

Mberengwa Rural District Council (Anti-Litter) By-laws, 2023

Title

1. These by-laws may be cited as the Mberengwa Rural District Council (Anti-Litter) By-laws, 2023.

Application

2. These by-laws shall apply within the Mberengwa Rural District Council area and any local government area the administration, control and management of which is vested in Mberengwa Rural District Council.

Interpretation

3. In these by-laws-

“*Council*” means the Mberengwa Rural District Council

“*nuisance*” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

“*Litter*” includes any diapers, containers, wrappings, cartons, cigarette-packets, paper, vegetable matter, garden waste, hedge-clippings, dead animals, ash, tins, rubbish, bricks, stones, rubble, soil and any other matter or substance which is unwholesome, offensive or untidy;

“*Public place*” includes bridges, enclosure, foot-path, garden, park, garage, car-park, open space, pavement, road, service lane, sidewalk, square, subway, street, mall or undeveloped land or any other area vested in or controlled by Council, to which the public, or any section of the public, has access.

“*waste*” means any substance, material or object, that is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered.

Duty to provide receptacles for litter

4. (1) The owner or occupier of premises must take reasonable steps to ensure that sufficient and appropriate receptacles stipulated in the Mberengwa

Rural District Council (Waste Management) By-laws are provided for the discarding of litter.

(2) The owner or occupier of premises must ensure that all receptacles on the premises for the collection of litter are –

- a) maintained in good condition;
- b) suitably placed and anchored so that they cannot be inadvertently overturned;
- c) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste.

Prohibition of littering

5. No person shall –

- (a) deposit or abandon, or cause or permit to be deposited or abandoned, any litter in a public place, except in the receptacle especially provided for the receipt of such litter;
- b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
- c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
- d) allow any person under his control to do any of the acts contemplated in paragraphs (a), (b) or (c) above.

Prohibition of nuisance

6. (1) Any person handling waste within the Council, either through storage, collection, transportation, recycling or disposal must-

- a) take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to any person and the environment;
- b) take measures to remedy any spillages, harm, damage or nuisance referred to in section (1) a) above;
- c) at their own cost, clean any waste causing nuisance to any person or the environment;

Provided that the Council may clean or remedy waste causing nuisance to any person or the environment, at the Council's cost and claim such cost from the offender.

Unauthorised disposal/dumping

7. (1) No person, may dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place or open space ;

(2) The local authority may at the expense of an owner or occupier of land, person in control of land, rehabilitate any damage caused to the environment as

a result of the activity or failure of the person referred to in subsection (1) to take reasonable measures to prevent unauthorised disposal or dumping.

Abandoned articles

8. (1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Mberengwa Rural District Council (Abandoned vehicles By-laws), which, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit.

(2) The Council may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorisation as it may deem fit.

Accumulation of waste

9. When any category of waste defined in section 3 of this by-law accumulates on premises so as to constitute or so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such waste and the owner or occupier of such premises on which waste has accumulated shall be liable in respect of such special removal to pay the applicable tariff charge.

Offences and penalties

10. Any person who contravenes any provision of these by-laws shall be guilty of an offence and liable to a fine or imprisonment not exceeding level 3 or to both such fine and imprisonment.