of a person who suffers from a physical defect or disability, and which is designed to carry only one person, whether or not at any given time such vehicle is capable of such propulsion or haulage;

“Municipality” means the Ezulwini Town Council established in terms of section 4 of the Urban Government Act No. 8 of 1969;

“notice” means a document issued by an authorized officer in terms of these Bye-laws;

“owner” means the owner of a motor vehicle or a person using or in charge of a motor vehicle as possessor, driver, or employee of the owner at the time of commission of an offence in terms of these Bye-laws;

“parking” means the act of stopping, standing, or leaving a vehicle stationary for any period of time, whether attended or unattended;

“parking facility” means any area or place established and designated for purposes of parking motor vehicles by the public free of charge or at a fee payable to the municipality and includes metered spaces and parking stations;

“parking metre” means the device installed or placed on the side of a road or near any space reserved for parking a motor vehicle within metered spaces, the operation and use of which is to record the time spent by any motor vehicle within such metered space, and into which payment of the parking charges prescribed by the Municipality can be made including any device or system installed for purposes of recording time spent by any motor vehicle within a metered parking bay for purposes of these Bye-laws;

“Parking bay or parking space” means a parking space, parking place or parking spot delineated by surface markings in a zone that is designated for parking, designed to be large enough to park a motor vehicle, either paved or unpaved;

“parking station” means parking facility designated as such in terms of these Bye-laws;

“parking zone” means space declared and constituted as a parking zone by the Municipality in terms of these Bye-laws;

“permit” means the permit issued by the Municipality in terms of these Bye-laws;

“police” means any member or members of the Royal Eswatini Police Service.

“reserved parking” means parking spaces designated for specific purposes or motorists, such as disabled parking, loading zones, or designated permit holders.

### ***Objects***

3. The objectives of these Bye-laws are to -
  - (a) regulate motor vehicle public and private parking services and facilities;
  - (b) to manage parking within the municipality efficiently, ensure safety, minimize congestion, facilitating traffic flow and promote compliance with national laws and regulations;
  - (c) to preserve and protect road infrastructure from damage by improperly parked motor vehicles; and

- (d) promote the efficient and effective operation of parking services and facilities in line with the Road Traffic Act, 2007 or its successors, the Road Transportation Act, 2007 or its successor and the Building Act, 1968 or its successor.

### ***Application***

- 4. (1) These Bye-laws shall apply to -
  - (a) all individuals, motor vehicles, and properties within the jurisdiction; and
  - (b) public roads and spaces that are declared by the Municipality to be parking zones within the Municipality.
- (2) Where a local disaster or emergency has been declared by the Municipality these Bye-laws shall be applied in line with the applicable disaster management and fire and rescue Laws or Regulations.

## **PART II**

### **DECLARATION OF PARKING ZONES**

#### ***Power to declare and constitute parking zones***

- 5. (1) Municipality shall declare, constitute and classify into zones, any land, street, road, or portion of a road, as a parking station for the use by the public as a parking facility within any area of the Municipality.
- (2) The Municipality shall determine how private, residential-adjacent parking areas should be constructed or maintained.
- (3) The Municipality shall classify parking stations into three zones designated as A, B, or C, as specified in the First Schedule.
- (4) A parking facility may be marked with a white line or a green line to mark the edge of the parking facility.
- (5) Parking shall be permitted only in designated parking spaces, including public parking bays, streetside parking spaces, and private parking facilities, as designated by signage or markings by the Municipality.

#### ***Power to fix and alter Boundaries of parking stations***

- 6. The Municipality shall fix and alter the boundaries of spaces for parking within the parking stations declared and constituted in terms of bye-law 5 and regulate the use of such extended, altered or re-constituted parking spaces.

#### ***Gated Parking and Parking Meters***

7. (1) The Municipality may declare and demarcate spaces for the purposes of gated parking.

(2) Parking charges in gated parking may -

(a) be effected through prepayment and loaded on parking cards, tokens or devices which shall be presented on entry and exit;

(b) be collected by parking wardens or marshals; or

(c) be paid into payment machines.

(3) The Municipality may by resolution install parking metres or such other approved device within any road, portion of a road, or area declared and constituted as a parking zone.

(4) A parking meter shall be placed in a manner that it is visible to parking motorists who wish to use that parking zone.

