

City of Victoria Falls (Protection of land and Natural Resources) By-laws, 2022

ARRANGEMENT OF SECTIONS

PRELIMINARY

Section

1. Title
2. Application
3. Interpretation of terms

PART I

CONTROL OF LIVESTOCK

4. Grazing of livestock and keeping of bees.
5. Fencing.
6. Movement of livestock.
7. Impounding of strays.

PART II

PROTECTION OF LANDS

8. Excavation and dumping.
9. Natural vegetation.
10. Cultivation.
11. Occupation of council land.
12. Removal of unauthorised buildings, structures or equipment.

PART III

PROTECTION OF WATERCOURSES

13. Cultivation.
14. Control of watercourses.
15. Pollution of streams.
16. Irrigation water.

PART IV

PUBLIC AMENITY AREAS

17. Injury to structures.
18. Injury to plant life.
19. Removal or destruction of substances.
20. Injury to animal life

21. Enclosures.
22. Use of land.
23. Wheeled traffic.
24. Use of public water amenities.
25. Fire-works and miscellaneous weapons.
26. Public conduct.
27. Noise.
28. Control.
29. Hours of closing.
30. Special uses.
31. Authority.
32. Police powers.
33. Offences

PART V
GENERAL

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-

PRELIMINARY

Title

1. These by-laws may be cited as the (Protection of Lands and Natural Resources) By-laws, 2022.

Application

2. These by-laws shall apply to—
 - a) the area of Victoria Falls City Council;

- b) the township areas under the jurisdiction of the Victoria Falls City Council;
- c) land owned by Council but outside the limits of the municipal area of Victoria Falls Council

Interpretation of terms

3. In these by-laws—

“approved” means approved by Victoria Falls City Council by any authorized official of Victoria Falls City Council to whom its powers of approval may have been delegated in terms of section 93 of the Act.

“authorised official” means any person authorised by Victoria Falls City Council to assist it in giving effect to these by-laws;

“Council” means the Victoria Falls City Council;

“Land” includes any improvements thereon;

“Livestock” means—

- a) any bovine, equine, ovine, caprine or porcine; or
- b) any antelope which is in captivity; or
- c) the young of any animal mentioned in paragraph (a) or (b);

“maintenance” includes cleansing, repair and renewal;

“Victoria Falls City Council land” means any land under the control of Victoria Falls City Council;

“naturally defined banks” means the banks containing the flow of a public stream when it is flowing at its fullest capacity and keeping the usual natural direction of its own course;

“natural resources “ includes—

- a) the soil, waters and minerals;
- b) animal, bird and fish life;
- c) trees, grasses and other vegetation;
- d) springs, vleis, marshes and public streams; and
- e) such other things as may be declared to be natural resources in terms of the National Resources Act [*Chapter20:13*]; in the area of application of these by-laws;

“nuisance” means a 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 land, means the person in lawful occupation of the land, and who has the right to exercise control over such land;

“owner” in relation to any land means—

- a) the person in whose name the title to the land is registered, or the duly authorised representative of such person; or

- b) if such person is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether an executor, guardian or in any other capacity whatsoever; or
- c) if the land is under lease, the registration whereof is in law necessary for the validity of such lease, the lessee; or
- d) where the owner, as defined in paragraph (a), (b) or (c), is absent from the area specified in section 2, or his whereabouts are unknown, an agent of such owner, or any person receiving or entitled to receive renting respect of the land;

“owner” in relation to any livestock, includes any person having the management, charge, custody or control of any livestock, or, if that person is a child, the person having for the time being the care, custody or control of the child;

“public amenity area” means any public park, garden, traffic island or developed open space which is in any way vested in or under the control of the council, and includes any children's play-ground, public swimming-bath, municipal sports-field or stadium, or any car-park, and any such area set aside for the convenience or relaxation of the public;

“satisfaction” means to the satisfaction of the council, or any authorised official of the Victoria Falls City Council to whom its powers have been delegated in terms of section 93 of the Act;

“user” in relation to land, means any person, other than the owner or occupier, who has or exercises any rights in, over or upon land, or who makes use of land in any way.

