

## ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Local Government, Public Works and National Housing, has, in terms of section 229 of the Urban Councils Act [*Chapter 29:15*], approved the following by-laws made by the Norton Town Council:—

*Title*

1. These by-laws may be cited as the Norton Town Council (Environmental Management) By-laws, 2019.

*Application*

2. The by-laws shall apply within the area under the jurisdiction of the Norton Town Council.

*Interpretation*

3. In these by-laws—

“agency” means the environmental management agency (hereinafter also referred to as EMA) as defined and established in terms of the Environmental Management Act [*Chapter 20:27*];

“council” means the Norton Town Council;

“council area” means the area under the jurisdiction of the Norton Town Council;

“director of finance” means any person appointed by the local authority as the director of finance and accounting services;

“domestic waste” means solid waste from any premises arising from the normal occupation of such premises, but does not include industrial waste, garden waste, builders’ rubble and debris, clay, soil, sand, stones, gravel or dead or uprooted trees;

“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 as defined in terms of the Environmental Management Act [*Chapter 20:27*];

“environment” means—

- (a) the natural and man-made 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 as defined in terms of the Environmental Management Act [*Chapter 20:27*];

“environmental action plan” means an environmental action plan prepared by the Local Authority for the area under its jurisdiction in terms of section 95 of the Environmental Management Act [*Chapter 20:27*];

“Environmental Health Practitioner” means any environmental health officer or environmental health technician appointed by the local authority;

“environmental impact assessment” means an evaluation of a project to determine its impact on the environment, human health and community livelihoods whose specific requirements are set out in terms of section 97 of the Environmental Management Act [*Chapter 20:27*];

“environmental impact assessment report” means a report on perceived environmental impacts of a project and suggested measures to prevent or mitigate such impacts in terms of section 97 of the Environmental Management Act [*Chapter 20:27*];

“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 [*Chapter 20:27*];

“garden waste” means plants or bushes, or parts thereof, pruning from trees, hedge-clippings, grass or other

organic matter which has been accumulated as a result of the maintenance of land, but does not include ashes, clinker, clay, soil, sand, stones or gravel;

“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 Third Schedule of the Environmental Management Act [*Chapter 20:27*];

“industrial waste” means from the carrying on of any process for, or incidental to any of the following activities—

- (a) the making of any goods;
- (b) the altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any goods;
- (c) the adaptation for sale or use of any goods;
- (d) the sorting, assembling or packing of any goods, including the washing or filling of bottles or other containers;
- (e) printing by letterpress, lithography, photogravure, or similar process, including any activity associated with the printing industry;
- (f) the painting, spraying, construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof, but does not include mining operations;

“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 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 as defined in terms of the Environmental Management Act [*Chapter 20:27*];

“medical officer of health” means any medical officer of health appointed by the local authority;

“occupier” in relation to any premises, means —

- (a) any person in actual occupation of, or legally entitled to occupy, such premises; or
- (b) any person having the control, charge of management of such premises, whether as agent or otherwise; or
- (c) in the case of vacant premises, the owner thereof;

“owner” in relation to any premises means —

- (a) the person in whose name the title to those premises is registered; or
- (b) if such person is dead, insolvent, mentally disordered, 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 other capacity whatsoever; or
- (c) when an owner as in herein defined is absent from Zimbabwe or his or her whereabouts are unknown, an agent of such owner or person receiving or entitled to receive rent in respect of the premises;

“premises” includes land and buildings;

“public place” means any bridge, enclosure, footpath, garden, open space, pavement, road, service-lane, sidewalk, square, subway or street of the nature of a thoroughfare vested in, or controlled by, the council, and to which the public or any section of the public has access;

“residential unit” means —

- (a) a flat in a block of flats;
- (b) a semi-detached or terraced house;
- (c) a detached house; and

- (d) any domestic staff quarters and outbuildings used in connection therewith;
- “standard waste-receptacle” means a waste-receptacle provided by the council;
- “vegetable” 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;
- “wetland” means an area of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt and includes riparian land adjacent to the wetlands as defined in terms of the Environmental Management Act [*Chapter 20:27*];
- “waste-disposal site” means any area of land set aside and designated by the council in consultation with the agency, from time to time for the disposal of waste.