(5) A parking meter or metering system shall produce a ticket, receipt or card that -

(a) clearly indicates the time allowed for parking in that parking station, registration number of the vehicle, the location at which the parking zone is situated, and any parking fee payable;

(b) clearly display a notice indicating that no parking shall take place in that parking space if the meter is out of order.

(6) A parking ticket, receipt or card shall be displayed on the dashboard of the parked motor vehicle.

(7) Motorists who park in metered parking spaces shall comply with applicable parking fees, time limits, and payment methods as indicated by signage or instructions provided at the parking station or location.

(8) Where a meter is out of order, the Municipality may issue a valid parking permit which bears a stamp approved by the Municipality.

### ***Parking requirements***

8. (1) A motorist shall not park a motor vehicle -

(a) in a parking station across any painted line marking the parking bay or in such a position that the motor vehicle is not entirely within the area declared as a parking station;

- (b) in a parking station or bay in contravention of any road traffic sign prohibiting the parking or stopping of vehicles in the street or portion of a street; or
  - (c) facing on-coming traffic.
- (2) Parking shall be done by reverse in perpendicular type parking areas.
- (3) A motorist shall pay the prescribed parking fee to a parking warden or parking meter for the time during that the motorists desires to park a motor vehicle in a parking station.
- (4) Parking in designated areas may be subject to time limits as indicated by signage or regulations.
- (5) A motorist shall not exceed the parking time indicted in the parking ticket.
- (6) A motorist who parks a motor vehicle longer than the period paid for shall pay the accumulated fee for the extra time during which the motor vehicle was parked.
- (7) A motorist may, immediately upon expiry of any authorized period of parking make further payment to extend the parking period whereupon the motorists shall be issued with a fresh ticket.
- (8) A person shall not leave a vehicle parked in a parking station for a continuous period exceeding the maximum permissible parking time indicated on the ticket or receipt or reserve parking for the period paid for after moving the motor vehicle from that parking.
- (9) A motorist whose motor vehicle occupies more than one parking bay shall pay the fees for the parking station on which the motor vehicle overlaps.
- (10) A person shall drive a motor vehicle within the driving speed permitted in the parking facility.
- (11) Parking shall only be allowed on undesignated parking areas.
- (12) A person shall not park a motor vehicle on -
- (a) a pavement or walkway;
  - (b) a yellow line and on no-parking lines;
  - (c) any place which is within three (3) metres from the road, except for emergencies or breakdowns;

- (d) a public open space which has not been designated as a parking space;
- (e) under electric lines;
- (f) any area that obstructs a fire hydrant;
- (g) emergency entry and exit points;
- (h) emergency assembly points; and
- (i) on a public road.

(13) Reserved parking spaces shall be used only by individuals or vehicles for whom they are designated, such as disabled persons, loading zones, or permit holders.

(14) A person who parks on a reserved parking spaces shall be liable to shall be subject to the prescribed parking fee or penalty.

***Power over parking zones.***

9. (1) The Municipality shall, subject to the provisions of these Bye-laws and any other applicable law, care for, control and manage all parking stations established within the municipality, provided or installed by the Municipality.

(2) The Municipality may -

- (a) provide, construct and maintain footways, over ways and under ways to facilitate the movement of pedestrians to and from parking stations;
- (b) demand and recover prescribed fees and charges for the use of parking bays and metered parking bays;
- (c) set aside and provide stands or parking bays for the use of specified vehicles or classes of vehicles within parking zones on such conditions as the Municipality may prescribe, including the payment of fees or charges;
- (d) lease a parking station, or parking facility established in terms of these Bye-laws on such terms and conditions as the Municipality may impose;
- (e) prescribe the days, hours and length of time during which and for which parking bays, and metered bays may be used; and



- (f) permit the establishment of facilities for the supply of petrol, oil and other accessories at certain designated areas of the parking zones.

### ***Permit for establishing parking station***

10. (1) A person who wishes to apply for a permit or renewal of a permit for the establishment, operation and regulation of a parking station within a designated area of the parking zone, for the use by the public upon payment of a fee or without charge, may make a written application to the Municipality in the form prescribed in the Second Schedule specifying the required particulars.

(2) The Municipality may, subject to these Bye-laws, issue a permit in respect of an application made in terms of sub bye-law (1).

(3) The Municipality may impose such terms and conditions on the use of the permit as it deems appropriate.