PART 1

CONTROL OF LIVESTOCK

Grazing of livestock and keeping of bees

4. (1) Subject to the provisions of this Part, no person shall depasture any livestock or keep any bees upon any Victoria Falls City Council land, unless application has been submitted to, and approved by Victoria Falls City Council in terms of subsections (2) and (3).

(2) Any person wishing to obtain the approval of Council in terms of subsection (1) shall—

- (a) make a written application, in triplicate, to Victoria Falls City Council on the form provided by the Council for such applications, completing the form in all relevant respects; and
- (b) submit with the application a sketch-plan showing the boundaries of the land to which the application relates and
- (c) provide such further information as Victoria Falls City Council may reasonably require to ensure that any approval given shall be in accordance with these by-laws.

(3) Victoria Falls City Council permit the depasturing of livestock or the keeping of bees on Victoria Falls City Council land on such conditions as it may impose, which may include—

- (a) limitations in the number of any or each type of animal or the number of hives which may be kept;
- (b) in the case of livestock, provision, by the owner of the livestock, of measures for compliance with an approved grazing system; and

- (c) in the case of livestock, provision, by the owner of the livestock, of facilities or means for compliance with the provisions of the Animal Health Act [*Chapter 19:01*], and the Prevention of Cruelty to Animals Act [*Chapter 19:09*], any regulations made there under; and
- (d) in the case of livestock, subject to the provisions of section 5, provision by the owner of the livestock, for the erection and maintenance of fencing of a standard necessary to contain the livestock and to prevent damage to the natural grass cover; and
- (e) in the case of bee hives, provision by the owner of the bees for the erection and maintenance of fencing of an approved standard to prevent accessibility by children, livestock and other animals; and
- (f) provision by the owner of the livestock or the bees, as the case may be, for the prevention or suppression of any nuisance; and
- (g) limitations in the period of validity of the permit; and
- (h) payment of fees prescribed by Victoria Falls City Council.

Fencing

5. Any persons authorised to keep livestock on any land in terms of these by-laws or the (Public Health) by-law, shall—

- (a) provide fencing—
 - (i) to enclose the entire area to be occupied by the livestock;
 - (ii) which complies with the standards set out in (Building, Roads and Streets) By-laws, and any further requirements or modifications which Victoria Falls City Council may specify; and
- (b) adequately maintain such fencing, to the satisfaction of the Victoria Falls City Council.

Movement of livestock

6. (1) On and after the 1st of January, 1976, no person shall, without the prior written approval of Victoria Falls City Council, drive or move any livestock on the hoof on roads or on Victoria Falls City Council land:

Provided that the provisions of this section shall not apply to equine stock in harness, or being led or ridden, and in charge of persons competent adequately to control such stock.

(2) In granting any approval in terms of subsection (1), Victoria Falls City Council shall impose such conditions for the control of the livestock and the protection of property as it deems fit.

Impounding of strays

7. (1) Any livestock found straying or trespassing on any land, road or street may be seized and impounded by the Council or any authorised official.

(2) Any livestock found straying or trespassing on any land constituting a danger to the public may be dealt with in any manner necessary to ensure the safety of the public and the protection of property.

(3) Any costs or expenses incurred by Victoria Falls City Council or its officials in the execution of any work entailed by this section shall be recoverable from the owner of the livestock, before release of such livestock.

4) In the event of Victoria Falls City Council not operating a pound, the costs or expenses mentioned in subsection (3) shall include the cost of the delivery of such livestock to the nearest pound, and any charges levied by the pound master shall be additional to any costs or expenses levied by the Council.

