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CUTTACK MUNICIPAL CORPORATION

CHOUDHURY BAZAR, CUTTACK - 753 009

ORDER

The 12th September 2016

No. 10200—VIII(L)-17/2011—As per the provision under Section 657 read with Sections 427 to 429 of Odisha Municipal Corporation Act, 2003 (Act 11 of 2003) as well as, as per the approval of Council of CMC and having been confirmed & approved by the Government the following bye-law/regulation is hereby notified for publication in the extraordinary *Odisha Gazette* in the year, 2016. It is pertinent to mention here that the year 2015 has already been over. Hence, the following regulation may be called as Regulations, 2016.

1. Cuttack Municipal Corporation Parking Space Regulations, 2016.

In exercise of the powers conferred by Section 657 read with Section 193 (iii), and Section 659 of the Odisha Municipal Corporation Act, 2003 (Act 11 of 2003), The Cuttack Municipal Corporation hereby makes the following regulations having been approved by the State Government for the purposes of giving effect to the provisions of the said Act, for regulating parking places and halting stations and collections of users fees thereof within the city of Cuttack, namely :—

CHAPTER I

PRELIMINARY

1. Short Title and Commencement and Extent :

- (1) These regulations may be called the Cuttack Municipal Corporation Parking Space Regulations, 2012.
- (2) They shall come into force on the date of their publication in the Official Gazette of the Odisha Government.

2. Definitions :

(1) In these regulations, unless the context otherwise requires,—

- (a) "Act" means The Odisha Municipal Corporations Act, 2003 ;
- (b) "Area" means and includes any land or building which falls within the jurisdiction of the Corporation ;
- (c) "Competent Authority" means an officer authorised by the Commissioner to act on his behalf as per the provisions of the Act ;
- (d) "Commissioner" means the Commissioner of the Cuttack Municipal Corporation ;
- (e) "Corporation" means the Municipal Corporation of Cuttack ;
- (f) "Halting Stations" means places earmarked alongside the street or road at which public service vehicles may stop for a specified period of time for the taking up and setting down of passengers ;
- (g) "Loading Zone" means space used only for the loading and unloading of goods to and from vehicles ;
- (h) "No Parking Zone" means the places or area marked out and notified as such by the competent authority where no vehicle shall be parked ;
- (i) "Parking Area" means an area of a structure or land used for parking of vehicles and related access purposes ;
- (j) "Parking Zone" means a space marked out in a Parking Area and used only for the parking of vehicles ;
- (k) "Vehicle" means a carriage, cart, van, handcart, bicycle, rickshaw and every wheeled conveyance which is used or is capable of being used on a street including motor vehicle within the meaning of the Motor Vehicle Act, 1988 ;

(2) Words and expressions used in these regulation but not expressly defined herein shall have the same meaning as respectively assigned to them in the Motor Vehicle Act, 1988, Odisha Urban Police Act, 2003 and the Odisha Municipal Corporation Act, 2003 or the rules & regulations made thereunder, respectively.

CHAPTER II

IDENTIFICATION, DEVELOPMENT, MAINTENANCE AND MANAGEMENT

3. Identification of Parking Area, Loading Zones and Halting Stations : Besides, the Parking Area, Loading Zones and Halting Stations already in operation, the Commissioner may identify any area or place fit to be a Parking Area, Loading Zone or Halting Station for all or any kinds of vehicles taking into account the need and necessity thereof. Such identification of parking area may be for a temporary period for temporary congregations.

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4. Declaration of Parking Area, Loading Zones and Halting Stations : Upon identification of the place, the Commissioner may call upon the Police Commissioner to exercise his power under the Urban Police Act, 2003 and the rules and regulations made thereunder, if necessary, to notify the same as a Parking Area, Loading Zone or Halting Station for all or any kinds of vehicles.

5. Development of Parking Area, Loading Zones and Halting Stations : The Commissioner may construct, purchase or take on lease any land or building for the purpose of such identified & notified Parking Area, Loading Zones and Halting Stations. Besides, the Commissioner may also develop such places or shelters for halting stations under the PPP mode.