(4) The terms and conditions which may be imposed by the Municipality in terms of sub bye-law (3) may include -

- (a) the times during which the parking station may be used;
- (b) the length of time for which vehicles may be parked in such station;
- (c) the number of vehicles that may be parked in the station;
- (d) the times at which vehicles may enter or leave the parking station;
- (e) the construction, paving, drainage, marketing, and maintenance of the parking station; and
- (f) the charges that may be prescribed by the permit holder for the use of the facility by the public.

(5) The conditions specified in the permit may be amended from time to time by the Municipality by notice in writing served upon the permit holder.

### ***Fee Payable by permit holders***

11. The Municipality shall charge a permit or renewal of a permit fee for the establishment, operation and regulation of a parking station and permit handling fee, in accordance with the prescribed user fees and charges prescribed by the Municipality.

### ***Objections and appeals***

12. (1) A person who is affected or aggrieved by a decision made by the Municipality in terms of these Bye-laws in respect of any matter or the conditions imposed by the Municipality under a duty or power which has been delegated or

sub-delegated may object against that decision by giving written notice of the objection to the Municipality, setting out the grounds thereof and the remedy sought within twenty-one (21) days of the date of the notification of the decision of the Municipality.

(2) The Municipality shall commence with an objection within six (6) weeks from the date of lodgement and shall decide the objection within a reasonable period.

(3) The Municipality shall confirm, vary or revoke the decision, but no such revocation or variation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) The Municipality shall furnish written reasons for its decision on all objection matters.

(5) A person who is aggrieved by a decision of the Municipality may within thirty (30) days of receipt of the decision on the objection appeal in writing to the Minister who after making such enquiries as the Minister deems fit and giving due consideration to any representations made by the interested parties may make such order as the Minister deems just in the circumstances.

### **PART III**

## **INSPECTIONS AND PARKING CONTROL**

### ***Parking inspectors or traffic wardens***

13. (1) The Municipality may -

- (a) appoint parking inspectors or traffic wardens and other officers as the Municipality considers to exercise the powers and perform the functions of the Municipality in terms of these Bye-laws; or
- (b) appoint a parking management operator to appoint inspectors or traffic wardens to exercise the powers and perform the functions of the Municipality in terms of these Bye-laws or other relevant law.

(2) The parking inspectors or traffic wardens may or may not be the employees of the Municipality.

(3) The Municipality shall regulate the employment of parking inspectors or wardens and determine the necessary terms and conditions including -

- (a) uniforms to be worn on duty;

- (b) working hours; and
- (c) salaries and wages.

***Duties of inspectors or traffic wardens***

14. An Inspector or traffic warden shall carry out all the duties relating to the regulation of the use of parking facilities within parking zones established in terms of these Bye-laws, including -

- (a) directing traffic within the parking zone, except stations which are controlled by persons issued with permits in terms of bye-law 10;
- (b) enforcing the payments of fees payable by motorists utilising metered spaces and parking stations;
- (c) enforcing the parking times provided in the Third Schedule and other conditions attaching to the use of parking facilities;
- (d) imposing and collecting the prescribed fines and penalties for the non-observance of these Bye-laws; and
- (e) collecting and remitting to the Municipality all monies paid in respect of parking fees, fines and penalties charged or imposed by the Municipality within the prescribed timelines.

***Powers of inspectors or traffic wardens***

15. (1) An inspector or traffic warden shall -

- (a) investigate contravention of any provisions of these Bye-laws and take the necessary steps to report the matter to the police;
- (b) demand from the motorist the full identity and particulars of that motorist at the time of commission of an offence within the parking facility;
- (c) direct any person not to cause a vehicle or permit a motorist to park a motor vehicle in any parking station or metered space;
- (d) direct a motorist to remove the vehicle from a parking station or space;
- (e) where the motorist is not in the vicinity of a parked motor vehicle arrange for the removal of that motor vehicle from the station or space and cause the motor vehicle to be impounded in a place designated by the Municipality; and

- (f) immobilise or clamp by use of any appropriate device any motor vehicle -
  - (i) parked or used by any person in contravention of these Bye-laws so as to secure its detention and ensure that it remains in that place until the motorists reports to the parking inspector or traffic with a view to unlock the device used to immobilise the vehicle; or
  - (ii) to ensure the collection of the prescribed parking fee or penalty.
- (g) tow and impound, with or without the assistance of an urgent, a motor vehicle where a parking fee and penalty due has not been paid by prescribed time to or in designated facility pending payment of the prescribed parking fee, penalty, towing and storage charges, which shall be payable by the motorist; or
- (h) give such orders as the inspector or traffic warden may deem appropriate, in order to give effect to the provisions of this bye-law.

