

Marondera Rural District Council (Environment and Natural  
Resources Conservation) By-laws, 2018

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It is hereby notified that the Minister of Local Government, Public Works and National Housing has, in terms of section 89 as read with section 90 of the Rural District Councils Act [*Chapter 29:13*], approved the following by-laws made by the Marondera Rural District Council: —

*Title*

1. These by-laws may be cited as the Marondera Rural District Council Environment and Natural Resources Conservation) By-laws, 2018.

*Application*

2. These by-laws shall apply to the jurisdiction of the Marondera Rural District Council area.

*Interpretation*

3. 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; this includes diversity within species, between species and of ecosystems;

“council” means the Marondera 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 is treated or untreated and whether it is discharged directly or indirectly into the environment;

“environment” means —

(a) the natural and manmade resources, including water, soil, minerals 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 action plan” means an environmental action plan prepared by Marondera Rural District Council for the area under its jurisdiction in terms of section 95 of the Environmental Management Act [*Chapter 20:27*];

“environment committee” means an environment committee of the council as appointed in terms section 61(2) of the Rural District Councils Act [*Chapter 29:13*];

“environment sub-committee” means a sub-committee meant to assist the environment committee in carrying out its

functions as appointed in terms of section 61(6) of the Rural District Councils Act [*Chapter 29:13*];

“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 Ecosystems Protection Regulations, 2007, published under Statutory Instrument 7 of 2007;

“grazing area” means the area set aside in a plan or other system adopted by Marondera Rural District Council in collaboration with the traditional leaders and the community for the grazing of livestock;

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

“natural resource” includes—

- (a) the air, soil, waters 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;
- (e) any other thing that the Minister of Environment and Natural Resources may, by notice in a statutory instrument, declare to be a natural resource, including a landscape or scenery which, in his 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; 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

- (b) the person registered in the Deeds Registry as the owner of the land or premises;

“plan” means a diagram or illustration depicting or describing any area of land within communal or resettlement land areas set aside for exclusive use by inhabitants for residential, grazing, environmental conservation or cultivation purposes;

“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, wrappings, 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 sal and includes riparian land to the adjacent to the wetlands.

*Preparation and adoption of a plan*

4. (1) The council shall prepare an environmental action plan for the area under its jurisdiction in terms of section 95 of the Environmental Management Act [Chapter 20:27].

(2) In developing the environmental action plan, council shall—

- (a) place on public exhibition a copy of the proposed environmental action plan for inspection by any of the inhabitants in the area;
- (b) put public notices by means of various communication channels indicating the place or places and period at which the plan shall be open for exhibition and inspection by council inhabitants;
- (c) call upon any inhabitant who have objections to the proposed plan to lodge their objections with the council within 30 days after the date of notification of the proposal;
- (d) consult all relevant stakeholders in the council area.

(3) In preparing any plan, the council shall —

- (a) seek the advice of —
  - (i) the Provincial Planning Officer; and
  - (ii) the Provincial AGRITEX Officer; and
  - (iii) the Provincial Environmental Officer; and
  - (iv) the Provincial Warden; and
  - (v) the Provincial Mining Commissioner; and
  - (vi) any groups or individuals with expertise, skills, knowledge or an interest in the matter relevant for the development of the plan;
- (b) take into account any objections received in terms of subsection (2)(c).

(4) If in preparing any plan, the council does not act in accordance with the advice given by the officers and interested parties referred to in subsection (3), it shall advise the Provincial Council, in writing, of this fact and the reasons thereof.

(5) Once a plan has been prepared and approved by the council by resolution, a copy thereof shall be forwarded to the Provincial Council together with the substance of any —

- (a) objections lodged in terms of subsection (2)(c); and
- (b) advice tendered in terms of subsection (3);

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(6) The Provincial Council may within 30 days from the date a plan is forwarded to them in terms of subsection (5) —

- (a) inform the council in writing of their approval of the plan; or
- (b) inform the council in writing of their approval of the plan subject to such amendments as they may propose.

