

City of Victoria Falls (Control of worship in open spaces) by-laws, 2022

ARRANGEMENT OF SECTIONS

PRELIMINARY

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

Title

1. These by-laws maybe cited as the Victoria Falls City Council (Control of Worship in Open Spaces) By-laws, 2022.

Application

2. These by-laws shall apply within Victoria Falls City Council area of jurisdiction.

Interpretation

3. In these by-laws

“Authorised person” means an environmental health practitioner or other person authorized by Victoria Falls City Council to perform any functions under these by-laws;

“Environmental Health Practitioner” means an Environmental Health Officer (EHO) or Environmental Health technician registered as such by the Health Professions Council of Zimbabwe;

“Council” means Victoria Falls City Council

“Open Space” means any open space to which the public or any section of the public has access or any area which has been designated for development under a town planning scheme but remains undeveloped and can be used for the purposes approved under these by-laws.

“Permit” means permit issued in terms of these by-laws;

“Permit fee” means a fee prescribed in terms of section 5;

“Prescribed form” means the form or applying for the issue or renewal of a permit provided by Council from time to time.

“Permanent toilet” means an immovable ablution facility build to the ground in line with Council’s relevant building By laws.

“Temporary toilet” means a movable ablution facility.

Control of open space worship

4. No person or persons shall gather in an open space for purposes of worship unless a permit has been issued by the Council.

Permit and permit fees

5. (1) No person or persons shall gather in an open space for purposes of worship unless a permit has been issued by the Council and the appropriate fee paid to the Council, which fee shall be determined by Council from time to time.

(2) The permit shall be renewed upon application at a fee set by Council from time to time from its annually budget.

Designation of places for public worship

6. (1) Council shall designate places or areas where persons can gather for purposes of public worship provided that such areas have, at the expense of the permit holder, potable water and toilet facilities of a temporary or permanent nature approved by the Council.
- (2) The facilities in subsection (1) should be inspected and approved by the Environmental Health Practitioner in terms of the Public Health Act [Chapter 15:09] and Public Health by-laws.

Application procedures

7. (1) Where a person or persons intend to conduct open air worship, the person or persons shall submit an application to Council.
- (2) The Council may or may not approve such application considering the provisions of the Public Health Act and the Environmental Management Act, Regional, Town and Country Planning Act, other Council by-laws and statutes including but not limited to Anti-litter, Noise and Public Health by-laws.
- (3) Application and the plans should be submitted to the Council prior to the erection of any temporary or permanent structures on the area.
- (4) Upon approval, Council shall issue a permit with such conditions as it deems necessary in the circumstances.
- (5) No person shall cut down any tree on the open space without prior council approval.
- (6) (1) Any person granted permit shall be responsible for the maintenance of the ambient environment during permit period.
- (2) Any person who fails to comply with subsection (6) (1) shall have their permit revoked.

Obstruction of access to an Open Space

8. (1) Any police officer or authorized person by the Council may direct any person or persons who is directly or indirectly obstructing the use of any public space or open space or is a nuisance to any person in the vicinity of any public space to move away

from such space as may be reasonable or to cause any such obstruction of or abate such nuisance as the case may be.

(2) No person or persons offending or causing a nuisance to those worshipping in such public space shall refuse to comply with any such direction given in terms of subsection (1) above.

Offences and Penalties

9. (1) Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable to penalty as stipulated in the Council financial year budget or a fine not exceeding level five (5) or fifteen (15) days imprisonment or both such fine and imprisonment.

(2) Where a court convicts any person of an offence in terms of these by-laws, it may order that any expenses incurred by the Council in consequence of the contravention shall be paid to the Council by the person so convicted.

(3) Upon conviction of the person in terms of subsection (1) above, Council shall proceed to cancel the permit.

(4) Any permit cancelled in terms of subsection (3) above shall not be renewed until a period of one (1) year has lapsed from date of such cancellation and the holder shall return the permit to Council within twenty four (24) hours of being notified of such cancellation.

(5) Any person who failed to return the permit upon being notified to do so in terms of subsection (4) shall be guilty of an offence and liable to a penalty prescribed in the Council Budget or a fine not exceeding level five (5) or fifteen (15) days imprisonment or both such fine and imprisonment.