

The [Name of Local Government] (Parking) Model Bye-Laws, 2018

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CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Prohibition
4. Notified Parking Place/Area
5. No Parking
6. Principles of Parking
7. Operational Hours
8. Abandoned Vehicle
9. Parking during Emergencies and Special Events
10. Operational parking
11. Parking for the Disabled
12. Parking Fees and Payment Methods
13. Monthly Parking Pass
14. Parking Fee
15. Marking of Spaces and Signage
16. Exemptions
17. Handling and removal of Parking Equipment
18. Tempering Parking Ticket
19. Damages to Parking Equipment
20. Responsibilities of Enforcement
21. Theft or damage to any parking vehicle
22. Public Awareness
23. Parking Places Management Committee
24. Survey and maintenance of record of private parking spaces/areas
25. Penalties
26. Appeals

[Name of Local Government] (Parking) Bye-laws, 2018

PREAMBLE

WHEREAS it is expedient to regulate the parking of vehicles in the parking places notified by the Local Government and the activities connected thereto in the larger public interest;

AND WHEREAS the circumstances exist that render it necessary to frame [Name of Local Government] (Parking) Byelaws, 2018;

AND WHEREAS under Section 145 read with Part-II of the Seventh Schedule of the Act, [Name of Local Government] may, and if required by the Government shall, make bye-laws not inconsistent with the Act and the rules to give effect to the provisions of the Act.

NOW, THEREFORE, in exercise of the aforesaid powers and all other enabling provisions in this behalf, [Name of Local Government] through resolution No. _____ dated _____ has approved the following bye-laws which are hereby notified.

Mayor/Chairman

[Name of Local Government]

Dated:

1. Short title and commencement. – (1) These Bye-laws may be called [Name of Local Government] (Parking) Bye-laws, 2018.

(2) These bye-laws shall extend to the local area of [Name of Local Government].

(3) These bye-laws shall come into force from the date these are published in the official Gazette.

2. Definitions.– (1) In these bye-laws unless there is anything repugnant in the subject or context, the following expressions shall have the meaning hereby respectively assigned to them:

- (a) **"Act"** the Punjab Local Government Act, 2013;
- (b) **"drain"** includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying sullage or rain water;
- (c) **"Chief Officer"** means Chief Officer of [Name of Local Government]
- (d) **"disabled Person"** means a person suffering physical or mental impairment to such a degree that he is seriously limited in the extent to which he can engage in the activities, pursuits, and process of everyday life;
- (e) **"disabled Person Parking Space"** means an area specified for parking of vehicles driven or operated by a disabled person;
- (f) **"double parking"** means to park a vehicle alongside or directly opposite another already parked vehicle;
- (g) **"driver"** means the driver of a vehicle and includes rider in case of a motor bike, acts as a person in-charge of the vehicle;
- (h) **"Government"** means Government of the Punjab;
- (i) **"House"** means the elected body of the Local Government;
- (j) **"light transport vehicle"** means any public service vehicle other than a motor cab, or any goods vehicle other than a heavy transport vehicle or a delivery van;

- (k) **"local area"** means the area falling within the limits of the Local Government;
- (l) **"Local Government"** means [Name of Local Government];
- (m) **"Mayor/Chairman"** means Mayor/Chairman {Name of Local Government]
- (n) **"Municipal Officer (Regulation)"** means Municipal Officer (Regulation) of the [Name of Local Government]
- (o) **"no parking area"** means an area where parking is not allowed either displayed by a signage or otherwise, sometimes by time of day, or in advance of a stop sign or crosswalk
- (p) **"Operational parking"** means parking allowed by the Local Government to a Developer for a limited period;
- (q) **"operational time"** means any period of time allowed to an owner of a vehicle to, upon payment of the Parking Fee, park the vehicle within the Parking Area where a maximum period of time is fixed for parking.
- (r) **"parking Place/Area"** means an area notified by the Local Government for parking;
- (s) **"parking operator"** means an official of [Name of Local Government] or a contractor duly authorized by the [Name of Local Government] to issue Parking Tickets, guide, supervise and monitor parking within Parking Place/Area.
- (t) **"parking bay"** means space allocated for the parking of vehicle within the Parking Place/Area.
- (u) **"parking equipment"** means all such equipment which are necessary to regulate parking system including parking infrastructure;
- (v) **"parking fee"** means the fee, including fixed or hourly as notified by the [Name of Local Government] for its own parking places/areas and private parking spaces/areas in the plazas, shopping mall and commercial centers;
- (w) **"parking pass"** means a pass issued by the Local Government for a specific period for any Parking Place/Area on advance payment of notified fee or on complimentary basis;
- (x) **"parking ticket"** means a ticket issued by the Parking Operator or the contractor of [Name of Local Government]

to the driver or automatically generated ticket on entry in to a Parking Place/Area;

- (y) **“private parking”** means and includes parking provided by the owner in the plazas, shopping mall and commercial centers;
- (z) **“rotary parking”** mean and includes vertical car parking system developed to utilize maximum vertical area in the available minimum ground area;
- (aa) **“vehicle”** means and includes motor cycle, Rickshaw, motor car/ jeep and light transport vehicle which is used for carrying goods or used for transportation of passengers within the local area.

