

ROAD TRAFFIC ACT

(CAP. 69:01)

ROAD TRAFFIC (LILONGWE CITY COUNCIL) (TRAFFIC, ROAD SAFETY
AND PARKING OF MOTOR VEHICLES) BY-LAWS, 2019

ARRANGEMENT OF BY-LAWS

BY-LAWS

1. Citation
2. Interpretation
3. Application

PART II—GENERAL PROVISIONS

4. Articulated motor vehicle in a residential area
5. Maximum tonnage allowed in residential and commercial area
6. Car repair in residential and commercial area
7. Prohibition of bicycle taxis
8. Regulation of passenger carrying vehicles
9. Operation of private public service vehicle terminal
10. Management of private public service vehicle terminal
11. Parking in an open space
12. Parking places
13. Control and management of parking places
14. Parking fees
15. Payment for parking place
16. Advance parking ticket
17. Parking sticker
18. Powers of Council
19. Towing and sale
20. Non-liability of Council
21. Appointment of agents
22. Defacing a street pole

PART III—OFFENCES AND PENALTIES

23. Offences and penalties
- Schedules

IN EXERCISE of the powers conferred by section 182 of the Road Traffic Act, the Lilongwe City Council, in consultation with the Director of Road Traffic, make the following By-laws—

PART I—PRELIMINARY

Citation

1. These By-laws may be cited as the Road Traffic (Lilongwe City Council) (Traffic, Road Safety and Parking of Motor Vehicles) By-laws, 2019.

2. In these By-laws unless the context otherwise requires—

Interpretation

“agent” means a person duly appointed by the Council under by-law 9;

“articulated motor vehicle” means a combination of motor vehicles consisting of a truck-tractor and a semi-trailer;

“Council” means the Lilongwe City Council;

“chargeable parking place” means space provided for the parking of a motor vehicle at a fee;

“commercial or industrial area” means an area designated by the Council as commercial or industrial area;

“default parking sticker” means a document issued to a driver or owner of a motor vehicle, notifying the illegal act of the driver or owner;

“horse” means a motor vehicle used for the purposes of drawing a trailer but which is not designated to carry any load;

“motor vehicle” bears the meaning ascribed to the expression in the Road Traffic Act;

“no parking place” means a place where parking of a motor vehicle is prohibited;

“parking” means to keep a motor vehicle stationary whether occupied or vacant;

“parking bay” means a space in a parking place designated and marked for the parking of a motor vehicle;

“parking invoice” means a document claiming payment for parking fees from a driver or owner of a parked motor vehicle;

“parking place” means an area designated and marked as a parking space under these Bylaws;

“parking ticket” means a document acknowledging payment made or to be made as parking fee;

“special parking place” means a parking space reserved for a bus, taxi, motor vehicle requiring special parking arrangements or motor vehicle conveying a person requiring special parking arrangements;

“trailer” shall have a meaning as ascribed under the Act; and

“vehicle” shall have a meaning as ascribed under the Act.

3. These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council.

Application

PART II—GENERAL PROVISIONS

4. A person in charge of a horse or articulated motor vehicle shall not cause or permit the said horse or vehicle to enter, move within or park in a residential or commercial area.

Articulated
motor vehicle
in a
residential
area

Maximum tonnage allowed in residential and commercial area	5.—(1) A person in charge of a vehicle with a net weight of over 15 tonnes shall not cause or permit the vehicle to enter into or drive in a residential or commercial area, except where it is so designated by the Council. (2) A person in charge of a vehicle with a net weight of over 10 tonnes shall not cause or permit the vehicle to enter the city between 5.00 a.m and 7 p.m without a permit from the Council.
Car repair in residential and commercial	6. A person shall not repair or permit to be repaired a motor vehicle or any other vehicle within a residential or commercial area.
Prohibition of bicycle taxis	7.—(1) A person shall not cycle or permit to be cycled on a bicycle taxi (also known as “kabaza”) in the Central Business District. (2) For the purposes of this by-law, Central Business District shall mean the areas prescribed in the <i>First Schedule</i>.
Regulation of passenger carrying vehicles	8.—(1) A driver of a public service vehicle shall not pick or drop a passenger at an undesignated point. (2) A person shall not board or alight from a public service vehicle at an undesignated point. (3) A person shall not make any noise or sound any instrument in order to attract the attention of the public or of a possible passenger or, by troublesome or frequent demands or by persistent following, hold out a public service vehicle for hire to the public or attempt to induce any person to become a passenger therein.
Operation of private terminus	9.—(1) A person shall not operate a private terminus for public service vehicles without a permit from the Council. (2) An application for a permit to establish a private terminus for public service vehicles under these By-laws shall— (a) be in the Form specified in Part I of the <i>Second Schedule</i>; (b) be accompanied by appropriate non-refundable fees set out in Part II of the <i>Second Schedule</i>; and (c) be supported by a business premises licence. (3) Where a permit is granted or renewed after its expiry, the Council shall issue a permit in the form specified in Part III of the <i>Second Schedule</i> which shall be conspicuously displayed at a place in a prominent part of the premises to which it relates. (4) Upon issuance of the permit under this by-law, the holder of the permit shall pay the fees prescribed in Part II of the <i>Second Schedule</i>. (5) A permit issued under paragraph (3) shall not be transferable to any other person or premises.
Management of private terminus	10.—(1) An operator of a private terminus for public service vehicles shall not—

