

LOCAL GOVERNMENT ACT  
(Cap. 40:01)

**GABORONE CITY COUNCIL (PARKING GROUNDS)  
BYE-LAWS, 2015**  
*(Published on 11th December, 2015)*

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

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IN THE EXERCISE of powers conferred by sections 44 and 45 of the Local Government Act, and with the approval of the Minister of Local Government and Rural Development, the Gaborone City Council hereby makes the following Bye-laws —

PART I — *Preliminary*

|                |   |
|----------------|---|
| Citation       | 1. These Bye-laws may be cited as the Gaborone City Council (Parking Grounds) Bye-laws, 2015.   |
| Interpretation | 2. In these Bye-laws, unless the context otherwise requires —<br>“authorised person” means a person authorised by the Council to supervise or control parking grounds;<br>“Council” means the Gaborone City Council;<br>“impound area” means any place, whether privately or publicly owned or controlled, where the Council may park a vehicle seized or impounded in terms of these bye-laws;<br>“law enforcement officer” means a person appointed by the Council as such under section 52 (1) of the Act;<br>“parking bay” means an area demarcated as such upon the surface of a parking ground within which a vehicle is to be parked in terms of these bye-laws;<br>“parking ground” means any area of land or any building set aside by the Council as a parking ground for the parking of vehicles by members of the public;<br>“parking device” means a device for registering and visibly recording, in exchange for the right to park, a vehicle in a parking ground for a limited amount of time, upon insertion of a coin or other prescribed method of payment, and includes any post or fixture to which the device is attached;<br>“parking period” means that period, including a period reflected on a parking meter, on any one day during which a vehicle is permitted to park in a parking ground, parking bay or as indicated by a road traffic sign;<br>“pay and display machine” means a machine installed at a pay and display parking ground for the sale of tickets on which the following are reflected —<br>(a) the date or day of issue of the ticket;<br>(b) the amount paid for the ticket;<br>(c) the departure time; and<br>(d) the machine code number;<br>“pay and display parking ground” means a parking ground, or any part of the parking ground where a notice is erected by the Council at the entrance thereof indicating that the parking ground concerned or part of the parking ground is a pay and display parking ground;<br>“private car park” means a car park established on private land for use by the public on payment of a fee, but does not include on-site parking provided by property owners for their private use or for the use of their tenants or employees; |
| Cap. 69:01     | “vehicle” shall have the same meaning assigned to it under the Road Traffic Act; and  |

“wheel clamp” means a device which, when fitted to the wheel of a vehicle, prevents it from being moved until the clamp is removed.

3. These Bye-laws shall apply to areas within the jurisdiction of the Council.

Application

#### PART II — *Ticket-controlled parking ground*

4. (1) Except upon payment of a parking fee as may be determined by the Council, a person shall not park a vehicle in any parking bay or parking ground.

Minimum parking period and parking fees

(2) The Council may by resolution from time to time determine minimum parking period and parking fees, applicable to parking bays or parking grounds.

(3) A law enforcement officer may, where a vehicle is parked in contravention of sub bye-law (1), fit a wheel clamp to the vehicle or such device as appropriate to immobilise such vehicle and shall release such vehicle upon payment of a fee as may be determined by the Council.

5. (1) A person shall not park, or permit to be parked, any vehicle in a parking ground which is controlled by the issue of tickets except —

Ticket-controlled parking ground

(a) in compliance with any directions as may be given by an authorised person;

(b) upon payment of parking fees as may be determined by the Council; or

(c) after the expiry of the parking period as may be determined by the Council.

(2) A person shall not remove, or cause to be removed, any vehicle from a ticket controlled parking ground unless he or she —

(a) has produced, to an authorised person, a ticket authorising him or her to park in the ticket controlled parking ground; or

(b) has, upon entering the ticket controlled parking ground, paid a fee as may be determined by the Council.

