

Bindura Municipal Council (Refuse Removal) By-laws, 2012

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 by the Bindura Municipality.

1. These by-laws may be cited as the Bindura Municipal Council (Refuse Removal) By-laws, 2012.

2. These by-laws shall apply to the area under the jurisdiction of the Bindura Municipality.

3. In these by-laws —

“approved” means approved by the Director of Health and Environmental Services or by the Environmental Health Officer;

“Council” means the Bindura Municipal Council;

“Director of Health and Environmental Services” means any person appointed by Council as Director of Health and Environmental Services and includes his or her deputy;

“domestic refuse” means any dust, ashes, rubbish or garbage arising from or incidental to the occupation of a hotel, boarding house, theatre, butchery or business premises, or dwelling but excludes any liquids, stable litter, sweeping builders’ debris or waste, sand, stones, loppings of trees, hedge clippings or garden refuse;

“Environmental Health Officer” means any person appointed by Council as an Environmental Health Officer;

“occupier” in relation to any premises, means—

- (a) any person in actual occupation of those premises; or
- (b) any person legally entitled to occupy those premises; or
- (c) any person having the charge or management of those premises;

"owner", in relation to any premises, means—

- (a) the person in whose name the title to those premises is registered; or
- (b) if such person is dead, insolvent, mentally disordered, or a minor, or under any legal disability, the person in whom the administration of that person's estate is vested, whether as executor, guardian or in any other capacity whatsoever; or
- (c) when an owner as herein defined is absent from Zimbabwe, or his whereabouts are unknown, an agent of such owner or any person receiving or entitled to receive rentals in respect of the premises;

"premises" means any stand or part of a stand or any piece of land on which improvements have been made or buildings erected;

"refuse" means stable litter, sweeping builders' debris, sand, stones, dead or uprooted trees or plants or portions thereof, loppings of trees, hedge clippings, garden refuse, carcasses of domestic animals, trade or industrial waste and such other litter or rubbish;

"refuse disposal site" means an area designated by Council for the disposal of refuse and domestic refuse;

"refuse receptacle" means—

- (a) an approved rounded and lidded container constructed in non-corrugated material, reinforced and welded and of a capacity not exceeding 0,1 cubic metres; or
- (b) an approved polythene bag of a thickness of not less than 200 microns and of a capacity not exceeding 0,1 cubic metres when filled within twenty centimetres of its open end; or
- (c) an approved polythene bag of a thickness of not less than forty microns and of a capacity not exceeding 0,1 cubic metres when filled to within twenty centimetres of its open end; or
- (d) any other approved receptacle.

cause to be placed, outside the boundary of the premises which abuts on the thoroughfare from which the refuse removals are made, the refuse receptacles provided at such premises and containing domestic refuse.

(2) The owner or occupier shall return or cause to be returned to the area or areas referred to in section 8, all refuse receptacles after they have been emptied.

(3) Council may, from time to time, authorise individuals or groups, as the case may be, engaged in waste recycling, to collect material from public bins or from refuse disposal sites.

10. (1) The occupier of any premises shall keep or deposit any refuse other than domestic refuse in such positions at the premises so as not to cause, or be likely to cause, a nuisance or danger of fire until such refuse is otherwise disposed of.

(2) When such refuse is removed by Council or its contractors it shall become the property of Council from the time of its removal.

(3) Where refuse is contained in receptacles of the type described in paragraph (a), (b), or (c) of the definition of refuse receptacle, section 9 shall apply as if such receptacles contained domestic refuse.

11. (1) Any person who wishes to dispose of any refuse or domestic refuse at a refuse disposal site shall apply, in writing, to Council for permission, stating the nature of the refuse or domestic refuse for which the application is made.

(2) The Director of Health and Environmental Services may require any person who has applied to Council in terms of subsection (1) to subject the refuse or domestic refuse which such person wishes to dispose at a refuse disposal site to such treatment as the Director of Health and Environmental Services considers necessary or desirable.

(3) Disposal of refuse at the Council refuse disposal site shall be at a fee prescribed by Council from time to time.

12. Any person who contravenes these by-laws shall be guilty of an offence and be liable, upon conviction to a fine not exceeding three hundred dollars or to imprisonment for a period not exceeding eighteen months or to both such fine and imprisonment.

4. (1) All domestic refuse accumulated on premises shall be removed from time to time and shall be deposited at a refuse disposal site, and Council shall be entitled, in its discretion, either to remove such domestic refuse itself or by its contractors or to require the owner or occupier to do so at any time under the supervision of the Environmental Health Officer.

(2) No person shall be allowed to burn refuse in an open fire within the Council area except with the approval of Council on a prescribed form as set out in the Schedule.

5. The owner of any premises, in terms of section 6, apply for, and make use of a refuse removal service provided by the Council which shall prescribe charges for such service from time to time by resolution.

6. (1) The owner of any premises on which improvements are being made, or buildings are being erected shall, before such improvements or buildings are occupied, make written application to Council for domestic refuse service and he or she shall be liable to pay for the service in accordance with the charges prescribed by Council.

(2) The owner or Council may at any time, upon giving one month's notice, terminate the refuse removal service provided by Council.

7. (1) Council may supply refuse receptacles and charge the owner or occupier for them and the replacement of any worn out refuse receptacles in the custody of the owner or occupier.

(2) All premises shall be required to have adequate refuse receptacles.

8. (1) Subject to section 9, the owner of any premises shall set aside on such premises and in an approved position, an area or areas of sufficient size in which shall be kept all the refuse receptacles provided for such premises.

(2) It shall be the responsibility of the property owner or occupier to ensure that the refuse receptacle area is kept clean at all times.

9. (1) The owner or occupier of any premises shall, on such days and times, as the Environmental Health Officer may direct, place or

13. In case of illegal dumping the offender shall be responsible for the removal of the dumped refuse or Council may remove the dumped refuse at the cost of the offender.

SCHEDULE (section 4)

**APPLICATION FOR PERMISSION TO BURN REFUSE**

FORM 1

TO:  
The Town Clerk,  
Bindura Municipality,  
P.O. Box 15,  
BINDURA.

Date .....

Type and amount of refuse (to be burnt): .....

Locality of the refuse: .....

(Physical address of the property)

State whether the refuse is in a bin/container: .....

Type and land use of abutting properties: .....

Is there a regular refuse collection service in your area: .....

Reason for burning the refuse: .....

Measures taken to avoid spread of fire: .....

Have neighbours been consulted: .....

If so, provide the names, full address and contact details of the people consulted

Name of applicant: ..... Signature: .....

For office use only

Reference: .....

Report of Chief Fire Officer: .....

Report of Environmental Health Officer: .....

.....  
**Name of Environmental Health Officer**

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Response from Director of Health and Environmental Services: .....

Date: .....

Conditions for the issuance of the permit

The conditions required before Bindura Municipality may grant permission to burn refuse.

1. Refuse must be sorted and combustible without producing hazardous emissions.
2. Refuse must not include aerosol cans, glass, bottle, rubber or metal.
3. Refuse must not produce offensive odours.
4. A fireguard or water must be available to curtail the spread of fire.
5. Fire must not cause damage or nuisance to abutting properties.
6. Refuse must be placed away from telecommunication lines, power lines and other vegetation.
7. Amount of refuse to be burnt should not be more than half a tonne.