

Statutory Instrument 63 of 2015

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[CAP. 29:15]

Bulawayo City Council (Clamping and Tow-away) By-Laws, 2015

It is hereby notified that the Minister of Local Government, Public Works and National Housing has, in terms of the Urban Councils Act [Chapter 29:15], approved the following by-laws made by Bulawayo City Council:-

Title

1, These laws made be cited as the City Council (Clamping and Tow-away) By-laws, 2015.

Application

2. These by-laws shall apply to the area under the jurisdiction of the Bulawayo City Council

Interpretation

3. In these by-laws—

“authorized person” means any person employed or delegated by council to carry out any function in terms of these by-laws.

“Central business district” means the area bounded by Masotsha Ndlovu Avenue, 15th Avenue, Lobengula Street and Samuel Parirenyatwa Street

“Council” means Bulawayo city council.

“Council controlled area” - means any area within the jurisdiction of Bulawayo city council.

“Motor vehicle or vehicle”, means any motor vehicle or vehicle as defined in the Road Traffic act (Chapter 13:11) or any amendment thereto.

“Owner”, means any person in whose name a motor vehicle is registered, including any person duly authorized by the registered Owner to have possession and control of the motor vehicle and to whom documentary proof of the ownership has been vested.

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“Public parking area”, means any area designated as a parking a parking area in terms of the Bulawayo (Roads and Traffic) by-laws, 1978 published in statutory instrument 96 of 1978 and any other roads and traffic by-laws which council may from time to time make.

“Prescribed penalty”, means the penalty prescribed or acknowledged in terms of the Bulawayo (Roads and Traffic) By-Laws ,1978 published in statutory 96 of 1978.

“Secure compound”, means any area designated by council for the purpose of safekeeping of vehicles and motor-vehicles removed under these by-laws.

“Tow-away”, means the removal by an authorized person of a motor vehicle or vehicle that will have violated these by-laws to a secure a compound

“Wheel clamp”, means a device used to immobilize a motor vehicle or vehicle parked or .stationary in contravention of these by-laws.

Wheel clamping and Tow away

Any authorized person may, if he or she has reason to believe that a violation of traffic by-laws referred to in the Schedule has been committed—

- (a) Immobilize or cause such vehicle to be immobilized by way of a wheel clamp; and
- (b) If the motor vehicle has not been clamped 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 two hours has elapsed: Provided that a motor vehicle shall be clamped simultaneously with the issuance of a traffic ticket for the violation of the by-laws.

(2) Notwithstanding subsection (1), where the motor vehicle

is obstructing traffic, an authorized person may not clamp the vehicle first but shall immediately remove and tow away the motor vehicle to a secure compound.

(3) Risk in any motor vehicle removed to a secured compound in terms of these by-laws shall remain with the owner

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

(b) wheel clamping, tow away and storage charges specified in the schedule

Unclaimed vehicles

5(1) Council shall publish in any newspaper circulating within the council area list of vehicles immobilized and advise the owners to claim the vehicles within a period of thirty days.

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(2) Council shall sell by public action any vehicle that remains unclaimed thirty days after a notice has been published.

(3) Council shall deduct charges specified in the schedule from the proceeds of the sale of the motor vehicle and any balance shall be paid to the owner upon written request within thirty days from the date that such request is submitted.

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

(5) Any money not claimed within one year after the sale of the motor vehicle shall be forfeited to Council.

(6) Payment of the prescribed penalty, tow away and storage fees shall be made to Council financial Services Department, a Revenue Hall or to any of the authorized person who shall issue a miscellaneous receipt together with the duplicate of the ticket as proof of payment.

Designation

(6) Council shall publish n any paper circulating within the Council controlled area—

(a) any place designated as a secure compound; and

(b) the names of any persons appointed as an authorized persons.