(2) An inspector or traffic warden may drive any motor vehicle, when necessary, in the performance of the duties of inspector or traffic warden, if, in the case of a motor vehicle, that inspector or traffic warden is licensed to drive a motor vehicle of the class concerned.

***Motorists to give information required by inspector or traffic warden.***

16. (1) A motorist shall, when required by an inspector or traffic warden, furnish the name, address or any other particulars of the motorist at the time of a suspected commission of a parking offence.

(2) Where an inspector or traffic warden is unable to obtain the particulars of a motorist or the motorist has not furnished sufficient information to the inspector or traffic warden, the inspector or traffic warden shall leave a notice in or on the motor vehicle, in which case the owner of the vehicle shall be presumed to be the person who committed the parking offence.

(3) An inspector or traffic warden shall send a notice to the address furnished by the motorist in terms of sub bye-law (1).

(4) A notice issued in terms of sub bye-law (3) shall be prescribed by the Municipality and shall -

- (a) contain the full names and postal address of the motorist or owner of the vehicle, where such details are available or made available to the inspector or traffic warden;
- (b) where particulars of the owner are not available to the inspector or traffic warden, be addressed to the motorist;
- (c) contain the particulars of the offence alleged to have been committed by the motorist;
- (d) specify the penalty imposed for the alleged offence; and
- (e) be sent by registered post to the postal address of the owner.

(5) The motorist or the person to whom the notice is served either by leaving the notice on the motor vehicle or is sent by registered post shall be liable to pay the penalty specified in that notice unless -

- (a) the motorist furnishes the Municipality or the inspector or traffic warden with the full name and address of the person in whose possession or control the vehicle was, or the person who was driving the vehicle at the time the offence was committed, within twenty-one (21) days of the date on which the notice was served or left in or on the motor vehicle; or
- (b) the motorist advises or furnishes the Municipality or the inspector or traffic warden with a police report as proof that the vehicle was reported stolen from the motorist during or about the time of the commission of the offence.

***Police to assist inspectors or traffic wardens***

17. (1) The Bye-laws shall be enforced by authorized personnel, including municipal law enforcement officers or parking attendants, who may issue fines, or warnings, order the towing of motor vehicles, or suspension of parking privileges, for violations of these bye-laws.

(2) The police shall provide the necessary support for the enforcement of these Bye-laws including assisting the inspectors or traffic wardens whenever the inspectors or traffic wardens require assistance.

***Penalty recoverable as a debt.***

18. Where a motorist fails to pay a parking penalty within thirty (30) days after a notice has been served on that motorist or placed in or on the vehicle or offer an

explanation to the satisfaction of the Municipality, the Municipality shall recover the penalty amount from the motorist by issuing summons against that motorist through the Magistrate’s Court for the district where the offence was committed and the amount claimed in the summons shall be deemed to be a debt owed to the Municipality.

***Prohibition***

19. (1) A person other than the Municipality or a person who holds a permit issued by the Municipality shall not -

- (a) declare or set aside any land, road, portion of a road, within the area under the control of the Municipality as a parking zone or parking facility of any kind for the use by the public for a fee; or
- (b) install a parking a meter on any land, road or portion of a road or ground within the control of the Municipality with a view to charge motorists for parking.

(2) A person shall not park in an area where signage or markings indicate no parking zones, fire hydrants, bus stops, pedestrian crossings, or other designated prohibited areas.

**PART IV**

**MISCELLANEOUS PROVISIONS**

***Motorist and passengers with disabilities and special needs***

20. (1) The Municipality or a person who holds of a permit for operating a public parking area shall -

- (a) take into consideration the needs of motorist who are persons with disabilities or special needs;
- (b) reserve parking for persons with disabilities or special needs; and
- (c) ensure that the parking is located as close as possible to the entrance of the building, where the parking is for servicing a particular building.

(2) The Municipality shall ensure that all streets have parking spaces that are reserved for persons with disabilities or special needs.

***Vehicles exempted from parking fees***

21. The motor vehicles listed in the third schedule shall be exempted from parking fees.

### ***Indemnity***

22. The Municipality or agent of the Municipality shall not be liable for anything done in good faith or in lawfully towing, clamping, impounding or driving a motor vehicle in terms of these Bye-Laws.

