

City of Bulawayo (Clamping and Tow-away) By-laws, 2023

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

Title

1. These by-laws may be cited as the City of Bulawayo (Clamping and Tow-away) By-laws, 2023.

Interpretation

2. In these by-laws—

“authorised 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 City of Bulawayo;

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

“motor vehicle or vehicle” means any motor vehicle or 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 authorised by the registered owner to have possession and control of the motor vehicle and to whom documentary proof of the ownership has been vested;

“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 authorised 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 immobilise a motor vehicle or vehicle parked or stationary in contravention of these by-laws.

Application

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

Wheel clamping and tow away

4. (1) Any authorised 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) immobilise or cause such vehicle to be immobilised 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;

and

- (c) in the case of either a co-operating or first time offender, an authorised person may escort the offender to a secure compound with the owner or driver of the offending vehicle driving. An authorised person, provided is licensed according to the Road Traffic Act [*Chapter 13:11*], may drive an impounded vehicle to the storage compound at a cost equivalent to that of tow fees. Any accident, harm or injury to both the authorised person and impounded vehicle or motor vehicle shall be the responsibility of the owner of the vehicle together with medical expenses that may occur thereto and the car might be sold by council at an auction in case the offender fails to take such a responsibility. Any person or driver who drives or takes an escorting detail to a place other than storage yard shall be liable to charges of kidnapping or any other charge in terms of the criminal laws.

(2) Notwithstanding subsection (1), where the motor vehicle is obstructing traffic, an authorised 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—

- (a) a specified penalty; and
- (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 immobilised and advise the owners to claim the vehicles within a period of thirty (30) days.

(2) Council shall sell by public action any vehicle that remains unclaimed thirty (30) 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 (30) days from the date that such request is submitted.

(4) Council shall operate a special account into which money realised 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 authorised person who shall issue a miscellaneous receipt together with the duplicate of the ticket as proof of payment.

Designation

6. 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 an authorised persons.

Offences

7. (1) 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
- (c) 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 3 or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(2) Abandoned vehicles or motor vehicles and trailers will be given a ten (10) days' notice to be removed, failing which council shall tow them to a secure compound at a cost to the owner.

(3) Abandoned motor vehicle shells and wracks, those with punctured tyres, parked in council bays or any council land unlicensed in terms of the Road Traffic Act [*Chapter 13:11*] shall be regarded as dirt and nuisance and removed immediately to a secure compound without notification at a cost to the owner.

(4) Vehicles or motor vehicles in a dirty and filthy state not displaying valid licence discs will be immediately removed from the road or any area under the jurisdiction of the at a cost to the owner.

(5) Push carts shall not be allowed in the part of the central business area bounded by Nelson Kutshwekhaya (N.K.) Ndlovu Avenue, Lobengula Street, Joseph Msika Avenue and R. Mugabe Way, any violation will attract a level 1 fine plus impounding costs.

Indemnity

8. (1) Council shall be indemnified against any damages that may occur in the opening by authorised persons of motor vehicles that

will be subjected to towing and any vehicle or motor vehicle whose owner or driver fail to pay before close of business shall be towed to a secure compound with or without owner’s consent.

(2) Vehicles that load passengers from undesignated areas, those that do not meet Road Motor Transportation Act [*Chapter 13:15*], Public Service vehicle requirements and those engaged in piracy whether locally or foreign registered, may after clearing fines with council be handed over to the government vehicle engineering department, the police, Zimbabwe Revenue Authority or any other government arm of the law for inspection and clearance.

Repeal

9. The Bulawayo City Council (Clamping and Tow-away) By-laws, 2015, published in Statutory Instrument 63 of 2015, are hereby repealed.

SCHEDULE

OFFENCES AND FIXED PENALTIES OF THE CITY OF BULAWAYO
(CLAMPING AND TOW-AWAY) BY-LAWS, 2022

PARKING

| Item | Section | Description of Offence | Level |
|------|---------|---|-------|
| 1. | 1(1) | Park any vehicle other than a motor vehicle in any parking place designated by white boundary lines e.g trailers..... | 3 |

