

# CITY OF BULAWAYO



## STATUTORY INSTRUMENT 231 OF 2006

[CHAPTER 29:15]

---

### Bulawayo (Clamping And Tow Away) By-Laws, 2006

---

IT is hereby notified that the Minister of Local Government, Public Works and Urban Development has, in terms of **Section 229** of the Urban Councils Act [**Chapter 29:15**], approved the following by-laws made by Bulawayo City Council:-

#### TITLE

1. These by-laws may be cited as the Bulawayo [**Clamping and Tow Away**] By-laws, 2006.

#### Application

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

#### INTERPRETATION

3. In these by-laws:-

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

“Central Business District” means the area bounded by Masotsha Ndlovu Avenue, 15<sup>th</sup> Avenue, Lobengula Street and Samuel Parirenyatwa Street.

“Council” means Bulawayo City Council;

“Council controlled area” means any area within the jurisdiction of the City Council of Bulawayo.

“Motor vehicle” means a motor vehicle as defined in the Road Traffic Act [Chapter 13:11];

“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 the documentary proof of ownership is vested;

“Public parking area” means any area designated as 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 in terms of the Bulawayo (Roads and Traffic) By-Laws, 1978’ published in Statutory Instrument 96 of 1978;

“Tow away” means the removal by an authorized person of a motor vehicle parked or stationary in contravention of these by-laws.

#### **WHEEL CLAPMING AND TOW AWAY**

4. An authorized person may, if he/she has reason to believe that a violation of the Bulawayo (Roads and Traffic) By-Laws, 1978, published in Statutory Instrument 96 of 1978, has been committed, immobilize or cause such motor vehicle to be immobilized by way of a wheel clamp:

Provided that no motor vehicle shall be clamped without a traffic ticket having been issued first;  
(2) an authorized person may remove or cause to be removed any motor vehicle immobilized in terms of these by-laws, to a secure compound.

(3) risk in any motor vehicle removed to a secured compound in terms of the by-laws, to a secure compound shall remain with the owner.

(4) a motor vehicle removed to a secured compound shall be released upon payment by the owner of such motor vehicle of:-

(a) prescribed penalty; and

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

(5) (1) Council shall publish a notice in a newspaper circulating within the city council area a list of vehicles immobilized and advise the owners to claim the vehicles within a period of 30 days.

(2) Council may sell by public auction any vehicle that remains unclaimed 30 days after a notice has been published.

(3) Council shall deduct the charges specified in the schedule from the proceeds of the sale of the motor vehicle and any balance shall be paid to the owner within 30 days from the date on which the owner submits to the Council a written request for such payment.

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

(5) Any money unclaimed within one year after the sale of the motor vehicle shall be forfeited to Council.

#### **DESIGNATION**

7. Council shall publish in any newspaper circulating within the council controlled area:-

- (a) Any place designated as a secure compound; and
- (b) the names of any persons appointed as authorized persons.

8. Payment of the prescribed penalty, tow away and storage charges shall be made to council’s City Treasurer’s or to an authorized person.

**OFFENCES**

9. Any person who:-

- (a) unlawfully attempts to obstruct or causes to be obstructed, an authorized person in the exercise of his/her duties under these by-laws; or
- (b) unlawfully attempts to removed, removes or causes to be removed a wheel clamp; or
- (c) Unlawfully attempts to remove, removes or causes to be removed a motor vehicle from the secure compound;

Shall be guilty of an offence and liable to a fine not exceeding level 5 or one year imprisonment or to both such fine and imprisonment.

SCHEDULE (Section 4)

**PART 1**

**WHEEL CLAMPING CHARGES**

Item	Area	Charge US (\$)
1.	Anywhere in council controlled area-	
	(a) Light Vehicle.....	<b>15.00</b>
	(b) Heavy vehicle .....	<b>36.00</b>

**PART 11**

**STORAGE CHARGES**

Item	Vehicle Size	Charge US (\$)
1.	Heavy Vehicle.....	<b>30.00/day</b>
2.	Light Vehicle.....	<b>15.00/day</b>
3.	Clamping fees.....	

A day will mean normal business hours starting at 0800 hours to close of business hours ending at 1645 hours.

All charges exclude Vat which will be calculated separately.

10. For the avoidance of doubt, the amounts in these by-laws are denominated in accordance with the new currency system as defined in **Statutory Instrument 199 of 2006**.

IT SHALL BE NOTED THAT STATUORY INSTRUMENT 231 OF 2006 SUPPORTS AND DEALS WITH OFFENCES HIGHLIGHTED IN STATUTORY INSTRUMENT 218 OF 2003