(7) Where the Provincial Council makes proposals for the amendment of a plan, the council may —

- (a) proceed in terms of subsections (2), (3) and (4); or
- (b) if it is not satisfied with the decision of the provincial administrator, within 30 days of notification of the decision, appeal to the Minister who after calling for representations from all the parties concerned, including, if necessary from the inhabitants of the area for which the plan is intended, shall make a decision on the matter and his or her decision shall be final.

(8) In describing areas in the plan, reference may be made to any summits of hills, streams, rivers, roads, fences, buildings, communal boundaries, prominent rocks or trees or any other thing which is readily identifiable by or is well known to the inhabitants.

(9) Once a plan has been approved, a copy thereof shall —

- (a) be made available for inspection, free of charge, during normal working hours at the offices and sub offices of the council or at any place or places considered by council to be convenient; and
- (b) be sent to each Ward Assembly in the council area.

*Amendment of plan*

5. Section 4(2) to (9) shall apply *mutatis mutandis*, to any proposal to amend a plan.

*Contents of a plan*

6. (1) In respect of any area set aside in a plan for grazing of livestock, in the council, the plan may specify —

- (a) the maximum number of livestock which may be grazed in that grazing area;
- (b) which owner or owners or community may graze livestock in a specific grazing area;
- (c) the maximum number of livestock or the maximum number of different types of livestock which each owner may graze in a specific grazing area;
- (d) the period within which any inhabitant is to reduce the number of livestock to the levels he or she is permitted to graze in any grazing area in terms of paragraph (c);
- (e) the period within which any inhabitant is to cease grazing livestock within any area where such inhabitant is not permitted to graze his or her livestock in terms of paragraph (d);
- (f) measures to be taken to ensure the conservation of grazing lands in the area.

(2) If any livestock is found grazing in an area other than a grazing area, the owner thereof shall be presumed to have allowed the livestock to graze in that area, provided that it shall be a sufficient defence if the owner proves that he or she took all reasonable precautions to ensure that the livestock did not graze outside the grazing area.

(3) The holder of a livestock card upon which is recorded the number of cattle which he or she dips shall be deemed to have the custody or control of the number of cattle recorded on his or her dipping card until the contrary is proved.

(4) No plan or part thereof shall be deemed to be invalid because it is not possible to determine the exact situation on the ground of the boundary of any grazing or cultivation area.

(5) Any person or inhabitant who grazes livestock in an undesignated area for grazing in terms of a plan shall be guilty of an offence and liable to pay a fine not exceeding level 3 or to a period of imprisonment not exceeding six months or if it is the first time council may consider giving the person a written warning and upon commission of a similar offence a fine will be imposed.

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(6) In respect of any area set aside in a plan for cultivation, the council may, in the plan, specify—

- (a) which inhabitants may cultivate in any cultivation area;
- (b) the means or implements which may be used to cultivate in any cultivation area;
- (c) the type of crops which may be grown and their rotation;
- (d) contour ridging schemes and other land and soil protection and conservation measures;
- (e) areas to be set aside as wood lots or conservation areas;
- (f) areas to be set aside for renewable energy production crops;
- (g) the date on which cultivation shall cease until certain land protection and conservation measures have been implemented.

(7) Any person or inhabitant who deliberately fails to comply with council orders or plan with respect to cultivation of land shall be guilty of an offence and liable to pay a fine not exceeding level 3, or to a period of imprisonment not exceeding six months or if it is the first time, council may consider giving the person a written warning and upon commission of a similar offence a fine will be imposed.

(8) In respect of any area set aside in a plan for environmental and natural resources conservation, the council may, in the plan, specify—

- (a) natural resources to be conserved in the area and measures to protect and conserve the natural resources;
- (b) areas to be set aside as wood lots and conservation areas;
- (c) areas for growing renewable energy crops;
- (d) contour ridging schemes and other land and soil protection and conservation measures;
- (e) measures that may be taken to protect and conserve the environment and natural resources.



(9) Any person who contravenes the requirements and conditions of a plan for conservation of natural resources as prescribed by the council shall be guilty of an offence and liable to a fine not exceeding level 3, or to a written warning if the person is a first time offender and upon commission of a similar offence, a fine will be imposed.