6. Maintenance and Management of Parking Area, Loading Zones and Halting Stations : The identified and notified Parking Area, Loading Zones and Halting Stations may be maintained and managed in any of the following manners as deemed necessary by the Commissioner :—

- (i) The Corporation may maintain and manage such places using its own resources & manpower and collect the requisite users fees thereof ; or
- (ii) The Commissioner may put up for public auction or lease out such places upon such terms and conditions which are in consonance with the provisions of the act and rules, subject to the time modalities and collection of users fees as specified in these regulations ; or
- (iii) The Commissioner may opt for maintenance and management of such places under the PPP mode.

7. Private Parking Area : Any person interested to use any private land as a Parking Area on a commercial basis temporarily or for a longer period, in addition to the permission/notification of the Commissioner of Police, to be used as such in temporary congregations or otherwise, has to take permission with terms and conditions as stipulated by the Commissioner and pay users charges as will be determined by the Commissioner taking into account the size, place, occasion and period of such use.

8. Where any area within the Corporation jurisdiction is used as a specified parking area for specific categories of vehicles such as Autorickshaw Stand, Rickshaw Stand, Taxi Stand, Goods Carriage Stand, such area shall be treated as private parking area and the Body/Association/Organisation having control or management over such parking area shall be liable to pay users charges as will be determined by the Commissioner taking into account the size, place and mode of such use.

CHAPTER III

USER TIME & USER CHARGES

9. The Corporation shall levy user charges for parking of different types of vehicles in different areas for different periods as specified in Schedule annexd to these regulations, which may be revised from time to time as and when necessary in consonance with the provisions of the Act & Rules framed thereunder.

10. The Corporation may, if necessary, declare a portion of the parking area or any other area in the city of Cuttack as loading zone, for a specified time during the day to be used as such. Besides, the loading zone may be expanded to available space in the parking area during off peak traffic hours and the use of such space, in such manner during such time, may be given the benefit of discounted user fees.

11. Over and above the users fees as stipulated, the Corporation may levy a tax per vehicle for parking in connection with a congregation of whatever nature including fairs, festivals, circus, yatra, exhibitions, sports events, cultural or social programmes within the Corporation area, at the rate as may be determined by the Corporation subject to the stipulation made under Section 250(2) of the Act.

CHAPTER IV

NORMS FOR PARKING AREA

12. **Parking places to be kept open :** Every parking place vested in the Corporation may remain open to the public during such hours as may be fixed by the Commissioner from time to time and which shall be notified on a Noticeboard in some conspicuous part of the entrance of such parking place.

13. **Mode and manner of parking :** No person shall park the vehicle in the loading zone, if there is any, other than for the purpose for which it is specified. The parking place as demarcated for different kinds of vehicles where it is so demarcated should be strictly adhered to the angle in which the parking is to be made should be strictly followed as delineated. Otherwise, the driver of vehicle shall park it in such a way that it does not cause or likely to cause danger, obstruction or undue inconvenience to other users.

14. **Entrance or Exit :** No person shall enter a vehicle or exit such parking places except by a gate or opening provided for the purpose.

15. **Notice of user time and fees :** Every parking area shall clearly specify the type of vehicles for which parking is permitted and also specify the rate of users fees chargeable against the vehicle concerned for the time specified in a Noticeboard as per specifications of the Corporation/Commissioner in some conspicuous place in the parking area.

16. **Violation Notice :** Where a authorised officer believes that a vehicle is parked in contravention of these regulations, he may,—

- (a) Place a notice on the vehicle ;
- (b) Send the copy of the notice to the registered owner of the vehicle by ordinary post ;
- (c) However, the notice must set out specifically the contraventions and the penalty thereof.

CHAPTER V

PROCEDURE

17. Co-ordination of activities :

- (a) The Commissioner may appoint one or more Approved Administrators to oversee and co-ordinate the activities of parking attendants in demarcated areas on such terms and conditions as Corporation may agree with such approved administrators.
- (b) The Commissioner may also appoint a Nodal Officer to co-ordinate with the Commissionerate or Police or other Police Department to give effect to the provisions of these regulations.

18. Registration as parking attendant :

- (a) No person shall operate as a parking attendant unless he or she has applied to an approved administrator for registration as a parking attendant in the area and has been approved as a parking attendant by such approved administrator in the prescribed form and manner;
- (b) A parking attendant at all times should carry a clear Identity Card in a format to be prescribed by Corporation from time to time; or
- (c) Wherever necessary and possible, wears a uniform approved by Corporation, which clearly distinguishes between parking attendants and authorised officers.

