

CITY OF BULAWAYO ENVIRONMENTAL MANAGEMENT BY-LAWS, 2023

Arrangement of sections

Section

1. Title
2. Application
3. Interpretation
4. Preparation and adoption of a plan
5. Principles of contents of the plan
6. Environmental zoning
7. Urban agriculture culture and cultivation areas
8. Conservation of natural resources in urban areas
9. Waste management sites
10. Environmental impact assessments
11. Environmental rehabilitation works on abandonment projects
12. Environmental works carried out by Council
13. Protection of wetlands
14. Protection of lands
15. Mineral panning and mining activities
16. Brick moulding
17. Protection of water sources

18. Pollution of streams
19. Irrigation water
20. Natural vegetation
21. Cultivation
22. Occupation of Municipal land
23. Removal of unauthorised buildings, structures or equipment
24. Air pollution
25. Removal of domestic waste and provision of standard waste receptacles
26. Use of waste receptacles
27. Control of deposit of waste
28. Sanitary services
29. Deposit of industrial waste
30. Waste disposal sites
31. Charges for services
32. General provisions on waste
33. Hazardous substances and toxic chemicals
34. Noise
35. Control of livestock and bee-keeping
36. Impounding of strays
37. Control of donkeys
38. Injury to structures
39. Injury to plant life
40. Removal or destruction of substances
41. Injury to animal life
42. Enclosures

43. Use of Land
44. Wheeled traffic
45. Use of public water amenities
46. Firearms and miscellaneous weapons
47. Public conduct
48. Control
49. Offences
50. Appeal against decisions or orders made by Council
51. Repeals

Title

1. These by-laws may be cited as the City of Bulawayo Environmental Management By-Laws

Application

2. These by-laws shall apply to the Council area and to any local government area the administration, control and management is vested in terms of the Urban Councils Act (*Chapter 29:15*)

Interpretation

3. In these by-laws—

“**agency**” means the Environmental Management Agency

“**council**” means the City of Bulawayo

“**council area**” means the area for which the council has been established;

“**domestic animal**” means any animal, kept by an owner or occupier on his premises, which is not a bovine, equine, ovine or porcine animal;

“**domestic waste**” means solid waste from any premises arising from the normal occupation of such premises, but does not include industrial waste, garden waste, builders' rubble and debris, clay, soil, sand, stones, gravel or dead or uprooted trees;

“**effluent**” means waste water or other fluid originating from domestic, agricultural or industrial activity, whether the water or fluid is treated or untreated and whether it is discharged directly or indirectly into the environment;

“**environment**” means—

- (a) the natural and man-made resources, including water, soil, minerals and living organisms, whether indigenous or exotic and the interaction between them;
- (b) Ecosystems, habitats, spatial surroundings or other constituent parts, whether natural or modified or constructed by people and communities;

“environment action plan” means an environmental action plan prepared by a Local Authority for the area under its jurisdiction in terms of Section 95 of the Environmental Management Act (*Chapter 20:27*)

“environmental impact assessment” means an evaluation of a project to determine its impact on the environment, human health and community livelihoods whose specific requirements are set out in terms of section 97 of the Environmental Management Act (*Chapter 20:27*);

“environmental impact assessment report” means a report on an environmental impact assessment produced by the developer of a project in terms of section 97 of the Environmental Management Act (*Chapter 20:27*);

“environmental impact assessment certificate” means a certificate issued by the Director-General of the Environmental Management Agency for a particular project in terms of section 97 of the Environmental Management Act (*Chapter 20:27*);

"garden waste" means plants or bushes, or parts thereof, pruning from trees, hedge-clippings, grass or other organic matter which has been accumulated as a result of the maintenance of land, but does not include ashes, clinker, clay, soil, sand, stones or gravel;

“invasive alien species” means, generally, exotic plants which have become naturalised and threaten the existence of indigenous species by penetrating and replacing indigenous vegetation ,as specified in the Third Schedule of the Environment Management Act (*Chapter 20:27*)

"industrial waste" means waste from the carrying on of any process for, or incidental to, any of the following activities

- (a) the making of any goods;
- (b) the altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any goods;
- (c) the adaptation for sale or use of any goods;
- (d) the sorting, assembling or packing of any goods, including the washing or filling of bottles or other containers;
- (e) printing by letterpress, lithography, photogravure, or similar process, including any activity associated with the printing industry;

(f) the painting, spraying, construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof;

but does **not include mining operations**;

“**natural resource**” includes—

- (a) the air, soil, waters and minerals;
- (b) the mammal, bird, fish and other animal life;
- (c) the trees, grasses and other vegetation; and
- (d) the springs, vleis, sponges, reed-beds, marshes, swamps and public streams;
- (e) any other thing that the Minister may, by notice in a statutory instrument, declare to be a natural resource, including a landscape or scenery which, in his opinion, should be preserved on account of its aesthetic appeal or scenic value;

"**medical officer of health**" means the officer for the time being holding office under the council as medical officer of health, or his deputy, and includes any medical practitioner lawfully acting in the capacity of medical officer of health;

“**noise**” means sounds of an annoying, distracting, or physically harmful nature

"**occupier**", in relation to any premises, means—

- (a) any person in actual occupation of, or legally entitled to occupy, such premises; or
- (b) any person having the control, charge or management of such premises, whether as agent or otherwise; or
- (c) in the case of vacant premises, the owner thereof;

“**owner**” means—

- (a) the person registered in the Deeds Registry as the owner of the land or premises;

"**premises**" includes land and buildings;

"**public place**" means any bridge, enclosure, footpath, garden, open space, pavement, road, service-lane, sidewalk, square, subway or street of the nature of a thoroughfare vested in, or controlled by, the council, and to which the public or any section of the public has access;

"**residential unit**" means—

- (a) a flat in a block of flats;

- (b) a semi-detached or terraced house;
- (c) a detached house;

and any domestic staff quarters and outbuildings used in connection therewith.

