

**FIJI ISLANDS GOVERNMENT GAZETTE SUPPLEMENT**

No. 27

FRIDAY, 25th SEPTEMBER

2009

[LEGAL NOTICE NO. 71]

LOCAL GOVERNMENT ACT  
(CAP. 125)**Sigatoka (Car Parks) By-Laws 2009**

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LOCAL GOVERNMENT ACT  
(CAP. 125)

## Sigatoka (Car Parks) By-Laws 2009

In exercise of the powers conferred upon me by section 122 of the Local Government Act and with the approval of the Minister, the Sigatoka Town Council makes the following By-law:

*Citation*

1. These By-laws may be cited as the Sigatoka (Car Parks) By-law, 2009.

*Interpretation*

2. In these by-laws, unless the context otherwise requires—

“Act” means the Local Government Act;

“attendant” means a person appointed under by-laws 5 by the Chief Executive Officer to perform duties at a car park;

“car park” means an area, building or part of a building, designated under by-law 3 as a car park;

“Council” means the Sigatoka Town Council;

“Chief Executive Officer” means the person appointed as the Council’s Chief Executive Officer under section 35 of the Act and includes the acting Chief Executive Officer or assistant Chief Assistant Officer.

*Designation of car parks*

3. The area listed in Schedule 1 is designated as a car park.

*Management of car parks*

4. Every municipal car park comes under the immediate management and control of an attendant.

*Appointment of attendants*

5. The Chief Executive Officer may appoint and dismiss attendants for the purposes of these by-laws, in accordance with normal requirements as to notice.

*Directions*

6.—(1) A driver of a vehicle, while driving the vehicle in a car park or within the precincts of a car park, must observe and comply with any reasonable directions given by an attendant regarding parking or movement of the vehicles directions, signs or markings at the car park.

(2) A person using the precincts of a car park must obey all reasonable directions given by an attendant for the purposes of observing good order and cleanliness in the car park.

*Maximum weight*

- 7.—(1) The Council may, by resolution, fix a maximum weight for vehicles permitted to enter a car park.

(2) If the Council fixes a maximum weight under paragraph (1), the attendant may refuse to allow a vehicle which exceeds or appears to exceed the maximum weight fixed under paragraph (1) to enter a car park.

*Opening hours*

8. The Council may, by resolution, specify the opening and closing hours of a car park.

*Parking charges*

9.—(1) The parking charges for the purposes of these by-laws are set out in Schedule 2.

(2) The owner or person in possession of the vehicle is liable to pay the parking charges set out in Schedule 2 and then must be paid by the driver of the vehicle before leaving the car park.

(3) If the driver, owner or person in possession of the vehicle fails to pay the parking charges, the Council may recover the charges as a civil debt in a court of competent jurisdiction.

*Collection of parking charges*

10.—(1) A driver of a vehicle driving into a car park must obtain a parking ticket from the attendant before proceeding to park the vehicle.

(2) If a driver of a vehicle drives out of the car park, the driver must present the parking ticket to the attendant for the purposes of calculating the charges and must pay the charges.

(3) If a driver of a vehicle cannot produce the parking ticket, the driver is assumed to have driven into the car park at beginning of the opening hours for the purpose of calculating the parking charges.

(4) No person may remove a vehicle from a car park unless the attendant is present and the parking charges have been paid.

*Parking permits*

11.—(1) The Council may issue monthly or yearly permits upon payment of charges in advance, allowing a vehicle to be parked in a specified parking space in a car park for a specified period.

(2) A permit issued under paragraph (1) is not transferable and no refund is allowed if the permit is not used.

*Inspection of parking tickets*

12. A driver of a motor vehicle in a car park must produce his parking ticket or permit for inspection if required by an attendant.

*Parking spaces*

13.—(1) A driver of a vehicle must not park or stop the vehicle in a car park unless directed by an attendant or within an unoccupied space marked for parking.

(2) A driver of a vehicle must not stop or park the vehicle in a way that obstructs or hinders the passage ways within a car park.

*Towing of vehicles*

14.—(1) If a vehicle is stopped or parked contrary to by-law 13(2), the attendant may have the vehicle towed away from the car park to a pound by any method and route as is appropriate having regard to the circumstances of the case.

(2) If a vehicle is towed away under paragraph (1), any parking charges and expenses incurred must be paid by the owner.

(3) No vehicle may be released from the pound unless—

- (a) the parking charge and expenses incurred have been paid to the attendant; or
- (b) the attendant certifies in writing that the vehicle may be released before the payment of parking charges and expenses.

(4) By-law 9(3) applies on recovery of unpaid charges and expenses incurred under this by-law.

*Other offences*

15. A person who—

- (a) obstructs or hinders an attendant in the performance of his or her duties under these by-laws;
- (b) makes any alteration to the alignment of a car park or causes an obstruction into a car park;
- (c) sells or offers for sale any produce or goods in a car park; or
- (d) solicit or distribute pamphlets or bills in a car park without the approval of the council,

commits an offence and is liable to the penalties prescribed in by-law 17.

*Exemption of liability*

16.—(1) Nothing in these by-laws or in any ticket or permit makes the Council liable to any person for any loss or damage to any motor vehicle or its contents or for personal injury to any person in a municipal car park.

(2) The Council must cause a conspicuous notice to be posted at the entrance to every car park disclaiming liability under paragraph (1).

*Penalty*

17. A person who contravenes a provision of these by-laws commits an offence and is liable on conviction to a fine of \$100 and imprisonment for 3 months.

SCHEDULE 1  
(By-Law 3)

DESIGNATION OF CAR PARK

Lot 2, L39283, DP 15

SCHEDULE 2  
(By-Laws 9)

PARKING CHARGES

Types of vehicles	Per half an hour or part of it
a. Private Car	\$0.30
b. Other private vehicle not exceeding 2.000kg	\$0.60
Other vehicle not falling within a. or b.	\$0.75

Made by this day 2009.

A. TUIDRAKI  
"Special Administrator"

A. A. KHAN  
Chief Executive Officer

Approved this 18th day of September 2009.

S. A. SAUMATUA  
Minister for Local Government, Urban  
Development Housing and Environment