

Municipality of Bindura (Public Health) By-laws, 2013

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IT is hereby notified that the Minister of Local Government, Urban and Rural Development has, in terms of section 229 of the Urban Councils Act [*Chapter 29:15*], approved the following by-laws made by the Bindura Municipality Council:—

PART I
PRELIMINARY

Title

1. These by-laws may be cited as the Municipality of Bindura (Public Health) By-laws, 2013.

Interpretation

2. In these by-laws—
 - “author of a nuisance” means the person by whose act or omission causes a nuisance;
 - “building” includes any structure with a roof and walls;
 - “Council” means the Bindura Municipality Council;

“Director of Health and Environmental Services” means a person appointed by Council as Director of Health and Environmental Services;

“Environmental Health Officer” means a person appointed by the Council as an Environmental Health Officer and is registered as such by the Environmental Health Practitioners Council;

“nuisance” means any state of affairs which may—

- (a) injure the health; or
- (b) destroy the comfort; or
- (c) adversely affect the rights of any person;

“occupier”, in relation to any premises or part thereof, means the person in actual occupation of the premises, or part thereof, who has the right to exercise general control over such premises or part thereof;

“owner”, in relation to any premises means—

- (a) the person in whose name the premises are registered in a deed registry; or
- (b) a person who is a party to an agreement which, on fulfilment of the conditions fixed in that agreement, entitles him or her to obtain transfer of the premises; or
- (c) a statutory authority or body to which the ownership of the premises has been transferred by an enactment; or
- (d) the trustee of an insolvent estate or the liquidator of a company being wound up which is so registered as the owner of the premises; or
- (e) the representatives recognized by law or a person so registered as the owner of the premises who has died or is a minor or of unsound mind or otherwise under disability:

Provided that where the owner as defined in paragraphs (a), (b), (c), (d), or (e), is absent from the area to which these by-laws apply, or where the whereabouts of such owner are unknown to

the Council, the agent of such owner or a person who receives any rent payable in respect of a lease of the premises shall be considered the owner of such premises;

“poultry” means any domestic fowl, turkey, goose, duck, guinea-fowl or pigeon;

“premises” means any building or structure, together with any land on which it is situated, and any adjoining land used in connection therewith;

“sanitary convenience” means a urinary or water closet, or any other approved construction used for the receipt or disposal of human excreta, and includes the ceiling, entrance, floor, fittings, fixtures, roof, screen, seat, walls and windows thereof;

“trade premises” means any premises used, or intended to be used, for carrying on any trade or business.

PART II NUISANCES

Prevention of nuisance

3. (1) No person shall—

- (a) perform any act causing a nuisance or existence of nuisance; or
- (b) permit any such condition that causes a nuisance on any premises to exist.

(2) Where the Director of Health and Environmental Services or an Environmental Health Officer is satisfied of the existence of a nuisance, he or she may order any person, by whose act, sufferance or default of such nuisance is caused, forthwith to take such steps or to do such things as he or she may deem necessary to remove the nuisance.

Prohibited nuisance creation in public places and buildings

4. No person shall—

- (a) expectorate in any public place or building;
- (b) urinate or defecate on any public place or building;
- (c) litter in any public place or building.

PART III

MAINTENANCE OF PREMISES

Structures and buildings

5. (1) No person shall erect upon any land or stand any structure or building which is insanitary, dangerous or unhealthy.

(2) No person shall allow any building constructed upon premises of which he or she is the occupier or owner to become dangerous, insanitary, unhealthy, unsightly or likely to depreciate property in the vicinity or to cause a nuisance to the inhabitants in the neighbourhood.

Health and sanitation

6. (1) Every owner of a premises shall provide—

- (a) for every dwelling, a minimum of one water closet for every eight persons or portion of eight persons normally residing in such dwelling;
- (b) for every trade or business premises, a minimum of one water closet for every twelve persons or portion of twelve persons employed in such premises;
- (c) separate toilet accommodation for men and women, where both men and women are employed in any trade or business premises together.

(2) Any person who employs persons to work in a temporary nature shall provide for such work sanitary conveniences which shall be of a number and type approved by the Director of Health and Environmental Services or an Environmental Health Officer and situated so as to meet with the approval of the Director of Health and Environmental Services or an Environmental Health Officer and maintained in a clean and sanitary condition.

Use of sanitary conveniences

7. (1) No person shall urinate or defecate in any public place except in a sanitary convenience.

