**Manyame Rural District Council Refuse Removal By-laws, 2022**

**Arrangement of sections**

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**Title**

1. These by laws may be cited as the Manyame Rural District Council(Refuse Removal) By laws, 2022

**Application**

1. These by- laws shall apply to the area under the jurisdiction of Manyame Rural District Council.

**Interpretation**

**Application**

1. These by- laws shall apply to the area under the jurisdiction of Manyame Rural District Council .

**Interpretation**

1. In these By-laws –

“Council” Means Manyame Rural District Council

“Domestic Refuse” means dust ashes, rubbish or garbage arising from or incidental to the occupation of a hotel, boarding house, theatre, butchery or business premises for dwelling but excludes any liquid stable litter, sweeping, construction and demolition waste or waste, sand stone, lopping of trees, hedge clippings or garden refuse.

“Other refuse” means other waste other than domestic refuse and it includes electronic waste, industrial waste, institutional waste and this excludes health care waste.

“Special refuse” means waste that accumulates and exceeds waste that is normally collected on scheduled collection day and these includes construction and demolition waste or waste, sand stone, lopping of trees, hedge clippings or garden refuse.

“occupier” in relation to any premises, means-

1. Any person in actual occupation of those premises or
2. Any person legally entitled to occupy those premises; or
3. Any person having the charge or management of those premises.

“owner” in relation to any premises, means

1. The person in whose name the title to those premises is registered; or
2. If such a person is dead, insolvent, mentally disordered, or minor, or under any legal disability, the person in whom the administration of that person’s estate is vested whether executor, guardian or in any other capacity whatsoever
3. When an owner is herein defined is absent from Zimbabwe or his whereabouts are unknown, an agent of such owner or person receiving or entitled to receive rentals in respect of the premises;

“Premises” means any stand or part of a stand or any piece of land on which improvements have been made or buildings erected.

“Approved” means approved by the Chief Executive officer or by an officer designated by the council

“Refuse” means stable litter, sweeping, builder’s debris, sand, stones, dead or uprooted trees or plants or portions thereof, lopping of trees, hedge clippings, garden refuse, carcasses of domestic animals, trade or industrial waste or any such other litter or rubbish;

“Refuse receptacle” means

1. An approved rounded and lidded container constructed in non-corrugated material, reinforced and welded and of a capacity not exceeding 0,1 cubic meters
2. An approved polythene bag of a thickness of not less than 200 microns and of a capacity not exceeding 0,1 cubic metres when filled within 20cm of its open end; or
3. An approved polythene bag of a thickness of not less than 40 microns and of a capacity not exceeding 0,1 cubic metres when filled to within 20cm of its open end; or
4. Any other approved receptacle;

“Environmental Health Practitioner” means the person appointed by the Council as the Environmental Health Practitioner.

Chief Executive Officer means the person appointed by the Council as Chief Executive officer

**Removal of domestic refuse**

4 (i)Domestic refuse accumulated on premise, shall be removed by council on scheduled days of collection and shall be deposited at a refuse disposal site.

approval of Council on a prescribed form.

(iii) Collection must be done through supervision of the Environmental Health Practitioner.

(iv) Domestic refuse removal fees must be paid by the owner or occupier as council decides from time to time.

**Removal of other refuse other than domestic refuse**

5 (i) All other refuse other than domestic refuse accumulated on premise, shall be removed by council on scheduled days of collection and shall be deposited at a refuse disposal site

(ii)Removal fees for other refuse other than domestic refuse must be paid by the owner or occupier as council decides from time to time.

**Removal of special refuse**

6 (i) The owner of any premise shall, in terms of section 6, apply for and make use of a special refuse removal service provided by the Council which shall prescribe charges for such service from time to time.

(ii) The owner of any premises on which improvements are being made or buildings are being erected shall, before such improvements or buildings are occupied make written application to council for a special refuse removal service and shall be liable to pay for the service in accordance with the charges prescribed by Council from time to time.

**Removal of health care waste**

7 (i) All health care waste accumulated on health care institutions shall be managed in a manner that is not injurious to health.

(ii) Placentas from maternity centres must be disposed of in an approved placenta/Ottoway pit.

(iii)Sharps must be placed in sharp boxes and must be ¾ full before they are incinerated.

(iv) No person shall be allowed to burn health care waste in an open fire within the Council area except on an approved incinerator.

(v) Soiled cotton swabs, bandages and body tissues must be incinerated.

**Removal of electronic waste**

8 (i) All electronic waste accumulated residential areas, businesses and institutions shall be managed in a manner that is consistent with best environmental principles.

(ii) The owner or occupier of any premises where electronic waste has accumulated shall apply to council for removal and a prescribed fee that is decided by council must be paid.

(iii) No person shall dispose on the environment any electronic waste.

(iv) Any person who contravenes the provisions of this by law shall be guilt of an offence and pay a fine as prescribed by council from time to time.

**Provision of refuse receptacles**

9 (i) Council shall supply approved refuse receptacles for domestic waste and charge the owner or occupier upon payment for them.

(ii) All households shall be required to have a two-bin system for waste separation which are colour coded.

(iii) Businesses, Institutions, Industries are supposed to provide their own receptacles which are colour coded for waste separation at source.

(iv) Any owner or occupier of a commercial, industrial or institution who fails to provide a receptacle in terms of subsection (iii) shall be liable to a fine which council can decide from time to time.

**Refuse receptacle to be kept in approved areas**

10 (i) The owner or occupier of any premises shall set aside on such premises and in an approved position, an area or areas of sufficient size in which shall be kept all the refuse receptacles provided for such premises.