"**standard waste-receptacle**" means a waste-receptacle provided by the council;

"**vegetation**" includes any tree, shrub, fern, flower, grass, creeper, crop or any other plant or organic

matter or any part thereof, whether dead or alive.

"**waste material**" includes any containers, wrappings, cartons, cigarette packets, paper, vegetable matter, garden waste, hedge clippings, dead animals, ash, tins, rubbish, bricks, stone, soil and any other matter or substance which is offensive , unwholesome or untidy;

"**wetlands**" means an area of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or sal and includes riparian land to the adjacent to the wetlands.

"**waste-disposal site**" means any area of land set aside and designated by the council from time to time for the disposal of waste.

Preparation and adoption of a Local Environmental Action Plan

4. (1) Council shall prepare an environmental action plan for the area under its jurisdiction in terms of Section 95 of the Environmental Management Act.
- (2) In developing the environmental action plan, Council shall-
 - (a) ensure that the process is participatory by consulting all relevant stakeholders including residents,the business sector, civil society, the informal business sector,community based environmental groups and government departments during the development of the environmental action plan among others;

- (b) place on public exhibition a copy of the proposed environmental action plan for inspection by any of the inhabitants the area;
 - (c) put public notices by means of various communication channels indicating the place or places and period at which the plan shall be open for exhibition and inspection by residents;
 - (d) call upon any inhabitant who have objections to the proposed environmental action plan to lodge their objections with the council within thirty days after the date of notification of the proposal;
 - (e) consider any objections received in terms of subsection (2) (d).
- (3) Once a plan has been approved, a copy thereof shall—
- (a) be made available for inspection, free of charge, during normal working hours at the offices of the council or at any place or places considered by council to be convenient; and
 - (b) be sent to each District Council office in the council area.

Principles and contents of a plan

5. (1) In developing and formulating an environmental action plan, Council shall take into account the following key principles and objectives;
- (a) adequate stakeholder consultation and participation
 - (b) identification of environmental priorities and objectives
 - (c) preparation of strategies and action plans
 - (d) institutionalization of the process
 - (e) monitoring and evaluation
 - (f) access to environmental infrastructure and services
 - (g) control and prevention of pollution from urban wastes and emissions
 - (h) resource degradation
 - (i) hazardous wastes

- (j) economic factors
- (k) demographic factors
- (l) natural and spatial factors

Environmental Zoning

6. (1) Subject to Part III and Part IV of the Regional, Town and Country Planning Act (Chapter 29:12) and the Second Schedule to Section 198 of the Urban Councils Act, when formulating an environmental action plan, Council may consider designating certain areas for particular environmental activities and operations and in particular;
- (a) urban agriculture
 - (b) waste management sites
 - (c) conservation of natural resources in urban areas

Urban agriculture and cultivation areas

7. (1) Subject to Section 152 of the Urban Councils Act (Chapter 29:12) Council may lease, donate or sell land for urban residents to carry out urban agriculture activities,
- (2) In respect of any area set aside in a plan for urban agriculture or cultivation of crops, the council may, in the plan or a Council order, specify—
- (a) which residents may cultivate in any cultivation area;
 - (b) the means or implements that may be used to cultivate in any urban cultivation area so as not to cause environmental degradation
 - (c) the type of crops which may be grown and their rotation;
 - (d) the responsibility for removing noxious weeds;
 - (e) contour ridging schemes and other land and soil protection and conservation measures;
 - (f) prohibit the use of certain fertilisers and chemicals by urban farmers in certain areas that may result in pollution of water sources
 - (g) the date on which cultivation shall cease until certain land protection and conservation measures have been implemented.

(h) areas to be set aside, subject to Section the Second Schedule to Section 198 of the Urban Councils Act, for natural resources conservation and grazing.

(3) Council shall adopt measures or make orders in the Council area to promote compliance with the specific procedures to be followed in the handling of pesticides and toxic substances by urban farmers as contemplated in Sections 73-78 and in the Environmental Management (Hazardous Substances, Pesticides and Other Toxic Substances) Regulations (SI 12 of 2007), in particular on the prohibition of discharge of hazardous substances, chemicals and following standards for pesticides and toxic substances in the Council area by urban farmers.

(4) Any person or inhabitant who deliberately fails to comply with Council orders or plan with respect to cultivation of urban land shall be guilty of an offence and liable to pay a fine to be prescribed in a Council order as may be determined from time to time by the Council, or if it is the first time, Council may consider giving the person a written warning and upon commission of a similar offence a fine will be imposed.

(5)The council may instruct any unauthorized cultivator to destroy illegal cultivation, and, if it cannot trace the cultivator, may, with its own resources, destroy such cultivation and restore the land affected. Costs of destroying such cultivation shall be recovered from the unauthorized cultivator.