(2) No person shall deposit in any sanitary convenience, any stone, sand, brick, rag, disposable nappies or other article which may block or stop or otherwise interfere with the proper working of any

toilet or sanitation or drainage system or otherwise damage any toilet, sanitary conveniences or drainage system.

(3) The Director of Health and Environmental Services or an Environmental Health Officer may, by written notice to the owner or occupier of any premises, prohibit the use of a sanitary convenience which by reason of faulty construction, neglect or any other cause, has become or is likely to become a danger to the public.

(4) No owner or occupier of premises shall allow any sanitary convenience to be maintained or kept in an insanitary manner.

Overcrowding

8. (1) Every owner or occupier of any premises shall ensure that—

- (a) the premises is not overcrowded; and
- (b) no person sleeps in a sanitary convenience, bathroom or kitchen.

(2) A premises shall be deemed to be overcrowded if the occupation of any room results in there being less than—

- (a) eleven cubic metres of air space; and
- (b) four square metres of floor space;

for every person sleeping in that room at any time:

Provided that when calculating the number of persons who are sleeping in a room a child under the age of ten shall be reckoned as one-half of a person and a child under the age of six months shall not be counted at all.

Cleanliness of premises

9. Where in the opinion of the Director of Health and Environmental Services or an Environmental Health Officer, the growth of grass or weeds or other vegetation on a stand or premises is likely to harbour rodents, vermin or mosquitoes, he or she may serve a written notice on the owner or occupier of such premises requiring the cutting and removal from the premises of such grass, weeds or other vegetation and failure to comply, Council shall clean up at the cost of the owner or occupier.

Trade waste

10. Every owner or occupier of any trade premises shall provide suitable facilities to the satisfaction of the Director of Health and Environmental Services or an Environmental Health Officer for the storage or preliminary treatment of trade waste.

Refuse bin storage

11. Every owner or occupier of any trade premises shall, after the service upon him or her of a written notice by the Director of Health and Environmental Services or an Environmental Health Officer, as the case may be, provide a platform of impervious material of such construction and dimension and in a position as directed by the Director of Health and Environmental Services or an Environmental Health Officer, to be used solely for the refuse bin to stand upon, and no such owner or occupier shall fail to maintain such platform and refuse bin in a clean and sanitary condition.

Burning of refuse

12. No person shall burn any stable-litter, trade waste, garden waste or other refuse except with the approval of Council in a prescribed form.

PART IV

ANIMALS, PESTS, RODENTS AND VERMIN

Breeding of pests

13. Every person who owns or occupies a premises shall take all necessary precautions to prevent the breeding of pests and vermin, and shall when required to do so, use such traps or insecticides or both for the destruction of pests or vermin as may be considered necessary by the Director of Health and Environmental Services or an Environmental Health Officer.

Rats and vermin

14. Every person shall keep any premises or trade premises owned or occupied by him or her free from rats and other vermin, and every person shall rid such premises of rats and other vermin when required to do so on written notice by the Director of Health and Environmental Services or an Environmental Health Officer.

Rodent proofing

15. All trade premises in which foodstuffs are prepared, stored or handled shall be rendered rodent proof to the satisfaction of the Director of Health and Environmental Services or an Environmental Health Officer.

Prevention of mosquito-breeding

16. Owners and occupiers of any premises shall take all necessary precautions to prevent the breeding of mosquitoes, including ensuring that—

- (a) he or she does not collect or allow to collect, or store any water on the premises in any place other than septic tanks, wells, barrels or other approved receptacles which are so constructed and maintained as to completely exclude mosquitoes; and
- (b) all roof gutters are maintained in a clean state free of leaves and vegetation at all times; and
- (c) he or she takes adequate measures to prevent the breeding of mosquitoes in the event that he or she constructs or is responsible for the maintenance of any furrows or canals that are used for irrigation purposes.

Keeping animals

17. (1) No person shall keep any animals other than dogs, cats, poultry without the approval of Council.

(2) Council may give written permission to an owner or occupier to keep any other animal and in so doing may impose conditions as to—

- (a) the period for which the animal may be kept; and
- (b) the place in which the animal may be kept;

in order to protect the health, safety and comfort of neighbours.

Keeping of poultry and rabbits

18.(1) No person shall keep more than twenty-five heads of poultry, rabbits, on any premises without the approval of Council:

Provided that any person who wishes to keep more than twenty-five heads of poultry or rabbits shall make an application in Form BM (Public Health) 1 as set out in the Schedule.

(2) No person shall keep poultry in any place other than in a poultry house or poultry run constructed so as to ensure that—

- (a) the movement of the poultry is controlled; and
- (b) no nuisance or danger to public health is caused by the keeping of the poultry.

