

Chapter 29:15
Urban Councils Act Harare (Waste Management) By-laws, 1979

S.I. 477 of 1979

Amended by SI 127/81 and 197/87

IT is hereby notified that the Minister of Local Government, Rural and Urban Development has, in terms of [section 229 of the Urban Councils Act \[Chapter 29:15\]](#) approved the following by-laws made by the City Council of Harare:—

Title and date of operation

1.

(1) These by-laws may be cited as the Harare (Waste Management) By-laws, 1979.

Amended by SI 197/87

(2) These by-laws shall come into operation on the 1st July, 1979.

Application

2.

These by-laws shall apply within the Harare City Council area and any Local Government area, the administration, control and management of which is vested in the Harare City Council.

Amended by SI 197/87 w.e.f 19th June,1987

Interpretation of terms

3.

In these by-laws—

“approved” means approved by the Director of Works or the medical officer of health;

inserted by SI 197/87 w.e.f 19th June,1987

“authorized official” means any officer, employee or other person authorized by the council to perform any of the functions of authorized officials in terms of these by-laws;

“council” means the City Council of Harare;

“director or works” means the person holding office under the council as director of works;

“domestic animal” means an animal kept by an owner or occupier on his premises which is not a bovine, equine, ovine or porcine animal;

“domestic waste” means solid waste from any premises arising from the normal occupation of such premises, but does not include industrial waste, garden waste, builder’s rubble and debris, clay, soil, sand, stones, gravel or dead or uprooted trees;

“garden waste” means plants or bushes or part thereof, prunings from trees, hedge-clippings, grass or other organic matter which has been accumulated arising from the maintenance of land, but does not include ashes, clinker, clay, soil, sand, stones or gravel;

“goods” means any corporeal movable property, and includes any part of any article, product or other thing;

“industrial waste” means waste from the carrying on of any process for, or incidental to, any of the following activities—

- a) the making or assembly of any goods;
- b) the altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any goods;
- c) the adaptation for sale or use of any goods;
- d) the sorting, assembling or packing of any goods, including the washing or filling of bottles or other containers;
- e) printing by letterpress, lithography, photogravure or similar process, including any activity associated with the printing industry;
- f) the painting, spraying, construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof;

but not including mining operations;

“medical officer of health” means the officer for the time being holding office under the council as medical officer of health, or his deputy, and includes any medical practitioner lawfully acting in the capacity of medical officer of health;

“occupier”, in relation to any premises, means—

- a) any person in actual occupation of, or legally entitled to occupy such premises; or
- b) any person having the control, charge, or management of such premises; whether as agent or otherwise; or
- c) in the case of vacant premises, the owner thereof;

“owner”, in relation to any premises, means—

- a) the person in whose name the premises are registered in a deeds registry; or
- b) a person who is a party to an agreement which, upon the fulfilment by him 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 any Act;

and includes—

- (i) the trustees of an insolvent estate, or the liquidator of a company being wound up which is so registered as the owner of the premises; or
- (ii) the representative recognized by law of a person so registered as the owner of the premises who has died, or is a minor or of unsound mind or otherwise under disability;

so long as that trustee, liquidator or legal representative is acting within the authority conferred upon him by law;

“premises” includes land and buildings;

“public place” means any bridge, enclosure, footpath, garden, open-space, pavement, road, service-lane, side-walk, square, subway or street of the nature of thoroughfare vested in or controlled by the Council and to which the public or any section of the public has access;

“residential premises” means those premises or part of any premises which are used solely for domestic residential purposes excluding hotels and boarding houses;

definition inserted by SI 197/87 w.e.f 19th June,1987

“standard waste receptacle” means —

- a) an approved rounded and lidded container in non-corrugated galvanized sheet metal which is reinforced and welded and is of a **capacity not exceeding 0,1 cubic metres**, or
- b) an approved polythene bag of a thickness of **not less than 200 microns** and a capacity not **exceeding 0,1 cubic metres** when filled to **within 200 mm** of its open end; or
- c) any other approved receptacle;

definition substituted by SI 127/81 and by 197/87 w.e.f 19th June,1987

”waste “means—

- a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process and
- b) any substance or article which requires to be disposed of as being broken, worn out, unwanted contaminated or otherwise spoiled;”

“**waste-disposal site**” means any area of land set aside and designated by the council from time to time for disposal of waste.

Removal of domestic waste and provision of standard waste-receptacles

substituted by SI 127/81 and by 197/87 w.e.f 19th June,1987

4.

(1) The Council may—

- a) supply to any premises a service for the removal of domestic waste; and
- b) require the owner or occupier of any premises to which no such service is supplied to remove all domestic waste which accumulates on his premises and deposit such waste at a waste-disposal site.

(2)

[subsections \(2\)](#) and [\(3\)](#) substituted by 197/87 w.e.f 19th June,1987

- (a) the Council shall provide to all residential premises to which a service for the removal of domestic waste is supplied a standard waste receptacle;
 - (b) the owners of premises other than those specified in paragraph (a) above shall provide the standard waste-receptacles required in terms of [subsection \(3\)](#) for the temporary storage of all domestic refuse accumulated or produced at such premises.
- (3) The number and type of waste-receptacles to be provided by the owner of the premises specified in [paragraph \(b\) of subsection \(2\)](#), shall be as determined by—
- a) the medical officer of health in the case of premises where food is prepared or handled other than for purely domestic purposes; and
 - b) the Director of works, in the case of any other premises.

Use of waste-receptacles

[section 5](#) substituted by SI 127/81 w.e.f 6th March,1981

5.

Every occupier to which the council supplies a service for the removal of domestic waste shall reserve, on such premises, a suitable area, or suitable areas, of sufficient size for the accommodation of standard waste-receptacles.

- (2) Subject to the provisions of [subsection \(2\) of section 6](#), the occupier of any premises referred to in [subsection \(1\)](#) shall—
- a) deposit, or cause to be deposited, all domestic waste which accumulates on such premises in a standard waste-receptacle; and
 - b) on the day on which domestic waste is to be removed in terms of [subsection \(1\) of section 6](#), place, or cause to be placed, any standard waste-receptacle which contains such waste at the roadside adjacent to the premises or at such other convenient point as has been arranged with an authorized official, and as soon as practicable after such receptacle has been emptied, return it to the area reserved in terms of [subsection \(1\)](#).

Council's service for the removal of domestic waste

[section 6](#) substituted by SI 127/81 w.e.f 6th March,1981

6.

(1) The Council shall, itself or through its contractors, once a week, or at such more frequent interval as it may determine from time to time, remove all domestic waste from standard waste-receptacles which have been placed as required by [subsection \(2\) of section five](#) and deposit such waste at a waste-disposal site:

Provided that, in the case of hotels, clubs, hospitals, nursing-homes and those premises specified in the Second Schedule to the Harare (Licensed Premises) By-laws, 1975, published in [RGN 810/1975](#), domestic waste shall be removed daily unless the medical officer of health certifies in respect of any particular premises that such daily removal is not necessary.

(2) Where the domestic waste which has accumulated on any premises to which the council supplies a service for the removal of such waste is in excess of the maximum volume which the council will remove in terms of [subsection \(1\)](#), the occupier of the premises concerned shall—

- a) request the council to remove the excess waste; and
- b) deposit such waste in a suitable container; and
- c) on the day on which domestic waste is next to be removed in terms of [subsection \(1\)](#), place such container with the standard waste-receptacle.

(3) Where the Council is to supply to a new building a service for the removal of domestic waste, such service shall be supplied from the date on which the building becomes rateable or from such earlier date as the director of works may determine.

(4) The minimum charge payable to the council for the supply to any premises of a service for the removal of domestic waste, whether or not the service is used, shall be the charge, if any, fixed in respect of those premises for the regular removal of such waste in terms of [subsection \(1\)](#).

Removal of excess domestic waste and garden waste

7.

Where the owner or occupier of any premises requests the removal of—

- (a) excess domestic waste in terms of [subsection \(2\) of section six](#); or

(b) any garden waste;

the Council shall remove such waste upon payment by the person requesting such removal of the charge fixed by the Council from time to time in terms of [section 172 of the Act](#).

Control of deposit of waste

8.

(1) No person shall deposit or abandon, or cause or permit to be deposited or abandoned, any waste upon any vacant land, public place or premises other than a waste-disposal site.

(2) Any person wishing to deposit waste on a waste-disposal site shall comply with such conditions as may be specified by the Council and with the provisions of [section eleven](#).

Sanitary services

9.

The Council shall cause all night-soil, contents of septic tanks and other similar installations and carcasses of domestic or other animals to be removed and disposed of in a manner approved by the medical officer of health.

Disposal of industrial waste

10.

(1) Any person wishing to dispose of any industrial waste at a waste-disposal site shall apply to the Council for permission therefor, stating the nature, composition and quantity of the Industrial waste in respect of which the application is made.

(2) The Council may require any person who has made an application in terms this [subsection \(1\)](#) to subject the industrial waste in respect of which the application is made to such treatment, prior to its disposal, as the council may specify.

(3) Where the Council has required any industrial waste to be subjected to any treatment in terms of [subsection \(2\)](#), no person shall dispose of such industrial waste at a waste-disposal site unless it has been subjected to such treatment.

(4) In granting permission for the disposal of industrial waste at a waste-disposal site, the Council may impose such conditions as it considers necessary to ensure that the disposal of such waste will not cause any danger to life or

property, or cause any risk of pollution to the atmosphere or any watercourse, stream, river or underground water-source.

(5) The Council may, either itself or through its contractors, remove industrial waste, or require the owner or occupier to remove industrial waste, from the premises.

Waste-disposal sites

11.

(1) No person shall deposit at a waste-disposal site any matter or material which is of an explosive nature or which is burning or smouldering at the time of disposal.

(2) The driver of any vehicle which enters a waste-disposal site shall—

- a) obey any lawful instruction given to him by the person in charge of such site; and
- b) dispose of any waste on or in the vehicle in such place or area and in such manner as may be directed by the person in charge of such site; and
- c) remove his vehicle from such site immediately after it has been unloaded.

(3) Access to and egress from any waste-disposal site shall be as directed by the person in charge of such site.

Charges for services

12.

Any charges fixed by the council in terms of [section 172 of the Act](#) in respect of the removal or disposal of any waste, either by the council or through its contractors, shall—

- a) become due and payable on such date or at such time as may be determined by resolution of the council; and
- b) in the case of a charge fixed by the Council for the regular removal of domestic waste, be payable by the owner of the premises concerned, and, in the case of any other service provided by the Council in terms of these by-laws for which a charge has been fixed by the Council, be paid by the occupier of the premises concerned or such other person requesting that service.

General

13.

(1) No person shall, without the permission of the Council, remove or interfere with any waste which has been removed, either by the Council or through its contractors, from any premises or has been deposited at a waste-disposal site.

(2) No person shall neglect or refuse—

- a) to remove waste from any premises when required so to do by the Council in terms of these by-laws;
- b) to comply with the directions of an authorized official or conditions imposed by the council in terms of these by-laws.

Repeals

14.

The by-laws specified in the *Schedule* are repealed.

SCHEDULE

[\(Section 14\)](#)

Title

Salisbury Sanitary and Refuse Removal By-laws, 1948

Salisbury Sanitary and Refuse Removal (Amendment) By-laws, 1953 (No. 1) .

Salisbury Sanitary and Refuse Removal (Amendment) By-laws, 1956 (No. 3) .

Salisbury Sanitary and Refuse Removal (Amendment) By-laws, 1958 (No. 4) .

Salisbury (Sanitary and Refuse Removal) (Amendment) By-laws, 1967 (No. 5) .

Salisbury (Sanitary and Refuse Removal) (Amendment) By-laws, 1971 (No. 6) .

Salisbury (Sanitary and Refuse Removal) (Amendment) By-laws, 1972 (No. 7) .

Salisbury (Sanitary and Refuse Removal) (Amendment) By-laws, 1977 (No. 8) .

Salisbuiy (Sanitary and Refuse Removal) (Amendment) By-laws, 1978 (No. 9) .