Offences

7. Any person who—

(a) unlawfully attempts to obstruct, obstructs, or causes to be obstructed, any person in the exercise of his or her duties under these by-laws; or

(b) unlawfully attempts to remove, removes or causes to be removed a wheel clamp; or

© unlawfully attempts to remove, removes or causes to be removed a motor vehicle from a secure compound;

Shall be guilty of an offence and liable to a fine not exceeding level three or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Repeal

8. The Bulawayo City Council (Clamping and Tow-away) By-laws, 2006, published in Statutory 231 of 2006, are repealed

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SCHEDULE (Section 4)

OFFENCES AND FIXED PENALTIES OF THE BULWAYO (MUNICIPAL ROADS AND TRAFFIC LAWS) (OFFENCES AND FIXED PENALTIES) AND (CLAMPING AND TOW-AWAY) BYE-LAWS AND REGULATIONS.

PARKING

<i>Item</i>	<i>Section</i>	<i>Description of offence</i>	<i>Fixed Penalty</i>
1	1(1)	Park any vehicle other than a motor vehicle in any parking place designated by white boundary lines e.g. Trailers	\$20.00
2	1(2)(a)	Parking motor vehicles over lines of a parking bay or parking bays or across lines of parking bays : causing nuisance	\$20.00
	1(2)(b)	Parking motor vehicle over lines of a parking bay or parking bays or across lines of parking bays : causing danger (by day)	\$20.00
	1(2)©	Parking motor vehicle over lines of a parking bay or parking bays or across lines of parking bays : causing danger (by night)	\$0.00
3	1(3)	Park motor vehicle in parking place designated for taxi-cabs, buses, motor cycles or pedal cycles, or at a bus stop, reserved parking, loading zone or no parking place	\$20.00
4	1(4)	Park taxi-cab other than in prescribed taxi parking-place	\$20.00
	1(5)(d)	Bus	\$20.00
	1(5)©	Commuter omnibuses	\$20.00
	1(5)(e)	Enter or leave bus/commuter omnibus while such bus/commuter is in commuter is in motion	\$10.00
	1(5)(d)(i ii)	for second offence (within a period of 30 days)	\$20.00
	1(5)(d)(i v)	for third offence (within 30 days of first offence).....	\$0.00
5	1(5)(d)(i i)	Operate, Load or unload commuter omnibus, or bus from any place other than a parking place designated for the use of commuter omnibuses or buses.....	\$20.00
	1(5)	Park taxi cab, or any other approved public passenger vehicle/motor-vehicle, or	\$20.00

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		private motor vehicle for the purpose of loading passengers at an undesignated place. (where the said motor-vehicle, commuter omnibus or bus has once been found loading passengers at that particular place or less than 100m (one hundred metres) from such a place relying on previous arrests or records):.....	
	1(5)(a)	Small cars (five passengers and less).....	\$20.00
	1(5)(b)	Pick-up trucks and vehicles with a capacity of six or more passengers.....	\$20.00
		Small cars (with a capacity of seven passengers or less) or food carts (per day).....	\$20.00
	1(5)(d)(i)	Passenger boards passenger service motor vehicle/vehicle or any motor vehicle at an undesignated zone	\$5.00
6	1(6)	Park motor cycle, hand cart or bicycle other than in prescribed parking place.....	\$5.00
7	1(7)	Park motor vehicle in a parking place for a period longer than may be indicated by any sign erected by council or its approved contractors upon such parking.....	\$20.00
8	1(8)	Park motor vehicle (during normal working hours) which does not display a valid prepaid parking disc or failure to display a valid parking disc.....	\$10.00
9	1(9)	Park any vehicle other than a motor vehicle in any pre-paid parking bay.....	\$20.00
10	1(10)(i)	Park motor-vehicle displaying a pre-paid parking disc belonging to a different motor-vehicle or displaying a defaced or altered pre paid parking disc.....	\$20.00
	1(10)(ii)	Display a pre-paid parking disc (out) other than inside a motor vehicle.....	\$15.00
11	1(11)	Park vehicle or motor in a municipal car park other than in a demarcated parking bay.....	\$15.00
12	1(12)	Park any motor-vehicle, motor cycle or vehicle in front of any garage, place or driveway causing obstruction.....	\$20.00
13	1(13)	Park or drive motor vehicle or motor cycle which does not display a valid licence disc.....	\$20.00
13	1(13)(i)	Display a motor vehicle licence issued to a different motor vehicle.....	\$20.00
14	1(14)	Park motor-vehicle or vehicle in front of any building in course of erection where a "no parking" sign has been displayed or drive through a road under construction or being temporarily closed ignoring such signs like road closed, no through road, turn left, turn right.....	\$20.00