*Preparation and adoption of a local environmental action plan*

4. (1) 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, the council shall—

- (a) ensure that the process is participatory by consulting all relevant stakeholders including residents, the business sector, civil society, the informal business sector, community based environmental groups and government departments, among others, during the development of the environmental action plan;
- (b) place on public exhibition a copy of the proposed environmental action plan for inspection by any of the inhabitants of the area;

- (c) call upon any inhabitants who have objections to the proposed environmental action plan to lodge their objections with the council within thirty calendar days from the date of publication of the proposal;
  - (d) take into account any objections received in terms of subsection (2)(d).
- (3) Once the plan has been approved, a copy thereof shall—
- (a) be made available for inspection, free of charge, during normal working hours at the offices of the council or at any place or places considered by the council to be convenient; and
  - (b) be sent to each council department of sub-offices in the council area.

*Principles and contents of a plan*

5. (1) In developing and formulating an environmental action plan, council shall take into account the following key principles and objectives—

- (a) adequate stakeholder consultation and participation;
- (b) identification of environmental priorities and objectives;
- (c) preparation of strategies and action plans;
- (d) institutionalisation of the process;
- (e) monitoring and evaluation;
- (f) access to environmental infrastructure and services;
- (g) control and prevention of pollution from urban wastes and emissions;
- (h) resource degradation;
- (i) hazardous waste;
- (j) economic factors;
- (k) demographic factors; and
- (l) natural and spatial factors.

*Environmental zoning*

6. (1) Subject to Part III (Local Planning Authorities) and Part

IV (Master and Local Plans) of the Regional, Town and Country Planning Act [*Chapter 29:15*], when formulating an environmental action plan, council may consider designating certain areas for particular environmental activities and operations and in particular but not limited to—

- (a) urban agriculture;
- (b) waste management sites; and
- (c) conservation of natural resources in urban areas.

*Urban agriculture and cultivation areas*

7. (1) Subject to section 152 of the Urban Councils Act [*Chapter 29:15*] may lease, donate or sell land for urban residents to carry out urban agricultural activities.

(2) In respect of any area set aside in a plan for urban agriculture or cultivation of crops, the council may, in the plan or a council resolution, specify—

- (a) which residents may cultivate in any cultivation area;
- (b) the means or implements that may be used to cultivate in any urban cultivation area so as not to cause environmental degradation;
- (c) the type of crops which may be grown and their rotation;
- (d) the responsibility for removing noxious weeds;
- (e) contour ridging schemes and other land and soil protection and conservation measures;
- (f) the prohibition of the use of certain fertilisers and chemicals by urban farmers in certain areas that may result in pollution of water resources;
- (g) the date on which cultivation shall cease until certain land protection and conservation measures have been implemented;
- (h) areas to be set aside, subject to the provisions of section 198 of the Urban Councils Act [*Chapter 29:15*] for natural resources conservation and grazing.

(3) The provisions of sections 73 to 78 of the Act and the Environmental Management (Hazardous Substances, Pesticides and

Other Toxic Substances) Regulations, 2018 (Statutory Instrument 268 of 2018), shall apply in relation to the regulation of the handling of pesticides and toxic substances by urban farmers, the prohibition of discharge of hazardous substances or chemicals.

*Conservation of natural resources*

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

- (a) natural resources to be conserved in the area and measures to protect and conserve the natural resources;
- (b) contour ridging schemes and other land and soil protection and conservation measures;
- (c) measures that may be taken to protect and conserve the environment and natural resources.

*Waste management sites*

9. (1) 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 in line with Statutory Instrument 6 of 2007 on Solid Waste and Effluent Management;
- (b) the designated areas that may be leased or donated to community based waste management groups for purposes of recycling, reusing, sorting, treatment, selling and marketing waste materials;
- (c) roles and responsibilities of the council and area inhabitants regarding waste management;
- (d) the development of a waste management plan by the council.

*Environmental impact assessments*

10. (1) Any developer or project proponent as the case may be of any project in the council area, for which an environmental impact assessment is required shall—

- (a) consult council during the consultation process leading to the development of an environmental impact assessment;

- (b) involve council in organising public consultations meetings in the area regarding the proposed development project;
- (c) submit to council the name, contact details and other relevant particulars such as qualifications of any consultant hired or engaged by the project developer to carry out the environmental impact assessment on his behalf and submit proof of their registration with the agency;
- (d) submit to council a copy of the environmental impact assessment report for the proposed project;
- (e) submit to council a copy of the environmental impact assessment certificate issued for the project by the Director-General of the agency;
- (f) submit to council a copy of the annual environmental management plan, if applicable.

