Statutory Instrument of 2022 **CAP. 29:15**

Manyame Rural District Council Public Health By-laws, 2022

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**ARRANGEMENT OF SECTIONS**

1. Title
2. Application
3. Interpretation
4. Prevention of nuisance
5. Structures and buildings
6. Health and sanitation
7. Use of toilets
8. Overcrowding
9. Breeding of pests
10. Accumulation of organic matter
11. Accumulation if non-organic matter
12. Cleaning stands
13. Rats and vermin
14. Rodent proofing
15. Prevention of mosquito breeding
16. Expectorating
17. Keeping of animals
18. Keeping of poultry
19. Keeping of bees
20. Offenses and penalties

**Manyame Rural District Council (Public Health) By-laws, 2022**

**It is hereby notified that the following are proposed by laws by Manyame Rural District Council**

**Title**

These by laws may be cited as the Manyame Rural District Council (Public health) By-laws, 2022

**Application**

These by- laws shall apply to the area under the jurisdiction of Manyame Rural district Council

**Interpretation**

In these by-laws

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

“building” includes any structure whatsoever for whatever purpose used;

“Council” means Manyame Rural District Council

“nuisance”, means any state of affairs which may injure the Health, destroy the comfort or adversely affect the rights of any person;

OR:

(a) an animal, structure, substance or other thing or conduct that·-

(i) is, or is likely to become, a breeding ground or source of food

for designated pests; or

(ii) harbours, or is likely to become something that harbours,

designated pests;

OR

(b) any substance that is, or is likely to be, hazardous to human health; or

(c) that contributes to, or is likely to contribute to communicable or

non-conmmnicable disease in humans or the transmission of an

infectious condition to humans;

**"public health"** means the science and art of disease prevention, prolonging

life and promoting health and wellbeing through organised efforts

and informed choices of society, state and non-state organisations,

communities and individuals for the sanitation of the environment, the

control of communicable diseases and non-communicable diseases, the

organisation of health services for the early diagnosis, prevention and

management of disease, the education of individuals in personal health

and the development of the social machinery to ensure everyone has

living conditions adequate for the maintenance or improvement of health;

“Occupier”, in relation to any premises, or part thereof, means the person in actual occupation of the premises, or part thereof, who has the right to exercise general control over such premises or part thereof;

or

"occupier", in relation to any premises, means-

(a) any person in actual occupation of those premises; or

(b) any person legally entitled to occupy those premises; or

(c) any person having the charge or management of those premises;

and includes the agent of any such person when he or she is absent from

Zimbabwe or his whereabouts are unknown. In the case of premises used

as a school, the expression "occupier" includes the principal or person in

charge of the school;

Owner” in relation to any premises, means-

1. The person in whose name the premises are registered in a deed registry; or
2. A person who is part to an agreement which; on fulfilment of the conditions fixed in that agreement, entitles him to obtain transfer of the premises; or
3. A statutory authority or body to which the ownership of the premises has been transferred by an enhancement; or

**Manyame Rural District Council (Public Health) By-laws, 2022**

1. The trustee of an insolvent estate or the liquidator of a company being wound up which is so registered as the owner of the premises; or
2. The representatives recognised by law or a person so registered as the owner of the premises who has died or is a minor or of sound mind or otherwise under disability, or
3. Where the owner, as defined in paragraph (a), (b), (c), (d) or (e), is absent from the area to which these by laws apply, or where the whereabouts of such owner are unknown to the Council, the agent of such owner or a person who receives any rent payable in respect of a lease of the premises;

**“**poultry” means any domestic fowl, turkey, goose, duck, guinea fowl or pigeon

"premises" means any building or tent, together with the land on which the

same is situated and the adjoining land used in connection therewith, and

includes any vehicle, conveyance, ship or boat;

“sanitary convenience” means urinary or water closet, or any other approved construction used for the receipt of disposal of human excreta, and includes the ceiling, entrance, floor, fittings, fixtures, roof, screen, seat, walls and windows thereof;

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

“approved” means authorised by Council

“sanitary convenience” means

(a) latrine, urinal, water-closet, aqua-privy, earth-closet, pit-closet,

borehole-latrine or chemical-closet; and includes the ceiling, entrance, floor, fittings, fixtures, roof, screen, seat, walls and windows thereof; or

(b) other device approved by an environmental health officer; which is being, has been or is intended to be used for the disposal of human waste;

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

“Approved” means approved by Council

**"dwelling"** means any house, room, shed, hut, cave, tent, vehicle, vessel or boat

or any other structure or place whatsoever, any portion whereof is used

by any human being for sleeping or in which any human being dwells;

**"infectious disease"** means any communicable disease caused by pathogenic

microorganisms, such as bacteria, viruses, parasites or fungi that can be

spread, directly or indirectly, from one person to another as specified in

section 46 of the Public Health Act Chapter 15:17.