(6) No compensation shall be paid by council in respect of any crops destroyed in terms of subsection (5)

Conservation of natural resources in urban areas

8. (1) In respect of any area set aside in a plan for environmental and natural resources conservation, the council may, in the plan, specify—

(a) natural resources to be conserved in the area and measures to protect and conserve the natural resources;

(d) contour ridging schemes and other land and soil protection and conservation measures;

(c) measures that may be taken to protect and conserve the environment and natural resources

(2) Any person who contravenes the requirements and conditions of a plan for conservation of natural resources as prescribed by the Council shall be guilty of an offence and liable to a fine to be prescribed by the Council in an order from time to time, or to a written warning if the person is a first-time offender and upon commission of a similar offence, a fine will be imposed.

Waste management sites

9. (1) In respect to the management of waste in the council area, the plan shall specify—

(a) the areas designated as waste management sites in the Council area;

(b) designate areas that may be leased or donated to community-based waste management groups for purposes of recycling, reusing, sorting, treatment, selling and marketing waste materials,

(c) roles and responsibilities of the Council and area inhabitants regarding waste management

(d) the development of a waste management plan by the council

Environmental impact assessments

10. (1) Any developer or project proponent as the case may be of any project in the Council area, for which an environmental impact assessment is required in terms

of Section 97 and the project is specified in the First Schedule to Section 2 and 97 of the Environmental Management Act (Chapter 20:27) shall;

- (a) consult Council during the consultation process leading to the development of an environmental impact assessment;
- (b) involve Council in organising public consultations meetings in the area regarding the proposed development project;
- (c) submit to Council the name, contact details and other relevant particulars such as qualifications of any consultant hired or engaged by the project developer to carry out the environmental impact assessment on his behalf and submit proof of their registration with the Environmental Management Agency;
- (d) submit to Council a copy of the Environmental Impact Assessment Report for the proposed project;
- (e) submit to Council a copy of the Environmental Impact Assessment Certificate issued for the project by the Director-General of the Environmental Management Agency;
- (f) submit to Council a copy of the annual Environmental Management Plan, if applicable.

(2) For the avoidance of doubt Section 97 and the First Schedule of the Environmental Management Act (Chapter 20:27) shall apply mutatis mutandis to the Council area

(3) It is an offence for any project developer in a Council area to start operations without submitting to Council a copy of the Environmental Impact Assessment Report, or a copy of the Environmental Impact Assessment certificate issued by the Director-General of the Environmental Management Agency or a copy of the annual Environmental Management Plan produced by the project developer within a period of thirty days after the issuance of the said documents.

(4) Any person who fails to submit the documents required in terms of subsection (2) of this section shall be guilty of an offence and liable to a fine to be prescribed by Council in a Council order.

(5) Council shall request from time to time, at its own expense all relevant information from the Environmental Management Agency related to quarterly environmental monitoring reports produced by project developers, in terms of Section 106 of the Environmental Management Act (Chapter 20:27), operating in the Council area.

(6) Council shall take measures to make environmental impact assessment reports submitted by project developers available and open for public inspection at all reasonable times at the Council offices on payment of the prescribed fee, if any: Provided that no person shall use any information contained therein for personal benefit and this has to be done in compliance with Section 108 of the Environmental Management Act (Chapter 20:27).

Environmental rehabilitation works on abandonment of project

11.(1) Any person who undertakes any project for which an environmental impact assessment is required and with the effect of causing environmental damage or environmental degradation or harm in the council area shall;

(a) submit to Council a rehabilitation plan containing rehabilitation works that will be undertaken before abandonment or closure of the project;

(b) rehabilitate the environment before abandonment or closure of the project;

(2) Council shall monitor the implementation of rehabilitation plans of projects in collaboration with the Environmental Management Agency

(3) Any person who fails to rehabilitate the environment after abandonment or closure of the project shall be guilty of an offence and liable to a fine to be prescribed by Council.

Environmental works carried out by council

12 (1) Where a land owner or occupier as the case may be, requests council to carry out environmental works on his land, or in the event that the owner fails to do so on his own, council may undertake such environmental works as may be necessary to rehabilitate the environment and recover the costs associated with such works from the land owner or occupier of the land.

Protection of wetlands

13 (1) Any person who intends, in a Council area to reclaim or drain, drill or make a tunnel, introduce any exotic animal or plant species, cultivate, or licence the cultivation of, or destroy any natural vegetation on, or dig up, break up, remove or alter in any way the soil or surface of —

- (a) a wetland; or
- (b) any water canal or other water works
- (c) land within 30 metres of the naturally defined banks of a public stream; or
- (d) land within 30 metres of the high flood-level of any body of water conserved in artificially constructed water storage work on a public stream; or
- (e) bed, banks or course of any river or stream;

shall, furnish and submit to Council a licence issued by the Environmental Management Agency in terms of Section 20 (1) of the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007, Statutory Instrument 7 of 2007, to perform any of the aforesaid activities;

(2) In order to promote the protection of wetlands, council may take additional measures and make orders for the protection of wetlands in the council area in line with the requirements of Section 113 of the Environmental Management Act (*Chapter 20:27*)

and Section 20 of the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007, Statutory Instrument 7 of 2007.

(3) Any person who fails to submit or furnish Council a valid licence issued by the Environmental Management Agency in terms of subsection (1) of this section or fails to comply with a council order made in terms of subsection (2) shall be guilty of an offence and liable to a fine to be prescribed by Council in an order.

