

Manyame Rural District Council (Cycle and
Pushcarts Licensing) By-laws, 2023

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IT is hereby notified that the Minister of Local Government and Public Works, in terms of section 90 of the Rural District Councils Act [Chapter 29:13], approved the following by-laws made by Manyame Rural District Council.

Title

1. These by-laws may be cited as the Manyame Rural District Council (Cycle and Pushcarts Licensing) By-laws, 2023.

Application

2. These by-laws shall apply to the area under the jurisdiction of Manyame Rural District Council.

3. this by-law hereby repeals Manyame Rural District Council (Cycle-licencing) By-laws, 1978 Rhodesia Government Notice 773 of 1978.

Interpretation

4. In these by-laws-

"authorised person" means any person authorised by the Council to exercise any function conferred by these by-laws and includes a Police Officer ;

" licensing official" means a person appointed by the Director of Works to receive licence fees and collect moneys payable under these by-laws;

' owner" in relation to any cycle or pushcart includes the owner, joint owner or part owner of such cycle or pushcart, and any person who has the use of such cycle or pushcart;

"cycle" means a bicycle, or a tricycle, other than a child's tricycle, and includes an auto-cycle with an engine capacity of less than forty cubic centimetres;

"council" means the Manyame Rural District Council;

"council area" means the area under the jurisdiction of the Council;

"pushcart" means a wheeled cart pushed or pulled by hand.

"licence token" means a metal badge on which is inscribed the year of issue, the licence number and the words "Manyame Rural District Council ";

" road" includes, any existing street, bridge, subway, avenue, lane, footpath, sanitary lane, close or thoroughfare.

Application for licencing of cycles or pushcart

4. (1) No person shall use on any road within the council area any cycle or pushcart which is ordinarily kept within the area unless it has been licensed in terms of these by-laws.

(2) On the 1st of January in each year the owner of a cycle or pushcart which is ordinarily kept and used on any road within the council area shall obtain a licence for the cycle or pushcart.

(3) The period of validity of every licence shall terminate on the 31st of December in the year of issue.

(4) The application for any cycle or pushcart licence under these by-laws shall be made by the owner or user of the cycle or pushcart to the licensing official and shall be accompanied by:-

(a) the proof of ownership in the form of a letter or an affidavit from whom the cycle or push cart was bought or obtained from; and

(b) name, address, make and manufacturers number, if any, of such cycle or pushcart; and

(c) the licence fees as prescribed by council from time to time through resolutions; and

5. When required, the applicant shall exhibit the cycle or pushcart for which a licence is required at the office of the licensing official.

Licences and licence tokens

6. (1) In respect of every cycle and pushcart, the licensing official shall supply to the applicant a licence receipt signed by the licensing official and containing a description of the cycle or pushcart to which the licence relates, the manufacturer's number, the council registration number, the number of the licence token and the receipt number.

(a) Such licence token shall be stamped or numbered with a distinctive mark or number indicating the period for which it is issued and the owner of the cycle or pushcart shall maintain it while it is current, firmly affixed to the cycle or pushcart in respect of which it is issued, in such a position and such manner as is by these by-laws prescribed.

(b) The owner of any cycle or pushcart to whom a licence token is issued in terms of

subsection (1) shall forthwith cause the token to be attached-

- (a) To the left side of the hub on the front wheel of the cycle; or
- (b) in the case of tricycle at the front, to the left side of the hub of the wheel on the left; or
- (c) in the case of a pushcart to the left side of the hub on the left wheel

Duplicate licence and licence badge

7. (1) If a token issued in terms of section 5(1) is lost or destroyed, the owner of the cycle or pushcart to which it relates shall forthwith apply to the licensing official for a duplicate licence token.

(a) A duplicate licence token shall be issued to an applicant on proof of a licence accompanied by the fee prescribed by council from time to time.

(b) A duplicate licence or licence token shall be valid for the expired period of the original licence or licence token.

Register of licences

8. Council shall keep a register of all cycles and pushcarts which have been licensed in terms of these by-laws and shall record in such a register

- (a) the name and residential address or company address or the owner of such cycle or pushcart; and
- (b) the make, manufacturers number and the council registration number of such a cycle or pushcart; and
- (c) the receipt, token number, date of issue of the licence and the date on which the licence shall expire.

Sale and change of ownership

9. On the sale or change of ownership of any cycle or pushcart, the person selling or disposing of the cycle or pushcart shall deliver the relative cycle or pushcart to the new owner and the new owner shall within fourteen days of his becoming the owner, register the change of ownership at the office of the licensing official and shall be accompanied by the transfer fees prescribed by council through resolution from time to time.

(a) A duplicate licence or licence token shall be valid for the unpaid period of the original licence or licence token.

Exemption

10. Any-

- (b) cycle or pushcart which is kept by a dealer for the purpose of a sale only; or
 - (c) cycle or pushcart which is not used on any road;
- shall be exempted from license fees.

Inspections, enforcement and impoundment

11. An authorised person may at any reasonable hour during the day enter upon any property where he or she suspects any cycle or pushcart to be used on any road, within the council area in order to ascertain whether the provisions of these by-laws are not contravened.