**"public building"** means- any place where public services are offered and to which the public has access

**Prevention of nuisance**

4. (1) No person shall-

(a) Perform any act posing a public health risk that contributes to, or is likely to contribute to communicable or non-communicable disease in humans or the transmission of an

Infectious condition to humans;

(b) Permit any condition to exist which is nuisance on any premises

(c) causing pollution

(d) disturbs the peace of surroundings

(e) or any other act which is not authorised by council

(2) Where the Council is satisfied of the existence of nuisance, he may order any person, by whose act, sufferance or default such nuisance is caused, forth with to take such steps or to do such things as he may deem necessary to remove the nuisance.

(3) Anyone in breach of the above will be subjected to a fine not exceeding Level 10.

**Structures or building**

5. (1) No person shall erect upon any land or stand any structure or building which is insanitary, dangerous or unhealthy.

(2) No person shall allow any building constructed upon premises of which he is the occupier or owner to become dangerous, insanitary, unhealthy, unsightly or likely to depreciate property in the vicinity or to cause a nuisance to the inhabitants at the neighbourhood or to remain in such a condition.

-Erection of structures or buildings upon having approved plans

-there may be need for provisions for structures erected in buffer zones/ open spaces

-Only authorised temporary structures are to be erected in buffer zones

-Structures in servitudes or open spaces (to include time frames for use)

(3) Anyone in breach of the above will be subjected to a fine not exceeding Level 8.

**Health and sanitation**

6. (1) It shall be the duty of the owner of the premises to provide-

a) For every dwelling, a minimum of one water closet for every eight persons or portion of twelve persons normally residing in such dwelling;

b) For any trade or business premises, a minimum of one water closet for every twelve persons or portion of twelve persons employed in such premises;

c) Where both men and women are employed in any trade or business premises, separate toilet accommodation shall be provided for each sex

(2)A contractor or other person employing workers on work of a temporary nature shall provide for such workers with sanitary conveniences which shall be of a number and type approved by the ~~Chief Executive Officer~~ Council and situated so as to meet with the approval of the ~~Chief Executive Officer Council~~ and maintained in a clean and sanitary condition.

-To confirm ratios in model building by laws

-Consider addition of refuse receptacles

(3) Anyone in breach of the above will be subjected to a fine not exceeding Level 8.

**Use of toilets**

7. (1) No person shall urinate or defecate within the Council area other than in a sanitary convenience.

(2) No person shall deposit in any sanitary convenience, drain or sewer; any stone, sand, brick, rag, disposable nappies or other article which may block or stop or otherwise interfere with the proper working of any toilet or sanitation or drainage system or otherwise damage any toilet, sanitary conveniences or drainage system. (Dining, lounge, or any other space which is not a bedroom according to the approved building plan)

(3) The Council may, by notice to the occupier or owner of any premises, prohibit the use of a sanitary convenience which, by reason or faulty construction, neglect or any other cause, has become or is likely to become a danger to the public.

(4) No occupier or owner shall allow any sanitary convenience to be maintained or kept in an insanitary manner.

(5) Anyone in breach of the above will be subjected to a fine not exceeding Level 7.

**Overcrowding**

8. (1) It shall be the duty of the occupier or owner of any premises to ensure that-

(a) The premises are not overcrowded; and

(b) No person sleeps in a bathroom, kitchen or in any sanitary convenience

2) A dwelling premises shall be deemed to be overcrowded if the occupation of any room in those premises results in there being less than-

(a) Eleven cubic metre of air space; and

(b) Four square metres of floor space;

For every person sleeping in that room at any time.

Provided that when calculating the number of persons who are sleeping in a room a child under the age of ten shall be reckoned as one-half of a person and a child under the age of six months shall not be counted at all.

**Breeding of pests**

(1) No person shall do or cause to be omitted any act as a result of which the breeding, harbouring or occurrence of pests or vermin.