Protection of lands

14 (1) No person shall excavate, remove, possess, transport or licence the removal of sand, stones and pit sand, slate, gravel, rubble, overburden pebbles, clay and lime for commercial purposes without seeking the written permission of Council and furnishing Council with a licence issued by the Environmental Management Agency in terms of Section 3 of the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007.

(2) Any person who intends to extract sand, stones, pit sand, slate, pebbles, clay and lime on his land or on Council land shall apply to Council stating the details of the excavation works to be conducted and submit an environmental rehabilitation plan to Council, which shall also be forwarded to the Environmental Management Agency for consideration before any extraction or excavation is done in terms of Section 3 (3) of the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007

(3) On Council land, Council shall have the sole authority to identify designated sites for the extraction of gravel, stones, pebbles, slates, river sand or pit sand in the council area for commercial purposes;

(4) Council shall periodically monitor the collection or removal of gravel, stones, river sand or pit sand, slates, pebbles, clay, lime for non-commercial purposes.

(5) All provisions related to the abstraction of sand and clay as stated in the Environmental Management (Environmental Impact Assessment & Ecosystems Protection) Regulations, 2007,

shall apply to the Council area and all inhabitants and any person who wishes to engage in commercial extraction of clay and sand in the Council area is required to comply with the law.

(6.) No person shall deposit, or cause or permit to be deposited any rubble, soil, refuse, garden rubbish, building debris or other waste matter on any municipal land without prior written approval by of the council except where special designated areas have been set aside for such purpose

(7) (1) Any person who contravenes subsection 1 and subsection 6 shall be guilty of an offence and liable to a fine to be determined by Council

(a) Council shall impound vehicles or any other vessels and equipment used in the commission of the offence until payment of the prescribed penalty

(b) Storage charges for vehicles or any other vessels and equipment impounded in terms of subsection 7(a) shall be charged to the owner at a fee prescribed by Council.

© any unclaimed vehicles, vessels or equipment shall be sold by public auction in terms of the Council by-laws.

Mineral panning and mining activities

15.(1) All mines and any mining development shall be registered with Council at a prescribed fee.

(2) No person shall excavate, remove or possess, transport any minerals including gold ore or conduct any mining activities within Council land or water courses without Council's written approval or valid mining licence issued by the Ministry of Mines.

(3) Any person who engages in mineral panning shall have committed an offence and liable to a fine as prescribed in the Council budget or liable for prosecution.

(4) All persons prospecting for any mineral on Council's area of jurisdiction shall notify Council in writing, failure to which would have committed a crime and liable to fine as prescribed in the Council budget or prosecution.

(5) Any mining activity in the council area shall be done in accordance with the provisions of the Mines and Minerals Act [*Chapter 21:05*].

- (6) Council shall order any person who is mining or prospecting on grounds that are not open to pegging and prospecting to cease any operation. Council shall impound vessels and equipment used in the commission of an offence.
- (7) No person shall mine within 200m from the centre of a river or stream, dam or wetlands.
- (8) Council shall charge a prescribed fee for the transportation of ore.
- (9) Any person who contravenes subsections (3) and (4) shall have committed an offence and liable to a fine as prescribed in the Council budget or prosecution

Brick moulding

- 16.(1) No person shall mould or make bricks for sale, for domestic or commercial purposes in the council area without a licence or permission from council.
 - (2) In the event that a person intends to mould or make bricks for domestic or commercial purposes he shall demonstrate to council that he is capable of taking the following measures before he is granted permission;
 - (a) rehabilitate the environment or pits created by his activities
 - (c) in the event that compliance with paragraph (a) in this subsection is not possible, demonstrate that he is capable of carrying out reforestation projects in the area where trees have been cut or shall establish a woodlot failing of which the licence shall be revoked by Council.
 - (3) Council may set aside land for domestic or commercial brick making in the council area, which land shall be used by brick makers under specified terms and conditions as council may determine from time to time.
 - (4) The selling of bricks shall be done at the registered brick making site or other site approved by Council.
 - (5) Any person who contravenes the provisions of this section or mould or make bricks for sale, for domestic or commercial purposes in the council area without permission from council, or fails to rehabilitate the environment after moulding bricks, or moulds

and markets bricks in an undesignated area shall be guilty of an offence and liable to a fine to be prescribed by Council.

Protection of water sources

17.(1) All residents in the council area have a duty to protect and conserve water resources and other water sources such as boreholes, dams, rivers, weirs and in particular;

(a) against pollution

(b) to promote sustainable use of water resources

(2) Council may make orders controlling the protection, provision and conservation of water resources in the council area.

(3) In the event that Council has been appointed as one of the stakeholder representatives to serve in water Catchment and Sub-catchment Councils in terms of the Water Act (Chapter 20:24), the Water (Catchment Councils) Regulations, SI 33 of 2000 and the Water (Subcatchment Councils) Regulations, SI 47 of 2000, or when council has been delegated by the Minister of Water Resources in terms of Section 66 of the Water Act to exercise the powers conferred on a catchment council, the Council shall ensure that the interests of its inhabitants are served by discharging its duties in the catchment or sub catchment with the objective of;

(a) promoting the right of access to water for primary purposes for all inhabitants as contemplated by the Water Act

b) ensuring the protection, conservation and sustenance of water resources and the environment;

(4) Any person who contravenes the provisions of this section by polluting or causes any pollution of any borehole, stream, river dam or wetland shall be guilty of an offence and liable to a fine to be prescribed by Council.

