

Statutory Instrument 525 of 1979.

[CAP. 214

Bulawayo (Refuse Removal) By-laws, 1979

IT is hereby notified that the Minister of Local Government and Housing has, in terms of section 180 of the Urban Councils Act [*Chapter 214*] approved the following by-laws made by the City Council of Bulawayo:-

Title

1. These by-laws may be cited as the Bulawayo (Refuse Removal) By-laws, 1979.

Application

2. These by-laws shall apply to the municipal area of Bulawayo.

Interpretation

3. In these by-laws –

“approved” means approved by the medical officer of health;

“council” means the City Council of Bulawayo;

“domestic refuse” means any dust, ashes, rubbish or garbage arising from or incidental to the occupation of any hotel, boarding house, theatre, butchery, or business premises, or dwelling but excludes any liquid, stable litter, sweepings, building debris or waste sand, stones, lopping of trees, hedge clippings or garden refuse;

“domestic refuse removed unit” means the collection and removal of domestic refuse from a refuse receptacle of any of the types of refuse receptacles described in paragraphs (a), (b) or (c) of the definition of refuse receptacle, on one occasion;

“domestic refuse removal unit rating” means the number of refuse removal units deemed by the medical officer of health to be necessary from the premises on a weekly, twice weekly or daily basis, as he shall determine;

“health inspector means any person appointed by the council to act as a health inspector;

“medical officer of health” means a medical officer of health appointed by the council and includes the deputy officer of health and any medical practitioner appointed to act in either capacity;

“occupier” in relation to any premises, means-

- (a) any person in any 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 is absent from Zimbabwe Rhodesia 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-

- (a) the person in whose name the title to those premises is registered; or
- (b) if such a person is dead, insolvent, mentally disordered, or defective, or a minor, or under any legal disability, the person in whom the administration of that person’s estate is vested, whether as executor, guardian or in any capacity whatsoever; and
- (c) when an owner as herein defined is absent from Zimbabwe Rhodesia or his whereabouts are unknown, includes an agent of such owner or any person receiving or entitled to receive rent in respect of the premises;

“person in charge” means any person who has been appointed by the medical officer of health to control the disposal of refuse and domestic refuse as a refuse disposal site;

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

“refuse” (not being domestic refuse) means stable litter, sweepings, builders’ debris, sand, stones, dead or uprooted trees or plants or portions thereof, loppings of trees, hedge clippings, garden refuse, carcasses of domestic animals, trade or industrial wastes and such other litter or rubbish which is not “domestic refuse” as defined in these by-laws;

“refuse disposal site” means any area set aside and designated by the medical officer of health for the disposal of refuse or domestic refuse;

“refuse receptacle means-

- (a) an approved rounded and lidded container constructed in non-corrugated material, reinforced and welded and of a capacity not exceeding 0,1 cubic metre; or

- (b) an approved polythene bag of thickness not less than 200 microns and a capacity not exceeding 0,1 cubic metres when filled to within 200mm of its open end; or
- (c) an approved polythene bag of thickness not less than 40 microns and a capacity no exceeding 0,1 cubic metres when filled to within 200 mm of its open end; or
- (d) any other approved receptacle;

“refuse receptacle support” means an approved metal framework with lid, or a refuse receptacle, or containing and supporting the type of refuse receptacle described in paragraph (a) of the definition of receptacle, or containing and supporting the type of refuse receptacle described in paragraph (b) or (c) of the definition of refuse receptacle.

Removal of refuse

- 4. All domestic refuse and refuse accumulated on premises shall be removed from time to time and shall be deposited at a refusal disposal site, set apart, or which may from time to time be set apart for the purpose by the council, and the council shall be entitled in its discretion either to remove such domestic refuse or refuse itself or by its contractors or to require the owner or occupier to do so under the supervision of the council’s Health Department from time to time and at such time as the council shall determine.

Owner to apply for refuse removal

- 5. If the council decides to remove domestic refuse or refuse from any premises by itself or by its contractors, the owners of such premises shall, subject to the provisions of section 7, apply for and make use of any service provided by the Council for such removal and the council shall prescribe charges for such service or services from time to time by resolution.

Contractor may provide service

- 6. (1) Any owner may enter into a contract with any person with any person who has been granted permission by the council to provide a service for the removal of refuse either in substitution for or in addition to any such services provided by the council.

(2) Any person who wishes to provide a service for refuse removal in terms of subsection (1) shall apply to the council to operate such service and the council may grant permission on such conditions as it may determine.