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| Item | Section | Description of Offence | Level |
|------|---------|---|-----------------------------|
| 2. | 1(2) | Park motor vehicle over lines of a parking bay or parking bays or across lines of parking bays : Causing nuisance..... | 3 |
| | | Causing danger by day..... | 3 |
| | | Causing danger by night..... | 3 |
| 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... | 3 |
| 4. | 1(4) | Park taxi-cab other than in prescribed taxi parking-place. | 3 |
| 5. | 1(5) | Park taxi-cab, any other approved public passenger vehicle/ motor vehicle or private motor-vehicle for the purpose of loading passengers at an undesignated place. (Where the said motor-vehicle, commuter omnibus, bus or any other vehicle 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). | 3 |
| | 1(5)a | Passenger board passenger service vehicle/vehicle or any motor vehicle at an undesignated zone/place..... | 1 |
| | 1(5)b | Operate, load or unload motor vehicle/ vehicle, commuter omnibus or bus from any place other than a place designated for the use of commuter omnibuses or buses..... | 3 |
| | 1(5)c | For second offence | 3 |
| | 1(5)d | For the third time or more | Impound and refer to court. |

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| Item | Section | Description of Offence | Level |
|------|----------|--|-----------------------------|
| | 1(5)e | Public Service/Non Public Service Vehicle (Not registered as a Public Service Vehicle in terms of the Zimbabwe Road Traffic Act), load/drop passenger(s) at designated or undesignated place(s)..... | 3 |
| | 1(5)e(1) | Foreign registered motor vehicle/vehicle operate public transport service from any area under the jurisdiction of the City without Council approval (such to be impounded for a minimum of 7 days, to produce original vehicle registration book and route authority/permit, cleared by ZRP Traffic, Ministry of Transport and ZIMRA)..... | 3 |
| | 1(5)e(2) | Bus load passengers from a non designated place (minimum impound of 24 hours)..... | 3 |
| | 1(5)f | Taxi cab, metered or unmetered conduct stage carriage on the carriage of passengers..... | 3 |
| | 1(5)g | Motor vehicle (public or non-public service vehicle) hoot for passengers in the CBD and residential areas causing nuisance/ noise..... | 2 |
| 5. | 1(5)h | Taxi cab carries more than four passengers..... | Level 1 per extra passenger |
| 6. | 1(6) | Park motor-cycle, hand cart or bicycle other than in prescribed parking place | 1 |
| 7. | 1(7) | Park motor vehicle upon a parking place for a period longer than may be indicated by any sign erected by council or it's approved contractors upon such parking.... | 2 |
| 8. | 1(8) | Park motor vehicle (during normal working hours) which does not display a valid pre-paid parking disc or failure to display a valid pre-paid parking disc..... | 1 |
| 9. | 1(9) | Park any vehicle (i.e trailer, truck, bus etc) other than a motor vehicle which fits the size of a parking bay in any pre-paid parking bay/zone..... | 2 |

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| Item | Section | Description of Offence | Level |
|------|--------------|--|---|
| 10. | 1(10) | 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 | 2 |
| | 1(10)i | Display a pre-paid parking disc (outside) other than inside a motor vehicle. | 2 |
| 11. | 1(11) | Park vehicle or motor vehicle in a municipal area other than in a demarcated parking bay..... | 2 |
| | 1(11)i | Conduct goods or fruit sales on car boots, vehicles or trucks | 3 including impound of both the motor vehicle and the wares |
| 12. | 1(12) | Park any motor-vehicle, motor-cycle or vehicle in front of any garage, place or drive-way causing obstruction | 3 |
| 13. | 1(13) | Park or drive motor-vehicle or motor-cycle which does not display a valid licence disc..... | 2 |
| 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 etc..... | 3 |
| 15. | 1(15)(a) | Park motor-vehicle or vehicle within seven and a half (7,5) metres of a corner..... | 3 |
| | 1(15)(b) | Park motor-cycle within four metres of a corner | 2 |
| 16. | 1(16)(a) | Cause a motor vehicle to park in a service lane more than forty-five minutes after offloading..... | 3 per hour or portion thereof. |
| | 1(16)(a)(i) | Failure to comply with request by Local Authority to remove vehicle from a service lane..... | 3 per hour or portion thereof |
| | 1(16)(a)(ii) | Failure to comply with directional signs upon entering or leaving service lane | 3 |
| | 1 (16)b | Authorised vehicles exceeding 9 tonnes | 3 |

