

Chitungwiza (Anti-litter) By-laws, 2022

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ARRANGEMENT OF SECTIONS

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

*Title*

1. These by-laws may be cited as the Chitungwiza (Anti-Litter) By Laws, 2022.

*Application*

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

*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 Chitungwiza Municipality.

“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, vehicle shells, human waste and any other matter or substance which is unwholesome, offensive or untidy or which is no longer used for its original intended purpose.

“Licensed premises” means any premise as defined in the Chitungwiza Licensed Premises by-laws Statutory Instrument 141 of 1981.

“Owner” means any person in whose name a motor vehicle is registered including any person duly authorised by the registered owner to have possession and control of the motor vehicle and to whom documentary proof of ownership has been vested.

“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 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) 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 removed by an authorised person or cause to be removed to a secure compound designated for that purpose by Council.

(5) Any vehicle impounded in terms of this section must be claimed by the owner and released on payment of a fine not exceeding level three, payment of charges not exceeding the cost of removing the litter concerned, the cost of towing to the compound and cost of storage.

(6) Where the litter concerned is a vehicle shell which has been abandoned in a public place and the owner cannot be identified an authorised person shall impound the vehicle shell and

remove or cause to be removed the vehicle shell to a secure compound designated by Council for that purpose.

(7) The provisions of subsection 5 shall apply mutatis mutandis to vehicle shells.

(8) The charges referred to in subsection (5) shall be as prescribed by resolution of Council from time to time.

#### *Disposal of unclaimed vehicles/vehicle shells*

5. (1) Any vehicle/ vehicle shell which has been impounded in terms of section 4 remains unclaimed for a period of three 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 30 calendar days.

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

(3) Council shall deduct the charges referred to in section 4 subsection 5 from the proceeds of the sale of unclaimed vehicles and the balance, if any, shall be paid to the owner within 30 calendar 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 30 calendar 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 or takeaway shall—

- 1 (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.

(2) The provisions of section 4 subsection (2) shall apply mutatis mutandis to any takeaway or licensed premises which contravene the provisions of this section 7.

### *Hawker or vendor*

8(1) A hawker or vendor shall-

- (a) pick up any litter which in the exercise of his /her business has fallen on any public place;
  - (b) at all times have plastic bags to place their litter at the sites they are operating from;
  - (c) remove all goods from his /her site on the at the end of each day and shall leave his/her place or stand in clean condition.
- (2) The provisions of section 4 subsection (2) shall apply mutatis mutandis to any vendor or hawker who contravenes the provisions of this section 8.

### *Public transport vehicles*

9 (1) The owner of a public transport vehicle must ensure that there is a receptacle inside the vehicle to place litter.

(2) The provisions of section 4 subsection (2) shall apply mutatis mutandis to any owner of a public service vehicle who contravenes the provisions of this section 9.

### *Offences and Penalties*

10. 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, 8 or 9;

Shall be guilty of an offence and liable, upon conviction, to a fine not exceeding level five or six months imprisonment or to both such fine and imprisonment.