(3) No person shall allow a poultry house or poultry run to become so filthy as to be a nuisance or danger to the public.

(4) No person shall keep poultry on a stand measuring less than two hundred square metres.

Keeping of bees

19. No person shall keep bees without the written approval of Council and such person shall comply with the terms and conditions set out in the written approval.

Animal drawn vehicles

20. (1) No animal drawn vehicles shall be allowed within the Central Business District or the residential areas of Municipality of Bindura.

(2) Notwithstanding the provisions of subsection (1), animal drawn vehicles that are led by a person may only be allowed along Mt Darwin, Shamva, Atherstone, Border Gezi, Matepatepa and Trojan Mine roads and shall be parked at the designated site at Chipadze main bus terminus.

Tethering of animals

21. No person shall tether any animal, including a domestic pet in any street or public place in such a manner as to cause an obstruction.

Diseased animals

22. The owner of any animal, including a domestic pet suffering from any infectious disease shall—

- (a) prevent the animal from being at large; and
- (b) take all measures as may be necessary to prevent the spread of disease.

Seizure of animals

23. Any police officer may seize and send any animal found at large to the nearest pound.

PART V

MISCELLANEOUS

Accumulation of organic matter

24. (1) No person shall place, throw, pour or otherwise deposit on or in any premises any excreta, sewage, slops, rubbish, refuse or any offensive or unwholesome matter.

(2) No owner or occupier of any land, stand or premises shall permit to remain or accumulate on or in any land any excreta, sewage, filth, septic tank effluent or other foul, offensive or unclean liquid, slops, yard-flushing, garden refuse, dead animal, decaying matter or other rubbish, refuse or any offensive or unwholesome matter.

(3) Notwithstanding the provisions of subsections (1) and (2), and for so long as a public nuisance or danger to public health is not created—

- (a) slops, yard-flushing, garden refuse, decaying vegetables and other refuse may be deposited or accumulated in a garbage can or refuse pit; and
- (b) compost, manure, liquid manure or other organic matter intended for use on any premises may be made or kept on the premises.

Accumulation of non-organic matter

25. (1) No person shall place, throw or deposit on or in any premises any bottle, tin, tank, drum, broken crockery or glass, timber, plastic, building-rubble, tyre, scrap metal, disused motor vehicle or any other non-organic article of whatsoever danger to public health.

(2) No owner or occupier of any premises shall permit to remain or accumulate on or in any land, stand or premises any bottle, tin, tank, drum, broken crockery or glass, timber, building-rubble, tyre, scrap metal, disused motor vehicle or any other non-organic article.

(3) The Director of Health and Environmental Services or an Environmental Health Officer, as the case may be, may issue any instructions to the owner or occupier of premises to prevent the accumulation or for the removal of accumulated non-organic matter.

(4) Where the owner or occupier of any premises fails to perform what is required of him or her by the Director of Health and Environmental Services or an Environmental Health Officer, as the case may be, the Council may take any steps necessary to prevent the accumulation of any non-organic matter on any land, stand or premises:

Provided that any costs accrued during this process shall be borne by the owner of the premises on which the non-organic matter was accumulating.

Offences and penalties

26. Any person who contravenes the provisions of these by-laws shall be guilty of an offence and liable upon conviction to pay a fine not exceeding level five or in default of payment of such fine to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

SCHEDULE (Section 20)

FORM

FORM BM (Public Health) 1

MUNICIPALITY OF BINDURA (PUBLIC HEALTH) BY-LAWS. 2012
APPLICATION FOR PERMISSION TO KEEP MORE THAN 25 HEADS OF
POULTRY OR RABBITS

(To be submitted in triplicate to the Town Clerk, Bindura Municipality, P. O. Box 15, Bindura)

1. Name and address of applicant
2. Physical address where poultry or rabbits are to be kept:
3. Size of stand (in square metres):
4. Land uses of abutting stands:
5. Number of chickens to be kept:

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6. Measures to be taken against:
- (a) odours:.....
 - (b) flies:.....
 - (c) fleas:.....
 - (d) etc:.....

7. Have neighbours been consulted:
If consulted give full names, addresses and contact details of the neighbours consulted

Name in full

Signature

Date.....

FOR OFFICIAL USE ONLY

Report by Environmental Health Officer:

(Name of Environmental Health Officer)

The Director of Health and Environmental Services Recommendation

Date

for Chief Executive Officer of the Board