19. Duly notified parking areas should use a standard user fees receipt :

Receipt books containing receipts to be provided to the users against user fees charge shall be supplied by the Corporation in a standardised form for use in all the duly notified parking area/zone within the Corporation area. Receipts for separate denomination shall be used in separate colours against user fees pertaining to separate class/categories/types of vehicles. All such receipts should be duly numbered. Records of such issuance of receipt books is to be kept in the Corporation Office and upon exhausting such numbers of receipts as issued, the concerned person may apply to the Corporation for issuance of additional number of receipt books in the prescribed form in the prescribed manner.

CHAPTER VI

PROHIBITIONS

Notwithstanding, the generality of provisions as mentioned above, the parking places, loading places or the halting stations will be subject to the following restrictions :—

20. Prohibition from defacing or displacing Noticeboards : No person shall deface or displace any board or notice in such parking place, parking zone or halting stations wherein any board, notice or copy of regulation of the Corporation is exhibited.

21. Prohibition from removing or disturbing soil : No person, otherwise than in the discharge of his official duty as a parking attendant in the parking place of the Corporation, shall remove or disturb any soil or other fixed material in any parking area.

22. Advertisements : No person shall, except in accordance with the Act or any other regulations made thereunder, display advertisement in any manner in the parking place.

23. Damaging Property or throwing rubbish : No person shall destroy, injure, deface, soil or defile any part of any wall, fence, barrier or railing in or enclosing such parking place nor throw or deposit any filth, rubbish or refuse, or cause any filth, rubbish for refuse to fall to be thrown or deposited upon any part of such parking place.

24. Prohibition of Bathing : No persons shall take bathe in any tank, pond, cistern or other ornamental construction for storage of water in such parking places or wash clothes or any article in or foul or pollute any such water.

25. Prohibition of Games : No game shall be played in such parking place

26. Drinking of intoxicants : No person shall drink or bring for consumption within such parking place, any kind of intoxicants.

27. Sale of articles : No person shall, except with the written permission of the Commissioner, sell or offer for sale or hire or offer for hire any commodity or articles in such parking place.

28. Beggars : No beggars are allowed to beg inside any such parking area

29. Obstructing or disturbing attendant on duty : No person shall obstruct, disturb, interrupt any other person in the proper use of such parking place or obstruct, disturb or interrupt any officer or attendant of the Corporation or any person employed by the Corporation in the execution of his duty.

30. Creating disturbance or causing annoyance to the public : No person shall create disturbance, commit nuisance or cause annoyance to the public in such, parking place or use abusive, obscene or profane language.

31. Statutory Prohibitions : No person shall be permitted to park or use parking & loading spaces, halting stations in contravention of any relevant provisions of the Motor Vehicles Act, 1988, Urban Police Act, 2003 or any other relevant Act and the Rules and Regulations framed thereunder.

CHAPTER VII

PENALTY

32. In case any vehicle is abandoned or left unattended in a parking area for ten hours or more beyond the stipulated period of parking, the Nodal Officer upon information of the same from the competent authority or parking attendant, will intimate the same to the concerned Police Station who may then deal with the vehicle as provided in Section 127 of the Motor Vehicles Act, 1988 by towing away the same and charging the owner for costs thereof, in which event, the Corporation shall not be liable as to any costs thereof to owner of such abandoned vehicle.

33. Without prejudice to the forgoing penalty provisions, any person who contravenes any provisions of the Regulations shall be punishable with fine as prescribed under Section 658 of the Act and any person causing damage to parking places of the Corporation will be subject to fine as determined under the Act. The general penalty provisions under Section 652 of the Act shall be applicable as and when required so to do.

SCHEDULE

RATES

(See Regulation 9)

1. Parking Zone :

Nature of Vehicle	Amount (₹) up to 3 hours
Cycle	1.00
Motorcycle	3.00
Car	5.00

2. Loading Zone :

Nature of Vehicle	Amount (₹) up to 2 hours
Any Vehicle	50.00

3. Halting Station :

Nature of Vehicle	Amount (₹) up to 8 hours
Any Vehicle	10.00

NOTE —

4. Cuttack Municipal Corporation will not charge any fees for parking to those who provide parking space to its people on its own.

5. At the halting station Cuttack Municipal Corporation will not provide any extra benefit to the vehicle or who run it.

By order of the Cuttack Municipal Corporation

GYANA RANJAN DAS

Municipal Commissioner

Cuttack Municipal Corporation