(3) A person who fails to produce a ticket authorising him or her to park in a ticket controlled parking ground, shall be deemed to have parked without authorisation and shall be liable to pay parking fees as may be determined by the Council.

(4) A person shall not remove any vehicle parked in a ticket controlled parking ground unless he or she has produced proof to an authorised person that he or she is entitled to remove such vehicle.

(5) If a vehicle is not removed from a ticket controlled parking ground by the end of the parking period for which the parking fee has been paid, a further parking fee, as may be determined by the Council, shall be payable for the next parking period following thereafter.

6. (1) Where the parking of a vehicle in a parking ground is effected wholly or partly by means of a mechanical device, an authorised person may, if a parking bay is available, issue to a person who wishes to park a vehicle in such ground, a ticket authorising the parking of the vehicle in that parking ground.

Mechanical parking ground

(2) A person shall not remove any vehicle parked in a parking ground in accordance with subbye-law (1), unless he or she —

(a) has paid a parking fee as may be determined by the Council to an authorised person; and

(b) has produced, to an authorised person, the ticket issued to him or her under subbye-law (1).

(3) A vehicle parked in a mechanical parking ground shall be removed from the parking grounds at expiry of parking period.

Monthly ticket

7. (1) The Council may, in respect of any parking ground controlled by the issue of tickets and on payment of the parking fee, issue a ticket which entitles the holder to park a vehicle in the parking ground for one calendar month or any lesser period specified in the ticket, at the times specified in the ticket.

(2) A ticket issued in terms of sub bye-law (1), shall not be transferred to any other person or be used in respect of any vehicle other than the vehicle specified in the ticket, without the prior written permission of the Council.

(3) A ticket issued in terms of sub bye-law (1) or transferred in terms of subbye-law (2), shall be affixed to the vehicle in respect of which it has been issued or transferred in such manner that the written or printed text of the ticket is readily legible from the outside of the vehicle.

Vehicles of excessive size

8. Unless a road traffic sign displayed at the entrance to a parking ground indicates otherwise, a vehicle which exceeds five meters in length and a height of five meters, together with any load, shall not be parked in a parking ground.

### PART III — *Parking ground meters*

Place of parking

9. A person shall not park or cause to be parked any vehicle or allow a vehicle to be or remain in a device-controlled parking ground otherwise than in a parking bay.

Conditions of parking

10. (1) A person shall not park a vehicle or cause any vehicle to be parked in a parking bay unless a coin or other object, as may be determined by the Council, is immediately inserted —

(a) into a device allocated to that parking bay; or

(b) if a device controls more than one parking bay, in the device controlling the parking bay concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto,

and that device is put into operation in accordance with the instructions appearing thereon.

(2) Notwithstanding the provisions of sub bye-law (1) —

(a) a person may, subject to the provisions of subbye-law (5), park a vehicle in a vacant parking bay without inserting a coin or other object as may be determined by the Council, for any period indicated on the parking ground meter; and

(b) if a person has ascertained that the device for any parking bay is not operating properly, he or she shall, subject to the provisions of sub bye-law (6), be entitled to park a vehicle in that parking bay without inserting a coin or other object as may be determined by the Council.

(3) The insertion of a coin or other object as may be determined by the Council into a device shall entitle the person inserting it, to park a vehicle in the appropriate parking bay for the period corresponding with the payment so made.

(4) The period during which a vehicle may be parked in a parking bay and the coin or other object as may be determined by the Council that may be inserted in respect of that period into the device allocated to that parking bay, shall be in accordance with the parking fees as may be determined by the Council.

(5) Subject to the provisions of sub bye-law (6), a person shall not, whether with or without the insertion of an additional coin or other object as may be determined by the Council into a parking meter, leave a vehicle in a parking bay after the expiry of the period indicated on the device or return the vehicle to that parking bay within 15 minutes after such expiry, or obstruct the use of that parking bay by any other person.