PART II
PROTECTION OF LANDS

Excavation and dumping

8. (1) No person shall dig holes or make excavations in any Victoria Falls City Council land, or remove there from soil, gravel, stone, sand, rubble or clay, including overburden, without the prior written approval of Victoria Falls City Council.

(2) Approval in terms of subsection (1) shall be granted only under such conditions as the Council may determine respecting the control and safety of the excavations and remedial measures to be undertaken on abandonment of the site.

(3) No person shall deposit, or cause or permit to be deposited, any rubble, soil, refuse, garden rubbish, building debris or other waste matter on any council land except where specially designated areas have been set aside for such purpose, without the prior written approval of the Council.

(4) Where required by the Council, all holes, wells, pits or other excavations on any private land shall be effectively fenced or enclosed to the satisfaction of the Council.

Natural vegetation

9. (1) No person shall—

- (a) hew, cut, injure, destroy, gather or remove any firewood, brushwood or grass from any municipal land; or
- (b) cut, fell, damage or remove any tree, shrub or bush on any municipal land, whether living or dead; or
- (c) set fire to any tree, bush, grass, weed or refuse on any municipal land;

Without the prior written approval of the Council.

(2) The Council may require any landowner on whose property the vegetation during the dry season constitutes a fire hazard to adjoining land or property to cut fire-guards of approved width around the boundary of his land, and such internal fire- breaks as may be necessary, and to remove cut grass or bush from such fire-guards or fire- breaks.

Cultivation

10. (1) No person shall cultivate any council land, or plant, sow, tend or reap any plant, shrub, bush, flower, vegetable, fruit or other crop on any council land, without the prior written approval of the Council.

(2) The council shall not grant approval for the purposes of subsection (1) unless it is satisfied that—

- (a) the cultivation will in no way detract from the value of the land or its suitability for future development; and
- (b) the cultivation will in no way adversely affect or cause injury to the natural resources of the area; and
- (c) the applicant is capable of managing the land in accordance with approved farming practices.

(3) The Council may instruct any unauthorised cultivator to destroy illegal cultivation, and, if it cannot trace the cultivator, may, with its own servants, destroy such cultivation and restore the land affected.

(4) No compensation shall be paid by the Council in respect of any crops destroyed in terms of subsection (3).

Occupation of Council land

11. No person shall—

- (a) erect any kraal, hut, fence, shelter or other erection on any Council land; or
- (b) make or use any vehicle road or track over or through any Council land, other than such public roads the use of which shall be permitted by the Council from time to time; or
- (c) outspan any animal-drawn vehicle on any council land; other than at such places as may be provided by the Council; or
- (d) tether any animal, including a domestic pet, in any street or public place in such a manner as to cause an obstruction or a nuisance; or
- (e) park delivery carts of the distribution of milk or other products on any municipal land, other land, other than at such places as may be set aside for such purpose; or
- (f) park, deposit or abandon any disused, dismantled or derelict vehicle, motor-vehicle or machinery, or any part thereof, whether in running order or not, on any municipal land;

without the prior written approval of the Council and under such conditions as may be laid down by the Council.

Removal of unauthorised buildings, structures or equipment

12. (1) Where any person has—

- (a) erected any kraal, hut, fence, shelter or other erection; or
- (b) parked, deposited or abandoned any disused, dismantled or derelict vehicle, motor- vehicle or machinery, or any part thereof;

on any municipal land without the prior written approval of the Council, the Council may serve a written notice on the owner or person responsible for such building, structure, vehicle or machinery to remove such kraal, hut, fence, shelter or other erection or machinery from the municipal land within a time to be specified in such notice.

(2) No person shall fail to comply with the terms of a notice issued in terms of subsection (1), and the Council may give effect to the terms of such notice at the expense of such person.