(1) An authorised person may from time to time stop any cycle or pushcart on any road for the purpose of inspecting a licence or licence token and to ensure that the provisions of the by-laws are not contravened.

(2) An authorised person may, if he or she has reason to believe that a violation of section 5 of these by-laws has been committed impound or cause to impound any cycle or pushcart so connected to the offence and remove or cause to be removed such cycle or pushcart to a secure compound and such cycle or pushcart shall be recorded in a records book and kept safely.

(3) An impounded cycle or pushcart removed to a secure compound shall be released to the owner upon payment of-

- (a) the prescribed penalty; and
- (b) storage charges set by council through from time to time.

Disposal of unclaimed cycles or pushcarts

12. (1) Council shall publish in a newspaper of wide-circulation within the council area a list of unclaimed cycles or pushcarts which have been in its custody for one month and advise the owners to claim the cycles or pushcarts within 90 days.
- (2) Council shall sell by public auction any cycles or pushcarts that remain unclaimed after 90 days.
 - (3) Council shall deduct its charges from the proceeds of the sale of unclaimed cycles or pushcarts and the balance (if any) shall be paid to the owner within 90 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 realised from the sale of unclaimed cycles or pushcarts shall be deposited.
 - (5) Any money not claimed within 30 days after the sale of unclaimed cycles or pushcarts shall be forfeited to council.

Unlawful use of cycle or pushcart

13. (1) Subject to the provisions of section 4(2), no person shall use or cause or permit to be used on any road, within the council area any cycle or pushcart which is ordinarily kept within the council area unless a valid licence issued in terms of section 5 is in force in respect of the cycle or pushcart.
- (2) No person shall use or cause or permit to be used on any road within the council area any cycle or pushcart which is required to be licensed in terms of section 4 unless the cycle or pushcart has a valid token issued in terms of section 5 affixed thereon.
 - (3) No person shall transfer a licence token issued in terms of section 5 to any other person, or from one cycle to another, or attach, or cause to be attached, any licence token so issued to any cycle or pushcart other than the cycle to which it relates.
 - (4) No person shall obliterate, deface or alter any licence token issued in terms of these by-laws.
 - (5) No person shall obliterate, deface or alter any registration number impressed on any cycle or pushcart in accordance with these by-laws.
 - (6) No person shall use or cause or allow to be used on any road within the council area-
 - (a) any cycle or pushcart which does not bear the licence token as provided in these by-laws; or
 - (b) any cycle upon which the registration number has been obliterated, defaced or altered.

Presumption of ownership

14. For the purposes of these by-laws, every person in whose custody, charge, possession, or on whose premises any cycle or pushcart is found shall be deemed to be the owner of such cycle or pushcart until the contrary is proved.

Offences and penalties

15. (1) any person who-

- a. contravenes or fails to comply with any provision of these by-laws; or contravenes or fails to comply with any requirement set out in an order issued and served to him or her in terms of these by-laws; or
- b. contravenes or fails to comply with any condition imposed in terms of these by-laws; or
- c. knowingly makes a false statement in respect of any application in terms of these by-laws; or
- d. obstructs, hinders or interferes with an authorised person acting under power delegated to him or her, in the exercise of any power or the performance of any duty under these by-laws; or
- e. fails or refuse to furnish to an authorised person of the council acting under power delegated to him or her, with any documentation or information required for the purposes of these by-laws or furnishes a false or misleading document or false or misleading information; or
- f. fails or refuses to comply with any instruction given in terms of or for the purposes of these by-laws; or
- g. pretends to be authorised person acting under power delegated to him or her; or
- h. forges any certificate ; or
- i. with intent to deceive, alters or erases any part of a certificate or any entry lawfully made thereon; or
- j. intentionally produces or uses any forged licence token which has been unlawfully altered or from which erasures have been unlawfully made; or
- k. makes any unlawful entry on any licence token; or
- l. who, except as may be authorised in terms of these by-laws, hires, lends , code transfers , or in any way whatsoever hands over a licence token to any other person; or
- m. with intent to deceive , makes use for any purpose whatsoever of any licence token issued in terms of these by- laws, or for any purpose of these by-laws which is not his or her own;

(2) shall be guilty of an offence and liable to a fine as specified in the Council budget or to prosecution, or to both such fine and prosecution.

A person who causes or incites another person to commit an offence referred to in subsection (1), or who being in a position of another person permits or allows him or her to commit an offence, shall himself or herself be guilty of that offence and liable to a fine as specified in the Council budget or to prosecution, or to both such fine and prosecution.

(3) An authorised person shall cancel a certificate if the holder is penalized of any contravention of the provisions of these by-laws.

(4) Any licence token cancelled in terms of subsection (3) shall not be renewed until a period of one year has lapsed from the date of cancellation.

(5) Where the licence token is cancelled in terms of subsection (3) the holder shall return the licence token to the authorised person within 48 hours of being given notice of such cancellation.

Any person who fails to comply with the notice stated in subsection (5) above shall be guilty of an offence and liable to a fine as specified in the Council budget or to prosecution, or to both such fine and prosecution.

Any person who contravenes any other provision of these by-laws not specified in subsection (1) above, shall be guilty of an offence and liable to a fine as specified in the Council budget or to prosecution, or to both such fine and prosecution.

16.Schedule Of Offenses