(6) If the Council displays a sign specifying a maximum period for continuous parking in a parking bay, which is different from that specified on the device for that parking bay, any person may, subject to the provisions of sub bye-laws (1) and (4), park a vehicle in that parking bay for the maximum period so specified or for any shorter period.

11. A person shall not —

(a) insert into a device —

(i) a coin, unless such coin is in Botswana currency and of a denomination as may be determined by the Council, or

(ii) an object, unless such object is an object determined by the Council under bye-law 10 (1);

(b) insert or attempt to insert into a parking device a coin or other object which is false or counterfeit;

(c) tamper with, damage, deface or obscure a parking device;

(d) in any way whatsoever cause or attempt to cause a parking device to record the passage of time otherwise than by the insertion of a coin or other prescribed object; or

(e) jerk, knock, shake or in any way interfere with a parking device which is not working properly or at all in order to make it do so or for any other unlawful purpose.

12. The passage of time, as recorded by a parking device, shall for the purpose of these Bye-laws and in any proceedings arising from the enforcement of these Bye-laws, be deemed to be correct and shall constitute *prima facie* evidence of the time that the vehicle has been parked in a parking bay unless the contrary is proved.

Prohibitions  
relating to  
parking meters

Proof of time  
of parking

#### PART IV — *Pay and display parking grounds*

13. (1) A person shall not park or cause to be parked any vehicle or allow a vehicle to be or remain in a pay and display parking ground unless, immediately upon entering the parking ground or parking bay he or she —

(a) purchases a ticket issued by means of a pay and display machine in that parking ground or parking bay in accordance with the instructions displayed on, or within a distance of not more than 1.5 meters of, such machine; and

(b) displays such ticket by affixing it to the inside of the driver's side of the front windscreen of the vehicle in such a manner that the information printed on the ticket by the pay and display machine is readily visible from the outside of the vehicle.

(2) The period during which a vehicle shall be parked in a pay and display parking ground, and the coin or other object as may be determined by the Council that may be inserted in respect of that period into the pay and display machine, shall be as indicated on such machine.

Pay and display  
parking ground

(3) A person shall not allow a vehicle to remain in a pay and display parking ground or parking bay after the expiry of the departure time indicated on the ticket referred to in sub bye-law (1).

Prohibitions relating to pay and display machines

14. A person shall not —

- (a) insert or attempt to insert into a pay and display machine, a coin or other object as may be determined by the Council which is false or counterfeit or any object other than a coin of Botswana currency or object as may be determined by the Council;
- (b) jerk, knock, shake or in any way unlawfully interfere with, or damage or deface a pay and display machine; or
- (c) remove or attempt to remove a pay and display machine or any part thereof from its mounting.

Proof of date and time of departure

15. The date or day and time of departure, as recorded by a pay and display machine, shall be taken as *prima facie* evidence of a vehicle's date or day and time of departure.

#### PART V — *Private car parks*

Private car park

16. (1) A person shall not operate a private car park without a permit issued by the Council under this Part.

(2) Any person who wishes to operate a private car park shall —

- (a) apply to the Council, stating in such application —
  - (i) the plot number, its location and extent of the area to be utilised as private car park,
  - (ii) the number of parking bays to be provided, and
  - (iii) reasons to support the need for establishment of a private car park on the proposed site;
- (b) submit with the application —
  - (i) two copies of a site plan showing —
    - (aa) the location of the site and abutting roads and sidewalks,
    - (bb) the proposed layout of the parking bay to be provided on the site or in the building,
    - (cc) measures to be taken for the drainage of storm water from the site, and
    - (dd) measures to be taken for the protection of pedestrians in the event of vehicles crossing the sidewalk, and
  - (ii) an application fee as may be determined by the Council; and
  - (c) supply such further plans, drawings, details, particulars, specifications or other information as the Council may reasonably require.

(3) The Council may issue a permit subject to such conditions as it may reasonably impose.

(4) The Council may require that any of the conditions imposed under sub bye-law (2) be complied with prior to the establishment of a private car park.