(2) Words and expressions used herein but not defined in these bye-laws shall have the same meanings as are assigned to them in the Act.

3. Prohibition.- (1) No person shall establish any parking stand/area and charge parking fee, on any property or on any open space and public park or land vested in or managed, maintained or controlled by a local government on or under a street, road, graveyard or a drain without the sanction of the Local Government.

(2) No owner/management of plaza, shopping mall or commercial center, maintaining private parking in the premises, shall charge any parking fee other than the rate notified by the Local Government after the enforcement of these bye-laws.

Provided that Local Government may notify different rates of parking in view of infrastructure and facilities provided and maintained in such premises.

4. Notified Parking Place/Area.- (1) The Local Government, may from time to time declare and notify any street, road, land or building , any part of a street, road, land or building over which it has right to manage, control, as a Parking Place /Area comprising of the parking bays.

(2) The Local Government may develop and encourage the parking plazas and the rotary/vertical parking system, particularly in densely populated areas, to utilize maximum vertical area in the available minimum ground area.

(3) All private health and education institutions shall maintain parking spaces/areas after the approval of the Local Government.

5. No Parking. No person shall park a vehicle in any of the following manner:

- a. at a place where No Parking Sign is displayed/placed;
- b. on any street or road in a manner which obstructs traffic at any time;
- c. in such a manner so that any part of the vehicle is situated upon or over a sidewalk at any time;
- d. within an intersection at any time;
- e. on a crosswalk at any time;
- f. in a manner of double parking;
- g. within 3 meters of a fire Hydrant;
- h. in front of entrance of a hospital;
- i. in front of education institutions;
- j. in front of entrance of an office building;
- k. in front of entrance of a residential place;
- l. in violation of pavement or line markings;
- m. within 15 meters of an intersection controlled by traffic signals; and
- n. any other place where parking is restricted by the Local Government and Traffic Police.

6. Principles of Parking.- The person driving or in-charge of the Vehicle using a Parking Place/Area shall ensure that :

- a. engine of the vehicle is properly switched off;
- b. doors of the vehicle are properly locked and windows are closed;
- c. parked vehicle does not prevent other persons from utilizing adjacent parking spaces;
- d. parked vehicle does not obstructs other vehicles coming for and leaving parking;
- e. vehicle is not double parked;

- f. vehicle in not parked within 12 feet of a fire hydrant if any;
- g. there is no violation of line markings; and
- h. any other principle notified by the Local Government.

7. Operational Hours.- (1) No vehicle shall be allowed to stay in a Parking Area before or after operational hours notified by the Local Government.

(2) Any vehicle found in parking area after operational hours shall be treated as abandoned vehicle.

8. Abandoned Vehicle.- (1) A vehicle parked in a Parking Place/Area for more than 2 hours at a stretch over the Operational Time for that Parking Area shall be considered abandoned and in such a case, the said vehicle shall be reported to concerned police authorities for necessary disposal.

(2) A vehicle parked in a Parking Area operational round the clock shall be considered abandon after 24 hours, calculated from its last entry in Parking Place/Area and the same shall be reported to police authorities for proper disposal of the vehicle, except where duration of the parking is allowed and duly informed by the In-charge of Parking place/area at the time of the entry.

9. Parking during Emergencies and Special Events.- Notwithstanding anything contained in these bye-laws, the Local Government may restrict or prohibit parking in any parking area in case of fire, procession, assembly of people, construction project, traffic congestion or an emergency, and no person shall park a vehicle in contravention of such restriction or prohibition.

Explanation.-

- (a) For the purpose of this bye-law, "Emergency" includes act of God which hinders, restricts or prohibits movement of vehicles.
- (b) The declaration of such emergencies by the Local Government shall be effected by simple announcement and such announcement shall be deemed to be sufficient notification of the restriction or prohibition.

10. Operational parking.-The Local Government may on the recommendations of the Parking Places Management Committee permit any developer to maintain an operational parking till the completion of project.

11. Parking for the Disabled.- Where in a Parking Area one or more Parking Bays are intended for the sole use of a vehicle of a disabled person, the Local Government shall identify each such Parking Bay by erecting one or more official signs in such a manner that the official sign or signs shall be clearly visible to the drivers of any vehicle approaching or entering such Parking Bay.

12. Parking Fee and Payment Methods.-

- i. Each driver shall receive a Parking Ticket either by himself from the machine or by a Parking Operator on the entry of the vehicle in a Parking Area for the purpose of allowing the vehicle to be parked at a Parking Bay within the Parking Area.
- ii. In case of automatic generation of Parking Ticket, driver himself shall receive the Parking Ticket out of machine.
- iii. The Driver shall present the Parking Ticket to the Parking Operator on exit point who shall calculate the fee.
- iv. In case of an automated exit, the driver shall scan the Parking Ticket and pay by a method prescribed for that parking and on opening of the barrier may leave the Parking Area.