Pollution of streams

18.(1) no person shall-

(a) deposit any cinders, ashes, bricks, rubbish, filth or any other matter whatsoever which may cause or be likely to cause annoyance or a nuisance or pollution in any public stream or watercourse, or in the dry bed of any public stream or water course, including any ditch or drain or other works provided for the disposal of storm water; or

(b) permit any sewage, trade effluent, filthy or impure water, poisonous or noxious liquid or any polluting fluid whatsoever, to discharge or be discharged, or to flow into any public stream or water course, including any ditch or drain or other works provided for the disposal of storm water; or

(c) install any septic tank or French drain within thirty meters of any stream or watercourse, or the dry bed of any stream or watercourse.

2.any person who contravenes subsections (1) shall have committed an offence and liable to a fine as prescribed in the Council budget or prosecution

Irrigation Water

19(1) No person shall-

(a) abstract any water from any public stream or watercourse in the municipal area for the irrigation of land unless he is the holder of a water right for such purpose which has been conferred by a water court in terms of the Water Act [chapter 268]; or

(b) Construct any well, shaft, borehole or other work which is intended to have the effect of abstracting water from a public stream or watercourse.

(2) Any person who shall have any irrigation works as defined in the Water Act [chapter 268] on his property, and is not the holder of a water right, shall obtain authority from the council to retain such works on terms and conditions determined by the council.

Natural Vegetation

20(1) No person shall cut, injure, destroy, transport or possess any firewood, brushwood, timber or grass from any Council land without prior written approval of the Council.

(2) Every person in the Council area has a duty to protect and conserve biological diversity in the urban environment in accordance with the provisions of section 116 of the Environmental Management Act; and in particular;

- (a) Council may prepare an inventory of the biological diversity of the council area or in areas that are specifically set aside for biodiversity conservation;
- (b) Set aside biodiversity conservation areas in the council area
- (c) Council may fence and maintain biodiversity or environmental conservation works within the area

(2) Any person who contravenes this section of the by-laws shall be guilty of an offence and liable to a fine to be prescribed by Council in an order;

Cultivation

21(1) No person shall without prior written approval of Council, cultivate any municipal land, sow, tend or reap any plant, shrub, bush, flower, vegetation, fruit or other crop on any municipal land, without the prior written approval of the council.

(2) The council shall not grant approval for the purposes of subsection (1) unless it is satisfied that-

- (a) The cultivation will in no way detract from the value of the land or its suitability for future development; and
- (b) the cultivation will in no way adversely affect or cause injury to the natural resources of the area; and

(c) The applicant is capable of managing the land in accordance with approved farming practices.

(d) In granting an approval in terms of subsection (1), council shall impose such reasonable conditions for the protection of natural resources as it deems fit.

(3) Approval is given in terms of subsection (1) may be withdrawn from any person who fails to comply with any condition imposed upon him in terms of subsection (2).

(5) The council may instruct any unauthorized cultivator to destroy illegal cultivation, and, if it cannot trace the cultivator, may, with its own servants, destroy such cultivation and restore the land affected.

(6) No compensation shall be paid by council in respect of any crops destroyed in terms of subsection (5)

(7) No person shall, without the prior written approval of the city council, cultivate, or permit or cause the cultivation of, any land, or injure or destroy any natural vegetation;

(a) Within thirty meters of the verge of any spring, vlei, sponge, marsh, swamp or reed bed; or

(b) Within thirty meters of the high flooded level of any body of artificially conserved water;

(c) Within thirty meters of the high flooded level of any body of artificially conserved water;

(1) Provided that any occupier or owner of a residential or industrial stand may undertake gardening operations or building erection within these limits if such operations do not result in soil erosion or the deterioration of the condition of any public stream.

Occupation of municipal land

22(1) No person shall-

(a) erect any kraal, hut, fence shelter or other erection on any municipal land; or

(b) make or use any vehicle road or track over or through any municipal; land, other such public roads the use of which shall be permitted by the council from time to time; or

(c) out span any animal drawn vehicle on any municipal; land, other than at such places as may

be provided by the council or;

(d) tether any animal, including a domestic pet, in any street or public place in such a manner as to cause an obstruction or a nuisance; or

(e) parks delivery carts for the distribution of milk or other products on any municipal land, other than at such places as may be set aside for such purposes; or

(f) park, deposit or abandon any disused, dismantled or derelict vehicle, motor vehicle or machinery, or any part thereof, whether in running order or not, on any municipal land;

without the prior written approval of the council and under such condition as may be laid by the council.

Removal of unauthorized buildings, structures or equipment

23. (1) where any person has-

(a) erected any kraal, hut, fence, shelter or other erection,

(b) parked, deposited or abandoned any disused, dismantled or derelicts vehicle, motor vehicle or machines, or any part thereof;

On any municipal land without the prior written approval of the council, the council may serve a written notice on the owner or person responsible for such building, structure, vehicle or machinery to remove such kraal, hut, fence, shelter or other erection or machinery from the municipal land within a time to be specified in such notice.

(c) No person shall fail to comply with the terms of a notice issued in terms of subsection (1), and the council may give effect to the terms of such notice at the expense of such person.