Control and maintenance of private car park

17. A person issued with a private car park permit in terms of these Bye-laws shall —

- (a) provide the means, to the satisfaction of the Council, for the supervision and control of parking in the private car park; and
- (b) assume full responsibility for the safety and proper maintenance of the private parking and all facilities provided in connection therewith, to the satisfaction of the Council.

PART VI — *Miscellaneous*

18. The Council may by resolution from time to time determine parking fees and the manner of payment of parking fees payable.

Power of Council to determine parking fees

19. Notwithstanding anything to the contrary contained in these Bye-laws, the Council may at any time close any parking ground or portion thereof temporarily or permanently and shall indicate such closure by a road traffic sign displayed at the entrance to the closed parking ground or portion thereof, as the case may be.

Closure of parking grounds

20. A person shall not park or permit any mechanically defective vehicle to be parked or to remain in any parking ground unless the vehicle has, after having been parked in a parking ground, developed a defect which immobilises it and the person in control of it shows that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

Defective vehicles

21. A person shall not in any parking ground clean, wash, or work on or effect repairs to a vehicle except minor emergency repairs, unless prior written permission of the Council has been obtained.

Cleaning, washing or repairing of vehicle in parking grounds prohibited

22. (1) A person shall not in any parking ground —

- (a) park a vehicle otherwise than in compliance with an instruction or direction, if any, given by an authorised person; or
- (b) drive a vehicle in or out of a parking ground otherwise than through an entrance or exit designated for that purpose.

Parking according to instruction

(2) Any vehicle which is parked in contravention of the provisions of this bye-law may be fitted with a wheel clamp, or may be towed away to an impound area or any police station to be impounded until such fee as may be determined by the Council and costs of towing such vehicle is paid.

23. A person shall not park a vehicle or cause a vehicle to be parked in any parking ground before the beginning or after the expiry of the parking period as may be determined by the Council for the parking ground unless he or she is the holder of a ticket issued in terms of these Bye-laws authorising him or her to do so.

Parking after parking period

24. A person shall not enter or remain in a parking ground otherwise than for the purpose of parking a vehicle or lawfully removing the vehicle from such parking ground, unless authorised by the Council to do so.

Persons prohibited from being in parking grounds

25. (1) Any vehicle which has been left in the same place in a parking ground for a continuous period of more than 48 hours shall, unless otherwise authorised by the Council, be removed by or at the instance of a law enforcement officer and taken to an impound area.

Abandoned vehicles

(2) The Council shall take all reasonable steps to trace the owner of a vehicle removed in terms of sub bye-law (1) and if, after the lapse of 90 days from the date of its removal the owner or person entitled to its possession cannot be found, a law enforcement officer shall hand over the vehicle to the police.

Refusal of admission

**26.** An authorised person may refuse to admit into a parking ground any vehicle which —

- (a) is by reason of its length, width or height likely to cause damage to property or to cause an obstruction or undue inconvenience; or
- (b) in terms of bye-law 8 or 20, shall not be parked in a parking ground.

Exemptions

**27.** (1) A medical practitioner or a police officer shall be exempt from paying a parking fee, while the vehicle used by that medical practitioner or police officer is parked in a parking ground to enable him or her to discharge his or her duties in such parking ground.

(2) Emergency services vehicles performing emergency services in a parking ground shall be exempt from paying the parking fees during the emergency.

Offences and penalties

**28.** Any person who —

- (a) contravenes or fails to comply with any provision of these Bye-laws;
- (b) fails to comply with any notice issued in terms of these Bye-laws; or
- (c) fails to comply with any lawful instruction given in terms of these Bye-laws,

commits an offence and is liable to a fine not exceeding P5000.

MADE this 10th day of November, 2015.

MPHO GAPE MATHE  
*Town Clerk,*  
*Gaborone City Council.*

APPROVED this 24th day of November, 2015.

HON. SLUMBER TSOGWANE,  
*Minister of Local Government*  
*and Rural Development.*