

Mberengwa Rural District Council (Traffic) By-laws, 2023

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**ARRANGEMENT OF SECTIONS**

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***Title***

1. These by-laws may be cited as the Mberengwa Rural District Council (Traffic) By-laws, 2023;

***Application***

2. These by-laws shall apply to all the areas under the jurisdiction of Mberengwa Rural District Council.

***Interpretation***

3. *In these by-laws--*

“authorized person” means police officer or any other person duly authorized by council in terms of section 10;

“designated area” means-

- (a) A parking place; or

- (b) In the case of Jerera Bus Terminus; or
- (c) Any suitable site established as a bus terminus by the council

“driver” means the operator of a motor 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---

- (a) A vehicle propelled by mechanical power and specially designed and constructed (and not merely adapted) for the use of persons suffering from some physical defect or disability, and solely by such person; and
- (b) An auto-cycle;

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

“parking-place” means a place designated by prescribed parking signs or 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
- (c) Any other vehicle used to carry passengers

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

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

“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 animals is ridden led or driven.

### ***Parking***

4. (1) Where parking-places have been demarcated in any section of the road, no person shall park a motor-vehicle or an vehicle in any part of that section other 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, exit from a garage or driveway.

(2) 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 maybe.

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

5. (1) No person shall park motor-vehicle in a parking-place in such a manner that any part of the motor-vehicle or any part of the motor vehicle or any road 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 passenger motor-vehicle picking up and setting down of passengers***

6. No driver of a passenger motor-vehicle plying for hire shall stop to pick up or set down passengers except at a designated area.

***Parking on sidewalk or foot-path***

7. Except for the purpose of crossing a sidewalk or footpath 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 footpath.

***Visibility Obstruction***

8. (1) No owner or occupier of any land situated at a dangerous corner shall erect, place or plant, any wall, fence, bill boards, tree, shrub or hedge in such a manner as to obstruct the visibility of traffic using such road.

(2) The Council may require the owner or occupier of any land referred in subsection (1) above , by written notice serve to the owner or occupier of such obstruction who within ten days from the date of receipt of the written notice shall remove or demolish such obstruction.

(3) If after being required to do so in terms of subsection (2) the owner or occupier referred to in that subsection refuses or fails to remove or to lower the height of the fence ,garden, wall, tree shrub or hedge concerned, within the stipulated period, Council shall have the right, after giving notice in writing to such owner or occupier, to enter upon the land and to remove the fence, garden, wall, tree, shrub or hedge concerned or to lower it to such height referred to in subsection (1) as the case may be.

***Parking Fee and parking disc***

9. (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 with a parking disc which he or she shall display on the passenger motor-vehicle.

***Authorized person***

10. For the purposes of these by-laws the term authorized person refer to-

- (a) council staff members manning the designated area to enforce these by-laws; and
- (b) the Zimbabwe Republic Police.

11.

***Clamping and towing away of vehicles***

1. Clamping of public and private vehicles shall be instituted on all motorized vehicles found:

- (a) Parking or driving on side walk or foot-path
  - (b) At the entrance to, or exit from a service lane
  - (c) Driving or parked on top of pavement or road reserve
  - (d) Driving on road under construction
  - (e) Driving on a newly surfaced pavement or any other site that may provide a risk to the public and other traffic
  - (f) Picking and dropping passengers at an undesignated area.
  - (g) Loading and offloading goods on an undesignated zone
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 these by-laws 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) the prescribed penalty; and
  - (b) Wheel clamping, tow-away and storage charges specified in the schedule.

***Unclaimed vehicles***

5. (1) Council shall publish a notice in a newspaper circulating within 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 thirty days after the 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 the owner within 30 days from the date on which the owner submits to council a written request for such payment.
- (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 by Council.

***Expenses incurred by council***

12. Any expenses incurred by the council in consequence of any contravention of these by-laws shall be borne by the person guilty of such contravention.

### **Animal drawn vehicles**

13. No person shall cause or permit-

- a) An animal drawn vehicle to travel on an undesignated route.
- b) An animal drawn vehicle to be driven at night within the council area unless the animal drawn vehicle is being led by an adult and adequate measures have been taken to warn other road users of the presence on the road of such animal drawn vehicle;
- c) An animal released from an animal drawn vehicle to wander except in the approved animal parking zone.
- d) An animal drawn vehicle to travel in the Council area unless the vehicle is being led by an adult and adequate measures have been taken to warn other road users of the presence on the road of the animal drawn vehicle.

### **18. Axle loading**

- i. No person shall drive on any road,
  - a) Any motor vehicle if the force applied to the surface of such road by the wheels of a single axle of such vehicle or motor vehicle exceeds that which would be imposed by a mass of-  
-7 700 kg if such is supplied with less than four road wheels; or  
-8 000 kg if such axle is supplied with four or more road wheels;
  - b) Any motor vehicle or train of vehicles if the total force applied to the surface of such road by the wheels attached to two or more consecutive axles of such vehicles exceeds the total force which should be imposed by the mass specified in the first schedule to Road Traffic.

Axle loading Regulations 197, corresponding to the distance between the first and last single axles of such group axles.

- ii. No person shall drive a vehicle with the capacity of more than two tonnes in a residential area unless that vehicle is undertaking delivery
- iii. The Council may exempt any particular vehicles from the provision of this section for such period and subject to such conditions as the Council may impose.

All notices and signs placed in or upon any road or car park shall be obeyed by all persons using such road or car park.

### **15. Taxi cabs plying for hire**

No person shall:

- a) Ply for hire with a taxi cab from any place other than a parking place which has been designated for the use of taxi cabs unless hailed whilst in motion;

- b) Park a taxi in any street or thoroughfare other than in such a place except when depositing or picking up passengers;
- c) Operate an unregistered vehicle as a taxi cab within council area.

**16. Motor Omnibuses**

- a) No person shall:
  - i. 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
  - ii. Cause or permit passengers or goods to be picked up by, or set down from a vehicle within seven meters of an intersection.
- b) No omnibus may use a route within the Council area unless that route has been designated as a route for such purposes.
- c) 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.
- d) All motor omnibuses, passing through Mberengwa on long routes are required to stop at designated Council bus terminuses.

***Offences***

17. Any person who-

- (a) Contravenes any provision of these by-laws; or
- (b) Fails to comply with a lawful requirement made by an authorized person in terms of these by-laws; or
- (c) Unlawfully attempts to remove, removes or caused to be removed a wheel clamp; or
- (d) Unlawfully attempts to remove or causes to be removed a motor vehicle from the secure compound; or
- (e) obstructs an authorized person in the execution of his or her duties in terms of these by-laws;

Shall be guilty of an offence and liable to a fine not exceeding level 5.

***WHEEL CLAMPING CHARGES***

| Item                                    | Area                | Charge\$ |
|---|---------------------|----------|
| 1. Anywhere in council controlled area- |                     |          |
| (a)                                     | light vehicle ..... | per day  |
| (b)                                     | heavy vehicle ..... | per day  |

***STORAGE CHARGES***

| Item | Vehicle size        | Charge\$ |
|------|---------------------|----------|
| 1.   | Heavy vehicle.....  | per day  |
| 2.   | Light vehicle ..... | per day  |

*PARKING FEES*

| Item | Vehicle size        | Charge\$ |
|------|---------------------|----------|
| 1.   | Heavy vehicle.....  | per day  |
| 2.   | Light vehicle ..... | per day  |

A day will mean normal business hours starting at 0745 hours to close of business hours ending at 1645. Charges on the schedule will be as per the Council's current approved budget.

All charges exclude VAT which will be calculated separately.