(a) without justifiable cause, deny access to any licenced public service vehicle intending to use the terminus;

(b) give preferential treatment to any public service vehicle or impose any unfair condition that would inhibit competition; and

(c) make, cause or allow to be made any noise which is so loud and so continuous or repetitive as to cause annoyance to the public.

(2) An operator of a private terminus for public service vehicles shall—

(a) keep his premises clean at all times; and

(b) provide, on his premises, adequate sanitary facilities for separate use by males and females in accordance with the provisions of the Local Government (Lilongwe City Council) (Sanitary Arrangements) By-laws.

G.N. 20/2019

11.—(1) A person shall not park a vehicle on a public road, road shoulder, pavement, street or any other place not designated as a parking place:

Parking in an open space

Provided that this prohibition shall not apply to an ambulance, fire engine, police and Road Traffic Services vehicles in the course of duty or any other vehicle involved in an emergency rescue operation or any other vehicle exempted under the Act.

(2) Where the Council or its agent is satisfied that a vehicle is parked on a public road, road shoulder, pavement, street or any other place not designated as a parking place, the Council or agent may forthwith remove the vehicle and store it at a place designated by the Council.

(3) A vehicle removed and stored under paragraph (2) shall be dealt with in accordance with provisions of by-law 19 (2), (3), (4), (5) and (6), *mutatis mutandis*.

(4) A person shall not park a vehicle on a public road for the purpose of washing the vehicle unless the parking space is designated by the Council as a car washing bay.

12.—(1) The Council shall designate appropriate sites, roads and streets as parking places.

Parking places

(2) The Council shall, by notice published in the *Gazette*, publish names and locations of parking places under paragraph (1).

(3) The Council shall provide appropriate signage and road markings for parking places.

(4) Road signage and markings referred to under paragraph (3) shall include category of the parking place or bay, namely: free, chargeable or special parking place or bay.

13. The Council shall be responsible for the control and management of parking places designated under the *Third Schedule*.

Control and management of parking

14.—(1) A person who parks a motor vehicle or any other vehicle in a chargeable parking place on any day, excluding a Sunday and a public

Parking fees

holiday, between 6.00 a.m. and 6.00 p.m. shall pay the parking fee set out in the *Fourth Schedule*.

(2) The Council may enter into an arrangement with a person or organization that owns a motor vehicle or a fleet of motor vehicles and parks the motor vehicle or motor vehicles in a chargeable parking place to pay parking fees on a monthly, quarterly, bi-annually or annually basis.

(3) A person who parks any one of the following motor vehicles or a motor vehicle belonging to any one of the named organisations in a chargeable parking place in the course of duty shall be exempt from paying parking fees—

- (a) Ambulance;
- (b) Fire engine or any other vehicle involved in an emergency rescue operation;
- (c) Police;
- (d) Department of Road Traffic Services; and
- (e) any other vehicle exempted under the Act.

(4) The Council may, from time to time, review the parking fees.

(5) The Council may, upon application, exempt a person from application of this by-law on such conditions as the Council may deem fit.

Payment for
parking

15.—(1) The Council shall issue a parking ticket to a person who parks a vehicle in a chargeable parking place and that person shall pay the prescribed parking fee promptly.

(2) A person who parks a motor vehicle in more than one chargeable parking bay shall pay the full parking fee for each parking bay occupied by the motor vehicle.

Advance
parking ticket

16. The Council may, on such terms and conditions as it may determine, issue a parking ticket in advance to an owner of a motor vehicle.

