

**Chapter 29:15**  
Urban Councils Act Harare Public Health By-laws, 1962

**SRGN 582 of 1962**

*Amended by RGN's 19/1966; 865/1967; 1036/1973; 811 a.r.w. 878/1975 and SI 328/1980*

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IT is hereby notified that the Minister of Local Government, Public Works and National Housing has been pleased, in terms of section 229 of the Urban Councils Act, 1997 [[Chapter 29:15](#)], as amended, to approve the following by-laws made by the City Council of Harare:—

*Title*

1.

These by-laws may be cited as the Harare Public Health By-laws, 1962.

*Application*

2.

These by-laws shall apply to—

- (a) the Municipality of Harare;
- (b) the Commonage of Harare;
- (c) the occupied areas outside the limits of the Municipality of Harare and falling within the limits of the Commonage of Harare, though excluded therefrom.

*Interpretation of Terms*

3.

In these by-laws, unless inconsistent with the context:—

**“author of a nuisance”** means the person by whose act, default or sufferance the nuisance is caused, exists or is continued, whether he is an owner or occupier or both owner and occupier, or any other person;

**“Chief Health Inspector”** means the officer for the time being holding office under the Council as Chief Health Inspector;

**“health inspector”** means an officer for the time being holding office under the Council as health inspector or sanitary inspector and who is registered with the Medical Council of Zimbabwe as a health inspector;

**“Medical Officer of Health”** means the officer for the time being holding the office under the Council as Medical Officer of Health and includes any medical practitioner appointed by the Council to act in that capacity;

**“nuisance” means—**

- (a) any premises, trade premises, or part thereof of such a construction or in such a state or so situated or so dirty or verminous as to be offensive or injurious, dangerous or prejudicial to health or liable to favour the spread of infectious diseases;
- (b) any street, stream, fool, lagoon, ditch, gutter, water course, sink, cistern, water-closet, earth-closet, pail-closet, privy, urinal, cesspool, drain, sewer, waste-water receptacle, slop-tank, dung-pit, ash-bin, or manure heap so foul or in such a state or so situated or constructed as to be offensive or injurious, dangerous or prejudicial to health;
- (c) any collection of water and any vessel, receptacle, tin, debris, article or thing of any kind, whole or broken, movable or immovable, liable to retain a breeding place for mosquitoes or other noxious insects;
- (d) any stable, cowshed, animal kraal, poultry house, or structure in which any animal or animals or bird or birds are kept in such a manner as to be offensive, injurious or prejudicial to health;
- (e) any accumulation or deposit of refuse, offal, manure or other matter which is offensive, or which may serve as a breeding place for flies;
- (f) any waste water, slops or other liquid waste which is offensive or which may serve as a breeding place for mosquitoes;

- (g) any occupied premises or trade premises for which a proper and sufficient supply of water free from liability to pollution is not available;
- (h) any premises, trade premises, or part of such premises so overcrowded as to be injurious or dangerous to the health of the inmates or which does not conform with the requirements of any by-laws or regulations in force in the Municipal area as regards air space, floor space, lighting and ventilation;
- (i) any occupied premises or trade premises for which proper and sufficient sanitary conveniences are not provided and maintained in accordance with the requirements of the Council's by-laws;
- (j) any work, manufacture, trade or business causing or giving rise to smells or effluvia which is offensive or which is injurious to the health of the neighbourhood, or keeping or storing waste matter in such a manner as to interfere with the comfort of neighbouring occupiers, or so conducted as to be offensive, injurious, dangerous or prejudicial to health;
- (k) any premises used for trade, factory or workshop which—
  - (i) is not kept in a cleanly state and free from effluvia arising from any drain, privy, water-closet, earth-closet, pail-closet, urinal or other source;
  - (ii) is not ventilated in such a manner as to render harmless as far as practicable, any gases, vapours, smoke, dust or other impurities generated in the course of the work carried on therein that are offensive, injurious, dangerous or prejudicial to health; or
  - (iii) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those therein employed;
- (l) any area of land kept or permitted to remain in such a state as to be offensive or to interfere with the comfort of the neighbourhood;

- (m) any other condition whatever which is offensive, injurious, dangerous or prejudicial to health;