(2) Council may request, at its own expense all relevant information related to quarterly environmental monitoring reports produced by project developers operating in the council area as and when there is need, from the agency.

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

Provided that no person shall use any information contained therein for personal benefit.

*Environmental rehabilitation works on abandonment of project*

11. (1) Any person who undertakes any project which causes 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) rehabilitate the environment before abandonment or closure of the project.

(2) Council shall monitor the implementation of rehabilitation plans of projects in collaboration with the agency.

(3) Any person who undertakes mining activities shall take the necessary measures to control negative environmental impact such as acid mine drainage, land degradation, fugitive emissions, noise and vibration from blasting, wildlife habitat loss and fragmentation, wildlife poisoning from incidental spillages, human displacement and resettlement, river diversion and water pollution, siltation of water courses, loss or community livelihoods, culture diffusion and erosion.

(4) The measures undertaken according to section 12(3) shall be done to the satisfaction of the medical officer of health or environmental health practitioner responsible for the implementation.

(5) Any person who undertakes mining 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 mining project which includes works to be undertaken to address—
  - (i) the nuisance of excavated pits;
  - (ii) the negative impacts of deforestation which may include reformation and afforestation or engagement of infrastructural development;
  - (iii) the problem of mine dumps;
- (b) rehabilitate the environment before abandonment or closure of the mining project.

*Environmental works carried out by council*

12. Where a land owner or occupier, as the case may be, requests council to carry out environmental works on his or her land, or in the event that the owner fails to do so on his or her own, council may undertake such environmental works as may be necessary to rehabilitate the environment and recover the costs associated with such works from the land owner or occupier of the land.

*Protection of wetlands*

13. (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) a wetland; or
- (b) any water canal or other water works; or
- (c) land within 30 metres of the naturally defined banks of a public stream; or
- (d) 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
- (e) bed, banks or course of any river or stream;

shall, furnish and submit to council a licence issued by the 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's area of jurisdiction.

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

14. (1) No person shall excavate, remove, possess, transport or licence the removal of sand, stones, pit sand, slate, pebbles, clay and lime for commercial or any other purposes without seeking the written permission of council and furnishing council with a licence issued by the Environmental Management Agency.

(2) Any person who intends to extract sand, stones, pit sand, slate, pebbles, clay and lime 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 agency for consideration before any extraction or excavation is done.

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

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

(5) Any person who extracts sand, stones, pit sand, slate, pebbles, clay and lime on his or her land or on council designated land shall take the necessary steps to make good of the land as prescribed by the council.

(6) 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 and any person who wishes to engage in commercial extraction of clay and sand in the council area is required to comply with the provisions of these regulations any other relevant enactments.

*Brick making*

15. (1) No person shall mould or make bricks for domestic or commercial purposes in the council area without a licence or permission from council.

(2) In the event that a person intends to mould or make bricks for domestic or 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) use deadwood or other materials for burning the bricks; and
- (c) carry out reforestation projects in the area where trees have been cut or establish a woodlot in the event that compliance with section (b) above is not possible, failing which the permission shall be revoked by the council.

(3) Council may set aside land for domestic or commercial brick making in the council area, which land shall be used by brick makers 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.

*Protection of water sources*

16. (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) Council may made orders controlling the protection and conservation of water resources in the council area.

*Bio-diversity protection*

17. (1) Every person in the council area has a duty to protect and conserve the biological diversity in the urban environment and the council shall —

- (a) prepare an inventory of the biological diversity of the council area or in areas that are specifically set aside for biodiversity conservation;
- (b) set aside biodiversity conservation areas in the council area;
- (c) fence and maintain biodiversity or environmental conservation works within the council area.

*Air pollution*

18. (1) No person shall emit any substances which cause air pollution in the Council area without a licence issued in terms of section 63 of the Environmental Management Act [*Chapter 20:27*] as read with the Environmental Management (Atmospheric Pollution Control) Regulations, 2009 (Statutory Instrument 72 of 2009).

(2) No person shall engage in any of the following activities —

- (a) the burning of waste at the 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;

which has the potential of, in the course of that activity emitting any substance into the atmosphere in excess of the amount prescribed in the Third Schedule of the Environment Management (Atmosphere Pollution Control) Regulations, 2009 (Statutory Instrument 72 of 2009).

