

Mberengwa Rural District Council (Abandoned Vehicle) By-laws, 2023

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ARRANGEMENT OF SECTIONS

*Section*

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*Title*

1. These by-laws may be cited as the Mberengwa Rural District Council (Abandoned Vehicles) 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 Mberengwa Rural District Council

“designated area” means all area under the jurisdiction of Mberengwa Rural District Council where abandoned vehicles are disposed such as land fill

“abandoned vehicle” means a vehicle that has remained on public property or any other place open to travel by the public without the consent of the council for a period of 48 hours after a municipal police or zrp has affixed a written notice to the vehicle.

“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—

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

*Disposal*

- 3.(1) No vehicle shall be placed, left at any open place, road side or any land for the purpose of dumping without the consent of council.

(2) If the abandoned vehicle is left unattended to after 48 hours, council shall endeavour to look for the owner of the abandoned vehicle and notice him by way of a written document.

(3) Failure by the owner to remove their abandoned vehicle within a period of 7 working days the council shall

(4) Upon heeding the notice from council, the owner of the abandoned vehicle shall pay to council towing and storage fees.

(5) Should the owner of the abandoned vehicle fail to remove their vehicle within 7 working days, council shall tow away the abandoned vehicle to a storage facility at the expense of the owner.

(6) If the owner of the abandoned vehicle fails to redeem their abandoned vehicle for 60 days, council shall dispose of the vehicle through an advertised auction to recover expenses.

#### *Liability*

4.(1) Prior to the removal or towing away of the vehicle to a storage facility, council shall make an assessment of the condition of the abandoned vehicle.

(2) Any such observed defects, missing vehicle parts and broken gadgets are recorded into the inventory sheet and communicated to the owner of the abandoned vehicle and also copied to Zimbabwe Republic Police.

#### *Designation*

5. 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*

6.(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.

*Offences and penalties table*

<i>Item</i>	<i>Description of offence</i>	<i>Penalty in usd</i>
1	Dumping a vehicle, a nun – runner or any disused vehicle in an open space or on the road reserve anywhere in the council – controlled area	US\$ 30.00
2	Towing away abandoned vehicles shall be charged - based on tariffs stipulated in the council budget	US\$ 30.00
3	Storage fees for towed-away vehicles shall be reviewed by the council from time to time	US\$ -
4	Unlawful attempt to obstruct or cause to obstruct an authorized person to exercise duties in terms of these by-laws.	US\$ 100.00
5	Other expenses such as vehicle assessment costs prior to the towing away of the vehicle shall be as per the council budget	US\$ -