**“occupier”** in relation to any premises or trade premises means—

- (a) any person in actual occupation of such premises; or
- (b) any person legally entitled to occupy such premises; or
- (c) any person having the charge or management of such premises; or
- (d) if the occupier as hereinbefore defined is absent from Zimbabwe or if his whereabouts are unknown the agent of the occupier.

para (d) amended by RGN 1036/73 with effect from 19<sup>th</sup> October, 1973

**“owner”** in relation to any premises or trade premises means—

- (a) the person in whose name title to such premises is registered; or
- (b) if such person is dead, or is a minor, or is insolvent, mentally disordered or defective, or is under any other legal disability, the person in whom is vested the administration of such person's estate, whether in the capacity of executor, administrator, trustee, *curator bonis*, guardian or in any other capacity whatsoever; or
- (c) if such premises are the subject of a registered lease, the lessee; or
- (d) if the owner hereinafter defined is absent from Zimbabwe or if his whereabouts are unknown, the agent of the owner, or any person receiving or entitled to receive rent in respect of such premises;

para (d) amended by RGN 1036/73 with effect from 19<sup>th</sup> October, 1973

**“poultry”** means ducks, fowls, geese, guinea fowls and turkeys;

**“poultry house”** means any enclosure in which poultry is kept;

**“premises”** means any building, room, hut, shed, tent, vehicle or any other structure used or capable of being used for human habitation and includes schools, churches and places of resort, and any yard, land or outhouses in connexion therewith, and shall also include cowsheds, stables and all similar structures;

**“sanitary convenience”** includes sanitary accommodation, pail-closet, water-closet, urinal, or any other type of building apparatus, or fitting, used for the receipt or disposal of human excrement;

**“stand”** means any stand, lot, plot or other piece of land registered in a Deeds Registry;

definition inserted by RGN 811 of 1975

**“trade premises”** means any premises used or intended to be used for carrying on any trade or business.

#### *Service of Notice*

#### 4.

(1) Notices, orders and any other documents required or authorized to be served under these by-laws, may be served upon the person affected thereby in any of the following manners:—

- (a) to the said person personally or to his duly authorized agent;
- (b) at his residence or place of business or employment to some responsible person apparently not less than 16 years of age and apparently residing at or employed there;
- (c) if there is no person upon whom service can be effected, it shall be sufficient service to affix a copy of the copy of the notice, order or other document to be served upon the outer or principal door of such residence or place of business;
- (d) by prepaying, registering and posting an envelope addressed to such person at his usual or last known place of abode or business, and containing such notice, order or other document;

para (d) amended by RGN 19/66 with effect from the 21<sup>st</sup> January, 1996

(2) Any notice under these by-laws required to be given to the owner, or occupier of the premises or trade premises, may be addressed by the description of, the owner or occupier of the premises or trade premises, which shall be named in the notice in respect of which the notice is given, without further name or description.

(3) A notice, order or other document which is served in the manner specified in [paragraph \(d\) of subsection \(1\)](#) shall, unless the contrary is proved, be deemed to have been served at the time at which envelope containing such

notice, order or other document would have been delivered in the ordinary course of post.

[subsection \(3\)](#) inserted by RGN 19/66 with effect from the 21<sup>st</sup> January,1996

#### *Failure to Comply with Notices*

5.

Any person who fails to comply with any notice or order duly given or made under these by-laws shall be guilty of an offence.

#### *Expectorating*

6.

No person shall expectorate on a public pavement or in a public place.

#### *Nuisances*

7.

No person shall by his act, default or sufferance cause or permit a nuisance.

#### *Powers of Medical Officers of Health*

Title for this section invented by the Editor for ease of reference

8.

The Medical Officer of Health or any health inspector may enter and inspect or make enquiries on any premises or trade premises as to the existence of a nuisance thereon.

#### *Abatement and prevention notices*

Title for this section invented by the Editor for ease of reference

9.

(1) Whenever a nuisance exists, or has existed and is liable to recur, on any premises or trade premises the Council may serve a notice upon the author of the nuisance, or upon the owner or occupier of the premises or trade premises on which the nuisance exists, or has existed and is liable to recur, requiring him to abate the nuisance, and to do such work with or without specifying the nature thereof, within a time to be specified in the notice, as is necessary for the removal or abatement and the prevention of recurrence of the nuisance:

Provided that—

- (a) where the nuisance occurs on any private property and arises from any want or defect in the structure of any building or where premises or trade premises are occupied by a number of persons the notice shall be served on the owner;
- (b) where the author of the nuisance cannot be found, and it is clear that the nuisance does not exist by the act or default or sufferance of the occupier or owner of the premises or trade premises, the Council may abate the same and do what is necessary to prevent the recurrence thereof.

