

Bindura (Clamping and Tow Away) By-laws, 2012

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

*Title*

1. These by-laws may be cited as the Bindura (Clamping and Tow Away) By-laws, 2012.

*Application*

2. These by-laws shall apply to the area under the jurisdiction of the Municipality of Bindura.

*Interpretation*

3. 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 Atherstone Road, Border Gezi Avenue and Thurlows Avenue;

“Council” means the Bindura Municipal Council;

“Council controlled area” means any area under the jurisdiction of Bindura Municipal Council;

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

“Public parking area” means any area designated as a parking area in terms of Bindura (Traffic) (Adoption) By-laws, 1971, and any other traffic by-laws which Council may from time to time make;

“Secure compound” means any area designated by Council for the purpose of safe-keeping of vehicles removed under these by-laws;

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

*Wheel clamping and tow away*

4. (1) Any authorised person may, if he/she has reason to believe that a violation of the Bindura (Traffic) (Adoption) By-laws, 1971, specified in the First Schedule has been committed, immobilise or cause such motor vehicle to be immobilised by way of a wheel-clamp:

Provided that no motor vehicle shall be clamped without a traffic ticket having been issued first.

(2) An authorised person may remove or cause to be removed, any motor vehicle immobilised in terms of these by-laws, to a secure compound.

(3) Risk in any motor vehicle removed to a secure 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; and
- (b) wheel-clamping, tow-away and storage charges specified in the Second Schedule.

*Unclaimed vehicles*

5. (1) Council shall publish in any newspaper circulating within the council area, a list of vehicles immobilised and advise the owners to claim the vehicles within thirty (30) days.

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

(3) Council shall deduct the charges specified in the Second Schedule from the proceeds of the sale of the motor vehicle and any balance shall be paid to the owner within thirty (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 realised from the sale of unclaimed vehicles shall be deposited.

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

*Designation*

6. (1) Council shall publish in any newspaper circulating within the Council controlled area —

- (a) any place designated as a secure compound; and
- (b) the name of any person appointed as an authorised person.

7. Payment in terms of these by-laws shall be made to Council's Municipal Treasurer or to any authorised person.

*Offences*

8. Any person who —

- (a) unlawfully attempts to obstruct, obstructs or causes to be obstructed any authorised 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 1 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

FIRST SCHEDULE

BINDURA TRAFFIC BY-LAWS, 1971

<i>Item</i>	<i>Section of by-law</i>	<i>Description of offence</i>
1.	3	Park motor vehicle on undefined parking place, not in traffic lane.



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<i>Item</i>	<i>Section of by-law</i>	<i>Description of offence</i>
2.	3	Park motor vehicle on undefined place causing obstruction to traffic.
3.	3	Park motor vehicle on undefined parking place except at the extreme left on the road.
4.	3	Park motor vehicle in parking place in such manner as to cause danger.
5.	3	Park over parking line of parking place.
6.	4(e)	Wash any vehicle on any road or parking place.
7.	4(e)	Park vehicle upon road or parking place for the purpose of sale, repair or garaging or cleaning.
8.	6	Park vehicle (other than a motor cycle, omnibus or taxi) upon a parking place designated for the omnibuses, taxis or motor cycles.
9.	6	Park motor cycle in any section of road not designated for motor cycles.
10.	6	Park taxi or omnibus in any section of road other than a parking place designated for taxis or omnibuses.
11.	5(1)(a)	Park in or obstruct entrance or exit of a service lane.
12.	5(1)(b)	Park in or obstruct entrance or exit of a driveway.
13.	6	Park any vehicle other than omnibus, within five (5) metres of any sign bearing the words "BUS STOP".
14.	3	Stop or stand any vehicle within five (5) metres of an intersection.
15.	3	Obstruction of road by any vehicle.
16.	5(1)(a)	Park any vehicle in a service lane.
17.	5(1)(a)	Stand any vehicle in a service lane when actually engaged in picking up or setting down goods for a continuous period in excess of thirty (30) minutes.
18.	5(1)(a)	Stand any vehicle in a service lane within forty-five metres of the position previously occupied in terms of section 6(b) within thirty (30) minutes of being moved from the previous position.

S. I. 87 of 2012

<i>Item</i>	<i>Section of by-law</i>	<i>Description of offence</i>
19.	8(1)	Park or stop vehicle other than goods vehicle in offloading bay.
20.	10	Park vehicle on a side walk or traffic island.
21.	10	Park vehicle other than a motor vehicle on a side walk.
22.	4	Park any vehicle on cycle track.
23.	4	Obstruction of cycle track by any vehicle.
24.	8	Park any vehicle in an unloading zone.

SECOND SCHEDULE

PART I

WHEEL CLAMPING CHARGES

<i>Item</i>	<i>Area</i>	<i>Charge</i>
		US\$
1.	Anywhere in the Council controlled area . . . . .	20,00

PART II

TOW-AWAY CHARGES

<i>Item</i>	<i>Area</i>	<i>Charge</i>
		US\$
1.	Central Business District . . . . .	30,00
2.	Outside the Central Business District . . . . .	10,00

PART III

STORAGE CHARGES

<i>Item</i>	<i>Vehicle size</i>	<i>Charge</i>
		US\$
1.	Heavy vehicle (per day) . . . . .	20,00
2.	Light vehicle (per day) . . . . .	10,00