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15	1(15)(a)	Park motor-cycle within four metres of a corner.....	\$10.00
	1(15)(b)	Park motor-vehicle or vehicle within seven and a half (7,5) metres of a corner.....	\$20.00
16	1(16)(a)	Cause a motor vehicle to park in a service lane for more than forty five minutes after offloading).....	\$20.00
	1(16)(b)	Failure to comply with request by local authority remove the vehicle from a service lane.....	\$20.00
	1(16)(a)(i)	Failure to comply with directional signs upon entering or leaving service lane.....	\$20.00
	1(16)(a)(ii)	Authorized vehicles exceeding 9 tonnes.....	\$20.00
	1(16)(a)	Other vehicles.....	\$20.00
17	1(17)(a)	Park or drive motor vehicle upon a pavement.....	\$20.00
	1(16)(b)	Park or drive push cart/bicycle upon a pavement.....	\$10.00
18	1(18)	Park, drive upon, or across a carriage way.....	\$20.00
	1(18)(i)	Park motor vehicle carrying inflammables in a built up area.....	\$20.00
	1(18)(ii)	Deliver or load inflammable and hazardous liquids/chemicals without council's fire brigade authority (Authority shall be granted by the Chief Fire Officer).....	\$20.00
	1(18)(iii)	Park heavy vehicle in residential areas.....	\$20.00
19	1(19)	Parking of motor-vehicle or vehicle upon any parking place on any land or premises under the control of the council which has been set aside for the use by specific persons at specific times.....	\$20.00
20	1(20)(a)	Park other than extreme left of the road (a minimum of three meters) where parking is not defined causing obstruction: small vehicles.....	\$20.00
	1(20)(b)	Park other than extreme left of the road (a minimum of three meters) where parking is not defined causing obstruction: Medium sized vehicles.....	\$20.00
	1(20)(c)	Park other than extreme left of the road (a minimum of three meters) where parking is not defined causing obstruction: Heavy vehicles.....	\$20.00
	1(21)	Park motor-vehicle other than in a parking bay in an area where parking bays are	\$20.00

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21		marked.....	
	1(22)	Park truck, trailer or motor vehicle for the purpose of hire or sale on any council land without council authority.....	\$20.00
	1(23)	Unload commercial vehicle/motor outside a loading zone.....	\$20.00
	1(24)	Repair, oil, grease, wash or cause to be repaired, oiled or washed a motor vehicle or vehicle on any parking bay or municipal car park so as to cause dirt, nuisance or inconvenience.....	\$20.00
22	2(1)	Reverse out of a single-banked centre parking area.....	\$20.00
DRIVING			
Item	Section	Description of offence	Fixed Penalty
23	2(2)	Drive through centre parking without stopping.....	\$20.00
24	2(3)(a)	Commuter omnibus enters the central business district with passengers through an unauthorized route..	\$20.00
	2(3)(b)	Bus enters the central business district with passengers through an undesignated route.....	\$20.00
24	2(3)©	Commuter omnibus ply route contrary to its route authority.....	\$20.00
	2(3)(d)	Commuter omnibus cut or divert its intended route.....	\$20.00
	2(3)(e)	Failure to provide refuse receptacle in commuter omnibus or bus.....	\$5.00
	2(3)(f)	Throw litter out of motor vehicle.....	\$5.00
25	2(4)	Unauthorized Heavy duty vehicles with a capacity of 9 (nine) tonnes and above, drive through the Central Business District.....	\$20.00
	2(4)i	Overnight parking by vehicles in excess of 7 (seven) tonnes, including buses, within the Central Business District.....	\$0.00
26	2(5)	Driver of a taxi cab prevent or seek to prevent any person from engaging any taxi-	\$20.00