(ii) It shall be the responsibility of the property owner or occupier to ensure that the refuse receptacle area is kept clean at all times.

**Domestic refuse to be placed near thoroughfare**

11 (i) The owner or occupier of any premises shall on such days and times as council may direct, place or cause to be placed outside the boundary of the premises which abuts on the thoroughfare from which the refuse removals are made, the refuse receptacles provided at such premises and contain domestic refuse

(ii) The owner or occupier shall return or cause to be returned to the area or are referred to in section 10, all refuse receptacles after they have been emptied.

**Waste Management Enterprises**

1. (1) The Local Authority shall keep records and a register of every waste collection and management enterprise operating within its area of jurisdiction and copies of their licences issued by the Environmental Management Agency issued in terms of Environmental Management (Effluent and Solid Waste Disposal) Regulations S.I 6/2007.

(2) Every person requiring a waste management enterprise license shall abide by the procedures of applying for a waste management enterprise license prescribed in Section 16 of the Environmental Management (Effluents and Solid Waste Disposal) Regulations, 2007.

(3) Every person requiring a waste management enterprise licence shall be guided by the provisions of the Environmental Management (Effluents and Solid Waste Disposal) Regulations, 2007 which shall apply *mutatis mutandis* in the Council area

(4) The owner or occupier of a waste collection or waste management enterprise shall keep and maintain up to date records on the type, quality, origin and whereabouts of wastes or waste oils collected or managed by it.

**Waste collection and management enterprises operated by or on behalf of council**

1. (1) The local authority may operate a waste collection enterprise, whether on its own account or through an agent and may apply for a waste management license from the Environmental Management Agency as prescribed in Section 17 of the Environmental Management (Effluents and Solid Waste Disposal) Regulations.
2. All provisions related to the application for a w*aste collection and management enterprises operated by or on behalf of local authorities, in terms of Section 17* of the Environmental Management (Effluents and Solid Waste Disposal) Regulations, shall apply *mutatis mutandis* to the Council area and Council shall take all appropriate measures to comply with the law.

**Refuse removal and management**

1. (1) All refuse accumulated on premises shall be removed from time to time and shall be deposited at a designated refuse disposal site, and the Council shall be entitled at its discretion either to remove such refuse itself or by its contractors or to require the owner or occupier to do so under the supervision of the Council’s authorized officials from time to time and at such a time as the Council may so determine.

(2) All refuse collected by Council shall be disposed at a designated sanitary landfill.

(3) Council may charge a fee for the collection of waste from households or other premises and the fee shall be prescribed by Council from time to time through the tariff schedule.

**Domestic refuse to be the property of council**

12 (i) All domestic refuse which council under takes to remove shall become the property of council from the time of the collection of such refuse from outside the boundaries of any premises.

(ii) No person who is not an employee of Council shall remove with any such domestic refuse except with the written permission of council.

**Refuse other than domestic refuse**

13 (i) The occupier of any premises shall keep, or deposit any refuse other than domestic refuse in such position at the premises so as not to cause, or be likely to cause, a nuisance or danger of fire until such refuse is removed or is otherwise disposed of.

(ii) When such refuse is removed by Council or its contractors, it shall become the property of the council from the time of its removal.

(iii) Where refuse is contained in receptacles of the type described in paragraph (a),(b) or(c) of the definition refuse receptacle, section 9 shall apply as if such receptacles contained domestic refuse.

**Refuse disposal sites**

14 (i) Any person who wishes to dispose of domestic refuse or refuse or any refuse other than domestic refuse at a refuse disposal site shall apply, in writing to Council for permission, stating the nature of the refuse or domestic refuse for which the application is made and shall pay the prescribed by council from time to time.

(ii) No person, organisation, institution or industry shall dispose waste at an undesignated site.

(iii) The offender shall be responsible for the removal of the dumped refuse failing which Council shall remove at the cost of the offender.

**Landfills**

1. No person shall dispose general waste or hazardous waste at any other place except in a licenced general landfill or a hazardous waste disposal site.

**Hazardous substances and toxic chemicals**

34. (1) No person shall generate, store, sell , transport, use, recycle, discharge or dispose of hazardous waste to the environment in the Council area except under a licence issued by the Environmental Management Agency.

(2) Any person who generates, store, transport, use, recycle, discharge or dispose hazardous waste in the Council area shall submit to the Council a copy of the licence issued by the Environmental Management Agency

(3) No hazardous waste shall be disposed of at any other place except in a licensed hazardous waste disposal site.

(4) All provisions related to the management, control, storage, transportation, recycling, discharge or disposal of hazardous waste prescribed in the Chapter 20:27 Environment Management (Hazardous Waste Management) Regulations, 2007, shall apply mutatis mutandis to the Council area

**Offences and penalties**

15 (i) Any person who contravenes these by-laws shall be guilty of an offence and be liable, to a fine as prescribed by council from time to time.

(ii) Failure to comply to (i) above will lead council to recover its cost through civil proceedings

**Repeal**

16 The Beatrice Harare South Rural Council Refuse Disposal (Adoption) By Laws, 1972 is hereby repealed.

**FIRST SCHEDULE**

No person, organisation, institution or industry shall dispose waste at an undesignated site.

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| Burning of refuse | As per Council Budget |
| Disposal of waste at an undesignated site | As per Council Budget |
| Burning health care waste in an open fire | As per Council Budget |
| Disposal of electronic waste | As per Council Budget |
| Failure to provide refuse receptacle | As per Council Budget |
| Disposal at undesignated sites | As per Council Budget |
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