(2) No person shall omit to do or cause to be omitted any act which facilitates, favours or deposit on or in any land, encourages the breeding, harbouring or occurrence of pests or vermin in the premises that he occupies or own.

(3) No person shall remove, destroy or interfere with any trap or other contrivance or mechanism put in a pest control measure by Council.

(4) Anyone in breach of the above will be subjected to a fine not exceeding Level 6.

**Accumulation of organic matter**

10. (1) No person shall place, throw, pour or otherwise deposit on or in any land, stand or premises any excreta, sewage, slops, rubbish, refuse or any offensive or unwholesome matter.

(2) No owner or occupier of any land, stand or premises shall permit to remain or accumulate on or in any land any excreta, sewage, filth, septic tank effluent or other foul, offensive or unclean liquid, slops, yard-flushing, garden refuse, dead animal, decaying matter or other rubbish or offensive or unwholesome matter.

(3) Notwithstanding the provisions of subsections(1) and (2) and for so long as a public nuisance or danger or public health is not created:-

a) slops, yard-flushing, garden refuse, decaying vegetables and other refuse may be deposited or accumulated in a garbage can or refuse pit; and

(b) Compost, manure, liquid manure or other organic matter intended for use on any land or stand may be made or kept on the land or stand.

**Accumulation of non-organic matter**

(2) No owner or occupier of any land, stand or premises shall permit to remain or accumulate on or in any land, stand or premises any bottle, tin, tank, drum, broken crockery or glass, timber, building-rubble, tyre, scrap metal, disused motor vehicle or any non- organic article.

11.(1) No person shall place, throw or deposit on or in any land, stand or premises any bottle, tin, tank, broken crockery or glass, timber, plastic, building-rubble, tyre, scrap metal, disused motor vehicle or any other non-organic article of whatsoever danger to public health .

(3) The Chief Executive Officer, as the case may be, may issue any instructions to the owner or occupier of the land, stand or premises to prevent the accumulation or for the removal of accumulated non-organic matter.

(4) Should the owner or occupier of any land, stand cause the accumulation of non-organic matter, The Environmental Health Officer or the Chief Executive Officer, as the case may be, Council may take any steps as may be necessary to prevent the accumulation of non-organic, after on any land, stand or premises. The cost of any such steps or action shall be borne by the occupier or owner of the land, stand or premises on which the non-organic matter was accumulating.

-Use of bins, rubbish pits, refuse receptacles

(5) Anyone in breach of the above will be subjected to a fine not exceeding Level 6.

**Cleanliness of stands**

12. It is the duty of the stand owner to ensure that the stand surroundings are well maintained

Where in the opinion of the Council, the growth of grass or weeds or other vegetation on a stand or premises is likely to harbour rodents, vermin or mosquitoes, he may serve a notice on the owner or occupier of such stand or premises requiring the cutting and removal from the stand or premises of such grass, weeds or other vegetation and failure to comply.

(5) Anyone in breach of the above will be subjected to a fine not exceeding Level 6.

**Rats and vermin**

16. 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 written notice by the Council, as the case may be.

Anyone in breach of the above will be subjected to a fine not exceeding Level 5.

**Rodent proofing**

17. All trade premises in which foodstuffs are prepaid, stored or handled shall be rendered rodent proof to the satisfaction of Council as the case may be.

Anyone in breach of the above will be subjected to a fine not exceeding Level 5.

**Prevention of mosquito breeding**

18. (1) No person shall collect or allow to collect, or store water on any premises or trade premises except in tanks, wells, barrels or other receptacles which are so constructed and maintained as to completely exclude mosquitoes.

(2) All roof gutters shall be maintained in a clean state free of leaves and vegetation at all times

(3) Any person who constructs, or who is responsible for the maintenance of any furrows or canals for irrigation or other purposes, shall take adequate measures to prevent mosquito breeding.

Anyone in breach of the above will be subjected to a fine not exceeding Level 5.

**Expectorating**

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

Anyone in breach of the above will be subjected to a fine not exceeding Level 5.

**Keeping of animals**

20. (1) No person shall keep any animals other than dogs, cats, poultry or pigeons without the permission of the Council.

(2) Council shall give written permission to an occupier or owner to keep any other animal and in so doing impose conditions as to-

(a) The period for which the animal may be kept; and

(b) The place in which the animal may be kept;

In order to protect the health, safety and comfort of neighbours.

