

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 90 of the Rural District Councils Act [*Chapter 29:13*], made the following by-laws:—

*Title*

1. These by-laws may be cited as the Chikomba Rural District Council (Public Health) By-laws, 2019.

*Interpretation*

2. In these by-laws—

“building” includes any structure with a roof and walls;

“council” means the Chikomba Rural District Council;

“Environmental Health Officer” means a person appointed as an Environmental Health Officer or health inspector and who is registered as such by the Environmental Health Professions Council;

“nuisance” means the condition which tends to endanger the health, or interfere with or disturb the ordinary comfort, convenience, peace or quiet or affect the rights of the public or any section of the public;

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

“owner” means in relation to any property or premises, the person in whose name the title to such property or premises is registered, and includes an agent or owner or any person receiving or entitled to receive rent in respect of such property or premises;

“poultry” means any domestic fowl, turkey, goose, duck, guinea fowl, pigeon and pigs;

“premises” means any building or structure, together with any land on which it is situated, and any adjoining land used in connection therewith;

“sanitary convenience” means any latrine, urinal, water closet, aqua-privacy, earth closet, pit-privy, borehole latrine or chemical closet; or other device approved by council, which is being, has been or intended to be used for the disposal of human waste;

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

*Prevention of nuisance*

3. (1) No person shall—

- (a) perform any act causing a nuisance or the existence of nuisance; or
- (b) permit any such condition that causes a nuisance on any premises to exist.

(2) Where the Environmental Health Officer is satisfied of the existence of nuisance, he or she may order any person, by whose act or omission such nuisance is caused to take such steps or to do such things as he or she may deem necessary to remove the nuisance.

*Structures and buildings*

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

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

*Health and sanitation*

5. (1) Every owner of a premises shall provide—

- (a) for every dwelling, a minimum of one sanitary convenience for every eight persons normally residing in such dwelling; or
- (b) for any trade or business premises, a minimum of one sanitary convenience for every twelve persons or portion of twelve persons employed in such premises; and
- (c) a separate sanitary convenience for men and women, where both men and women are employed in any trade or business premises together.

(2) Any person who employs persons to work in a temporary nature shall provide for such workers such sanitary conveniences which shall be of a number and type approved by council and such facilities shall be maintained in a clean and sanitary condition.

*Use of latrines*

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

(2) No person shall deposit in any sanitary convenience, any stone, sand, brick, rag, or any other article which may block or stop or otherwise interfere with the proper working of any such sanitary convenience.

(3) The Environmental Health Officer or any employee of council duly authorised to carry out these by-laws may, by notice to the tenant or owner of the premises, prohibit the use of a sanitary convenience which, by reason of faulty construction, neglect or any other cause, has become or is likely to become a nuisance.

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

#### *Overcrowding*

7. (1) Every occupier or owner of any premises shall ensure that—

- (a) the premises are not overcrowded; and
- (b) no person sleeps in sanitary convenience, bathroom or kitchen.

(2) A premises shall be deemed to be overcrowded if the occupants of any room results in there being less than—

- (a) eleven cubic metre of air space; or
- (b) four square metres of floor space;

for every person sleeping in that room at any time.

#### *Breeding of pests*

8. Every person who owns or occupies premises shall take all necessary precautions to prevent the breeding of pests and vermin, and shall when required to do so, use such traps or insecticides or both for the destruction of pests or vermin as may be considered necessary by the Environmental Health Officer.

#### *Accumulation of organic matter*

9. (1) No person shall place or permit to remain on or in any premises any excreta, sewerage, filth, septic tank effluent, offensive or unclean liquid, slops, yard cuttings, garden refuse, dead animal, decaying matter or other rubbish, refuse or offensive or unwholesome matter.

(2) Notwithstanding subsection (1) and for so long as a nuisance is not created—

- (a) slops, yard cuttings, garden refuse, decaying vegetables and other refuse may be deposited or accumulated in a garbage can or refuse pit; and
- (b) compost, manure, liquid manure or other organic matter intended for use on the premises may be made or kept on the premises.

*Accumulation of non-organic matter*

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

*Clearing of stands*

11. Where in the opinion of Environmental Officer or any other employee of the council duly authorised for the purpose of these by-laws, the growth of grass or weeds or other vegetation on a stand or premises is likely to harbour rodents, vermin or mosquito, he or she may serve a notice on the owner or occupier of such stand or premises requiring the cutting and removal from the stand or premises of such grass, weeds or other vegetation.

*Trade waste*

12. Every owner or occupier of any Trade premises shall provide suitable facilities to the satisfaction of council for the purpose of storage or preliminary treatment of sewage waste.

*Refuse bin storage*

13. Every owner or occupier of any trade premises shall, after the service upon him or her of a notice by Environmental Health Officer or any other employee of the council duly authorised for that purpose, provide a platform of storage bin for refuse, and no person shall fail to maintain such platform and refuse bin in a clean and sanitary condition.

*Burning of refuse*

14. No person shall burn any stable litter, trade waste or other refuse in such a manner so as to cause a nuisance to the inhabitants or neighbouring occupiers.

*Rats and vermin*

15. Every person shall keep any premises owned or occupied by him or her free from rats and other vermin when required to do so on written notice by Environmental Health Officer or any other employee of the council duly authorised for that purpose.

*Rodent proofing*

16. All trading premises in which food is prepared, stored or handled shall be rodent proofed to the satisfaction of the Environmental Health Officer or any other employee of the council duly authorised for the purpose.

*Prevention of mosquito breeding*

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

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

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

*Expectorating*

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

*Keeping of animals*

19. (1) No person shall keep any animals other than dogs, cats and poultry without the written permission from the council.

(2) The council may give written permission to a tenant or owner to keep any other animal and in so doing impose conditions as to—

- (a) the period for which the animal may be kept; and
- (b) the place in which the animals may be kept in order to protect the health, safety and comfort of neighbours.

(3) Animals such as dogs, or animals of similar type shall be vaccinated against rabies at regular intervals and have a valid rabies certificate.

*Keeping of poultry*

20. (1) No person shall keep more than twenty heads of poultry without the written permission of the council.

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

- (a) no nuisance or danger to public health arises from the keeping of poultry; and
- (b) the movement of the poultry is controlled.

*Keeping of bees*

21. No person shall keep bees without the written approval of Council and such person shall comply with the terms and conditions set out in the written approval.

*Offences and penalties*

22. Any person who contravenes any provisions of these by-laws shall be guilty of an offence and liable to a fine not exceeding level 3 or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.