Parking
sticker

17.—(1) Where a person or organization pays parking fees for a motor vehicle in advance under by-law 14(2), the Council shall issue to that person or organization a parking sticker which shall—

- (a) show the period of its validity; and
- (b) be displayed in a conspicuous place on the motor vehicle at all times.

(2) A valid parking sticker displayed on a vehicle shall be evidence of payment of parking fees for the period indicated on the sticker.

Powers of
Council

18.—(1) Where a driver or owner of a motor vehicle fails or wastes to pay the prescribed parking fees on demand, the Council shall impose a surcharge of 100 percent of the fees payable.

(2) Where the driver or owner of the motor vehicle fails or wastes to pay both the parking fees and surcharge imposed under paragraph (1), an agent may—

- (a) issue a default parking sticker to the driver or owner of the motor vehicle;

- (b) clamp the motor vehicle; and
- (c) tow the vehicle to a place designated by the Council for safe custody.

(3) Where the driver or owner of the motor vehicle wastes to receive the default parking sticker or is in any other way not cooperative, the agent shall affix the sticker on a conspicuous place on the motor vehicle.

(4) Where a driver or owner of a motor vehicle parks his motor vehicle at a parking place for a period in excess of 24 hours without a valid parking ticket, the Council shall deal with the motor vehicle in accordance with provisions of paragraph (2) of this by-law.

19.—(1) The Council may tow a motor vehicle clamped due to default under bylaw 18 only after 6.00 pm unless, in the discretion of the Council, the situation otherwise require. Towing and sale

(2) The Council shall retain possession of the motor vehicle until the driver or owner has paid the parking fee, surcharge and other costs incurred by the Council as a result of the default.

(3) The Council shall recover from the driver or owner of the motor vehicle costs for clamping, towing, storage and other related costs and such costs shall, where the Council uses its own resources, conform to prevailing market rates:

Provided that where the Council incurs any other costs due to the default by the driver or owner, the Council shall be entitled to reimbursement of such costs.

(4) Where a vehicle has been towed to the designated place for safe custody and the driver or owner of the motor vehicle fails or wastes to pay the parking fee, surcharge, towing charge or any other costs incurred by the Council in respect of that vehicle, the Council may sell the vehicle and apply the proceeds thereof in accordance with provisions of section 120 of the Act.

(5) An owner of a motor vehicle may recover possession of the vehicle, at any time before it is sold, by paying in full costs and expenses incurred by the Council.

(6) Sale of a motor vehicle under this by-law shall pass a good and sufficient title.

20. The Council or its agent shall not be liable for loss, injury or damage to a motor vehicle or any person or property in or on the vehicle in the course of executing, in good faith, its duties under these By-laws. Non-liability of Council

21. The Council may appoint an agent to carry out, on its behalf, the functions conferred upon the Council by these By-laws. Appointment of agents

22.—(1) A person shall not hit, fell or cause anything to deface the street pole. Defacing a street pole

(2) Where a person has defaced a street pole, the Council shall retain possession of the motor vehicle until the driver or owner has paid the cost of the pole and other costs incurred by the Council s a result of the default.

(3) The Council shall recover from the driver or owner of the motor vehicle costs and such costs shall, where the Council uses its own resources, conform to prevailing market rates:

Provided that where the Council incurs any other costs due to the default of the driver or owner, the Council shall be entitled to reimbursement of such costs.

PART III—OFFENCES AND PENALTIES

Offences and
penalties

23.—(1) A person who contravenes any provision of these By-laws where no penalty has been provided or obstructs an officer of the Council, an agent or any other officer authorized by law to enforce these By-laws, in the course of his duty, commits an offence and shall be liable to pay a penalty of K7,500.00 on the spot and any fees payable.

(2) Where the contravention referred to in paragraph (1) continues, to a further penalty of K2,000.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment.

(3) Notwithstanding the penalties provided under paragraphs (a) and (b), in case of contravention of by-laws 9 (4) and 10, the Council may suspend, on such conditions as the Council may consider appropriate, or revoke the permit or business premises licence and close the terminus forthwith.

(4) No part of the fees paid for the permit or licence shall be refunded on the suspension or revocation of the permit or licence.

