

Statutory Instrument of 2014

**[CAP. 29:15**

Harare (Anti-litter) By laws, 2014

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IT is hereby notified that the Minister of local Government, Public works and National Housing has, in terms of section 229 of the Urban Councils Act [*Chapter 29:15*] approved the following by-laws made by the City of Harare—

*Title*

1. These by-laws may be cited as the Harare (Anti-Litter) By Laws, 2014.

*Application*

2. These by laws shall apply within the council area of the City of Harare and any local government area, the administration, control and management of which is vested in the city Council of Harare

*Interpretation*

3. In these By Laws—

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

“Council”, means the City Council of Harare.

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

“Licensed premises” means any premise as defined in the Harare Licensed Premises by-laws 810 of 1975.

“Person”, shall include an individual or body corporate.

“Public Place” means any place to which the public has access, whether as of right or by permission and whether subject to, or free of charge and includes any bridge, enclosure, foot path, garden park, garage, car park, open space, pavement, road, service lane, side walk, square, subway, street, mall or undeveloped land, road verge or any other area vested in or controlled by the Council.

*Prohibition of the deposit of litter*

4 (1) No person shall deposit or abandon, or cause or permit to be deposited or abandoned any form of litter mentioned in section 3 in a public place;

(2) An authorised person shall request any person who, in his or her opinion, appears to be contravening or to have contravened any provisions of these by-laws, to remove such litter and immediately order such person or persons to pay the prescribed fine not exceeding level three

(3).

(3) Where any person so ordered to remove litter in terms of subsection (2) is a body corporate and refuses to comply with the order of the authorised person, the Council shall immediately impound the vehicle used to dump the litter and thereupon proceed to remove the litter.

Provided that the Council shall recover such removal charges as may from time to time be prescribed by Council, from such person.

(4) A vehicle impounded in terms of subsection (3) shall be taken to a secure compound designated for that purpose by Council.

#### *Disposal of unclaimed vehicles*

5. (1) Any vehicle which has been impounded in terms of section 4 remains unclaimed for a period of three (3) months from the date of such impoundment. Council shall publish in any newspaper of wide circulation within the Council area, a list of unclaimed vehicles and advise the owners to claim the goods within thirty (30) days.

(2) Council shall sell by public auction, any vehicles that remain unclaimed thirty (30) days after the notice of unclaimed vehicles has been published.

(3) Council shall deduct the charges for storage from the proceeds of the sale of unclaimed vehicles and the balance, if any, shall be paid to the owner within thirty (30) days from the date on which the owner submits to the council a written request for such payment.

(4) Council shall operate a special account into which money realised from the sale of unclaimed vehicles shall be deposited.

(5) Any money not claimed within thirty (30) days after the sale of vehicles shall be forfeited to Council.

#### *Obstruction*

6. No person shall obstruct or impede or refuse to comply with a request of an authorised person acting in the exercise of the functions conferred in him or her by these by-laws

#### *Take away and licensed Premises*

7. The occupier of a licensed premise shall—

- (a) pick up any litter which, in the exercise of his or her business, has fallen on any public place; and
- (b) at his or her cost, provide an adequate number of bins in and around his or her area of business; and
- (c) monitor the vicinity of the premises during opening hours to ensure that the area is free of litter and shall remove or ensure that all such litter is removed.

### *Offences and Penalties*

8. Any person who—

- (a) deposits or abandons or causes or permits to be deposited or abandoned any form of litter in terms of section 4(1); or
- (b) refuses to comply with an instruction issued by an authorised person in terms of section 4(2); or
- (c) obstructs, or impedes or refuses to comply with a request of an authorised person in terms of section 6; or
- (d) fails to comply with the requirements of section 7;

Shall be guilty of an offence and liable, upon conviction, to a fine not exceeding level (5) five or fifteen days imprisonment or to both such fine and imprisonment.

### *Repeals*

9. The Harare (Anti-litter) By-laws 1981 published in Statutory Instrument 85 of 1981 are hereby repealed.