(2) Where a notice has been served on any person under these by-laws and such person fails to comply with any of the requirements of the notice within the time stated therein he shall be liable to the penalty specified under these by-laws, and the Council may enter upon the premises or trade premises in respect of which such nuisance exists or is liable to recur, and may do, at the expense of the person who has failed to comply with the notice, such work as may be necessary for the removal or abatement and the prevention or recurrence of the nuisance.

**10.**

Air space and Floor space

**11.**

Segregation of sexes

[sections 10](#) and [11](#) repealed by RGN 1036/73 with effect from the 19<sup>th</sup> October, 1973

*Separate Kitchen Accommodation*

**12.**

Every premises or part thereof wherein the preparation and cooking of food takes place shall be provided with kitchen accommodation adequate for the use of and readily accessible to each tenant or sub-tenant or such premises or part thereof which are occupied under a tenancy or sub-tenancy agreement and where in the opinion of the Medical Officer of Health it is necessary that separate accommodation in respect of each such tenant or sub-tenant for the preparation and cooking of food be provided, such separate accommodation shall be provided. All such accommodation shall be lighted and ventilated in accordance with the Council's by-laws.

*Improper Use of Sanitary Conveniences*

**13.**

No person shall dirty, soil, foul, damage, destroy or make improper use of any public sanitary convenience and no person shall dirty, soil, foul, damage, destroy or make improper use of any sanitary convenience, whether public, private or in common use in such a way as to create a danger to health.

*Parts of Premises in Common Use*

**14.**

In any premises, portions of which are let as separate tenements, the owner or person so letting such premises shall ensure that all the parts of the premises in common use, such as sanitary conveniences, bathrooms, laundry rooms, passages, stairways and yards, are kept and maintained in a clean and sanitary condition and provided with adequate lighting.

*Refuse and Manure*

**15.**

No person shall place, throw or leave or suffer to remain on any premises or trade premises any refuse or other matter whatsoever in such a manner or for such a time as to attract or favour the breeding of flies or to encourage rats or other vermin to frequent such premises and no person shall use or store manure that is not matured or well rotted as to be incapable of breeding or attracting flies.

**16.**

Cleaning of Stands

[section 16](#) repealed by s.7 of the Harare (Control of Vegetation and Waste Material) By-laws, 582/82 w.e.f. the 6th June,1980.

*Trade Waste*

**17.**

Every owner or occupier of any trade premises shall provide suitable facilities to the satisfaction of the Medical Officer of Health for the storage of trade waste.

*Refuse Bin Storage*

**18.**

Every owner or occupier of any trade premises shall, after the service upon him of a notice by the Medical Officer of Health, provide a platform of impervious material of such construction and dimensions and in a position as directed by the Medical Officer of Health, such platform to be used solely for

the refuse bin to stand upon, and no such person shall fail to maintain such platform and refuse bin in a clean and sanitary condition.

*Liquid Waste*

**19.**

No person shall throw, deposit or place or cause or permit to flow in or on any street, thoroughfare, open space, vacant stand, ground spring or water course, any filth, slops, water, waste liquid, yard flushing, or any dirty, filthy or other offensive matter of any kind whatsoever.

*Burning of Refuse*

**20.**

No person shall burn any stable litter, trade waste, garden or other refuse in such a manner as to be offensive or any annoyance to the inhabitants or occupiers of the neighbourhood.

*Rats and Vermin*

**21.**

Every person shall keep any premises or trade premises owned or occupied by him, free from rats and other vermin and every person shall rid such premises of rats and other vermin when required to do so on notice by the Medical Officer of Health.

*Rodent Proofing*

**22.**

All trade premises in which foodstuffs are prepared, stored or handled shall be rendered rodent proof, to the satisfaction of the Medical Officer of Health and shall not communicate directly with any premises occupied for living or sleeping purposes or with any sanitary convenience.

amended by RGN 19/66 with effect from the 21<sup>st</sup> January, 1966.

