

Bindura Rural District Council (Environmental, Land-use and  
Natural Resources Conservation) By-law, 2021

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IT is hereby notified that the Minister of Local Government and Public Works has, in terms of section 90 of the Rural District Council Act [*Chapter 29:13*], approved the following by-laws made by the Bindura Rural District Council:—

*Title*

1. These by-laws may be cited as the Bindura Rural District Council (Environmental, Land-use and Natural Resources Conservation) By-laws, 2021.

*Interpretation*

2. In these by-laws —
  - “agency” means the Environmental Management Agency;
  - “biological diversity” means the variability among living organisms from all sources including *inter alia*,

*terrestrial*, marine and other aquatic ecosystems and the ecological complexes of which they are part and this includes diversity within species, between species and species and of ecosystem;

“council” means Bindura Rural District Council;

“council area” means the area for which the council has been established or under its jurisdiction;

“effluent” means waste water or other fluid originating from domestic, agricultural or industrial activity, whether the water or fluid or untreated and whether it is discharged directly or indirectly into the environment;

“environment” means—

- (a) the natural and manmade resources, including water, soil, mineral and living organisms, whether indigenous or exotic and the interaction between them;
- (b) ecosystems, habitats, spatial surroundings or other constituent parts, whether natural or modified or constructed by people and communities;

“environmental impact assessment” means an evaluation of a project to determine its impact on the environment, human health and community livelihoods whose specific requirements and procedures are set out in terms of section 97 of the Environmental Management Act [*Chapter 20:27*] as read with sections 8 to 13 of the Environmental Impact Assessment and Ecosystem Protection Regulations, 2007, published in Statutory Instrument 7 of 2007;

“environmental impact assessment certificate” means a certificate issued by the Director-General of the Environmental Management Agency for a particular project in terms of section 97 of the Environmental Management Act;

“environmental impact assessment report” means a report on an environmental impact assessment produced by the developer of a project in terms of section 97 of the Environmental Management Act [*Chapter 20:27*].

“invasive alien species” means, generally, exotic plants which have become naturalised and threaten the existence of indigenous species by penetrating and replacing indigenous vegetation, as specified in the Fifth Schedule of the Environment Management Act [*Chapter 20:27*];

“livestock” means domestic animals including: cattle, donkey, sheep and goats amongst others that are ordinarily kept by people at the homestead;

“natural resource” includes—

- (a) the air, soil, water and minerals;
- (b) the mammal, bird, fish and other animal life;
- (c) the trees, grasses and other vegetation; and
- (d) the springs, vleis, sponges, reed-beds, marshes, swamps and public streams;

and any other thing that the Minister responsible for Environment, may, by notice in a statutory instrument, declare to be a natural resource, including a landscape or scenery which, in his or her opinion, should be preserved on account of its aesthetic appeal or scenic value;

“occupier” in relation to land or premises, means any person lawfully occupying or controlling the land or premises;

“owner” means—

- (a) in the case of livestock, the person who normally has custody or control thereof;
- (b) in the case of cultivated land, any person who has the right to the produce of the land, including the spouse of such person and children over the age of eighteen years; and
- (c) the person registered in the Deeds Registry as the owner of the Land or premises;

“sleigh” means any vehicle used for transport which—

- (a) travels on runners instead of wheels; or
- (b) travels on any other manner on the surface of the ground without the use of wheels or trucks driven by wheels;

“vegetation” includes any tree, shrub, fern, flower, grass, creeper, crop or any other plant or organic matter or any part thereof, whether dead or alive;

“waste material” includes any containers, wrapping, cartons, cigarette packets, paper, vegetable matter, garden waste, hedge clippings, dead animals, ash, tins, rubbish, bricks, stone, soil and any other matter or substance which is offensive, unwholesome or untidy;

“wetlands” means an area of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt and includes riparian land to the adjacent to the wetlands.

*Environmental impact assessments*

3. (1) The developers of any projects in the council area for which an environmental impact assessment is required in terms of section 97 and the First Schedule to the Environmental Management Act [*Chapter 20:27*], shall—

- (a) consult council during the consultation process leading to the development of an environmental impact assessment;
- (b) involve council in organising public consultation meetings with traditional leaders and local people in the area regarding the proposed development project;
- (c) submit to council a copy of the environmental impact assessment report and environmental impact assessment certificate for the proposed project approved by the director-general of the agency upon receipt;
- (d) submit to council a copy of the annual environmental management plan.

(2) Council shall request from time to time, at its own expense all relevant information from the Agency related to quarterly environmental monitoring reports produced by project developers, in terms of section 106 of the Environmental Management Act [*Chapter 20:27*], operating in the council area.

(3) Council shall make environmental impact assessment reports submitted by project developers available and open for public inspection at all reasonable times at the council offices.

(4) Council shall monitor the implementation of the environmental impact assessment report and environmental management plans submitted by project developers jointly with the Agency.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 3.

*Environmental rehabilitation works*

4. (1) Any person who undertakes any project of causing environmental damage or environmental degradation or harm in the Council area shall—

- (a) submit to council a rehabilitation plan containing rehabilitation works that will be undertaken before abandonment or closure of the project;
- (b) rehabilitation any damage to the environment associated with the project.

(2) Council shall monitor the implementation of rehabilitation plans of projects with the Agency.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 3.

*Burning of vegetation and prevention of fires*

5. (1) Any land user or owner shall put in place appropriate fire prevention measures on their land.

(2) No person shall deliberately cause fire that he or she cannot extinguish which causes damage to the environment, property or life.

(3) No person shall light a fire outside the residential or commercial premises during the period from 31st July, to 31st October of each year.