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		cab.....	
27	2(6)	Taxi-cab plying for hire other than from a prescribed parking-place.....	\$20.00
28	2(7)	Drive a taxi-cab without council licence/taxi badge.....	\$20.00
29	2(8)	Failure to display tariff of fares.....	\$20.00
	2(9)	Advertise or display on any taxi-cab tariff of fares higher than fare prescribed.....	\$20.00
30	2(10)	Owner or driver of taxi -cab allow person not licenced in terms of bye-laws to drive a taxi cab.....	\$20.00
31	2(11)	Driver of a taxi-cab charge or demand from passenger fare higher than fare prescribed.....	\$20.00
32	2(12)	Driver of taxi-cab fail to produce taxi licence or taxi badge renewal receipt.....	\$20.00
	2(12)(i)	Taxi cab carry more than three passengers at the back seat(s).....	\$5.00/extra passenger
	2(13)(i)	Cyclists ride other than in a single file on the road where there is no cycle per offender.....	\$0.00
	2(13)(2)(i)	Cyclists ride on the road where a cycle track is provided.....	\$5.00
	2(13)(2)(ii)	Dangerous cycling.....	\$5.00
	2(13)(3)	Failure to display/produce a push cart/bicycle valid licence disc (Cart or bicycle to be impounded)	\$5.00
	2(13)(4)	Failure to operate/park or operate along designated route points	\$10.00

PERMITS

<i>Item</i>	<i>Section</i>	<i>Description of offence</i>	<i>Fixed Penalty</i>
33	3(1)	Driver of a commuter omnibus fail to produce a valid route authority	\$20.00
34	3(2)	Bus driver, conductor or company fails to produce a valid route authority/permit	\$0.00
35	3(3)	Commuter omnibus or bus company fail to produce operators' licence	\$20.00
36	3(3)(i)	Taxi-cab fail to produce route authority/permit	\$20.00

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37	3(4)	Taxi company fails to produce an operator's licence	\$0.00
38	3(5)	(a) Failure to produce/display a fitness certificate (taxi-cabs)	\$15.00
	3(5)	(b) Failure to produce/display a fitness certificate (Commuter Omnibuses)	\$20.00
	3(5)	© Failure to produce/display a fitness certificate (Buses)	\$20.00

TERMINUS REGULATIONS

<i>Item</i>	<i>Section</i>	<i>Description of offence</i>	<i>Fixed Penalty</i>
		Park motor vehicle other than a public service vehicle in the terminus	\$15.00
	4(1)(1)	Bus enter terminus without route authority/road service permit	\$20.00
	4(1)(2)	Park bus at a bay not designated to the route it plies	\$20.00
	4(1)(3)	Park bus or minibus in a drive way	\$20.00
	4(1)(4)	Park bus to cause obstruction in the terminus	\$20.00
	4(1)(5)	Park bus overnight in the terminus	\$20.00
	4(1)(6)	Bus/minibus or motor vehicle oppose 'way in' and 'way out' signs in the terminus	\$20.00
	4(1)(7)	Bus/minibus fail to display destination board as it enter, park or leave the terminus	\$20.00
39	4(1)(8)	Park bus more than one hour in the terminus (overstaying)	\$20.00/hour or part thereof
	4(1)(9)	Bus load/offload passengers from outside termini	\$20.00
	4(1)(10)	Commuter omnibus cause obstruction in the terminus	\$20.00
	4(1)(11)	Wash, clean or sweep commuter omnibus in the terminus	\$20.00
	4(1)(12)	Repair commuter omnibus in the terminus	\$20.00
	4(1)(13)	Repair, oil or grease bus in the terminus	\$20.00
	4(1)(14)	Bus fail to stick to it's timetable	\$20.00
	4(1)(14)	Park any vehicle other than a public service vehicle in the terminus	\$15.00
	4(1)(16)	Failure to pay terminus entry fees (Commercial vehicles)	\$20.00
	4(1)(16)	Failure to pay terminus entry fees (Private vehicles)	\$20.00
	4(1)(17)	(a) Public service vehicle (as defined in the Road Traffic Act) refuels with passengers on board or touts for customers at service station (Metered taxis)	\$20.00
	4(1)(17)	(b) Public service vehicle (as defined in the Road Traffic Act) refuels with passengers on board or touts for customers at service station (Commuter omnibuses)	\$20.00