(3) All air polluters in the council area shall register with the council in order to assist council in the development of its environmental action plan and the council shall maintain a database of all air polluters in the area.

(4) All air polluters in the council area shall submit copies of their emission licences and any other reports related to their emissions that are required by the agency or that are issued by the agency to council.

(5) In addition to notifying all relevant authorities and all persons who may be affected by any accidental emission of hazardous emissions as prescribed in section 17 of the Environment Management (Atmospheric Pollution Control) Regulations, 2009 (Statutory Instrument 72 of 2009), the person who is licenced by the agency, shall also notify council about the accidental emission within the time frame prescribed by the regulations.

*Solid and liquid waste management removal of domestic waste and provision of standard waste receptacles*

19. (1) The council may—

- (a) render to any premises a service for the removal of domestic waste; and

- (b) require the owner or occupier of any premises to which no such service is supplied to remove all domestic waste which accumulates on his premises and deposit such waste at an approved waste-disposal site.

(2) The council shall provide to all premises to which a service for the removal of domestic waste is supplied, waste-receptacles of such size and specification as it deems appropriate, having regard to the type of premises concerned and the area in which they are situated.

(3) The number of waste-receptacles to be provided to any premises by the council shall be as determined by—

- (a) the environmental health practitioner, in the case of premises where food is prepared or handled other than for purely domestic purposes; and
- (b) the council, in the case of any other premises.

*Use of waste-receptacles*

20. (1) The owner of any premises to which the council supplies a service for the removal of domestic waste shall reserve, on such premises, a suitable area, or suitable areas, of sufficient size, for the accommodation of standard waste-receptacles.

- (2) The occupier of any premises shall—
  - (a) deposit, or cause to be deposited, in a standard waste-receptacle all domestic waste which accumulates on such premises;
  - (b) on the day on which domestic waste is to be removed place, or cause to be placed, any standard waste-receptacle which contains such waste at the roadside adjacent to the premises or at such other convenient point as has been arranged with an authorised official; and
  - (c) as soon as practicable after such receptacle has been emptied, return it to the reserved area.

*Council's service for the removal of domestic waste*

21. (1) The council shall, itself or through its contractors, once a week, or at such more frequent interval as it may determine from time

to time, remove all domestic waste from standard waste-receptacles and deposit such waste as a waste-disposal site:

Provided that, in the case of hotels, clubs, hospitals, nursing-homes and premises that may be specified, domestic waste shall be removed daily unless the medical officer of health certifies in respect of any particular premises that such daily removal is not necessary.

(2) Where the domestic waste which has accumulated on any premises to which the council renders a service for the removal of such waste is in excess of the maximum volume which the council will remove, the occupier of the premises concerned shall—

- (a) request the council to remove the excess waste; and
- (b) deposit such waste in a container obtained from the council; and
- (c) on the day on which domestic waste is next to be removed, place such container with the standard waste-receptacle.

(3) Where the council is to render to a new building a service for the removal of domestic waste, such service shall be supplied from the date on which the building becomes rateable or supplementary charges become payable in respect thereof, or from such earlier date as the Director of Finance may determine.

(4) The minimum charge payable to the council for the supply to any premises of a service for the removal of domestic waste, whether or not the service is used, shall be the charge fixed in respect of those premises for the regular removal of such waste.

*Removal of excess domestic waste and garden waste*

22. The council shall, remove—

- (a) excess domestic waste where the occupier of the premises shall pay council for the services; or
- (b) garden waste from any premises where the owner or occupier of the premises requests such removal at a charge which shall be fixed by council from time to time.

*Control of deposit of waste*

23. (1) No person shall deposit or abandon, or cause or permit to be deposited or abandoned, any waste upon any vacant land, public place or premises other than a waste-disposal site.

(2) Any person wishing to deposit waste on a waste-disposal site shall—

- (a) comply with such conditions as may be imposed by the council; and
- (b) deposit such waste on a site specified by the Medical Officer of Health.

*Sanitary services*

24. The council shall cause all night-soil, contents of septic tanks and other similar installations and carcasses of domestic animals or other animals to be removed and disposed of in a manner approved by the Medical Officer of Health.

*Disposal of industrial waste*

25. (1) Any person wishing to dispose off any industrial waste at a waste-disposal site shall apply to the council for permission therefor, stating the nature, composition and quantity of the industrial waste in respect of which the application is made.