(5) The Council shall recover from the permit holder the cost of enforcing its decision or rectifying the damage caused by the contravention, and such costs shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE

(by-law 7(2))

LILONGWE CITY COUNCIL

CENTRAL BUSINESS DISTRICT

- (a) City Centre (Areas : 6, 10, 11, 12, 13, 14, 15, 16, 19, 20, 31, 32, 34, 40, 41, 42, 43, and 44)
- (b) Old Town (Areas : 1, 2, 3, 4, 5, 9, and 37)

SECOND SCHEDULE

(by-law 9)

LILONGWE CITY COUNCIL

ROAD TRAFFIC (LILONGWE CITY COUNCIL) (TRAFFIC, ROAD SAFETY AND PARKING OF MOTOR VEHICLES) BY-LAWS

PART I—APPLICATION FOR ESTABLISHMENT OF A PRIVATE TERMINUS

A. DETAILS OF APPLICANT

(1) Name

- (2) Area Plot No..... Street
- (3) Address.....
- Telephone Cell..... E-mail.....
- (4) Proposed locationPlot No.....
- (5) Landlord for the area
- (6) Premises licence no.....(attach copy)
- (7) Declaration

I declare that the information above is true to the best of my knowledge and am aware that failure to disclose relevant information or provision of false information shall result in refusal of the permit or, if issued, immediate revocation of the permit upon discovery of the misinformation or misrepresentation.

Signature of applicant Date

B. FOR OFFICIAL USE ONLY

- (1) Date of inspection
- (2) Comments/Remarks
-
- (3) Amount Paid..... Receipt No.....
- (4) Name of cashier Signature.....
- (5) Name of Official Signature.....
- Designation Date.....

PART II—PERMIT FEES

- | | | |
|---------------------------------------|-------|-------------|
| 1. Application Fee | | K 5,000.00 |
| 2. Fees payable on issuance of Permit | | K50,000.00 |
| 3. Permit Replacement fee | .. | K10,000.00 |
| 4. Permit to enter the city | .. | K100,000.00 |

PART III—PRIVATE TERMINUS PERMIT

Permission is hereby granted toof
to establish a private terminus, as detailed below, in accordance with the Road Traffic (Lilongwe City Council) (Traffic, Road Safety and Parking of Motor Vehicles) By-laws, 2018.

Permit No.	Plot number	Location	Landlord

GIVEN under my hand at LILONGWE thisday ofTwo Thousand.....

.....
Chief Executive Officer

THIRD SCHEDULE
LILONGWE CITY COUNCIL
PARKING SPACES

by-law 13

NO.	Car Park Name	Location
1	Central Market car park	Old town
2	Bwaila car park (Mini bus terminal)	Old town
3	Malangalanga car park (opposite Chidzanja House)	Old town
NO.	Car Park Name	Location
4	Malangalanga car park (next to main bus terminal)	Old town
5	Police Mobile Service 'C' Company to Malangalanga Road	Old town
6	Standard Bank car park	Old town
7	Community Centre Ground	Old town
8	From Mosque to Bwaila Hospital (Along M1 Road)	Old town
9	Main Post Office (Mlambe One Stop Centre) ..	Old town
10	National Bank of Malawi to SS Rent-a- Car Building (Along M1 Road)	Old town
11	Biwi Car Sales (Along M1 Road)	Old town
12	Area 18 car park	Area 18
13	Magetsi House car park	City centre
14	Standard Bank to National Bank of Malawi car park	City centre
15	Chief Mbelwa Building car park	City centre
16	Centre House Arcade car park	City centre

FOURTH SCHEDULE
LILONGWE CITY COUNCIL
PARKING FEES

(by-law 14)

Category	Amount
1. Charges for dry ports—	
> 30 tonnes	K30,000 per day
> 20 < 30 tonnes	K20,000 per day
> 15 < 20 tonnes	K10,000 per day
2. Special load permit for articulated vehicles	K50,000.00 per day

3. International Bus		K10,000 per day
4. Luxury Coaches (Local)		K5,000.00 per day
5. Local Buses (not exceeding 66 passengers)		K2,500.00 per day
6. Buses (not exceeding 32 passengers)		K1,500.00 per day
7. Truck <15 tones		K1,000.00 per day
8. Mini buses (not exceeding 18 passengers)		K500.00 per day
9. Commercial Lorry, Pick up and Taxi		K500.00 per day
10. Tricycle		K300.00 per day
11. Small car		K150.00 per hour

Made this 13th day of July, 2018.

M. M .ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
*Minister of Local Government
and Rural Development*

(FILE NO: LG/1/13/25)