

Mberengwa Rural District Council (Clamping and Towing) By-laws, 2023

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Title

1. These by-laws may be cited as the Mberengwa Rural District Council (Clamping and Towing) By-laws.

Interpretation

2. In these by-laws—

“authorised person” means —

- (a) Council staff members under the relevant department deployed at each designated area to enforce these by-laws; and
- (b) in the event of any resistance to the persons mentioned in paragraph (a) a member of the Zimbabwe Republic Police.

“clamp” means to immobilize a motor-vehicle by means of a wheel clamp;

"Council" means the Mberengwa Rural District Council.

“designated area” means all area under the jurisdiction of Mberengwa Rural District Council where heavy vehicles are obliged to park

a parking place; or

(a) any suitable site established as a bus terminus by the Council.

“driver” means the operator of a motor vehicle;

“abandoned vehicle” means

“motor-vehicle” means any vehicle propelled by mechanical or electrical power and intended or adapted for use or capable of being used, on roads, but does not include the following—

“parking fee” means a fee paid to Council each time a passenger motor-vehicle stops to pick up and drop off passengers at a designated area;

“parking-place” means a place designated by prescribed parking lines so placed on the road surface as to indicate the limits thereof;

“passenger motor-vehicle” means any motor-vehicle that has been registered to carry people for a fee and includes but is not limited to—

(a) a conventional bus; and

(b) a minibus;

“rank disc” means a disc issued by the Council in terms of section 12 authorising its holder to use the ranks or terminus designated by the Council

“section of the road” means the portion of the road lying between two other roads which join it at an angle;

“secure compound” means any area designated under section 7(a);

“taxicab” means a motor-vehicle for hire by a single passenger or small group of passengers,

“towing away” means the removal by an authorised person of motor vehicle that is parked or stationery in violation of these by-laws;

“towing away and storage charges” means charges prescribed in the Second Schedule;

“traffic ticket” means a notice specifying that an offence against these by-laws has been committed and that is given to the occupant of the motor vehicle or securely affixed to a motor vehicle in a conspicuous position;

“wheel clamp” means a device used to immobilize a motor vehicle that is designed to surround a vehicle wheel in such a manner as to prevent the removal of the wheel and the clamp.

“vehicle” means any vehicle not self-propelled by mechanical, electrical or other power, and includes an auto-cycle, a pedal-cycle, a tricycle, a handcart or any other contrivance which is propelled by or drawn by human power or by any animal, whether such animal is ridden, led or driven.

Parking

3.(1) Where parking-places have been demarcated in any section of the road, no person shall park a motor-vehicle or a vehicle in any part of that section otherwise than in a parking place.

(2) Except in a case of emergency or in compliance with the direction of a police officer, no person shall park a motor-vehicle or a vehicle—

(a) so as to obstruct the entrance to, or exit from a service lane; or

(b) upon a road so as to obstruct the entrance to, or exit from a garage or driveway.

(3) No person shall, cause or permit to be parked, in any road, service lane or parking-place designated for passenger motor-vehicles or taxicab, as the case may be.

Motor-vehicle not to project beyond the limits of parking-place

4.(1) No person shall park a motor-vehicle in a parking-place in such a manner that any part of the motor vehicle or any part of the load thereon extends beyond the limits of the parking-place.

(2) For the purposes of this section “motor-vehicle” includes any trailer or caravan drawn by a motor-vehicle.

Parking motor vehicle, picking up and setting down of passengers

5. No driver of a motor-vehicle shall stop to pick up or set down passengers except at a designated area.

Parking on sidewalk or foot-path

6. Except for the purpose of crossing a sidewalk or foot-path forming part of a road and set aside for the use of pedestrians, no person shall drive or park a motor-vehicle upon such sidewalk or foot-path.

Visibility obstruction

7.(1) No owner or occupier of any land adjacent to any road shall erect a wall or fence, or plant, any tree, shrub or hedge or place anything in such a manner as to obstruct the visibility of traffic using such road.

(2) Where in the opinion of an authorised person, an obstruction to the visibility of traffic has been caused, the authorised person shall, by written notice served on the owner or occupier of the land concerned, require him or her to take measures to remove such obstruction, within twenty-one days from the date on which the owner or occupier received the notice.

(3) If, after receiving a notice made in terms of subsection (2) the owner or occupier referred to in that subsection refuses or fails to remove the obstruction, Council may, after giving 30 days written notice to such owner or occupier, to enter upon the land and to remove such obstruction.

Parking fee and parking disc

8. (1) Every owner or driver of a passenger motor-vehicle shall pay a parking fee to Council.

(2) Upon payment of the parking fee, the owner or driver of a passenger motor-vehicle shall be issued a parking disc which he or she shall display on the passenger motor-vehicle.

Taxi cabs plying for hire

9. No person shall operate an unregistered vehicle as a taxi cab/commuter omnibus within council area.

Commuter Omnibuses

10. (1) No person shall—

(a) cause or permit a motor omnibus to stop for the purpose of picking up or setting down passengers, at any place other than a bus stop; or

(b) cause or permit passengers or goods to be picked up by, or set down from a vehicle within five meters of an intersection.

(2) No omnibus may use a route within the Council area unless that route has been designated as a route for such purposes.

(3) Any person who wishes to have a route designated for the purpose of use by motor omnibuses shall apply to the council for this purpose.

(4) All motor vehicles, omnibuses and buses passing through council area on long routes are required to stop at designated Council bus terminuses.

Terminus Discs

11(1) All passenger motor-vehicles operating in council area shall, upon payment of the prescribed fee obtain terminus discs.

(2) Terminus discs issued in terms of subsection shall authorise the holder to use the omnibus terminus.