### ***Disposal of unclaimed motor vehicles***

23. (1) Where a motor vehicle is impounded or remains unclaimed for a period of seven (7) days, the Municipality shall advertise in a local newspaper its intention to dispose of such motor vehicle by public auction.

(2) Where a motor vehicle remains unclaimed after a period of fourteen (14) days from the date of the publication of the first advertisement in a Local newspaper, the Municipality shall apply for a Court Order to dispose of the motor vehicle by public auction.

### ***Offences***

24. (1) A person who -

- (a) unlawfully damages or removes a clamp from a clamped motor vehicle;
- (b) removes a clamped motor vehicle without the authority of the parking inspector or traffic warden;
- (c) parks a motor vehicle inappropriately in such a manner that such motor vehicle occupies more than the parking space;
- (d) unlawfully removes an impounded motor vehicle from an impounding facility;
- (e) obstructs a parking inspector or traffic warden in the exercise of the duties imposed by and powers conferred by these Bye-laws on that inspector or traffic warden,

commits an offence and shall upon conviction, be liable -

- (a) to a fine not exceeding five thousand Emalangenani (E5000.00) or imprisonment for a period not exceeding one (1) year; or
- (b) in the case of a continuing offence, to a further fine not exceeding five thousand Emalangenani (E5000.00), or imprisonment for a period not exceeding one (1) year, for every day during which the offence is continued after a date set by the Court.

(2) A person who exceeds the specified time limit for a parking zone commits an offence and shall be liable to a fine or towing of the motor vehicle at their own expense.

(3) A person who wilfully parks in an area where signage or markings indicate no parking zones, fire hydrants, bus stops, pedestrian crossings, entry and exit points or other designated prohibited area commits an offence and shall be liable to a fine or towing of their motor vehicle.

(4) Half of the amount paid as fines imposed for a continuing offence shall accrue to the Municipality in terms of the provisions of Section 86 of the Urban Government Act No. 8 of 1969 or its successor.

### ***Schedules***

25. The Municipality may by Notice in the Gazette -

- (a) prescribe fees for use of parking facility established in terms of these Bye-laws;
- (b) define and demarcate the extent and boundaries of parking stations, and metered spaces;
- (c) prescribe charges for the establish of parking stations;
- (d) prescribe days, times and periods during which parking facility may be used for parking;
- (e) prescribe the speed limit for parking stations;
- (f) prescribe the types and classes of motor vehicles permitted in a parking facility;
- (g) prescribe the method for prescribing fees payable in a parking facility;
- (h) prescribe forms applicable to these Bye-laws;
- (i) designate places for impounding motor vehicles for purposes of these Bye-laws; and
- (j) prescribe charges and costs for impounding motor vehicles for purposes of these Bye-laws.

### ***Amendment of schedules***

26. The Municipality may amend the schedules to these Bye-laws for the better carrying out of the out of the purposes and provisions of these Bye-laws.

### ***Amendment of Bye-laws***



27. These Bye-laws may be amended or modified by the Municipality as necessary to address changing circumstances, traffic patterns, or enforcement needs.

**First Schedule**

**(under bye-law 5)**

**Declaration of parking facilities and designation of parking zones**

**Zone A** parking facility designed for short term parking of a maximum of four (4) hours a day and these streets are -

**Zone B** parking facility designed for long term parking of more than four (4) hours a day -

**Zone C** parking facility designed for off streets parking -

**Second Schedule**

(under bye-law 10)

**Application Form for a Permit for establishing parking station**

**Third Schedule**

(under bye-law 21)

**Vehicles exempted from parking fees**

The following motor vehicles are exempted from parking fees -

- (a) Registered ambulances attending to emergencies;
- (b) Vehicles bearing diplomatic registration;
- (c) Fire and Emergency Vehicles;
- (d) Vehicles being used during a lawfully declared national or local disaster or emergency;
- (e) Service or utility vehicles of the following entities -

- (i) Eswatini Water Services Corporation;
- (ii) Eswatini Electricity Company; and
- (iii) Eswatini Post and Telecommunications.

### **Fourth Schedule**

(under bye-law 25)

#### **Parking times and periods**

1. Motorists may park their motor vehicles on the following days and during specified times and for the specified periods -
  - (a) 7.00am to 6.00pm on Mondays to Fridays;
  - (b) 7.00am to 3.00pm on Saturdays; and
2. The days, times and period shall not be applicable on Public Holidays and Sundays.