(10) In respect to the management of waste in the council area, the plan shall specify--

- (a) the areas designated as waste management sites in the council area;
- (b) the types of waste generated and measures to collect, dispose, recycle or reuse the waste.

*Burning of vegetation and prevention of fires*

7. (1) The council shall make orders to regulate and control the burning of vegetation in the council area.

(2) No person in the council area shall burn growing or standing vegetation on any land without lodging a notice of intention to burn to council, Forestry Commission, Environmental Management Agency, occupiers of adjoining land and to a police officer at the nearest convenient police station.

(3) The notice of intention to burn standing vegetation shall be made in line with the requirements of section 67 of the Forestry Act [Chapter 19:05].

(4) It shall be the duty of every land owner or occupier to put out any fire on his or her land.

(5) All persons within the vicinity of a fire have a duty to take appropriate measures to put out fires irrespective of who started the fire or whose land or property it is.

(6) Every land owner shall be required to put in place adequate fire protection measures particularly erecting a fire guard before the 31st of July each year.

(7) Every land owner, user or occupier in the council area is required to fully comply with all the fire prevention, pre-suppression, suppression and post suppression measures provided for in sections 16, 17 and 18 of the Environmental Management (Environmental

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Impact Assessment and Ecosystems Protection) Regulations, 2007, published in Statutory Instrument 7 of 2007.

(10) Any person who contravenes subsection (2), (4), (5) or (7) shall be guilty of an offence and liable to a fine not exceeding level 3 or to a period of imprisonment not exceeding six months.

*Protection of wetlands*

8. (1) Any person who intends in a council area to reclaim or drain, drill or make a tunnel, introduce any exotic animal or plant species, cultivate, or licence the cultivation of, or destroy any natural vegetation on, or dig up, break up, remove or alter in any way the soil or surface of—

- (a) wetland; or
- (b) land within 30 metres of the naturally defined banks of a public stream; or
- (c) land within 30 metres of the high flood-level of any body of water conserved in artificially constructed water storage work on a public stream; or
- (d) bed, banks or course of any river or stream;

shall, furnish the council with a license issued by the Environmental Management Agency in terms of section 20 (1) of the Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, 2007, Statutory Instrument 7 of 2007, to perform any of the afore-said activities.

(2) 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 line with the requirements of section 113 of the Environmental Management Act [Chapter 20:27], and section 20 of the Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, 2007.

(3) Any person who fails to produce or furnish council with a valid licence issued by the Environmental Management Agency in terms of subsection (1) of this section or fails to comply with a council order made in terms of subsection (2) shall be guilty of an offence and liable to a fine not exceeding level 3 or to a period of imprisonment not exceeding six months.

*Environment committee and sub-committee*

9. (1) Council shall establish an Environment Committee and Environment sub-committees whose functions and duties are as prescribed in section 61 of the Rural District Act [*Chapter 29:13*], in pursuance of the need to promote environmental conservation, the development of the council area using natural resources and environmental protection.

(2) In appointing the Environment Committee and Environment sub-committees, council shall follow the prescribed procedures and composition of the committees as set out in section 61 of the Rural District Councils Act [*Chapter 29:13*].

*Sleighs*

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

(2) No person is allowed to drag an ox-drawn plough in such a manner as to cause gullies along field routes or other paths in the council area.

(3) Council may on its own take measures or make an order on any owner or occupier of land to rehabilitate or reclaim land affected by gullies in the council area.

(4) Any person who contravenes subsection (1), (2) and orders made in terms of subsection (3) shall be guilty of an offence and liable to a fine not exceeding level 3 or to a period of imprisonment not exceeding six months.

*Collection or removal of gravel, stones, river sand or pit sand, slate, pebbles, clay, lime*

11. (1) No person shall excavate, remove, possess, transport or licence the removal of sand, stones and pit sand, slate, gravel, pebbles, and clay for commercial purposes without seeking the written permission of council and furnishing council with a licence obtained from the Environmental Management Agency issued in terms of section 3 of the Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, 2007, Statutory Instrument 7 of 2007.