Anyone in breach of the above will be subjected to a fine not exceeding Level 6.

**Animals drawn vehicles**

21. (1) No animal drawn vehicles, shall be allowed within the Dema, Beatrice, Guzha and Murisa business centres and residential areas and the residential areas of Manyame Council

(2) Animal drawn vehicles that are led by a person may only be allowed between 0600hrs and 1800hrs

Anyone in breach of the above will be subjected to a fine not exceeding Level 6.

**Keeping Poultry and rabbits**

22. (1) No person shall keep more than Twenty-five heads of poultry, pigeons and or rabbits, on any premises without the permission of Council in the prescribed manner.

(2) No person shall keep poultry elsewhere other than in poultry house or poultry run constructed so as to ensure that;

(a) the movement of the poultry is controlled; and

(b) no nuisance or danger to public health by the keeping of the poultry.

(3) No person shall allow a poultry house or poultry run to become so filthy as to be a nuisance or a danger to the public.

(4) No person shall keep poultry on a stand measuring less than 200m2.

Anyone in breach of the above will be subjected to a fine not exceeding Level 6.

**Keeping of Bees**

23.No person shall keep bees without the written permission of Council and complies with any condition imposed

Anyone in breach of the above will be subjected to a fine not exceeding Level 10.

**Tethering of animals**

1. No person shall tether any animal, including a domestic pet, in any street or pubic place in such a manner as to cause any obstruction.
2. Anyone in breach of the above will be subjected to a fine not exceeding Level 6.

**Diseased animals**

1. The owner of any animal, including a domestic pet, suffering from any infectious disease shall-
2. Prevent the animal from being at large; and
3. Take all measures as may be necessary to prevent the spread of the disease.

Anyone in breach of the above will be subjected to a fine not exceeding Level 6.

**Seizure of animals**

1. Any police officer or person authorised thereto by Council may seize and send any animal found at large to the nearest pound.
2. Anyone in breach of the above will be subjected to a fine not exceeding Level 6.

**Offenses and penalties**

25. Any person who contravenes these by-laws shall be guilty of an offence and be liable, upon conviction, to a fine prescribed in the approved Council budget.

Summary of penalties

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| --- | --- |
| **THEMATIC AREA** | **FINE LEVEL** |
| **Prevention of nuisance** | 10 |
| **Structures or building** | 8 |
| **Health and sanitation** | 8 |
| **Use of toilets** | 7 |
| **Overcrowding** | 6 |
| **Breeding of pests** | 6 |
| **Accumulation of organic matter** | 6 |
| **Cleanliness of stands** | 6 |
| **Trade Waste** | 6 |
| **Refuse bin storage** | 6 |
| **Burning of refuse** | 5 |
| **Rats and vermin** | 5 |
| **Rodent proofing** | 5 |
| **Prevention of mosquito breeding** | 5 |
| **Expectorating** | 5 |
| **Keeping of animals** | 6 |
| **Animals drawn vehicles** | 6 |
| **Keeping Poultry and rabbits** | 6 |
| **Keeping of Bees** | 10 |
| **Tethering of animals** | 6 |
| **Diseased animals** | 6 |
| **Seizure of animals** | 6 |
| **Offenses and penalties** | 6 |

**Manyame Rural District Council (Public Health) By-laws, 2022**

**APPLICATION FOR PERMISSION TO KEEP MORE THAN 25 HEADS OF POULTRY/RABBITS**

**TO**

The Chief Executive Officer

Manyame Rural district Council

P.O. Box 99

Beatrice

Name of Applicant………………………………………………………………………………………………………………………

Physical address ( where chickens/rabbits are to be kept):………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………...

Size of stand (in square metres):………………………………………………………………………………………………...

Land uses of abutting stands:………………………………………………………………………………………………………

Number of chickens to be kept:…………………………………………………………………………………………………..

Measures to be taken against: -odours…………………………………………………………………..

Flies……………………………………………………………………………

* Fleas etc………………………………………………………………………

Have neighbours been consulted………………………………………………………………………………………………

If consulted give full names, addresses and contact details of the neighbours consulted

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Report of Environmental Health Officer:……………………………………………………………………………………

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(Name of Environmental Health Officer/ Technician)

Recommendations of Director of Health and Environmental Services:……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………Date:……………………………………………………………Signature………………………………………………………………