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| Item | Section | Description of Offence | Level |
|------|-----------|---|-------|
| | | Other vehicles | 3 |
| 17. | 1(17) | Park or drive motor vehicle upon a pavement | 3 |
| | | Park or drive push cart/bicycle upon a pavement | 2 |
| 18. | 1(18) (i) | Park or drive across a carriage way/ service lane or in any road or thoroughfare opposing directional signage.... | 3 |
| | 1(18)i | Park motor vehicle/vehicle carrying inflammables in a built up area..... | 3 |
| | 1(18)ii | Deliver or offload inflammable and hazardous liquids/chemicals without council's Fire Brigade authority (Authority shall be granted by the chief fire officer) | 3 |
| | 1(18)iii | Park heavy duty vehicles in residential areas | 3 |
| 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..... | 3 |
| 20. | 1(20) | Park other than extreme left of the road (a minimum of three metres) where parking is not defined causing obstruction..... | |
| | 1(20)a | Small vehicles..... | 3 |
| | 1(20)b | Medium size vehicles..... | 3 |
| | 1(20)c | Heavy vehicles..... | 3 |
| 21. | 1(21) | Park motor-vehicle other than in a parking bay in an area where parking bays are marked..... | 3 |
| | 1(21)i | Park truck, trailer or motor vehicle for the purpose of hire or sale on any council land without council authority..... | 3 |
| | 1(21)ii | Unload/load commercial vehicle/ motor vehicle outside a loading zone..... | 3 |

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| Item | Section | Description of Offence | Level |
|---------|----------|--|-------|
| | 1(24) | Repair, oil, grease, wash or cause to be repaired, oiled, greased or washed a motor vehicle or vehicle on any parking bay or municipal car park so as to cause dirty, nuisance or inconvenience..... | 3 |
| DRIVING | | | |
| 22. | 2(1) | Reverse out of a single-banked centre parking area..... | 3 |
| 23. | 2(2) | Drive through centre-parking without stopping..... | 3 |
| 24. | 2(3)(a) | Commuter omnibus/bus enter central business district with passengers through an unauthorised route..... | 3 |
| | 2 (3)(b) | Bus enters the central business district with passengers through an undesignated route | 3 |
| | 2(3)(c) | Commuter omnibus ply route contrary to its route authority..... | 3 |
| | 2(3)(d) | Commuter omnibus cut or divert its intended route..... | 3 |
| | 2(3)(e) | Fail to provide refuse receptacle in communter omnibus or bus | 1 |
| | 2(3)(f) | Throw litter out of motor vehicle | 1 |
| 25. | 2(4) | Unauthorised heavy duty vehicles with a capacity of 9 (nine) tons and above drive through the Central Business district..... | 3 |
| | 2(4)i | Overnight parking by vehicles in the excess of 7 (seven) tons, including buses, within the central business district. | 3 |
| 26. | 2(5) | Driver of a taxi cab prevent or seek to prevent any person from engaging any taxi-cab..... | 3 |
| 27. | 2(6) | Taxi-cab plying for hire other than from a prescribed parking-place..... | 3 |
| 28. | 2(7) | Drive a taxi-cab without council licence/ taxi badge..... | 3 |
| 29. | 2(8) | Failure to display tariff of fares | 3 |
| 30. | 2(9) | Advertise or display on any taxi-cab tariff of fares higher than fare prescribed..... | 3 |

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| Item | Section | Description of Offence | Level |
|------|--------------|---|-----------------------|
| 31. | 2(10) | Owner or driver of taxi-cab allow person not licensed in terms of bye-laws to drive a taxi-cab..... | 3 |
| | 2(10)(i) | Driver of taxi cab produce/use taxi badge not belonging to self..... | 3 |
| | 2(10)ii | Driver of a taxi-cab charge or demand from passenger fare higher than prescribed..... | 2 |
| 32. | 2(11) | Driver of taxi-cab fail to produce taxi license or taxi badge renewal receipt..... | 2 |
| | 2(12)(1) | Taxi cab carry more than three passengers at the back seat(s) | 1 per extra passenger |
| | 2(13)i | Cyclists ride other than in a single file on the road where there is no cycle track..... | 1 per offender |
| | 2(11)ii | Cyclists ride on the road where a cycle track is provided. | 1 |
| | 2(13)(2)(ii) | Dangerous cycling | 1 |
| | 2(13)(3) | Failure to display/produce a push cart/ bicycle valid license disc (the cart or bicycle to be impounded)..... | 1 |
| | 2(13)(4) | Failure to park or operate push cart along designated routes/ points..... | 1 |
| 33. | 3(1) | Driver of a commuter omnibus fail to produce a valid route authority | 3 |
| 34. | 3(2) | Bus driver/conductor or company fail to produce a valid route authority/ permit..... | 3 |
| 36. | 3(4) | Taxi-cab fail to produce route authority/ permit..... | 3 |
| 37. | 3(5) | Taxi company fails to produce an operator's licence..... | 3 |
| 38. | 3(6) | Failure to produce/display a certificate of fitness..... | |
| | | (a) Taxi cabs | 2 |
| | | (b) Commuter omnibuses | 3 |
| | | (c) Buses | 3 |