(2) Any person who intends to extract sand, stones, pit sand, slate, pebbles, clay and gravel on his or her land or on council land shall apply to council stating the details of the excavation works to be conducted and submit an environmental rehabilitation plan to council, which shall also be forwarded to the Environmental Management Agency for consideration before any extraction or excavation is done in terms of section 3(3) of the Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, 2007, Statutory Instrument 7 of 2007.

(3) Owners or users of sand transport shall be required to pay an annual subscription fee which shall be specified in the council's tariff schedule and maybe subjected to review from time to time and the extraction of pit sand, river sand, and gravel shall only take place at council in a manner prescribed by council.

(4) Any transport operator or user who shall be found extracting the subsection (3) without the requisite documents shall have his transport impounded by council until payment of a fine not exceeding level 3 or to a period of imprisonment not exceeding six months.

(5) Council shall forfeit the load of river sand, pit sand, aggregate and concrete stones or stone products from transporters who fail to produce written authority from council or proof of payment of council levies.

(6) Any person who intends to extract sand, stones, pit sand, slate, pebbles, clay and gravel on his or her land or on council land for domestic use shall do so after consultation with village head or local environmental monitor of that area.

(7) On council land, council shall have the sole authority to identify designated sites for the extraction of gravel, stones, river sand or pit sand for commercial purposes in the council area.

(8) Council shall periodically monitor the collection or removal of gravel, stones, river sand or pit sand, slates, pebbles, and clay for non-commercial purposes.

(9) All provisions related to the abstraction of sand and clay as stated in the Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, 2007, Statutory Instrument 7 of 2007, shall apply to the council area and all inhabitants who wish to engage in commercial extraction of clay and sand in the council area are required to comply with the law.

(10) Council shall charge a fee for the extraction and transportation of gravel, stones, river sand or pit sand, slates, pebbles, and clay in the council area and such fees will be subject to review from time to time.

(11) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine up to level 3 or to a period of imprisonment not exceeding six months.

*Brick moulding*

12. (1) No person shall mould or make bricks for sale or for commercial purposes in the council area without a permit from council.

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

- (a) rehabilitate the environment or pits created by his or her activities;
- (b) prove to council that he or she shall use other fuel sources other than indigenous tree species for curing his or her bricks.

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

(4) The selling of bricks shall be done at the registered brick making site or other site approved by council.

(5) Inhabitants of the council areas shall be allowed to make or mould bricks for domestic use and are required to ensure that all pits created are rehabilitated, use dead wood for burning bricks and where possible undertake reforestation measures.

(6) Council shall monitor operations of moulding bricks for both domestic and commercial purposes from time to time and when necessary make orders for the rehabilitation and restoration of the environment.

(7) Any person who contravenes the provisions of this section or mould or make bricks for sale or for commercial purposes in the council area without permission from council, or fails to rehabilitate the environment after moulding bricks, or moulds and markets bricks in an undesignated area shall be guilty of an offence and liable to a fine not exceeding level 3 or to a period of imprisonment not exceeding six months.

*Protection of water sources*

13. (1) All residents in the council area have a duty to protect and conserve water resources and other water sources such as boreholes, dams, rivers, weirs and in particular—

- (a) against pollution;
- (b) to promote sustainable use of water resources.

(2) In the event that council has been appointed as one of the stakeholder representatives to serve in water catchment and sub-catchment councils in terms of the Water Act [Chapter 20:24], the Water (Catchment Councils) Regulations, 2000, Statutory Instrument 33 of 2000 and the Water (Sub-catchment Councils) Regulations, Statutory Instrument 47 of 2000, or when council has been delegated by the Minister responsible for water in terms of section 66 of the Water Act [Chapter 20:24] to exercise the powers conferred on a catchment council, the council shall ensure that the interests of its inhabitants are served by discharging its duties in the catchment or sub catchment with the objective of—

- (a) promoting the right of access to water for primary purposes for all inhabitants as contemplated by the Water Act [Chapter 20:24];
- (b) ensuring the protection, conservation and sustenance of water resources and the environment.

*Bio-diversity protection*

14. (1) All persons in the council area have a duty to protect and conserve biological diversity in the council area in accordance

with the provisions of section 116 of the Environmental Management Act [Chapter 20:27].

