

Harare (Road Verges Maintenance) By-laws, 2016

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 Harare City Council:—

*Title*

1. These by-laws may be cited as the Harare (Road Verges Maintenance) By-laws, 2016.

*Application*

2. These by-laws shall apply to the City of Harare area 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—

“council” means City of Harare;

“litter” means any containers, wrappings, cartons, cigarette packets, paper, vegetable matter, garden waste, hedge clippings, dead animals, ash, tins, rubbish, bricks, stones, rubble, soil and any other matter or substance which is wholesome, offensive or untidy;

“maintain” includes keeping and maintaining the outside of the premises in a good state of decoration and repair and in a clean and sanitary condition;

“occupier” includes owner, tenant, lessee, or any other person occupying the property through the owner, tenant or lessee;

“property” means land and includes improvements thereon;

“road verge” is the land adjacent or opposite a property between the property boundary and the carriage way and includes open storm drains;

“shrub” means a small bush with several woody stems;

“road” includes–

- (a) any existing street, bridge, subway, avenue, lane, footpath, sanitary lane or thoroughfare; or
- (b) anything shown as a street or road on a general plan.

*Maintenance of road verges*

4. (1) Every occupier shall maintain the road verges adjacent or opposite to the property that he or she occupies.

(2) No occupier shall deposit or abandon or cause, or permit to be deposited or abandoned, any litter in the road verges.

(3) An occupier shall maintain shrubs on the road verges.

(4) No occupier shall plant or allow to be planted any shrub or tree that obstructs the traffic or any informative sign.

(5) No occupier shall cut or permit to be cut trees outside the boundary of his or her property without authority of the council.

*Offences and penalties*

5. (1) Any occupier who contravenes the provisions of section 4 shall be guilty of an offence and liable to a fine not exceeding level three or to three months imprisonment or to both such fine and imprisonment.

(2) In the case of a continuing offence, to a fine not exceeding one third of the fine stipulated in level three where the offence has continued for more than thirty days for each day during which the offence has continued or to three months imprisonment or to both such fine and imprisonment.

(3) A conviction for an offence referred to in subsection (1) shall not be a bar to further prosecution for a continuation of the offence.

*Presumptions*

6. For the avoidance of doubt, it shall be presumed where—

- (a) the road verges are not being maintained;
- (b) the road verges are found to be littered ;

that the occupier adjacent or opposite is aware and responsible for such contravention.