Exemption from refuse removal services

7. Any owner of premises in respect of which a contract has been entered into for the removal of refuse with any person who has been granted permission in terms of section 6 may apply to the medical officer of health for exemption from the terms of section 5 or for cessation or partial cessation of any refuse removal service being provided by the council.

No charge on cancellation of refuse removal service

8. (1) If the medical officer of health grants an application in terms of section 7, the city treasurer, on a receipt of a certificate from the medical officer of health, may, having regard to the financial implications, refrain from charging, or discontinue charging, the owner for the removal of refuse to the extent detailed in the certificate.

(2) A certificate referred to in subsection (1) shall not be issued for a period of less than six months.

Grievance over charges raised or cancelled

9. If any person is aggrieved by any decision made in terms of section 7 or 8 he may apply to the council for his grievance to be heard by the council and the council may amend or uphold any such decision.

Application for domestic refuse removal service

10. (1) The owner of any stand or part of a stand or part of a stand or any piece of land on which improvements are being made or buildings are erected shall, before such improvements or buildings are occupied, make written application to the medical officer of health on the form prescribed in the First Schedule for a domestic refuse removal service.

(2) In completing the form referred to in subsection (1), the owner may determine the domestic refuse removal unit rating of the premises but such rating shall be subject to the approval of the medical officer of health who may, having regard to the number of persons in occupation and the use or uses to which the premises are put, change the rating applied for-
 - (a) at the time of application; or
 - (b) at any future time.
(3) The owner shall be bound by the rating determined by the medical officer of health, if any, and shall be liable to pay for the service in accordance with such

determined rating, whether or not full or any use is made of the service when provided.

Owner to supply refuse receptacle

11. The owner of the premises shall provide a refuse receptacle for each domestic refuse removal unit for which the premises have been rated and such refuse receptacle shall be used for the temporary storage of all domestic refuse accumulated or produced at such premises until such domestic refuse is removed by the council's domestic removal service or otherwise disposed of in accordance with these by-laws:

Provided that, where a health inspector or any duly authorised official of the council finds on the inspection of any premises that the provisions of this section are not being compiled with, the council may provide the requisite number of refuse receptacles and recover from the owner the cost of so doing.

Refuse receptacle to be kept in approved area

12. (1) The owner of any premises shall set aside on such premises and in an approved position an area or areas of sufficient size on which shall be kept all the refuse receptacles provided for such premises.
- (2) The occupier of any premises shall ensure that the refuse receptacle provided for such premises is kept on the area or area referred to in subsection (1), except when the receptacle or receptacles have been moved in accordance with the provisions of subsection 1) of section 14.

Domestic refuse to be kept covered

13. (1) Save when domestic refuse is being deposited in or discharged from refuse receptacles, refuse receptacles, or refuse receptacle supports shall be kept fitted with their lids in place to prevent exposure to the atmosphere of the interior of the refuse receptacle or any domestic refuse receptacle or any domestic refuse contained in them.
- (2) Refuse receptacles of the type described in paragraph (b) and (c) of the definition of the refuse receptacle shall, when containing refuse, be used in conjunction with a refuse receptacle support, except when removed in terms of subsection (1) of section 14 when such receptacle shall be securely tied at the neck.

Removal of domestic refuse from premises

14. (1) If the council decides to remove domestic refuse by itself or by its contractors, the occupier of any premises shall on such days and times as the medical officer of health 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 receptacle provided at such premises and containing domestic refuse.

(2) Subject to the provisions of section 15, the occupier shall return, or caused to be returned, to the area or areas referred to in section 12 all refuse receptacles from the property after they have been emptied by the council's employees on the day in which they have been emptied.

Removal of refuse receptacles

15. When domestic refuse removals take place, the council's employees shall-

(a) remove refuse receptacles of the type referred to in paragraph (b) of the definition of refuse receptacle with the domestic refuse they contain, if such receptacles are in a torn or damaged condition;

(b) remove refuse receptacles of the type referred to in paragraph (c) of the definition of refuse receptacle with the domestic refuse they contain.

Domestic refuse to be the property of council

16. (1) All domestic refuse removed by the council or deposited for removal in any refuse receptacle which the council undertakes to remove shall become the property of the council from the time of the collection of such refuse from outside the boundaries of any premises, in terms of subsection (1) of section 14.

(2) No person who is not an employee of the council shall remove or interfere with any such domestic refuse except with the written permission of the medical officer of health.