(2) Council may, if necessary prepare an inventory of the biological diversity of the council area, which can also be submitted to the Environmental Management Agency.

(3) All developers of projects required in terms of the Environmental Management Act to carry out Environmental Impact Assessments shall be required to submit to council a plan of how the project will integrate the conservation and sustainable utilisation of biological diversity in the council area.

*Protection of wildlife and indigenous plants*

15. (1) Council shall take all necessary measures where it has been appointed as the appropriate authority in Communal Lands in terms of section 108(1) of the Parks and Wildlife Act [Chapter 20:14], to ensure compliance with the provisions of the Parks and Wildlife Act, and in particular shall—

- (a) ensure that all persons who are involved in safari hunting or photographic safari on council land or communal land or other alienated land in the council area as prescribed in section 65 of the Parks and Wildlife Act [Chapter 20:14] have permits;
- (b) control hunting, removal and sale of live animals and animal products outside national parks, sanctuaries and safari areas by any person with a permit as prescribed in section 59(4) of the Parks and Wildlife Act [Chapter 20:14];
- (c) as the appropriate authority for any land, in terms of section 56 of the Parks and Wildlife Act and subject to Part VI of the Forest Act [Chapter 19:05], give permits to any person to pick any indigenous plant of the land or to sell indigenous plant picked in terms of a permit.

(2) Environment committees and sub committees established in the council area shall have and exercise all the powers granted to them in terms of sections 77 and 78 of the Parks and Wildlife Act [Chapter 20:14] and in particular—

- (a) investigating and reporting upon animals and indigenous plants on alienated land within the council area;
- (b) order the cessation of hunting where an environment committee is of the opinion that the hunting of animals is taking place on a scale which is, in its opinion, likely to be injurious to animal populations in the council area.

(3) Any person who contravenes any council order related to the protection of wildlife and indigenous plants in the council area shall be guilty of an offence and liable to a fine not exceeding level 7 on schedule one of the standard scale of fines.

*Fencing and conservation works*

16. (1) Council may cause the fencing, maintenance, or construction of conservation works within the council area for any of the following purposes—

- (a) the preservation or protection of the bed, banks or course of a public stream or any source of water; and
- (b) the disposal or control of storm-water; and
- (c) the mitigation or prevention of soil erosion; and
- (d) the conservation of water; and
- (e) waste disposal and management; and
- (f) the control of water tables and the disposal of irrigation drainage water.

(2) Where one fails to erect a fence or construct or maintain conservation works, council shall undertake the works and recover the costs thereof from the owner or occupier of the said land.

(3) Any person who—

- (a) damages, destroys or removes any fence within council land or on the boundary of council land;
- (b) damages or destroys any conservation works on council land;
- (c) fails to construct and or maintain pegged land;
- (d) undertakes a project that degrades the environment; shall take responsibility to restore or rehabilitate the land worked upon at the conclusion of the project or



otherwise shall be guilty of an offence and liable to pay a fine up to level 5 on schedule one of the standard scale of fines.

*Air pollution*

17. (1) No person shall emit any substances which cause air pollution in the Council area and as prescribed in the air quality standards set in terms of section 63 of the Environmental Management Act [Chapter 20:27] and the Environmental Management (Atmospheric Pollution Control) Regulations 2009, Statutory Instrument 72 of 2009.

(2) No person who engages in any of the following activities —

- (a) the burning of waste at a landfill; or
- (b) the burning of vehicle tyres; or
- (c) the burning of bitumen; or
- (d) the burning of metallic wire coated with any material; or
- (e) the burning of oil in the open air; or
- (f) the operation of an incinerator; or
- (g) any activity that causes the emission of a pollutant into the atmosphere;

shall in the course of that activity emit any substance into the atmosphere in excess of the amount prescribed in the Third Schedule of the Environment Management (Atmospheric Pollution Control) Regulations Statutory Instrument 72 of 2009;

(3) Anyone who shall be found contravening this part shall be guilty of an offence and shall be liable in case of first time offenders to a fine not exceeding level 3 or to a period of imprisonment not exceeding six months.