(4) No person in the council area shall burn growing or standing vegetation on any land without lodging a notice of intention to burn in terms of section 67 of the Forestry Act [*Chapter 19:05*].

(5) In the event of veld fire, it shall be the responsibility of every inhabitant witnessing the fire, where reasonably possible, to put out the fire.

(6) Any person who contravenes subsections (1), (2), (3), (4) or (5) shall be guilty of an offence and liable to a fine not exceeding level 4.

*Invasive alien species*

6. (1) Every occupier or owner of land within the Council of land within the council area shall keep their land free from invasive alien species in line with the requirements of section 118 of the Environmental Management Act [*Chapter 20:27*] as read with the Fifth Schedule to the Environmental Management Act [*Chapter 20:27*].

(2) The council may give a written or oral order on occupier owner of land where invasive alien species are growing to clear or cause to be cleared any invasive alien species from his or her land.

(3) In relation to invasive alien species “clearing means to dig up or pull out and burn invasive alien species or to employ other means of destruction authorised by the Environmental Management Agency.

(4) In cases where there is imminent threat to the environment, livestock or human health from invasive alien species on land belonging to or occupied by a resident in the council area, council may take measures to control, remove or clear the land of invasive alien species, at its own cost and recover the expenses incurred from the land owner or occupier as the case may be.

(5) Any occupier or owner of land who knowingly fails to keep his land free from invasive alien species without an adequate and reasonable explanation or fails to comply with a council order issued in terms of subsection 2 of this section shall be guilty of an offence and liable to a fine not exceeding level 3.

*Protection of wetlands*

7. (1) No person shall be allowed to cultivate, settle, plant gum tree plantations in a wetland.

(2) All activities that disturb the soil shall be carried out 30 metres away from wetlands.

(3) The council shall take appropriate steps to ensure that the public is notified of all wetlands in the council area.

(4) In order to promote the protection of wetlands, council may take additional measures and make orders for the protection of wetlands in the council area in the Environmental Management Act [*Chapter 20 :27*] and section 20 of the Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, 2007, published in Statutory Instrument 7 of 2007.

5) Any person who contravenes subsections (1) and (2) shall be guilty of an offence and liable to a fine not exceeding level 4.

*Protection of trees*

8. (1) Every person who wishes to cut down trees shall do so in accordance with the provisions of the Forestry Act [*Chapter 19: 05*].

*Sand abstraction*

9. (1) No person shall—

- (a) excavate, remove, possess or transport clay or sand deposits in excess of one tonne or for commercial purposes without a licence issued by the Environmental Management Agency;
- (b) excavate or remove sand deposits from any undesignated site point.

(2) Any person who wishes to excavate, remove, possess or transport sand shall make an application to council which application shall be forwarded to the Agency after consideration by council.

(3) The application in sub-section (2) shall be accompanied by a detailed excavation and environmental rehabilitation plan together with recommendations from the Village Development Committee, Ward Development Committee and the Traditional Chief. The applicant shall have the responsibility of rehabilitating sites.

(4) No person shall transport sand between sunset and sunrise.

(5) Environmental monitors shall monitor sand abstraction purposes for domestic purposes.

(6) Any person who contravenes subsections (1), (2), (4) and (5) shall be guilty of an offence and liable to a fine not exceeding level 3.

*Brick moulding*

10. (1) No person shall mould or make bricks for sale or commercial purposes in the council area without the permission of council.

(2) In the event that a person intends to mould or make bricks for sale, commercial or domestic purposes he or she shall demonstrate that he or she is capable of taking the following measures before he or she is granted permission—

- (a) rehabilitating the environment or pits created by his/her activities;
- (b) using deadwood for burning the bricks and if not available ensure that they only use branches of trees and not the whole tree; and
- (c) in the event that compliance with paragraph (b) is not possible, demonstrate that he or she is capable of carrying out a re-forestation project in the area where trees have been cut.

(3) Council may set aside land for commercial brick making in the council areas which land shall be used by brick makers in the ward or village under specified terms and conditions as council may set.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine to not exceeding level 4.

*Protection of rivers*

11. (1) All residents in the council area shall sustainably use and protect rivers.

(2) No person shall be allowed to—

- (a) pollute the rivers;
- (b) carry out any cultivation within 30 metres of a flood-level river bank, provided that geographical considerations such as, but not limited to, slope and soil types shall be taken into account by council and agency in increasing the distance;

- (c) carry out any cultivation within 100 metres of a dam provided that geographical considerations such as, but not limited to, slope and soil types shall be taken into account by council and the agency in increasing the distance.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and liable to a fine not exceeding level 3.

*Sleighs*

12. (1) No person shall own possess use or have in his or her custody or control a sleigh.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 4.

*Waste management*

13. (1) No person shall dispose solid waste, effluent or hazardous waste on land or into a river or into any other surface water or ground water in the council area whether directly or through drainage or seepage except under licence approved by the Agency in terms of the Environmental Management Act [*Chapter 20 :27*] submitted to council.

(2) Every household should have pit to dispose the household waste.

(3) Operators of businesses at business centres should have bins for waste disposal.

(4) Council shall designate collection points at business centres for the management of waste.

(5) All refuse collected by council shall be disposed at a designated sanitary landfill.

(6) Council may fix the fee for the collection of waste in terms of section 97(9) of the Act.

(7) Any person who contravene the section shall be guilty of an offence and liable to a fine not exceeding level 3.

*Mining activities*

14. (1) No person shall carry out any mining activities in the council area without a mining licence issued by the Minister responsible for mines.

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(2) All holders of prospecting, exploration and mining rights operating in the council area shall submit copies of licences to council prior to commencement of any prospecting, exploration or mining operations.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level 5.



