

Mberengwa Rural District Council (Control of Worship in Open Spaces) By-laws, 2023

---

**ARRANGEMENT OF SECTIONS**

Section

1. Title
2. Application
3. Interpretation
4. Control of public worship
5. Permit and permit fees
6. Designation of places for public worship
7. Application procedures
8. Days and times of worship
9. Obstruction of access to an open space
10. Offences and penalties

FIRST SCHEDULE: Form of application

SECOND SCHEDULE: Open space worship permit

*Title*

1. These by-laws may be cited as the Mberengwa Rural District Council (Control of Worship in Open Spaces) 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;

“Authorised Person” means any person employed or delegated by Mberengwa Rural District Council to carry out any functions prescribed in these by-laws;

“Council” means Mberengwa Rural District Council;

“Environmental health practitioner” means an environmental health officer (EHO) or environmental health technician (EHT) registered as such by the Health Professions Council of Zimbabwe and employed by council;

“Open Space” means any open space to which the public or any section of the public has access or any area which has been designated for development under a district planning scheme but remains undeveloped and can be used for the purposes approved under these by-laws.

“*Permit*” means permit issued in terms of these by-laws;

“*Permit fee*” means a fee prescribed in terms of section 5;

“*Prescribed form*” means the form for applying for the issue or renewal of a permit provided by Council from time to time.

#### *Control of open space worship*

4. No person or persons shall gather in an open space for purposes of worship unless a permit has been issued by the Council.

#### *Permit and permit fees*

5(1) No person or persons shall gather in an open space for purposes of worship unless a permit has been issued by the Council and the appropriate fee paid to the Council, which fee shall be determined by Council from time to time.

(2). A permit issued or renewed in terms of these by-laws shall be in the form set out in the Second Schedule, and shall be valid up to and including the 31<sup>st</sup> December of the year for which it was issued or renewed.

(3) The holder of a permit who wishes to renew the permit for the next succeeding year shall apply to the council for the renewal thereof during the month of December preceding that year.

*Designation of places for public worship*

6(1) Council shall designate places or areas where persons can gather for purposes of public worship provided that such areas have toilet facilities of a temporary or permanent nature approved by the Council, refuse pits and/or refuse bins, and potable water.

(2) The facilities in subsection (1) should be inspected and approved by an Environmental Health Practitioner in terms of the Public Health Act (Chapter 15:09).

*Application procedures*

7(1) An application for a permit to conduct open space worship shall be made to the council, and shall---

(a) be in the form prescribed in the First Schedule;

(b) be accompanied by the appropriate fee.

(2) The Council may or may not approve such application taking into account the provisions of the Public Health Act and the Environmental Management Act and other Council bylaws including but not limited to Anti-litter by-laws.

(3) Application and the inspection report from the Environmental Health Practitioner as well as the building plans should be submitted to the Council prior to the erection of any temporary or permanent structures on the area.

(4) Upon approval, Council shall issue a permit with such conditions as it deems necessary in the circumstances.

(5) No person shall cut down any tree on the open space without prior council approval.

*Days and Times of Worship*

8 Any person or persons authorized to conduct any public worship should be restricted to 0500hrs to 1800hrs and the days of worship shall be as stated in the permit. Time extensions may be granted by Council upon written application by interested persons.

*Obstruction of access to an Open Space*

9 (1) Any police officer or person authorized by the Council may direct any person or persons who is directly or indirectly obstructing the use of any public space or open space or is a

nuisance to any person in the vicinity of any public space to move away from such space as may be reasonable or to cause any such obstruction of or abate such nuisance as the case may be.

(2) No person or persons offending or causing a nuisance to those worshipping in such open space shall refuse to comply with any such direction given in terms of subsection (1) above.

### *Offences and Penalties*

(2) 10 (1) Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable to a fine not exceeding level five (5) or six (6) months imprisonment or to both such fine and imprisonment.

Where a court convicts any person of an offence in terms of these by-laws, it may order that any expenses incurred by the council in consequence of the contravention shall be paid to the council by the person so convicted.

(3) Upon conviction of the person in terms of subsection (1) above, Council shall proceed to cancel the permit.

(4) Any permit cancelled in terms of subsection (3) above shall not be renewed until a period of one (1) year has lapsed from date of such cancellation and the holder shall return the permit to Council within forty eight (48) hours of being notified of such cancellation.

(5) Any person who fails to return the permit upon being notified to do so in terms of subsection (4) shall be guilty of an offence and liable to a fine not exceeding level five (5) or six (6) months imprisonment or to both such fine and imprisonment.

# MBERENGWA RURAL DISTRICT COUNCIL

FIRST SCHEDULE (section 7)

## FORM OF APPLICATION

### Application for a permit for open space worship

To: The Chief Executive  
Rural District Council,

Officer, Mberengwa  
P. O. Box 500, Jerera

1. Application for 

New permit		Renewal permit	
---------------	--	-------------------	--

 of 

--	--

 for open space worship.

*(Mark x in appropriate spaces)*

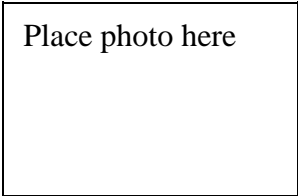
2. Name of applicant ..... ID No.....  
*(block letters)*
3. Address of applicant.....  
*(residence)*
4. Designation ..... Cellphone number.....
5. Location of open space (village/area and ward) .....
6. Name of religious institution .....
7. Year established..... Founding member's name .....
8. I attach-  
(a) 2 Passport size Photographs *(if application is for new permit)*; and  
(b) Health inspection report *(required upon the first issue or renewal of permit )*
9. I have read and understood the council's by-laws pertaining to open space worship.

.....  
Date

.....  
Signature of applicant

**MBERENGWA RURAL DISTRICT COUNCIL**  
SECOND SCHEDULE (section 5)

**OPEN SPACE WORSHIP PERMIT**



Permit number.....

The holder of this permit.....

.....  
*(name and address )*

Whose photograph appears above and representing .....

.....  
*(name of religious institution)*

Is permitted to carry out open space worship within the undermentioned area

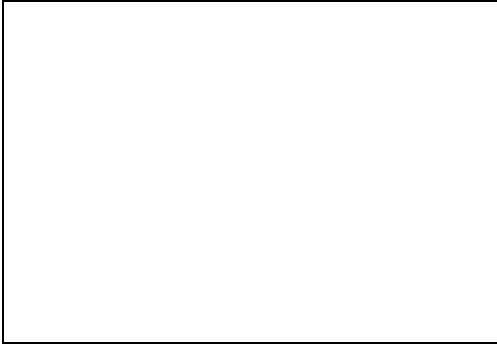
.....  
*(village/area and ward)*

Subject to the following conditions or restrictions (if any):

.....  
.....  
.....

Date

For and on behalf of Mberengwa Rural District Council



This permit is valid until the 31<sup>st</sup> of December

.....