Air pollution

24 (1) No person shall emit any substances which cause air pollution in the Council area without a licence issued and prescribed in the air quality standards set in terms of Section 63 of the Environmental Management Act (*Chapter 20:27*) and the Environmental Management (Atmospheric Pollution Control) Regulations S. I. 72/2009, which shall apply *mutatis mutandis* in the Council area;

(2) No person who engages in any of the following activities-

- (a) the burning of waste at a landfill; or
- (b) the burning of vehicle tyres; or
- (c) the burning of bitumen; or
- (d) the burning of metallic wire coated with any material; or
- (e) the burning of oil in the open air; or
- (f) the operation of an incinerator; or
- (g) any activity that causes the emission of a pollutant into the atmosphere;

shall in the course of that activity emit any substance into the atmosphere in excess of the amount prescribed in the Third Schedule of the Environment Management (Atmospheric Pollution Control) Regulations S.I. 72/2009;

(3) All air polluters in the Council area shall register with the Council in order to assist Council in the development of its environmental action plan and Council shall maintain a database of all polluters in the area.

(4) All air polluters in the Council area shall submit copies of their emission licences and any other reports related to their emissions that are required to be submitted to the Environmental Management Agency or that are issued by the Environmental Management Agency to Council.

(5) In addition to notifying all relevant authorities and all persons who may be affected by any accidental emission of hazardous emissions as prescribed in Section 17 of the Environment Management (Atmospheric Pollution Control) Regulations S.I. 72/2009, the person who is licenced by the Environmental Management Agency, shall also notify Council about the accidental emission within the timeframe prescribed by the law.

Removal of domestic waste and provision of standard waste receptacles

- 25 (1) The council may—
- (a) supply to any premises a service for the removal of domestic waste; and
 - (b) require the owner or occupier of any premises to which no such service is supplied to remove all domestic waste which accumulates on his premises and deposit such waste at a waste-disposal site.
- (2) The council shall provide to all premises to which a service for the removal of domestic waste is supplied, waste-receptacles of such size and specification as it deems appropriate, having regard to the type of premises concerned and the area in which they are situated.
- (3) The number of waste-receptacles to be provided to any premises by the council shall be as determined by—
- (a) the medical officer of health, in the case of premises where food is prepared or handled other than for purely domestic purposes; and
 - (b) the council, in the case of any other premises.

Use of waste-receptacles

26. (1) The owner of any premises to which the council supplies a service for the removal of domestic waste shall reserve, on such premises, a suitable area, or suitable areas, of sufficient size for the accommodation of standard waste-receptacles.
- (2) The occupier of any premises shall—
- (a) deposit, or cause to be deposited, in a standard waste-receptacle all domestic waste which accumulates on such premises;
- on the day on which domestic waste is to be removed place, or cause to be placed, any standard waste-receptacle which contains such waste at the roadside adjacent to the premises or at such other convenient point as has been arranged with an authorized official, and, as soon as practicable after such receptacle has been emptied, return it to the reserved area.

Control of deposit of waste

27. (1) No person shall deposit or abandon, or cause or permit to be deposited or abandoned, any waste upon any vacant land, public place or premises other than a waste-disposal site.
- (2) Any person wishing to deposit waste on a waste-disposal site shall—
- (a) comply with such conditions as may be imposed by the council; and
 - (b) deposit such waste on a site specified by the director of works.

Sanitary services

28. The council shall cause all night-soil, contents of septic tanks and other similar installations and carcasses of domestic or other animals to be removed and disposed of in a manner approved by the medical officer of health.

Disposal of industrial waste

29. (1) Any person wishing to dispose of any industrial waste at a waste-disposal site shall apply to the council for permission thereof, stating the nature, composition and quantity of the industrial waste in respect of which the application is made.
- (2) The council may require any person who has made an application to subject the industrial waste in respect of which the application is made to such treatment, prior to its disposal, as the council may specify.
- (3) Where the council has required any industrial waste to be subjected to any treatment, no person shall dispose of such industrial waste at a waste-disposal site unless it has been subjected to such treatment.
- (4) In granting permission for the disposal of industrial waste at a waste-disposal site, the council may impose such conditions as it considers necessary to ensure that the disposal of such waste will not cause any danger to life or property, or cause any risk of pollution to the atmosphere or any watercourse, stream, river or underground water-source.
- (5) The council may, either itself or through its contractors, remove industrial waste, or require the owner or occupier to remove industrial waste, from the premises concerned.

Waste-disposal sites

- 30(1) No person shall deposit at a waste-disposal site any matter or material which is of an explosive nature or which is burning or smoldering at the time of disposal.
- (2) The driver of any vehicle which enters a waste-disposal site shall—

- (a) obey any lawful instruction given to him by the person in charge of such site; and
 - (b) dispose of any waste on or in the vehicle in such place or area and in such manner as may be directed by the person in charge of such site; and
 - (c) remove his vehicle from such site immediately after it has been unloaded.
- (3) Access to and egress from any waste-disposal site shall be as directed by the person in charge of such site.