(2) The council may require any person who has made an application to subject the industrial waste in respect of which the application is made to such treatment, prior to its disposal, as the council may specify.

(3) Where the council has required any industrial waste to be subjected to any treatment, no person shall dispose of such industrial waste as a waste-disposal site unless it has been subjected to such treatment.

(4) In granting permission for the disposal of industrial waste at a waste-disposal site, the council may impose such conditions as it considers necessary to ensure that the disposal of such waste will not cause any danger to life or property, or cause any risk of pollution to the atmosphere or any watercourse, stream, river or underground water-source.

(5) The council may, either itself or through its contractors, remove industrial waste, or require the owner or occupier to remove industrial waste, from the premises concerned.

*Waste-disposal sites*

26. (1) No person shall deposit at a waste-disposal site any matter or material which is of an explosive nature or which is burning or smouldering at the time of disposal.

(2) The driver of any vehicle which enters an approved waste-disposal site shall—

- (a) obey any lawful instruction given to him or her by the person in charge of such site; and
- (b) dispose off any waste on or in the vehicle in such place or area and in such manner as may be directed by the person in charge of such site; and
- (c) remove his vehicle from such site immediately after it has been unloaded.

(3) Access to and egress from any approved waste-disposal site shall be as directed by the person in charge of such site.

*Charges for services*

27. (1) For the rendering or performance by the council or its contractors of a service in terms of the by-laws, there shall be paid to the council an appropriate fee.

(2) The appropriate fee referred to in section (1) above shall be determined by council through a council resolution from time to time.

(3) The said appropriate fee shall be paid by—

- (a) the owner of the premises concerned, unless the owner is the council, in which case the fee shall be paid by the occupier of the premises; or
- (b) the occupier of the premises concerned or such other person who has requested the supply or performance of the service concerned; or
- (c) the person requiring the disposal of the waste.

*General provisions on waste*

28. (1) No person shall neglect or refuse—
- (a) to remove waste from any premises when required to do so by the council in terms of these by-laws;
  - (b) to comply with the directions of an authorised official or conditions imposed by the council in terms of these by-laws.

*Waste management enterprises*

29. (1) Council 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 in terms of Environmental Management (Effluent and Solid Waste Disposal) Regulations, 2007 (Statutory Instrument 6 of 2007).

(2) Council shall appoint in writing a waste management enterprise licensing agent, whose name shall be communicated to the agency and liaise with the agency in all waste management enterprises licensing.

(3) Every person in the council area requiring a waste management enterprise licence shall abide by the procedures of applying for a waste management enterprise licence prescribed in section 16 of the Environmental Management (Effluent and Solid Waste Disposal) Regulations, 2007 (Statutory Instrument 6 of 2007).

(4) In order to avoid doubt, the following provisions as stated in the Environmental Management (Effluent and Solid Waste Disposal) Regulations, 2007 (Statutory Instrument 6 of 2007), shall apply, *mutatis mutandis*, in the council area, and every person requiring a waste management enterprise licence shall—

- (a) submit the application in duplicate to the licensing agent within whose area of jurisdiction the waste management enterprise is or is proposed to be located and get the consent of the local authority;
- (b) pay to the licensing authority the appropriate fee as the local authority may require for consideration of the application;

- (c) submit with or in connection with the application such additional information as council may require before granting its consent, including—
  - (i) information on the type, purpose, scope and duration of the waste management enterprise;
  - (ii) information concerning the ownership or condition of occupancy of the land on which the waste management enterprise is or is to be located;
  - (iii) a description of the operation, including a list of the machinery and other operating equipment;
  - (iv) a description of the premises of the waste management enterprise accompanied by the relevant drawings or plans;
  - (v) a description of the wastes to be used for the purposes of the waste management enterprise and the manner of their storage, treatment, recycling or processing;
  - (vi) a description of the measures to be undertaken for the prevention or mitigation of water pollution or any other form of pollution;
  - (vii) a description of the emissions expected from the treatment plant;
  - (viii) a description of the measures to be taken in the event of accidents.
- (d) immediately after receiving an application, the licensing agent shall, at the expense of the applicant, publish, in not less than three consecutive issues of a newspaper circulating within the area of jurisdiction of council, a notice giving adequate particulars of the application and inviting any persons having any objections to the granting of the management enterprise licence to lodge them in writing to the local authority within 21 days from the date of the first publication of the notice;
- (e) after the council has considered any objections received, the licensing agent through whom the application is made shall transmit a copy of the application, together

with recommendations of the council thereon, to the Environmental Management Agency, for consideration as prescribed in section 16 of the Environmental Management (Effluent and Solid Waste Disposal) Regulations, 2007 (Statutory Instrument 6 of 2007).