*Dead Animals*

**23.**

The owner of any animal which dies within the Municipality shall cause the carcass to be disposed of in such a manner as to prevent any nuisance or danger to health or annoyance to persons in the neighbourhood.

*Prevention of Mosquito Breeding*

## 24.

- (1) No person shall collect or allow to collect or store water on any land, premises or trade premises, except in tanks, wells, barrels or other receptacles which are so constructed and maintained as completely to exclude mosquitoes.
- (2) Roof-gutters shall be so maintained as to remain dry between rainfalls.
- (3) Any person who shall construct or who is responsible for maintenance of any furrows or canals for irrigation or other purposes shall take adequate measures to prevent mosquito breeding,
- (4) No person shall throw or keep or allow to remain on any land, premises or trade premises, whether occupied or unoccupied, any tins, bottles, crockery or other objects that may hold water and thus give rise to mosquito breeding and no person shall allow to remain on any land or premises or trade premises small collections of water, whether derived from rainfall or seepage, or other surface inequalities so as to permit or favour mosquito breeding.

### *Keeping of Poultry*

## 25.

- (1) No person shall keep any poultry other than in a poultry house, the floor of which shall be constructed of impervious material with a runway enclosed with wire netting or other suitable material.
- (2) No poultry houses shall be placed **nearer than 3 metres** from any plot boundary or **nearer than 6 metres** from any premises used for human habitation.

amended by RGN 1036/73 with effect from the 19<sup>th</sup> October, 1973

- (3) Every poultry house shall be kept thoroughly clean and free from decaying food, vermin and filth of any kind.
- (4) No person shall keep any poultry which, by reason of continued crowing, clucking, cackling, quacking, goggling, gobbling or like noise, tends to destroy the comfort of the neighbours or the neighbourhood.
- (5) No person shall keep poultry in such a manner or in such numbers that they tend to injure the health or destroy the comfort of any person.

[subsection \(5\)](#) inserted by RGN 865/67 with effect from the 17<sup>th</sup> November, 1967

### *Keeping of pigeons*

## 26.

No person shall keep pigeons in such a manner or in such numbers that they tend to injure the health or destroy the comfort of any person.

substituted by RGN 865/67 with effect from the 17<sup>th</sup> November, 1967

### *Keeping of Bees*

**27.**

No person shall keep bees in such a manner that they tend to injure the health, destroy the comfort, or affect the rights of any person.

amended by RGN 865/67 with effect from the 17<sup>th</sup> November, 1967

### *Keeping of bovine, caprine, ovine or porcine animals*

**27A.**

No person shall keep any bovine, caprine, ovine or porcine animal on any premises or stand, except in accordance with the written permission of the Medical Officer of Health.

(2) In granting permission, the Medical Officer of Health may impose conditions—

- (a) prohibiting the keeping of any bovine, caprine, ovine or porcine animal on any premises or stand **less than 10 hectares** in extent; or
- (b) requiring the premises or stand to be adequately fenced to prevent any such animal straying therefrom; or
- (c) prohibiting the use or erection of stables, byres, cowsheds, pigsties and other structures for housing any such animal **within 100 metres** of any dwelling, trade premises or boundary of the premises or stand; or
- (d) for the prevention or suppression of a nuisance.

(3) The Medical Officer of Health may refuse permission if he considers that the keeping of any animal referred to in [subsection \(1\)](#) on the premises or stand in respect of which application is made is, or is likely to be, a nuisance.

Inserted by RGN 811/75 with effect from the 29<sup>th</sup> August, 1975

### *Keeping of Rabbits or Chinchillas*

**28.**

No person shall keep rabbits or chinchillas in such a manner or in such numbers that they tend to injure the health or destroy the comfort of any person.

section repealed by RGN 446/67 and inserted anew by RGN 865/67 with effect from the 17<sup>th</sup> November, 1967

### *Repeals*

#### **29.**

The Harare Municipal By-laws published in the Government Notices listed hereunder are hereby repealed—

Government Notice No. 149 of 1900

Government Notice No. 22 of 1904

Government Notice No. 134 of 1907

Government Notice No. 89 of 1916

Government Notice No. 101 of 1916

Government Notice No. 224 of 1918

Government Notice No. 182 of 1922

Government Notice No. 172 of 1951.