

STATUTORY INSTRUMENTS

2007 No. 24.

THE LOCAL GOVERNMENTS (FORT PORTAL MUNICIPALITY)
(TRAFFIC, STREET DESIGNATED PARKING AND WASHING AREAS)
BYE-LAWS, 2007.

ARRANGEMENT OF BYE-LAWS.

PART I—PRELIMINARY

Bye law

1. Title.
2. Application.
3. Purpose.
4. Interpretation.

PART II—DESIGNATED PARKING

5. Authorised Parking.
6. Council to designate parking areas.
7. Council to designate washing areas.
8. Control of designated parking and washing areas.
9. Appointment of agent.
10. Restriction on passage of heavy vehicles.

PART III—PROHIBITIONS

11. Parking in undesignated areas prohibited.
12. Driving in a dangerous manner
13. Delivering passengers in unauthorized place.
14. Touting for passengers Bureau.

Bye law.

15. Parking on pavement and green belt.
16. Parking improperly.
17. Parking lorries, buses or other commercial vehicles in a place for long.
18. Parking heavy commercial vehicles in ungazetted place at night.
19. Sale of agricultural produce and charcoal on streets prohibited.
20. Sale of milk in unauthorized manner.
21. Wondering and grazing of livestock on streets.
22. Repairing vehicles, motor cycles or bicycles in unauthorised place.
23. Removal of broken down vehicles.
24. Washing vehicles, motorcycles or bicycles in unauthorised area.
25. Parking motor vehicles at fuel filling stations prohibited.

PART IV—PERMITS AND FEES

26. Permit for a washing place.
27. Parking fees.
28. Fees for washing vehicles, motor cycles and bicycles.
29. Loading and offloading fees.
30. Vehicle may be impounded for failure to pay fees.
31. Fee on vehicles carrying pozzolaner.
32. Fee on other commercial vehicles.

PART V—OFFENCES AND PENALTIES

33. General offences.

PART VI—MISCELLANEOUS

34. Obligation to obey instructions of officers.
35. Power to tow or clamp vehicle, motor cycle or bicycle.
36. Proof of ownership of a vehicle, motor cycle or bicycle.
37. Revocation of SI No. 75 of 2002 and revocation of SI No. 92 of 2003.

SCHEDULES

FIRST SCHEDULE — Currency point.

SECOND SCHEDULE — Gazetted parking areas.

STATUTORY INSTRUMENTS

2007 No. 24.

The Local Governments (Fortportal Municipality) (Traffic, Street, Designated Parking and Washing Areas) Bye-laws, 2007.

(Under section 39 of the Local Governments Act, Cap 243).

IN EXERCISE of the powers conferred upon Fort Portal Municipal Council by section 39 of the Local Governments Act, these Bye-laws are made this 23rd day of May, 2007.

PART I—PRELIMINARY

1. Title.

These Bye-laws may be cited as the Local Governments (Fort Portal Municipality) (Traffic, Street, Designated Parking and Washing Areas) bye-laws, 2007.

2. Application.

These Bye-laws apply to the area of jurisdiction of Fort portal Municipal Council.

3. Purpose.

The purpose of these Bye-laws is to—

- (a) regulate the parking and washing of motor-vehicles, motor-cycles, bicycles and other vehicles within the Municipality;
- (b) prohibit disorderly and illegal parking in the Municipality;
- (c) provide for the raising of revenue by the Council; and
- (d) impose penalties for disorderly and illegal parking in the Municipality.

4. Interpretation.

In these Byelaws, unless the context otherwise requires—

- “authorised agent” means a person duly appointed by the council;
- “authorized place” means any public place authorized by the council for the purposes of keeping or maintaining impounded livestock or vehicles under these Bye laws;
- “bicycle” means any vehicle which has at least two wheels which is propelled by means of pedals or hand cranks solely by muscular energy of the person riding it;
- “boda-boda” a motorcycle or bicycle used for public transport;
- “bus” means any commercial bus involved in public transport;
- “council” means Fort portal Municipal Council;
- “currency point” has the meaning assigned to it in the First Schedule to these Byelaws;
- “designated parking place ” means an area designated by the council as a place for the parking of a particular type of motor-vehicle, motor cycle, or bicycle carrying out the business of public transport within the Municipality and listed in the Second Schedule to these Bye-laws;
- “designated washing place” means an area designated as a washing place by the council for the business of washing public vehicles, or bicycles;
- “Financial year” means a period of twelve months ending on the 30th June of each calendar year;
- “motor cycles” means a motor vehicle with less than four wheels, the unladen weight of which does not exceed four hundred kilograms;
- “municipality” means Fort Portal Municipality;
- “public service vehicle” means a motor vehicle licensed to carry passengers for hire or reward;

“sticker” means a document issued by the council or its authorized agent in acknowledgement of payment of a fee under these Byelaws;

“street parking place” means a parking place which forms part of the street within the Municipality and bearing the signs “Bus-Stage” or “Taxi-Stage” or “Parking” ;

“taxi” includes a motor-car, mini-bus, pick-up, or other vehicle used for commercial transport purposes to carry passengers or luggage; and

“vehicle” includes a machine or implement of any kind drawn or propelled along the road whether by animal, mechanical, electrical or any motive power.

PART II—DESIGNATED PARKING AREAS

5. Authorised parking.

(1) Every service vehicle shall be parked in an area within the municipality designated for the exclusive parking of public service vehicles.

(2) All motor cycles and bicycles operating as public transport shall be in an area designated for the exclusive parking of such motor cycles or bicycles.

(3) For the purposes of these Byelaws, the council shall designate separate parking areas within the municipality for the parking of buses, heavy commercial vehicles, light trucks, lorries, mini buses, pick-ups, motorcycles and bicycles operating as commercial public transport.

(4) For the purpose of this byelaw, public service vehicles shall be parked in areas set out in the Second Schedule.

6. Council to designate parking areas.

The council may, from time to time amend the Second Schedule, for purposes of increasing or decreasing the number of designated parking areas.

PART III—DESIGNATED WASHING AREAS

7. Council to designate washing areas.

(1) The council may, from time to time, designate areas within the municipality for purposes of washing vehicles, motor cycles or bicycles.

(2) A person who wishes to establish or start operating a business of washing vehicles, motor cycle or bicycles, shall apply to the council indicating the place where he or she desires to operate the business.

(3) The council may with such conditions as the council considers appropriate, designate that place as a washing area for the purpose of these Bye-laws.

8. Control of designated parking and washing areas.

The council or its authorised agents shall control and manage all designated parking and washing areas in the municipality under these Bye-laws.

9. Appointment of agent.

The council may appoint any person to carry out, on behalf of the council, the functions conferred upon the council by these byelaws.

10. Restriction on passage of heavy vehicles.

A vehicle exceeding the approximate weight of ten thousand kilograms shall use only those roads as may be directed by the council from time to time.

PART IV—PROHIBITIONS

11. Parking in undesignated areas prohibited.

(1) A person shall not park a vehicle, motor cycles or bicycle in a place unless the place is designated for the parking of such a vehicle, motor cycle or bicycle.

(2) Where a person parks a vehicle, motor cycles or bicycle in any area not designated for the parking of that vehicle, motor cycle or bicycle, the council may clamp, tow or impound the vehicle, motor cycles or bicycle.

(3) Where a vehicle, motor cycle or bicycle is clamped or towed and impounded in accordance with these Bye-laws—

(a) the owner or operator of the vehicle, motor cycle or bicycle shall refund to the Council or the council's authorized agent, all the expenses incurred in the clamping, towing or impounding of the vehicle, motor cycle or bicycle;

(b) the council shall not be responsible for any damage that may have been reasonably occasioned to the vehicle, motor cycle or bicycle in the process of clamping, towing or impounding of the vehicle, motor cycles or bicycle.

(4) For the avoidance of doubt, where at the time of clamping, towing, or impounding of the vehicle, motor cycle or bicycle, the vehicle, motor cycle or bicycle is carrying any passengers, the operator of that vehicle, motor vehicle or bicycle shall enable the passengers to board an alternative vehicle, motor cycles or bicycle without undue delay.

12. Driving in a dangerous manner.

A person shall not drive a public service vehicle in a manner that may be dangerous or is likely to cause injury or affect the normal working of other people or property.

13. Delivering passengers in unauthorized place.

A driver or conductor of a public service vehicle shall not carry from, or unload a passenger in any place other than the gazetted parking area for the parking of that vehicle.

14. Touting for passengers.

A driver, conductor, or other agent of the owner of a vehicle involved in public transport shall not tout for passengers in the municipality.

15. Parking on pavement and green belt.

A driver of any vehicle, motorcycle or bicycle shall not park his or her vehicle, motor cycle or bicycle on a pavement or green belt within the municipality.

16. Parking improperly.

A person shall not park a vehicle, motor cycle or bicycle improperly in a parking place in disregard of the manner in which the parking place is marked or demarcated.

17. Parking lorries, buses or other commercial vehicles in a place for long.

A person shall not park a lorry, bus or other commercial vehicle in one place for more than four hours except where the vehicle is loading or off loading.

18. Parking heavy commercial vehicles in ungazetted place at night.

(1) A person shall not park a heavy commercial vehicle at night within the municipality for more than three hours in any place other than one gazetted for the parking of heavy commercial vehicles.

(2) This byelaw does not apply to a vehicle which is loading or off loading.

19. Sale of agricultural produce and charcoal on streets prohibited.

(1) A person shall not sell any agricultural produce, food stuff or charcoal on the street or other place within the municipality other than in a market or other place designated by the council for the sale of such an item.

(2) Any person who contravenes this byelaw shall upon the order of the court, in addition the penalties prescribed under these Bye-laws to being forfeit to the council the items being sold.

20. Sale of milk in unauthorised manner.

(1) A person intending to operate the business of milk vending within the municipality shall apply to the council for a permit.

(2) A permit for milk vending under this byelaw shall expire at the end of the financial year.

(3) A permit for milk vending shall clearly set out the conditions of the milk vender as may be found appropriate by the council in consultation with the public health officials.

21. Wondering and grazing of livestock on streets.

(1) A person shall not leave livestock to graze or wonder on the streets of Fort Portal town or the municipality.

(2) Subject to any law in place, the council may impound or order the impounding of any livestock found grazing or wondering on the streets of the municipality, for a period not exceeding twenty four hours.

(3) Where any livestock is impounded under this byelaw, the owner or other person responsible for the livestock shall immediately be informed of the impounding of the livestock.

(4) Where the council fails to establish the owner of that livestock for purposes of byelaw 21 (3), the council shall through the local media publish an announcement calling up the owner or person responsible for the livestock.

(5) Any animal impounded under this bye-law shall be kept in an authorized place and shall not be starved.

(6) The owner or other person responsible for the care of the livestock impounded shall refund to the council, all the expenses incurred in the impounding, feeding and taking care of the livestock impounded under this bye-law.

(7) Where livestock in the custody of the council is unclaimed for twenty four hours the livestock shall be auctioned and the proceeds shall be given to the owner if established less the expenses incurred in impounding and auctioning.

22. Repairing vehicles, motor cycles or bicycles in unauthorised place.

(1) A person shall not repair a vehicle, motor cycle or bicycle in an area other than in a garage or area approved by the council for such repair.

(2) The council or its agent may remove any vehicle being repaired and take it to an authorised place for safe custody, if that vehicle has been repaired on the road or street or an area not authorised by the council.

23. Removal of broken down vehicles.

(1) The owner or driver or agent of any vehicle which has broken down on any place, road, street in the municipality, shall remove or take all reasonable steps to secure the removal of the vehicle as soon as practicable from that road.

(2) The council or its agent shall remove any vehicle which has broken and take it to an authorised place for safe custody, if that vehicle has been parked on the road or street, for more than twelve hours.

(3) The owner or driver of the vehicle removed by the council or its agent shall pay to the council the expenses incurred for the removal and custody.

24. Washing vehicles, motor cycles or bicycles in unauthorised area.

(1) A person shall not operate the business of washing vehicles, motor cycles or bicycles in a place other than one authorized by the council for the purpose.

(2) The council may clamp, tow and impound the vehicle, motor cycle or bicycle found being washed in unauthorized area.

25. Parking of motor vehicles at fuel filling stations prohibited.

(1) A person shall not park or leave a motor vehicle at a fuel filling station for any other purposes other than for services offered at the fuel filling station.

(2) For the purposes of this bye-law, a person shall only park a motor vehicle at a fuel filling station for such period as may be reasonable for the carrying out of a service offered at the fuel station.

PART V—PERMITS AND FEES

26. Permit for a washing place.

(1) The council shall issue a permit in a form of a sticker to persons operating the business of washing vehicles, motor cycles or bicycles in designated areas.

(2) The council shall determine and levy a fee for the washing of vehicles, motorcycles or bicycles within the municipality.

(3) A person shall not carry out the business of washing vehicles, motor cycles or bicycles without a valid permit.

27. Parking fees.

(1) A person operating the business of commercial public transport within the municipality shall pay a monthly fee prescribed by the council, from time to time.

(2) A person operating a commercial vehicle, lorry, light truck, pick up or other vehicle, within the municipality shall pay a daily and monthly fee as prescribed by the council.

(3) A person who pays a monthly parking fee under this byelaw shall be issued with a monthly sticker and shall, on each payment of a daily fee, be issued with a receipt by the council or its authorised agent.

(4) A sticker issued under this byelaw shall be sufficient evidence of payment of a monthly parking fee.

(5) A receipt issued under this byelaw shall be sufficient evidence of payment of the relevant day's parking fee.

(6) The council may, on application by a person concerned, exempt certain categories of persons or institutions from the requirement of paying parking fees under this bye-law.

28. Fees for washing vehicles, motor cycles and bicycles.

(1) A person operating the business of vehicles, motor cycles or bicycles washing within the municipality shall pay a monthly fee prescribed by the council, from time to time.

(2) A person who pays a monthly fee for the washing of vehicles, motor cycles or bicycles under this byelaw shall be issued with a monthly sticker.

(3) A sticker issued under this byelaw shall be sufficient evidence of payment of the prescribed fee for the washing of vehicles or bicycles.

(4) The council shall determine and levy a percentage or other fee on the amount of money chargeable for the washing of each or a number of motor vehicles.

(5) A driver, car washer, agent, owner of a vehicle, motor cycle or bicycle shall not wash his or her vehicle or bicycle under this bye-law without paying council fees.

29. Loading and offloading fees.

(1) A person operating the business of commercial public transit on transit through Fort Portal town who loads or offloads passengers within the municipality shall pay a loading or offloading fee as may be prescribed by the council from time to time.

(2) A person who pays a loading or offloading fee under this byelaw shall be issued with a receipt by the council or an authorised agent.

30. Vehicle may be impounded for failure to pay fees.

(1) Subject to any other law, the Council may impound or cause the impounding of any motor vehicle, public service vehicle engaged in public transport or any taxi, or motorcycle within the municipality where the owner of the vehicle has, after sufficient written notice to him or her, detailing all the material facts relating to the impounding of his or her vehicle, and giving the person reasonable time within which to pay, failed or defaulted to pay any fees under these Bye-laws.

(2) A vehicle impounded under this bye-law shall be kept under an authorized place until the payment or any part of the payment under this byelaw.

(3) For the purposes of these Bye-laws, a vehicle impounded shall be released on either full payment of the fee or where the council is satisfied that all the fee has been paid, or any part payment of the fee as agreed by the council or on a court order.

(4) The owner or other person responsible for the vehicle impounded under this byelaw shall refund all the expenses incurred by the council in impounding, storage and taking care of a vehicle impounded under this byelaw to the Council.

(5) Where a vehicle stays in the custody of the council for a period of 6 months without the owner claiming it or where there is failure to pay fees as provided in this byelaw and upon notice to the owner, the vehicle or motor cycle or bicycle shall be sold by public auction and the proceeds after deducting the fees and custody expenses shall be given to the owner.

31. Fee on vehicles carrying pozzolaner.

(1) The council shall impose a monthly fee on every commercial vehicle, lorry, light truck or other vehicle that operates the business of carrying pozzolaner, locally known as “bikenkya” stones to Hima cement or any other factory.

(2) The council or its authorized agent shall issue a monthly sticker to every person who pays the fee under this byelaw and the sticker shall be sufficient evidence of the payment of the fee.

32. Fee on other commercial vehicles.

(1) A person operating a tractor, heavy commercial vehicle, light truck, lorry or other vehicle in the municipality shall pay a monthly fee prescribed by the council from time to time.

(2) The council or its authorised agent shall issue a sticker to every person, agent, owner or driver of the motor vehicle who pays a monthly fee under this byelaw and the sticker shall be sufficient evidence of the payment.

PART VI—OFFENCES AND PENALTIES

33. General offences.

(1) A person who—

- (a) parks a vehicle in a place other than one designated for the parking of his or her vehicle within the municipality;
- (b) parks a vehicle improperly in disregard of the manner in which the parking place is marked or demarcated;
- (c) defaults or fails to pay any parking, loading or offloading or such other fee under these Bye-laws as owner, driver conductor or such other operator of the vehicle;

(d) breaks, vandalizes, steals, or in any way wrongly tampers with a clamp;

(e) operates an illegal parking or washing place;

(f) contravenes any provision of these Bye-laws,

commits an offence and is liable, on conviction, to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

(2) In addition to the penalty provided under this byelaw, any council fees due and expenses incurred by the council or its authorized agent as a result of the breach of any provisions of these Bye-laws shall be paid by the person convicted.

(3) For the avoidance of doubt, a bicycle operator involved in the business of public transport within the municipality, who—

(a) parks a bicycle in a place other than one designated for the parking of bicycles;

(b) parks a bicycle in disregard of the demarcation at the parking place; or

(c) defaults or fails to pay the monthly parking fee for his or her bicycle,

commits an offence and is liable, on conviction to a fine not exceeding two currency points or to imprisonment not exceeding six months or both.

PART VII—MISCELLANEOUS

34. Obligation to obey instructions of officers.

Every person shall at all times, obey reasonable orders, directives or instructions of an officer of the council in connection with these Bye-laws.

35. Power to tow or clamp a vehicle, motor cycle or bicycle.

The council may tow or clamp any vehicle, motor cycle or bicycle whose driver or agent or owner contravenes the provisions of these

byelaws.

36. Proof of ownership of a vehicle, motor cycle or bicycle.

Any person claiming to be the owner of a vehicle, motor cycle or bicycle shall prove to the satisfaction of the council or its agent that he is the owner of that vehicle, motor cycle or bicycle.

37. Revocation of SI No. 75 of 2002 and SI No. 92 of 2003.

The Fort Portal Municipal Council (Streets and Designated Areas Parking) Bye-laws, 2002 and the Fort Portal Municipal Council (Road and Traffic) Bye-laws 2003 are revoked.

SCHEDULES

FIRST SCHEDULE

Byelaw 4

CURRENCY POINT

One currency point is equivalent to twenty thousand Uganda shillings.

SECOND SCHEDULE
DESIGNATED PARKING AREAS

Byelaw 6.

The following places are designated as parking areas.

BUS/TAXI PARK

1. Nyakaseke (Taxi Park) at Nyakaseke, with an area 16,000m in South Division
2. Rwengoma Lorry / Bus Park area 3,200m in West Division
3. Kahinju Place Taxi Park in South Division

STREET PARKING

The following streets are designated for street parking

1. Moledina
2. Lugard Road
3. Rukidi Street
4. Ruhandiika Street
5. Kaboyo Road
6. Balya Road
7. Kahinju Road
8. Malibo Road
9. Babiiha Road
10. Magambo Road
11. Mpanga Market
12. Muguusu Road
13. Mill Lane Kabundaire
14. Kampala Road (in front of Mpanga Market)

BODA BODA STAGES

The following locations are designated as Boda Boda stages

- | | |
|---|-------|
| 1. Hakabale | Stage |
| 2. Kampala road Red House | Stage |
| 3. Area between Shell Mpanga & Kampala Road | Stage |
| 4. Boma Offices | Stage |
| 5. Mountains of the Moon Hotel Junction | Stage |
| 6. Garden Restaurant Entrance | Stage |
| 7. Harubaho Junction | Stage |

8. Kumwe Mill Lane	Stage
9. Rufura Junction	Stage
10. Bus / Lory park Entrace	Stage
11. Kahungabunyonyi Road	Stage
12. Hakatoma Trading centre	Stage
13. Kitembe Junction	Stage
14. Buhiga Hospital External Park	Stage
15. Kamwenge Road blow Moscque	Stage
16. Glue pot Junction	Stage
17. Dons Plazar	Stage
18. V.O.T.	Stage
19. Bonanza Janction	Stage
20. Pan africa	Stage
21. M.T.N Kahinju Road	Stage
22. Total Frontage	Stage
23. Wooden Hotel Entrance	Stage
24. Kahinju access / Junction	Stage
25. Magambo Entrance	Stage
26. Malibo Road	Stage
27. New Tax Park Entrance	Stage
28. Kasombabwoma Bwamba road	Stage
29. Nyakaseke / Kalitusi Bwamba Road	Stage
30. Mutigwabatuku Junction	Stage
31. Balya road	Stage
32. Kabarole Hostel	Stage
33. Hakibale / MT	Stage
34. Maguru / Mucwa Junction	Stage
35. Virika	Stage
36. Kacwamba	Stage
37. Kasusu	Stage
38. Upper Kagote Road / Queens Road Junction	Stage
40. Kagote Estate - Saka / Queens Roads Junction	Stage

Passed by Fort Portal Municipal Council this 23rd day of May, 2007.

I hereby signify my hand this 30th day of May, 2007.

ASABA E. RUYONGA ADYEERI,
Chairperson, Fort Portal Municipal Council.

Cross references