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| Item | Section | Description of Offence | Level |
|-----------------------------|-----------|--|------------------------------------|
| TERMINUS REGULATIONS | | | |
| 39. | 4(1)1 | Bus enter terminus without route authority/ road service permit..... | 3 |
| | 4(1)2 | Park bus at a bay not designated to the route it plies..... | 3 |
| | 4(1)3 | Park bus or minibus in a drive way | 3 |
| | 4 (1)(4) | Park bus to cause obstruction in the terminus | 3 |
| | 4(1) (5) | Park bus overnight in the terminus | 3 |
| | 4 (1)(6) | Bus, minibus or motor vehicle oppose 'way in' and 'way out' as directed by the signs in the terminus | 3 |
| | 4(1)(7) | Bus/minibus fail to display destination board as it enter, park or leave the terminus..... | 3 |
| | 4(1)(8) | Park bus more than one hour in the terminus (overstaying)..... | 3 (per hour or part thereof) |
| | 4(1)(9) | Bus load /offload passengers from outside terminus..... | 3 |
| | 4(1)(10) | Commuter omnibus cause obstruction in the terminus..... | 3 |
| | 4(1)(11) | Wash, clean or sweep bus/commuter omnibus in the terminus, road or undesignated place..... | 3 |
| | 4(1)(12) | Repair bus/commuter omnibuses in the terminus..... | 3 |
| | 4(1)(13) | Repair, oil or grease bus in the terminus..... | 3 |
| | 4(1)(14) | Bus fail to stick to its timetable | 3 |
| | 4(1) (15) | Park any vehicle other than public service vehicle in the terminus | 2 |
| | 4(1)(16) | Failure to pay terminus fees (a) Commercial vehicles (b) Private vehicles | 3 3 |

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| Item | Section | Description of Offence | Level |
|--------|-----------|---|-----------------------|
| | 4(1)17 | Public service vehicle (as defined in the Road Traffic Act) refuels with passengers on board or touts for customers at service station: (a) metered taxis (b) Commuter Omnibus/minibuses (c) Buses | 3 3 3 |
| OTHERS | | | |
| 40. | 5(1) | Congregate or seat/stand with others causing obstruction in a public place, road, pavement or sidewalk | 1/person |
| | 5(2) | Display a billboard, advertisements signs on the pavement, street light/traffic light poles | 3 |
| | 5(3)(a) | Display hardware goods/furniture for sale on pavement | 3 |
| | 5(3)(b) | Other items (e.g sweets, clothes, fruit) | 3 |
| | 5(3)(c) | Failure to remove goods after issue of ticket | 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 | 3 |
| | 5 (4) (2) | Display 'reserved' parking sign without council approval or block off designated parking bays with whatever means | 3 |
| 41. | 6(1) | Obstruct an emergency vehicle (Fire and Ambulances services) enroute to a call with a siren and beacon lights | 3 |
| | 6(2) | Any person who: (a) unlawfully attempts to obstruct or causes to be obstructed an authorized person in the exercise of his duties under these by laws; or (b) unlawfully attempts to remove, removes, or causes to be removed a wheel clamp; or (c) unlawfully attempts to remove, or removes or causes to be removed a motor vehicle from a secure compound, Shall be guilty of an offence and liable to a level 3 fine or 1 year imprisonment or both such fine and imprisonment | |

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| Item | Section | Description of Offence | Level |
|------|---------|--|-------|
| 42. | 7 | A default penalty of 33% shall be charged on any fine not settled within four working days rounded off to the nearest dollar | |
| 43. | 8 | Abandoned vehicles/motor vehicles will be given a ten day's notice of which failure to remove them will result in Council towing them to a secure compound at a cost | 3 |
| 44. | 9 | A motor vehicle/vehicle will be clamped and towed away/impounded to a secure compound for unpaid/outstanding fines with a clamping fee equivalent to level 2 fine being charged on top of the outstanding fines. | 2 |

STORAGE FEES FOR IMPOUNDED VEHICLES

| Catagory | Level |
|--|----------------------------|
| Small cars with a capacity of seven passengers or less or food carts | 1 per hour or part thereof |
| Medium cars (8 or more passengers) and 1 tone pick-up trucks | 2 per hour or part thereof |
| Kombis, minibuses up to five tonne trucks | 2 per hour or part thereof |
| Heavy vehicles and buses | 3 per hour or part thereof |
| Motor cycles | Level 2/day |
| Push carts | Level 1/day |
| Bicycles | Level 2/day |

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