Charges for services

31. For the supply or performance by the council or its contractors of a service in terms of these by-laws, there shall be paid to the council the appropriate charge specified by council, which shall;

- (a) be paid by the owner of the premises concerned, unless the owner is the council, in which case the charge shall be paid by the occupier of the premises; or
- (b) be paid by the occupier of the premises concerned or such other person who has requested the supply or performance of the service concerned; or
- (c) be paid by the person requiring the disposal of the waste; and

General provisions on waste

32. (1) No person shall neglect or refuse—

- (a) to remove waste from any premises when required so to do by the council in terms of these by-laws;
- (b) to comply with the directions of an authorized official or conditions imposed by the council in terms of these by-laws

Hazardous substances and toxic chemicals

33. (1) No person shall generate, store, sell, transport, use, recycle, discharge or dispose of hazardous waste to the environment except under a licence approved by the Environmental Management Agency.

(2) A register shall be kept by the Environmental Management Agency of every licence holder in the council area and the register shall be open to inspection by members of the public at all reasonable times upon payment of a fee.

(3) The council shall prepare a waste management plan for its jurisdiction not later than the 31st of December of each year consisting of an inventory of the waste management situation and its specific goals

(4) The council shall designate suitable sites as waste collection sites within its jurisdiction for management of wastes based on a report assessing the anticipated impact of the environment as well as issues outlined in Section 3 of the Environmental Management (Hazardous Waste Management) Regulations S.I 10/2007.

(5) No hazardous waste shall be disposed of at any other place except in a licensed hazardous waste disposal site or landfill.

(6) Council shall keep records and registers of every waste collection and management enterprise operating within its jurisdiction.

Noise

34. (1) No person in the Council area shall emit noise in excess of the emission standards prescribed in terms of section 79 of the Environmental Management Act

(2) No person shall;

(a) Operate or cause or permit to be operated in any shop, business premises or any other premises whatsoever or on any land adjacent to any street, road or sanitary lane any wireless, loudspeaker, gramophone, amplifier or similar instrument so as to be a nuisance to the occupants or inmates of any premises in the neighbourhood

(b) Operate any wireless or musical instrument operating electricity, a loudspeaker or other similar device for the purpose of advertising on or adjacent to any street, road or sanitary lane without prior consent of Council

(c) Continue to make any loud or unseemly noise or disturbance either by shouting, screaming or yelling or by blowing upon any horn or other instrument or by beating any drum or other instrument in any public or private building or in any premises or in any street, square, alley or other thoroughfare or in any sanitary lane, which noise or disturbance may in any way disturb or interfere with the rest, peace or tranquillity

of the inhabitants, after having been requested by any policeman or other inhabitant to desist

(3). Any person who contravenes or fails to comply with the provision of these by-laws shall be guilty of any offence and liable to a fine in terms of the Council budget.

Control of livestock and bee keeping

35 (1) No person shall depasture any livestock or keep any bees on any Council land without written approval by Council.

2) Any person wishing to obtain the approval of the council in terms of subsection (1) shall

(a) make written application, in triplicate, to the council on the form provided by the council for such applications, completing the form in all relevant respects and

(b) submit with the application a sketch-plan showing the boundaries of the land to which the application relates; and

(c) provide such further information as the council may reasonably require to ensure that any approval given shall be in accordance with these by-laws.

(3) Council may permit the denaturing of livestock or the keeping of bees on the municipal land on such conditions as it may impose, which may include but not limited to;

(a) limitation in the number of any or each type of animal or the number of hives which may be kept; and

(b) In the case of livestock, provision, by the owner of the livestock, of measures for compliance with an approved grazing system; and

(c) in the case of the livestock, provision, by the owner of the livestock, of facilities or means for compliance with the provisions of the Animal Health Act, 1960, and the Prevention of Cruelty to Animals Act [Chapter 47], any regulations made there under; and

(d) in the case of the livestock, subject to the provisions of section 5, provision, by the owner of the livestock, for the erection and maintenance of fencing of a standard necessary to contain the livestock and to prevent damage to the natural grass cover

Impounding of strays

36(1) any livestock found straying or trespassing on any land, road or street may be seized and impounded by the council or any authorized official.

(2) any livestock found straying or trespassing on any land and constituting a danger to the public may be dealt with in any manner necessary to ensure the safety of the public and the protection of property.

(3) any costs or expenses incurred by the council or its officials in the execution of any work entailed by this section shall be recoverable from the owner of the livestock.

Control of Donkeys

37 (1) No person shall, without the prior written approval of the council, drive or move any livestock such as donkeys on the hoof on roads or on municipal land

(2) Any livestock found grazing or kept within residential areas or on municipal land may be seized and impounded by the Council or any authorized official.

(3) Any donkey used for farming purposes within municipal land to be registered and all stock clearance and vetting to be conducted by the owner with the Veterinary Services Department and the Police.

(4). Any person who contravenes or fails to comply with the provision of these by-laws shall be guilty of any offence and liable to a fine in terms of the Council budget.

Injury to structures

38(1) In any public amenity area, no person shall:

(a) remove or injure any fountain, statue, monuments, bust, chain ,railing fence, fencing post, pole, seat, barrier, gate, lamp, lamp post, notice boards, or plate, house, building, shed, urinal, water closet, flag, mark, playground equipment or other thing, or deface or disfigure the same by

pasting or affixing, in any way, any bill, placard or notice or by cutting, writing, stamping, painting, drawing or marking thereon.

Injury to plant life

39 (1) In any public amenity area, no person shall cut, remove, dig up, fell, burn, pluck, break, climb up or upon, do damage or injury to timber, or to any tree, shrub, brushwood, turf, fruit, flower or plant.