13. Monthly Parking Pass.- The Local Government may issue monthly pass on advance payment of notified parking fee or on complimentary basis, for any notified Parking Area.

14. Parking Fee.- (1) Fee for parking shall be levied by the Local Government under section 115 of the Act and the procedure laid down in the Punjab Local Governments (Taxation) Rules, 2016.

(2) In case of departmental recovery, the prescribed fee shall be deposited in the local fund of the Local Government.

(3) In case parking fee under section 115 of the Act and the Punjab Local Governments (Taxation), Rules 2016, is not levied by [Name of Local Government], it may issue the parking ticket without charging any fee for the intervening period till the time such parking fee is notified.

15. Marking of Spaces and Signage.- (1) The Local Government while marking and installing the signage shall observed that:

- a. Each Parking Area clearly marked out with yellow lines on the ground.
- b. All Parking Area shall have at least 3% Parking Bays' reserved for disabled persons.
- c. Each Parking Area shall have entry and exit points with proper sign boards.
- d. Each Parking Area shall have separate entry and exit points unless the location of the Parking Area is as such that creation of separate entry and exit points is not possible or is impracticable.
- e. All necessary signage displaying the name of the Parking Area, the Parking Fee, the terms and condition shall be displayed or placed at a prominent place outside the entry point of the Parking Area within close proximity of the entry point of the Parking Area in such a manner that the information displayed on the signage is visible from at least a distance of 5 feet from the entry point of the Parking Area.

(2) The Local Government shall adopt and follow lane marking pattern for parking, dimension of signage, colour scheme, size of letters on signage and other parking standards in its local area in consultation with the Traffic Police.

16. Exemptions.- (1) No vehicle shall be exempted from Parking Fee except, Government/Local Government, Security Personals, Ambulances & Fire Brigade vehicles.

(2) The House may exempt any other category of vehicle after recording proper justification.

17. Handling and removal of Parking Equipment.- (1) No person unless authorized by the Local Government shall move, remove or alter any parking equipment.

(2) Moving, removal, alter or tempering of any parking equipment by an unauthorized person or a group of persons shall be an offence under the Act.

18. Tempering Parking Ticket.- Any change, tempering or re-writing over the parking ticket shall be an offence under the Act.

19. Damages to Parking Equipment. - The Local Government may claim compensation determined by it, in case of any damage to Parking Equipment.

20. Responsibilities of Enforcement.- (1) The Municipal Officer (Regulation) shall regulate and manage the Parking Places/Areas within the jurisdiction of the Local Government.

(2) The Municipal Officer (Regulation) shall remain vigilant and ensure the enforcement of these bye-laws.

21. Theft or damage to any parking vehicle.- The Local Government or a Contractor duly authorized by it , as the case may be, shall compensate the owner in case of theft or damaged caused to a vehicle parked in the

notified area subject to production of valid parking ticket obtained at the time of parking:

Provided that such compensation will take place after fixing the responsibility after due inquiry in the incident by the Local Government.

Provided further that an owner shall not be compensated, in case of any natural calamity or incident, beyond the control and capacity of the Local Government or a contractor duly authorized by it.

22. Public Awareness.— (1) The Local Government shall make arrangement of public awareness through posters, notice boards, newspapers and electronic media regarding notified Parking Places/Areas and the enforcement of these bye-laws.

(2) The Local Government may seek the support of the Traffic Police to sensitize the public on the parking principles and places in the local area.

23. Parking Places Management Committee (1) The Local Government may constitute a Parking Places Management Committee consisting of the following members:

1. Mayor/Chairman as Convener;
2. Chief Officer;
3. Municipal Officer (Regulation)/Secretary;
4. representative from Traffic Police;
5. representative from the business community;
6. two members from general public including one female member; and
7. any expert on parking to be coopted by the Local Government for technical support and guidance.

(2) The Committee shall meet on quarterly basis to review and identify the gaps in parking arrangement in the local area and suggest the means and measures to address them.

(3) The Local Government on the recommendations of the Committee may de-notify or include any parking space/area, to be regulated under these bye-laws.

24. Survey and maintenance of record of private parking

spaces/areas.- (1) The Municipal Officer (Regulation) or an Inspector authorized by the Local Government in this behalf, shall cause the survey to be conducted on the enforcement of these bye-laws and also at the beginning of each financial year to have complete list and particulars of all the private parking places/areas and maintain a complete record.

(2) He/She shall take action under the law on observing any violation of these bye-laws.

25. Penalties.- A person violating these bye-laws shall be liable to the punishment under section 132 and 134 read with the Fourth Schedule (Part II) and Fifth Schedule of the Act.

26. Appeals.- Any person aggrieved by an order passed under these bye-laws by the Mayor or Chairman, may file appeal under section 143 of the Act to the Appellate Authority as prescribed under the Punjab Local Governments (Appeal) Rules, 2017.

Mayor/Chairman

[Name of Local Government]

Dated: