

Chapter 29:15

Urban Councils Act Harare (Control of Vegetation & Waste Material) By-laws,
1982

S.I. 704 of 1982

Amended by SI 107/83

IT is hereby notified that the Minister of Local Government and Housing 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

1.

These by-laws may be cited as the Harare (Control of Vegetation and Waste Material) By-laws, 1982.

Application

2.

These by-laws shall apply to the council area and to any local government area the administration, control and management of which is vested in the Council in terms of [*section 7 of the Urban Councils Act \[Chapter 29:15\]](#).

*formerly section 5A of the Urban Councils Act [Chapter 214] - Editor

Interpretation

3.

In these by-laws—

“aerated water” means every kind of non-alcoholic, effervescent liquid intended for human consumption;

“council” means the City Council of Harare;

“designated officer” means an officer appointed by the Director of Works, for the purpose of administering these by-laws;

“Director of Works” means the person holding office under the Council as Director of Works, and includes person authorized by the Director to perform any of the powers assigned to the Director by these by-laws;

“fire-guard” means a strip of land which has been cleared of inflammable matter;

“occupier” means the person in actual lawful occupation of the land, and who has the right to exercise general control of the land, and includes, in the case of unoccupied land, the owner of such land, or the agent of such owner or occupier;

“vegetation” includes any tree, shrub, fern, flower; grass, creeper, crop or other plant or organic matter, or any part thereof, whether dead or alive;

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

Duties of an occupier

4.

(1) It shall be the duty of an occupier to ensure that the vegetation on the property under his control is kept in a neat, clean and tidy condition, and that the property is cleared of any waste material or unwholesome or offensive matter or thing.

(2) Where, in the opinion of the designated officer, it is desirable that property be cleared of any vegetation, waste material of unwholesome or offensive matter or thing, he shall—

(a) by service on the occupier of notice in the form set out in the *Schedule*; or

(b) if the whereabouts of the occupier cannot be ascertained, by notice published in 1 issue of a newspaper circulating within the area to which these by-laws apply;

require him to take, within such period as may be specified in the notice, being **not less than 7 days** from the date of service or publication thereof, such steps as may be specified in that notice to effect, compliance with such requirement.

(3) In considering whether it is desirable that a notice be served in terms of [subsection \(2\)](#), the designated officer shall have regard to any—

(a) danger to public health; or

(b) danger to public safety; or

(c) danger to traffic; or

- (d) risk of fire-hazard; or
- (e) danger to natural resources; or
- (f) unsightliness in the area or locality concerned;

caused by vegetation, waste material or unwholesome or offensive matter or thing on the property in respect of which the notice is to be served.

(4) Without derogation from the generality of the provisions of this section, the designated officer may, in a notice served in terms of [subsection \(2\)](#)

- (a) require the clearing of a fire-guard of such width as he may consider fit on the boundary of such land where the designated officer is of the opinion that such a fire-guard is necessary to prevent the danger of fire spreading from such land to adjacent land; or
- (b) require the removal of any fence of grass, rushes or reeds which is
 - (i) erected in such a position or is in such a condition that it may give rise to a danger of fire spreading therefrom to any building or land; or
 - (ii) unsightly in the area or locality.

Notice

5.

(1) Any notice served in terms of [section four](#) shall include therein an approximation of the cost of any action which may be required to be taken by the Council in terms of [subsection \(2\)](#).

(2) If a person upon whom notice has been served in terms of [section four](#) fails to comply with the requirements of such notice within the period specified therein, the council may—

- (a) enter upon the land in question; and
- (b) take such steps as are necessary to ensure compliance with such notice; and
- (c) recover from the occupier of the land or building in question any expenses incurred in the exercise of the powers set out in paragraphs (a) and (b), which expenses shall be payable in full **within 30 days** of the account therefor being rendered.

Appeals

6.

(1) Any person who feels aggrieved by any notice served upon him in terms of these by-laws shall have the right, before the expiry of the period specified in the notice, to make written representations to the Director of Works.

(2) Where representations are made to the Director of Works in accordance with [subsection \(1\)](#), he may confirm the notice concerned, set aside the notice, delete any requirement of the notice or substitute any competent requirement which he considers appropriate.

(3) Following receipt of a complaint and the determination thereof by the Director of Works, he shall report the matter and his determination to the town planning and works committee of the Council.

Offences

7.

(1) Subject to the provisions of [subsection \(2\) of section six](#), any person who fails to comply with a notice served in terms of [section four](#) shall be guilty of an offence.

(2) Any person who impedes, hinders or obstructs any employee of the Council in carrying out his duties in terms of [subsection \(2\) of section five](#) shall be guilty of an offence.

Repeals

8.

The Harare (Control of Vegetation and Waste Material) By-laws, 1980, published in Statutory Instrument 328 of 1980, are repealed.

SCHEDULE

[\(Section 4\)](#)

FORM OF NOTICE

The Occupier.

Dear Sir/Madam,



Harare (Control of Vegetation and Waste Material), By-laws, 1982

The condition of Stand, situate at is considered to be—
dangerous to public health-•

dangerous to public safety
dangerous to traffic
dangerous to natural resources;
unsightly in the area *of a fire hazard.

*amended by SI 107/83 with effect from 4th March ,1983

*Delete the inapplicable.

As an authorized officer in terms of the above by-laws, I hereby serve notice on you as occupier of the said stand, to take the following action within..... days from the date hereof:

.....
.....
.....

You may make written representations to the Director of Works within the period of time specified above at the following address:

.....
.....
.....

Failure to comply with this notice in the time stipulated is an offence. Thereafter, action will be taken by the City Council of Harare to cause the work to be done at an approximate cost of US\$.....

Any expenses incurred by the council will be recovered from you.

In terms of the said by-laws, the Council's employees are authorized to enter upon the stand to perform the necessary work.

.....

Designated officer.