Removal or destruction of substances

40(1) In any public amenity area, no person shall-

(a) take, dig, cut, break, damage or remove any gravel, sand, sod, clay, turf, mould, soil, water or other substance; or

(b) burn or do any act which might cause any timber, wood, brushwood, plant, paper, rubbish or other substance to be burned, or light any fire, except in a place specially set aside for the purpose by the council.

Injury to animal life

41(1) In any public amenity area, no person shall-

(a) Catch or snare any bird or animal; or

(b) lay or place any net, snare or trap for the taking of bird's or animals or take any birds egg or nest or shot or chase or attempt to shot any bird or animal or

(c) Or throw any stone or stick or other missile, with intent to injure or catch any bird or animal or

(d) In any way interfere with any fish or any aquatic bird or animal unless he is in possession of a valid permit to do so, issued by the council.

Enclosures

42(1) In any public amenity area, no person shall-

(a) go or attempt to go into any enclosed place, plantation or garden or any temporary enclosure entry to which is prohibited by the display of a notice at such a place, plantation, garden, or enclosure or

(b) make or attempt to make any enclosure.

Use of land

43 (1) In any public amenity area, no person shall-

(a) erect or place any post rail, fence, pole, peg, spike, tent, booth, screen, stand, or swing, or any building, erection or abstraction of any kind whatsoever without the consent of the council or

(b) deposit or leave any raffles, rubbish, paper, bottle, dead animal or other matter or thing, or

(c) turn livestock outside to grass, or feed, or allow, or sufferer or livestock to stray or remain or

(d) use any part of any public amenity area for shaking, beating, brushing, or cleaning any carpet or mat or other or for drying, or bleaching linen clothes or other articles.

Wheeled traffic

44 (1) In any public amenity area no person shall-

(a) ride any horse, or ride, drive, draw, or propel any cycle or vehicle other than a wheeled chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child of an invalid, without the written approval of the council except in the places and at the times we shall be defined by the council by notices are fixed or setup at, or near the several entrances to any public amenity area or

(b) Draw, drive, propel, stand or place upon, or over, any part of a flower bed or lawn any wheeled vehicles or machine whatsoever

Use of public water amenities

45(1)No person shall-

- (a) pollute or
 - (b) wash clothes or other things in or
 - (c) bath or wash any dog or other animals or allow any dog or other animal to be in or
 - (d) bath, jump into or throw, or be a party to throwing or pushing any person into, any lake, fountain, ornamental water, dam, public stream, conduit, aqueduct or pull.
- (2) No person shall, catch, attempt to catch, any fish in any lake, fountain, public stream, pool, dam or ornamental water unless fishing and such water has previously been authorized by a resolution of a council
- (3) Any person who contravenes provisions of this section shall be guilty of an offence and liable to a fine prescribed by Council.

Fire arms and miscellaneous weapons

46 (1) In any public amenity area no person shall-

- (a) Discharge any firearm, firework, catapult, sling, or pellet gun, or
- (b) Throw any stone, stick, or other missile or
- (c) Use any squirt, syringe or other instrument
- (d) Do anything which may be a nuisance, abstraction or annoyance to the public.

Public conduct

47(1)In any public amenity area, no person shall-

- (a) brawl, fight, use profane, indecent or improper language, be intoxicated, or drugged, bet, gamble, beg, lie on any seat, or behave in an indecent or offensive manner, or commit any nuisance, or
- (b) sell, or offer or expose for sale or hire, any commodity or article, or distribute any pamphlet, book, hand bill or other printed, or written matter, except with the consent of the council or
- (c) use or attempt to intrude upon or use, any water closet, urinal or other place of convenience provided for the opposite sex or

(d) play cricket, football, or any other game except on the places and at the times set apart for such games by the council or

(e) take into, or have in, any public amenity area, where notices prohibiting the admission of dogs are exhibited, any dog not led by a chain, leash or other sufficient fastening or

(f) smoke any place, or building in which, by notice fixed at or near the entrance to such place or building smoking is prohibited or

(g) Take photographs or paint pictures or make sketches for sale by way of business without the prior written approval of the council.

Control

48 (1) In any public amenity area, no person shall –

(a) assault or resist, or aid or incite any person to assault or resist, any servant of the council or other person in the execution of his duty or the lawful exercise of any authority under this by laws or otherwise; or

(b) refuse to leave such public amenity area at or after the time of closing the gates, when requested to do so by any servant of the council or member of the police, or unlawfully remain therein after the gates are closed or climb on or over any gate, fence or railing, or enter or live otherwise than through one of the authorized means of ingress or egress, or

© obstruct, disturb, interrupt or annoy any person in the proper use of such public amenity area.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine prescribed by Council or prosecution, or both.

Offences

49 (1) any person who contravenes any provision of these by-laws or an order made by council shall be guilty of an offence and liable to a fine as shall be prescribed by Council.

Appeal against decisions or orders made by Council

50(1) Any person who is aggrieved by a decision or an order made by Council shall make an appeal to the Minister of Local Government within three (3) months.

(2) Any person who is aggrieved by an order of the Minister of Local Government shall appeal to the Administrative Court.

Repeals

51(1) Bulawayo (Protection of Lands and Natural Resources) Amendment By-Laws, 1984
(No.1)

(2) Bulawayo (Protection of Lands and Natural Resources) By-Laws, 1975