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

30. (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 licence from the Environmental Management Agency as prescribed in section 17 of the Environmental Management (Effluent and Solid Waste Disposal) Regulations, 2007.

(2) All provisions related to the application for a waste collection and management enterprises operated by or on behalf of local authorities, in terms of section 17 of the Environmental Management (Effluent and Solid Waste Disposal) Regulations, 2007 (Statutory Instrument 6 of 2007), shall apply, *mutatis mutandis*, to the council area and council shall take all appropriate measures to comply with the said regulations.

*Community waste management enterprises*

31. (1) Council shall take measures to promote community based waste management projects and activities initiated by residents and in particular may do any of the following—

- (a) lease or donate land to community based waste management enterprises or groups to carry out their waste management activities and projects;
- (b) licence waste management groups to carry out waste management projects;
- (c) set aside areas for the marketing of recycled materials by community based groups.

(2) Council may require the following information from community based waste management groups before granting its consent, including—

- (a) information on the type, purpose, scope and duration of the waste management activities or the group;

- (b) information concerning the composition of the group;
- (c) a description of the operation, including a list of the machinery and other operating equipment;
- (d) a description of the premises of the waste management enterprise accompanied by the relevant drawings or plans;
- (e) a description of the waste to be used for the purposes of the waste management activities and the manner of their storage, treatment, recycling or processing;
- (f) a description of the measures intended for the prevention or mitigation of pollution including measures to be undertaken for the prevention of water pollution;
- (g) a description of the emissions expected from the treatment activities.

*Waste management plans*

32. (1) Council shall prepare its own waste management plan not later than the 31st of December of each year consisting of the matters specified in section 12(1) of the Environmental Management (Effluent and Solid Waste Disposal) Regulations, 2007 (Statutory Instrument 6 of 2007) in relation to waste generated by it or under its control.

(2) In preparing its waste management plan council may also request in writing that all generators of solid and effluent waste operating within its jurisdiction submit their waste management plans not later than the 31st of November of each year.

*Hazardous substances and toxic chemicals*

33. (1) No person shall generate, store, sell, transport, use, recycle, discharge or dispose of hazardous waste to the environment except under a licence approved by the agency.

(2) A register of every licence holder in the council area shall be kept by the agency and the register shall, upon payment of an appropriate fee, be open to inspection by members of the public at all reasonable times.

(3) The council shall designate suitable sites within its area of jurisdiction as waste collection sites for the management of wastes based on a report assessing the anticipated impact on the environment as well as issues outlined in section 3 of the Environmental Management (Hazardous Waste Management) Regulations, 2007 (Statutory Instrument 6 of 2007).

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

(5) Council shall keep records and registers of every waste collection and management enterprise operating within its jurisdiction.

*Offences*

34. (1) Any person who—

- (a) carries out urban agriculture and cultivation without a licence;
- (b) carries out any activities that cause the degradation of natural resource;
- (c) causes deforestation or soil erosion;
- (d) abandons or causes to be abandoned any project without rehabilitation;
- (e) uses any wetland without a permit;
- (f) collects or causes the collection of sand, pit sand, gravel, pebbles, clay, lime or stone without a licence;
- (g) carries out or causes to be carried out the illegal moulding of bricks without permit from council;
- (h) causes contamination of water sources;
- (i) removes or causes to be removed, a fence erected for the protection of biodiversity;
- (j) deposits or abandons waste on open spaces;
- (k) illegally dispose or causes the illegal dumping of industrial waste;
- (m) generates, stores, sells, transport, use, recycle, discharge or dispose hazardous substances and toxic chemicals without a licence;

- (n) causes littering;
- (o) causes a nuisance by operating machinery, traffic or a public address system, or conducting church proceedings in undesignated areas;
- (p) burns waste, causes veld fire and does any act that causes emission of a pollutant into the atmosphere;
- (q) stores and sells LP Gas without permit from council, agency (EMA) and Zimbabwe Energy Regulatory Authority (ZERA);
- (r) contravenes any provision or section of these by-laws;

shall be guilty of an offence and shall be liable to a fine not exceeding level 5 or six months imprisonment or to both such fine and imprisonment.