*Littering*

18. (1) No person is allowed to throw any litter on any land or water surface, street, road or site in or any place except in a container provided for that purpose or at a place specifically designed for that purpose.

(2) All operators of a public passenger conveyance that enters public terminuses shall put in place sufficient bins within the vehicle for use by the passengers.

(3) An operator of a public passenger conveyance who fails to provide sufficient bins within the vehicle for use by the passengers shall be guilty of an offence and liable to a fine up to level 3 on schedule one of the standard scale of fines.

*Protection of genetic resources*

19. (1) The local authority shall establish a genetic resources and indigenous genetic resource base knowledge protection committee.

(2) The committee shall have the following functions—

- (a) evolving a long term policy and guidelines for—
  - (i) the conservation and sustainable use of genetic resources and their components; and
  - (ii) the equitable sharing of benefits arising out of the utilisation of genetic resources; and
  - (iii) assisting indigenous communities to document their indigenous genetic resource-based knowledge and to register any intellectual property rights in relation thereto; and
  - (iv) making a complete inventory of the genetic resources of the council area to input into the national database; and
  - (v) developing an archive of records in any medium embodying the indigenous genetic resource-based knowledge of indigenous communities, with a view to providing a basis for the recognition of community ownership rights in that knowledge; and
  - (vi) raising funds for the purpose of assisting local communities to manage access to genetic resources without affecting the environment.

(3) The council shall make reference and be guided by the Environmental Management (Access to Genetic Resources and

Indigenous Genetic Resource-based Knowledge) Regulations, 2009, Statutory Instrument 61 of 2009, in administering the above provisions.

*Stray livestock*

20. (1) Council shall impound—

- (a) any stock found straying on any— unoccupied land; or State land; or road, street or public open space in built up area; or in terms of section 16(2) of the Stock Trespass Act [*Chapter 19:14*];
- (b) any animal kept within Mahusekwa Growth Point and Landos Service Centre in contravention of section 6 of the Stock Trespass Act [*Chapter 19:14*];
- (c) any animal, bird or reptile found at large within the two centers mentioned in paragraph (b) causing a nuisance, danger or obstruction or disturbing the comfort of the inhabitants of the two centres;
- (d) any dog found at large within Mahusekwa Growth Point and Landos Service Centre.

(2) Subject to the provisions of subsection 1(a) council shall cause a notice to be posted at its principal offices and at the special pound—stating that the stock has been impounded; and indicating the place where the stock was found trespassing or straying and giving the number and description of the stock; and take such steps as it thinks appropriate to locate the owner of the stock and to advise him or her that it has been impounded.

(3) Subject to subsection (2), where any impounded stock has not been claimed within eight weeks after it was impounded, council shall at least within 14 days before the date of sale publish a notice—in a newspaper circulating in the area; and on the notice board at its pound stating the types and numbers of animals in stock, and the proposed date of sale if the animals are not claimed.

(4) If impounded stock is not claimed within the 12 weeks from the date of impoundment council shall proceed to sell the stock by public auction in terms of section 62 of the Stock Trespass Act [*Chapter 19:14*].

(5) Subject to the provisions of subsection (1)(b) council may sell, destroy or otherwise dispose of any animal, bird or subsection (1)(c).

(6) Before the animals impounded in terms of subsection (1)(b) and (c) are sold, destroyed or otherwise disposed in terms of subsection (3) council shall take reasonable steps to ascertain the owner of such animal and shall direct such owner, if known, to collect and remove that animal, from such impoundment upon payment of a fine not exceeding level 3 and costs incurred in such impoundment or relating thereto.

(7) If any animal or bird is not collected or removed from impoundment in accordance with direction given in terms of subsection (3), council may thereafter sell, destroy or otherwise dispose of such animal or bird.

*Appeal against decisions or orders made by council*

21. (1) Any person who is aggrieved by a decision or an order made by council shall make an appeal to the Minister of Local Government, Public Works and National Housing.

(2) Any person who is aggrieved by an order of the Minister of Local Government, Public Works and National Housing shall appeal to the Administrative Court.