

Statutory Instrument2016

[CAP. 29:15]

Harare (Control of Worship in Open Spaces) By-laws, 2016

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

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 Municipality of Harare.

Title

1. These by-laws maybe cited as the Harare (Control of Worship in Open Spaces) By-laws, 2015.

Application

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

Interpretation

3. In these by-laws

“Authorised person” means an environmental health practitioner or other person authorized by the Municipality of Harare to perform any functions under these by-laws;

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

“Council” means the Municipality of Harare;

“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 town 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 or applying for the issue or renewal of a permit provided by Council from time to time.

“Permanent toilet” means an immovable ablution facility build to the ground in line with Council’s relevant building By laws.

“Temporary toilet” means a movable ablution facility.

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) The permit shall be renewed annually at a fee set by Council from time to time.

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, at the expense of the permit holder, potable water and toilet facilities of a temporary or permanent nature approved by the Council.

- (2) The facilities in subsection (1) should be inspected and approved by the Environmental Health Practitioner in terms of the Public Health Act [*Chapter 15:09*] and Public health by-laws.

Application procedures

- 7(1) Where a person or persons intend to conduct open air worship, the person or persons shall submit an application through the EHO to Council.
- (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 by-laws including but not limited to Anti-litter and public health by-laws.
- (3) Application and the 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 1000hrs to 1800hrs and the days of worship shall be as stated in the permit.

Obstruction of access to an Open Space

- 9 (1) Any police officer or authorized person 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 public space shall refuse to comply with any such direction given in terms of subsection (1) above.

Offences and Penalties

- 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 fifteen (15) days imprisonment or both such fine and imprisonment.
- (2) 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 failed 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) of fifteen (15) days imprisonment or both such fine and imprisonment.