

Chapter 29:15

Harare (Clamping and Tow Away) By-laws, 2005

S.I.'s 104/2005 amended by 163/2009.

IT is hereby notified that the Minister of Local Government, Public Works and National Housing has, in terms of [section 229 of the Urban Councils Act \[Chapter 29:15\]](#), approved the following by-laws made by the Harare City Council.

Title

1.

These by-laws may be cited as the Harare (Clamping and Tow Away) By-laws, 2005.

Application

2.

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

Interpretation

3.

In these by-laws—

“authorized 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 Kenneth Kaunda, Rotten Row, Herbert Chitepo Avenue and Fourth Street;

“Council” means the Harare City Council;

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

“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;

“prescribed penalty” means the penalty prescribed in terms of the Harare (Municipal Traffic Laws) (Offences and Fixed Penalties) Regulations, 1972;

“public parking area” means any area designated as a parking area in terms of the Harare (Traffic) By-laws, 1983, published in [Statutory Instrument 357 of 1983](#) 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;

“tow away” means the removal by an authorised person of a motor vehicle parked or stationary in violation of these by-laws to a secure compound;

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

Wheel-clamping and towing away

4.

(1) An authorized person may, if he or she has reason to believe that a violation of the Harare Traffic By-laws, 1983, specified in the First Schedule, has been committed, immobilise 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 authorised 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 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 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 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.

Designation

7.

- (1) 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 or to an authorised person.

Offences

9.

Any person who—

- (a) unlawfully attempts to obstruct or causes to be obstructed, an authorized 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 five or one year imprisonment or to both such fine and imprisonment.

FIRST SCHEDULE

[\(Section 4\)](#)

PART I

HARARE (TRAFFIC) BY-LAWS, 1983

1.

4(b) Park motor vehicle outside parking place, not in traffic lane

2.

4(c) Park motor vehicle on undefined parking place causing obstruction to traffic

3.

4(c) Park motor vehicle on undefined parking place except at the extreme left on the road

4.

4(d) Park motor vehicle in parking place in such manner as to cause danger

5.

4(d) Park over parking line of parking place

6.

4(e) Wash any vehicle on any road or parking place

7.

4(f) Park vehicle upon road or parking place for the purpose of sale, repair or garaging or cleaning

8.

4(g) Park vehicle (other than a motor cycle, omnibus or taxi) upon a parking place designated for omnibuses, taxis or motor cycles

9.

4(h) Park taxi or omnibus in any section of road other than parking place designated for taxis or omnibuses

10.

4(h) Park cycle in any section of road not designated for motor cycles

11.

4(l)(i) Park in or obstruct entrance or exit of a service lane

12.

4(l)(ii) Park in or obstruct entrance or exit of a driveway

13.

4(l)(iii) Park in or obstruct entrance or exit of public entertainment when a performance is in progress

14.

4(j) Park any vehicle other than omnibus, within 5 metres of any sign bearing the words "BUS STOP"

15.

5(b) Stop or stand any vehicle within 5 metres of an intersection

16.

5(d) Obstruction of road by any vehicle

17.

6(a) Park any vehicle in a service lane

18.

6(b) Stand any vehicle in a service lane when actually engaged in picking up or setting down goods for a continuous period in excess of 30 minutes

19.

4(c) Stand any vehicle in a service lane within 45 metres of the position previously occupied in terms of section 6(b) within 30 minutes of being moved from the previous position

20.

9(1) Park or stop vehicle other than goods vehicle in off-loading bay

21.

13(1)(b) Park motor vehicle on a side walk or traffic island

22.

13(1) Park vehicle other than motor vehicle on a sidewalk

23.

14(1)(c) Park any vehicle on cycle track

24.

14(c) Obstruction of cycle track by any vehicle

25.

14(k) Park in front of any building during the course of demolition, erection or alteration

26.

9(2)(a)(b) Park any vehicle in an unloading zone

PART II
HARARE (PARKING) BY-LAWS, 1983

1.

4(c) Park in a parking bay or section of road, a motor vehicle which is being offered as a prize in a lottery or which is being used to draw the attention of the public, or any section of the public, to a lottery

2.

4(d) Park any motor vehicle on occupied parking space

3.

4(c) Park motor vehicle which does not display a valid licence on a parking bay or road

4.

5(i) Park motor vehicle in same section of road within 30 minutes

5.

5(2)(a) Park in time restricted area in excess of two hours

6.

5(2)(a) Park in time restricted area in excess of 2 hours but less than 3 hours

7.

5(2)(a) Park in time restricted area in excess of 3 hours

8.

5(2)(b) Park motor vehicle in same section of road in time restricted area within 1 hour

9.

6(4) Not using any metred parking bay as permitted by provision of by-laws

10.

9(3) Park motor vehicle in excess of 24 hours in a car park

11.

10(2) Park motor vehicle in an automatically controlled car park during any period other than the specified period

12.

13. Late removal of motor vehicle from garage or car park

13.

14 Park motor vehicle in garage during specified parking period without paying the appropriate charge, collecting and visibly displaying a receipt

14.

15(1) Park in reserve bay at a garage or car park without authority

15.

15(2) Failure to display reserved parking area disc continuously

16.

16(2) Failure to display preferential parking disc continuously

17.

16(2) Park in excess of specified period

18.

5(3) Park in excess of specified period

19.

18(a) Park except within the boundary of a parking bay in car park or parking garage

20.

18(b) Parking or project over the boundary of a parking bay or parking garage

21.

4(b) Parking motor vehicle or vehicle on a parking bay or road for the purpose of sale, storage or repair

22.

20(a) Repair motor vehicle in a car park or parking garage

23.