Refuse other than domestic refuse

17. (1) The occupier of any premises shall keep or deposit any refuse other than domestic refuse in such position or positions at the premises so as not to cause, or be likely to cause, a nuisance or danger of fire until such refuse is removed as provided in these by-laws or is otherwise disposed of.

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

(3) Where refuse is contained in refuse receptacles of the type described in paragraphs (a), (b) or (c) of the definition of refuse receptacle the provisions of sections 14 and 15 shall apply as if such receptacles contained domestic refuse.

Refuse disposal sites

18. (1) Any person who wishes to dispose of any refuse or domestic refuse at a refuse disposal site shall apply, in writing, to the medical officer of health for permission, stating the nature of refuse or domestic refuse for which the application is made.

(2) The medical officer of health may require any person who has applied to him in terms of subsection (1) to subject the refuse or domestic refuse which such person wishes to dispose of at a refuse disposal site to such treatment as the medical officer of health considers necessary or desirable.

(3) Where the medical officer of health has instructed that any refuse or domestic refuse shall be subjected to any treatment in terms of subsection (2), no person shall dispose of such refuse or domestic refuse unless it has been subjected to such treatment.

(4) No person shall deposit at a refuse disposal site any material which is of an explosive nature, or which is smouldering or burning at the time of disposal.

(5) The driver of any vehicle entering a refuse disposal site shall-

(a) obey any instructions given to him by the person in charge of such site; and

(b) dispose of the refuse or domestic refuse or domestic in his vehicle in such area and in such manner as directed by the person in charge of such site; and

(c) remove his vehicle immediately from the refuse disposal site after such vehicle has been unloaded.

(6) Access to and egress from a refuse disposal site shall be as directed by the person in charge of the site.

(7) Without the permission of the medical officer of health, no person other than an employee of the council in the course of his duties shall-

(a) Enter or be in any refuse disposal site; or

(b) Remove any material therefrom.

(8) All refuse or domestic refuse deposited at a refuse disposal site shall become the property of council from the time of such deposit.

Notice

19. (1) Whenever in terms of these by-laws any notice is required to be given to any person such notice shall be deemed to be sufficiently served if sent by registered post addressed to that person at such person's last known place abode or left with such person personally or with some adult inmate at the place of abode.

(2) In the case of a notice required to be given to an owner or occupier of premises whose abode after inquiry is unknown, such notice shall be deemed to be sufficiently served if posted up in some conspicuous place on such premises.

(3) It shall not be necessary in any notice to an owner or occupier as the owner or occupier to name such owner or occupier and the notice may describe such owner or occupier as the owner or occupier, as the case may be.

Repeals

20. The by-laws specified in the Second Schedule are repealed

FIRST SCHEDULE (*Section 10*)

Application for the removal of domestic refuse from premises

I..... owner of stand.....Street address..... hereby make application for the removal of domestic refuse from the above stand.

I have provided.....refuse receptacle/s in accordance with the Bulawayo (Refuse Removal) By-laws, 1979, and I require daily/ once weekly/ twice weekly service. (delete whichever are inapplicable)

I understand that I am only to dispose of the following types of refuse by way of the domestic refuse removal service, and I undertake to place none other in my refuse receptacle/s:

Dust, ashes, rubbish or garbage arising from or incidental to the occupation of any hotel, boarding-house, theatre, butchery, or business premises or dwelling, but excluding any liquid, stable litter, sweepings, building debris or waste, sand, stones, loppings of trees, hedge clippings or garden waste.

Signature.....

Date.....

SECOND SCHEDULE (*Section 20*)

Title

Government Notice

Bulawayo Municipal Refuse Removal By-laws, 1949	Southern Rhodesia Government Notice 280 of 1949.
Bulawayo Municipal Refuse Removal (Amendment) By-laws, 1956 (No. 1)	Southern Rhodesia Government Notice 205 of 1956.
Bulawayo Municipal Refuse Removal (Amendment) By-laws, 1960 (No. 2)	Southern Rhodesia Government Notice 244 of 1960.
Bulawayo Municipal Refuse Removal (Amendment) By-laws, 1976 (No. 3)	Southern Rhodesia Government Notice 989 of 1967.
Bulawayo Municipal Refuse Removal (Amendment) By-laws, 1972 (No. 4)	Southern Rhodesia Government Notice 931 of 1972.
Bulawayo Municipal Refuse Removal (Amendment) By-laws, 1977 (No. 5)	Southern Rhodesia Government Notice 774 of 1977.