Upon payment

12. Heavy vehicles and busses shall use only designated routes for transporting, picking up and delivering goods.

Wheel clamping and towing away

13.(1) An authorised person may, if he or she has reason to believe that a violation of the traffic by-laws referred to in the First Schedule has been committed—

a) immobilize or cause such motor vehicle to be immobilized by way of a wheel clamp; and

b) if the motor vehicle has not been claimed and the relevant charges incidental thereto paid, subsequently remove and tow away the motor vehicle to a secure compound after a period of at least five hours has lapsed:

Provided that motor vehicle shall be clamped simultaneously with the issuance of a traffic ticket for the violation of the by-laws.

(2) An authorised person may remove or cause to be removed, any motor vehicle immobilised in terms of these By-laws to a secure compound.

(3) A motor vehicle removed to a secure compound shall be released upon payment by the owner of such motor vehicle of —

(a) the fine specified in the First Schedule or Second Schedule; and

(b) wheel clamping, tow away and storage charges specified in the Second Schedule.

Damaging to the road pavement

14. (1) No vehicle shall be driven on the road in a manner that damages the surface of the road thereby causing pot holes on the road surface

Unclaimed vehicles

15. (1) Council shall publish a notice in the newspaper circulating within Council, a list of vehicles immobilised and advise the owners to claim the vehicles within a period of thirty days.

(2) In addition to the provisions of subsection 1, the Council shall send a notice to every owner of the motor vehicle that remains unclaimed after the publication of the notice advising the owner to claim the vehicle within a further period of thirty days.

(3) Council may sell by public auction any vehicle that remains unclaimed thirty days after the dispatch of the notice referred to in subsection 2.

(4) Council shall deduct the charges specified in the Second Schedule from the proceeds of the sale of a motor vehicle and any balance shall be paid to the owner thirty days from the date on which the owner submits a written request to the Council for such payment.

(5) Council shall operate a special account into which money realized from the sale of unclaimed vehicles shall be deposited.

(6) Any money not claimed within one year after the sale of the motor vehicle shall be –

- (a) shall be used by council in making improvements or new developments for vehicular traffic that is parking area or commuter waiting area in the area the crime has been committed; or
- (b) shall be used by for acquisition of traffic enforcement devices that are meant to deter the traffic population from committing offences stated in these by-laws; or
- (c) shall be used for awareness campaign programmes related to traffic enforcements.

Designation

16. Council shall publish in any newspaper circulating within the council controlled area—

- (a) any place designated as a secure compound; and
- (b) particulars of every authorised person including—
 - (i) type of uniform used during the working hours by the authorised person.
 - (ii) type of badge if available
 - (iii) the nature of the identity cards to be possessed by any authorised person
 - (iv) any such particulars the Council may deem necessary.

Offences

17.(1) No person may—

- (a) unlawfully attempt to obstruct, an authorized person in the exercise of his or her duties under these laws; or
- (b) unlawfully attempt to remove, remove or cause to be removed a wheel clamp; or

- (c) unlawfully attempt to remove or cause to be removed a motor vehicle from the secure compound

(2) any person found in contravention of these by-laws specified in Sub-section (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or both such fine and such imprisonment.

FIRST SCHEDULE (Section 3)

OFFENCES AND FIXED PENALTIES

<i>Item</i>	<i>Description of offence</i>	<i>Penalty in usd or equivalent zwd</i>
1	Park a motor vehicle other than in a parking lane on a section of the road in which parking places are demarcated.	US\$ 20.00
2	Park a vehicle or motor vehicle other than extreme left of the road (where parking is not defined) so as to cause obstruction to other traffic.	US\$ 30.00
3	Park a motor vehicle in such a manner that the vehicle or goods thereon extend beyond parking lines thereby obstructing traffic	US\$ 30.00
4	Park a motor vehicle upon any road or parking place for the purpose of sale, repair, garage.	US\$ 40.00
5	Park a motor vehicle in parking place designated for use by motor cycles, taxis or omnibus.	US\$ 20.00
6	Park a motor cycle, omnibus, taxi, other than in prescribed parking place	US\$ 20.00
7	Park a pedal cycle other than in prescribed parking area.	US\$ 5.00
8	Park a motor vehicle in front or across any exit from an entrance to service lane in such a way as to encroach upon the exit from or entrance to such lane except under direction of police officer or during a mechanical breakdown.	US\$ 40.00
9	Park any vehicle or motor vehicle where a prohibiting instruction of 'NO PARKING SIGN' is displayed.	US\$ 60.00
10	Unlawful parking in a loading and unloading zone	US\$ 30.00
11	Taxi-cab parking at any place not designated for a taxi cabs.	US\$ 30.00
12	Parking any motor vehicle within seven comma five metres (7,5 m) of an intersection unless in case of motor vehicle, it is in parking bay or compelled to do so by police, traffic light or traffic sign.	US\$ 60.00
13	Unlawful attempt to obstruct or cause to obstruct an authorised person to exercise duties in terms of these by-laws.	US\$ 100.00

SECOND SCHEDULE (Section 3)

Wheel Clamping and Storage Charges

PART I
Wheel Clamping Charges

<i>Item</i>	<i>Area</i>	<i>Charge (US\$)</i>
1	Anywhere in the council controlled area- Light vehicle weighing below 2,300 kilograms Heavy vehicle net mass of 2,300 and above	US\$15.00 US\$ 30.00

PART II
Storage Charges

<i>Item</i>	<i>Vehicle size</i>	<i>Charge (US\$)</i>
1	Heavy vehicle with a net mass of 2,300 kilograms and above (per day)	US\$50.00
2	Light vehicle weighing below 2,300 kilograms (per day)	US\$40.00