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	4(1)(17)	(b) Public service vehicle (as defined in the Road Traffic Act) refuels with passengers on board or touts for customers at service station (Buses)	\$20.00
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“OTHERS”

Item	Section	Description of offence	Fixed Penalty
	5(1)	© Congregate with others causing obstruction in public place, road, pavement, footway or sidewalk (per person)	\$5.00/person
	5(2)	Display a billboard, advertisement signs on the pavement, street light, traffic light poles	\$20.00
40	5(3)(a)	Display hardware goods/furniture for sale on the pavement	\$20.00
	5(3)(b)	Other items eg. Sweets, clothes, fruits etc)	\$20.00
	5(3)(c)	Failure to remove goods after issue of ticket to result in confiscation of items	
	5(4)(1)	Display vehicle, motor vehicle, trailer or caravan for sale in a parking bay or any municipal land without Council Authority	\$20.00
	5(4)(2)	Display "Reserved Parking" sign without Council approval or block off designated parking bays with whatever means	\$20.00
41	6(1)	Obstruct an emergence vehicle (Fire and Ambulance Services) en-route to a call with a siren and beacon lights ON	\$20.00
	6(2)	Any person who	
	6(2)	(a) unlawfully attempts to obstruct or causes to be obstructed an authorized person in the exercise of his/her duties under these by-laws	
41		(b) Any person who (b) unlawfully attempts to remove, removes or causes to be removed a wheel clamp	
		© unlawfully attempts to remove, removes or causes to be removed of a motor vehicle from a secure compound	
		Shall be guilty of an offence and liable to a fine of \$50.00 (Fifty United States Dollars) or equivalent according to the fine schedule or one year imprisonment	
		Bicycles	
		Push carts (per day)	
42	7.	A default penalty of 33% (thirty three percent) shall be charged on any fine not settled within four working days rounded to the nearest dollar	
43	8.	Abandoned motor vehicle/vehicle will be given a ten days notice of which failure to remove them will result in Council towing them to a secure compound at a cost	
44	9.	A motor vehicle/vehicle will be clamped and towed away/impounded to a secure compound for unpaid tickets with a clamping fee of \$ 10.00 being charged on top of the outstanding fine(s).	

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STORAGE FEES FOR IMPOUNDED VEHICLES

Small vehicles with a capacity of seven passengers or less or food carts	\$20.00/day
Medium cars (8 or more passengers) and 1 tonne pick-up trucks	\$20.00/day
Kombis, minibuses up to five tonne trucks	\$20.00/day
Heavy vehicles and buses	\$20.00/day
Motor Cycles	\$10.00/day
Push-cart-cycles	\$5.00/day
Bicycles	\$3.00/day

ALL FINES ARE APPLICABLE IN UNITED STATES DOLLARS AND ANY EQUIVALENT CURRENCY (AT THE OFFICIAL BANK RATE) THAT MAY SUBSTITUTE THE UNITED STATES DOLLAR AND TRADE AS LEGAL TENDER FOR ZIMBABWE.