20(b) Clean, wash or polish motor vehicle in a park or parking garage

24.

23 Abandon a motor vehicle or vehicle on the road, a car park or parking garage

PART III
HARARE (TAXI-CAB) BY-LAWS, 1975

23 Parking tax-cab in a parking place other than that designated for the parking of taxi-cabs

PART IV
HARARE (LONG DISTANCE OMNIBUS STATION) BY-LAWS, 1984

1.

4(5) Park omnibus in station when station is closed

2.

5(4) Fail to remove omnibus from station on or before expiration of specified period

3.

7(1)(a) Park omnibus outside parking bay station

4.

7(1)(b) Park omnibus over lines of parking bay in station

5.

7(1)(c) Park omnibus on occupied parking bay

6.

7(1)(d) Park omnibus within a "prohibited parking" area

7.

7(2)(a) Repair omnibus in parking area

8.

7(2)(b) Clean, wash or polish omnibus in a parking area

PART V

HARARE (PRE-PAID PARKING DISC) BY-LAWS, 2000

1.

7(1)(a) Failure to display a valid parking disc

2.

7(1)(c) Continued parking on an expired disc

PART VI

ROAD TRAFFIC ACT [*CHAPTER 13:11*]

Prohibited parking

Closing road

PART VII

FOREIGN REPRESENTATIVES PARKING PRIVILEGES ACT [*CHAPTER 3:02*]

4(1) Unauthorised parking in reserved bay

11(1) Park or stop any vehicle in or on a pedestrian mall

PART VIII

HARARE (CONTROL OF PEDESTRIAN MALLS) BY-LAWS, 1978

11(1) Park or stop any vehicle in or on a pedestrian mall

PART VIX

HARARE (COMMUTER OMNIBUS STATION) BY-LAWS, 2002

1.

5(2) Park omnibus in station or parking area without valid disc

2.

7(1)(a) Stopping omnibus at a place other than a parking bay, stopping place or parking area

3.

7(1)(b) Stopping omnibus in such a manner that any portion of omnibus or its load extends beyond the boundary of the parking bay

4.
 - 7(1)(c) Stopping omnibus upon parking bay occupied by another vehicle
5.
 - 7(1)(d) Stopping omnibus in prohibited area
6.
 - 7(2)(a) Repair omnibus in station or parking area
7.
 - 7(2)(b) Clean, wash or polish omnibus in parking area or station
8.
 - 8(1) Park or stop omnibus in violation of lawful order
9.
 - 7(2)(c) Obstructing person or omnibus

SECOND SCHEDULE

[\(Section 4\)](#)

PART I

substituted by S.I. 163 of 2009 w.e.f. 9th October, 2009.

WHEEL CLAMPING CHARGES

Area	<i>Anywhere in the Council controlled area</i>	Charge US \$ (not exceeding)
<i>Item</i>	<i>Vehicle size</i>	
<i>(a)</i>	<i>Light motor vehicles</i>	<i>30</i>
<i>(b)</i>	<i>Commuter omnibuses (18 seater)</i>	<i>50</i>
<i>(c)</i>	<i>Commuter omnibuses (over 18 seater & T-35's)</i>	<i>75</i>
<i>(d)</i>	<i>Conventional buses & lorries</i>	<i>120</i>
<i>(e)</i>	<i>Articulated heavy vehicles</i>	<i>170</i>

Area Charges

US \$(not exceeding)

Anywhere in the Council controlled area—

(a) light motor vehicles 10 000 20 000

(b) heavy vehicle 10 000 20 000

**PART II
TOW AWAY CHARGES**

Area	<i>Anywhere in the Council controlled area</i>	<i>Charge US \$ (not exceeding)</i>
Item	<i>Vehicle size</i>	
<i>(a)</i>	<i>Light motor vehicles</i>	<i>50</i>
<i>(b)</i>	<i>Commuter omnibuses (18 seater)</i>	<i>80</i>
<i>(c)</i>	<i>Commuter omnibuses (over 18 seater & T-35's)</i>	<i>110</i>
<i>(d)</i>	<i>Conventional buses & lorries</i>	<i>Private contractor's charge + 50 %</i>
<i>(e)</i>	<i>Articulated heavy vehicles</i>	<i>Private contractor's charge + 50 %</i>
Area	<i>Outside Central Business District</i>	<i>Charge US \$ (not exceeding)</i>
Item	<i>Vehicle size</i>	
<i>(a)</i>	<i>Light motor vehicles</i>	<i>70 + 1,50/km</i>
<i>(b)</i>	<i>Commuter omnibuses (18 seater)</i>	<i>100 + 1,50/km</i>

(c)	<i>Commuter omnibuses (over 18 seater & T-35's)</i>	<i>110 + 1,50/km or Private contractor's charge + 50 %</i>
(d)	<i>Conventional buses & lorries</i>	<i>Private contractor's charge + 50 %</i>
(e)	<i>Articulated heavy vehicles</i>	<i>Private contractor's charge + 50 %</i>

**PART III
STORAGE CHARGES**

Area	Anywhere in the Council controlled area	Charge US \$ (not exceeding)
Item	Vehicle size	
(a)	<i>Light motor vehicles</i>	<i>10 per day</i>
(b)	<i>Commuter omnibuses (18 seater)</i>	<i>15 per day</i>
(c)	<i>Commuter omnibuses (over 18 seater & T-35's)</i>	<i>20 per day</i>
(d)	<i>Conventional buses & lorries</i>	<i>20 per day</i>
(e)	<i>Articulated heavy vehicles</i>	<i>20 per day</i>

PART IV

Prescribed penalty US \$ 20

Note : A day means every 24 hours or part thereof.

All charges exclude VAT which will be calculated separately.