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Title

1. These by laws may be cited as the Mberengwa Rural District Council (Public Health) 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.

Intepretation

3. In these by-laws

“approved” means approved by Council;

“author of a nuisance” means the person by whose act of commission or omission, default or sufferance the nuisance is caused, exists or is continued, whether he is an owner, or occupier or both owner and occupier

“building” includes any structure whatsoever for whatever purpose used;

“Council” means Mberengwa Rural District Council

“nuisance”, means any state of affairs which may injure the health, destroy the comfort or 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 part to an agreement which; on fulfilment of the conditions fixed in that agreement, entitles him 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 enhancement; 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 recognised by law or a person so registered as the owner of the premises who has died or is a minor or of sound mind or otherwise under disability, or
- (f) where the owner, as defined in paragraph (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;

“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;

“public place” means any bridge, enclosure, foot-path, garden, open space, pavement, road, sanitary lane, stadium, hall, sidewalk, square, walkway 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;

“sanitary convenience” means urinary or water closet, or any other approved construction used for the receipt of 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 trade or business.

“sanitary convenience” means urinary or water closet, or any other approved construction used for the receipt of 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 trade or business.

Prevention of nuisance

4. (1) No person shall-

(a) perform any act; or

(b) permit any condition to exist which is nuisance on any premises

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

Structures or buildings

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

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

Health and sanitation

6. (1) It shall be the duty of the owner of the premises to provide-

(a) for every dwelling, a minimum of one water closet for every eight persons normally residing in such dwelling;

(b) for any trade or business premises, a minimum of one water closet for every twelve persons or portion of twelve persons employed in such premises;

(c) Where both men and women are employed in any trade or business premises, separate toilet accommodation shall be provided for each sex

(2) A contractor or other person employing workers on work of a temporary nature shall provide for such workers with sanitary conveniences which shall be of a number and type approved by the Chief Executive Officer or delegated employee to perform such duty and situated so as to meet with the approval of the Chief Executive Officer and maintained in a clean and sanitary condition

Use of toilets

7. (1) No person shall urinate or defecate within the Council area other than in a sanitary convenience.

(2) No person shall deposit in any sanitary convenience, drain or sewer; 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 Environmental Health Officer or any other employee of council authorised for the purpose may, by notice to the occupier or owner of any premises, prohibit the use of a sanitary convenience which, by reason or faulty construction, neglect or any other cause, has become or is likely to become a danger to the public.

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

Overcrowding

8. (1) It shall be the duty of the occupier or owner of any premises to ensure that-

(a) The premises are not overcrowded; and

(b) No person sleeps in a bathroom, kitchen or in any sanitary convenience

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

(a) Eleven cubic metre 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.

Breeding of pests

9. (1) No person shall do or cause to be omitted any act as a result of which the breeding, harbouring or occurrence of pests or vermin is encouraged or facilitated.

(2) No person shall omit to do or cause to be omitted any act which facilitates, favours or deposit on or in any land, encourages the breeding, harbouring or occurrence of pests or vermin in the premises that he occupies or own.

(3) No person shall remove, destroy or interfere with any trap or other contrivance or mechanism put in as a pest control measure by Council.

Accumulation of organic matter

10. (1) No person shall place, throw, pour or otherwise deposit on or in any land, stand or 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 or offensive or unwholesome matter.

(3) Notwithstanding the provisions of subsections(1) and (2) and for so long as a public nuisance or danger or 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 land or stand may be made or kept on the land or stand.

Accumulation of non-organic matter

11. (1) No owner or occupier of any land, stand or 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 non- organic article.

(2) No person shall place, throw or deposit on or in any land, stand or premises any bottle, tin, tank, 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 .

(3) The Environmental Health Officer or any other employee of council authorised for the purpose may issue any instructions to the owner or occupier of the land, stand or premises to prevent the accumulation or for the removal of accumulated non-organic matter.

(4) Should the owner or occupier of any land or stand cause the accumulation of non-organic matter, Council may take any steps as may be necessary to prevent the accumulation of non-organic matter on any land, stand or premises. The cost of any such steps or action shall be borne by the occupier or owner of the land, stand or premises on which the non-organic matter was accumulating.

(5)

Cleaning of stands

12. Where in the opinion of the Environmental Health Officer or any other employee of council authorised for the purpose, the growth of grass or weeds or other vegetation on a stand or premises is likely to harbour rodents, vermin or mosquitoes, he may serve a notice on the owner or occupier of such stand or premises requiring the cutting and removal from the stand or 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

13. Every owner or occupier of any trade premises shall provide suitable facilities to the satisfaction of council for the storage or preliminary treatment of trade waste.

Refuse bin storage

14. Every owner or occupier of any trade premises shall, after the service upon him of a notice by the Environmental Health Officer or any other employee of council authorised for the purpose, provide a platform of impervious material of such construction and dimension and in a position as directed by the Environmental Health Officer or any other employee of council authorised for the purpose, 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

15. No person shall burn any stable litter, trade waste, garden waste or other waste in such a manner so as to cause a nuisance to the inhabitants or neighbouring occupiers.

Rodents and vermin

16. Every person shall keep any premises or trade premises owned or occupied by him free from rodents and other vermin, and every person shall rid such premises of rodents and other vermin when required to do so on written notice by the Director of Health and Environmental Services or Environmental Health Officer or any other employee of council authorised for the purpose.

Rodent proofing

17. All trade premises in which foodstuffs are prepared, stored or handled shall be rendered rodent proof to the satisfaction of the Environmental Health Officer or any other employee of council authorised for the purpose.

Prevention of mosquito breeding

18. (1) No person shall collect or allow to collect, or store water on any premises or trade premises except in tanks, wells, barrels or other receptacles which are so constructed and maintained as to completely exclude mosquitoes.
- (2) All roof gutters shall be maintained in a clean state free of leaves and vegetation at all times
- (3) Any person who constructs, or who is responsible for the maintenance of any furrows or canals for irrigation or other purposes, shall take adequate measures to prevent mosquito breeding.

Expectorating

19. No person shall expectorate on a public pavement or in a public place.

Keeping of animals

20. (1) No person shall keep any animals other than dogs, cats, rabbits, poultry or pigeons in urban dwellings or business centres without the permission of the Council.
- (2) Council may give written permission to an occupier or owner to keep any other animal and in so doing 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.
- (3) Animals such as dogs or animals of similar type shall be vaccinated against rabies at regular intervals and have a valid rabies certificate.

Keeping of pigs

21. (1) Pigs shall be kept in a pig sty constructed for that purpose. Under no circumstances shall domestic pigs be allowed to be at large.
- (2) Any person intending to move pigs to other premises or to a slaughter house shall obtain a permit from the Veterinary Services Department.

Keeping of poultry and rabbits

22. (1) No person shall keep more than fifty heads of poultry, pigeons and or rabbits, on any premises located at business centres and urban settlements other than land designated for agricultural purposes without the permission of Council in the prescribed manner.
- (2) No person shall keep poultry elsewhere other than in 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 arises 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 a danger to the public.
- (4) No person shall keep poultry on a stand measuring less than 200m².

Keeping of Bees

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

Tethering of animals

24. No person shall tether any animal, including a domestic pet, on a leash exceeding two metres, in any street or public place in such a manner as to cause any obstruction.

Diseased animals

25. 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 the disease.

Seizure of animals

26. Any police officer or person authorised thereto by Council may seize and send any animal found at large to the nearest pound.

Offenses and penalties

27. Any person who contravenes any provisions of these by-laws shall be guilty of an offence and be liable to a fine not exceeding level 3 or to imprisonment for a period not exceeding one month or to both such fine and imprisonment.

FORMS

**APPLICATION FOR PERMISSION TO KEEP MORE THAN 50 HEADS OF
POULTRY/RABBITS
TO**

The Chief Executive Officer, Mberengwa Rural District Council, P.O. Box 50, Mataga

Name of Applicant

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Physical address (where chickens/rabbits are to be kept):

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Size of stand (in square metres):

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Land uses of abutting stands:

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Number of chickens to be kept:

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Measures to be taken against:

Odours.....

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Flies.....

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Fleas

etc.....

Have neighbours been consulted

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If consulted give full names, addresses and contact details of the neighbours consulted:

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For office use only

Report of Environmental Health Officer:

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(Name and Signature of Environmental Health Officer/ Technician)

Recommendations of Executive Officer Housing and Community Services:.....

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.....Date:.....Signature.....

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