PART III

PROTECTION OF WATERCOURSES

Cultivation

13. (1) No person shall, without the prior written approval of the Council, cultivate, or permit or cause the cultivation of, any land, or injure or destroy any natural vegetable—

- (a) within thirty metres of the verge of any spring, vlei, sponge, marsh, swamp or reed- bed; or

- (b) within thirty metres of the naturally defined banks of a public stream; or
- (c) within thirty metres of the high-flood level of any body of artificially conserved water:

Provided that any occupier or owner of a residential or industrial stand may undertake gardening operations or building erection within these limits if such operations do not result in soil erosion or the deterioration of the condition of any public stream.

(2) In granting an approval in terms of subsection (1), the Council shall impose such reasonable conditions for the protection of natural resources as it deems fit.

(3) Approval given in terms of subsection (1) may be withdrawn from any person who fails to comply with any condition imposed upon him in terms of subsection (2).

Control of watercourses

14. (1) No person shall—

- (a) canalize, control, define, deepen, broaden, narrow or excavate from the course of any public stream or its banks; or
- (b) construct any aqueduct, wall, culvert or other contrivance which will alter or interfere with the bed, banks, natural course or flow of any public stream;

without the prior written approval of the Council, unless such a right is conferred by a water court in terms of the Water Act [*Chapter. 20:24*].

(2) Any person, including his heirs, or successors in title, who shall have obtained authority from the council to carry out work in terms of subsection (1), shall thereafter be responsible for the maintenance and repair of such work, to the satisfaction of the Council.

(3) Where a property-owner carries out cultivation of land which abuts on to any natural or artificial watercourse, he shall only carry out such cultivation in such manner as will assist the protection of the watercourse, and shall neither fail to take such precautions nor do any act which will adversely affect the functioning of the watercourse.

Pollution of streams

15. No person shall—

- (a) deposit any cinders, ashes, bricks, rubbish, filth or any other matter whatsoever which may cause or be likely to cause annoyance or a nuisance or pollution in any public stream or watercourse, including any ditch or drain or other works provided for the disposal of storm-water; or
- (b) permit any sewage, trade effluent, filthy or impure water, poisonous or noxious liquid, any polluting fluid whatsoever, to discharge or to be discharged, or to flow, into any public stream or watercourse, or into the dry bed of any public stream or watercourse, including any ditch or drain or other works provided for the disposal of storm-water; or
- (c) install any septic tank or trench drain within thirty metres of any stream or watercourse, or the dry bed of any stream or watercourse.

Irrigation water

16. (1) No person shall—

- (a) abstract any water from any public stream or watercourse in the municipal area for the irrigation of land unless he is the holder of a water right for such purpose which has been conferred by water court in terms of the Water Act [Chapter]; or

(b) construct any well, shaft, bore-hole or other work which is intended to have the effect of abstracting water from a public stream or watercourse.

(2) Any person who shall have any irrigation works as defined in the Water Act [*Chapter 20:24*] on his property, and is not the holder of a water right, shall obtain authority from the council to retain such works on terms and conditions determined by the Council.

PART IV

PUBLIC AMENITY AREAS

Injury to structures

17. In any public amenity area, no person shall remove or injure any fountain, statue, monument, bust, post, chain, railing fence, fencing-post, pole, seat, barrier, gate, lamp, lamp-post, notice-board or plate, house, building, shed, urinal, water-closet, flag, mark, playground equipment or other thing or deface or disfigure the same by pasting or affixing, in any way, any bill, placard or notice, or by cutting, writing, stamping, painting, drawing or marking hereon.

Injury to plant life

18. In any public amenity area, no person shall cut, remove, dig up, fell, burn, pluck, break, climb up or upon, or do damage or injury to, timber, or to any tree, shrub, brushwood, turf, fruit, flower or plant.

Removal or destruction of plastics

19. In any public amenity, no person shall—

- a) take, dig, cut, break, damage or remove any gravel, sand, sod, clay, turf, mould, soil, water or other substance; or
- b) burn or do any act which might cause any timber, wood, brushwood, plant, paper, rubbish or other substance to be burned, or light any fire, except in a place specially set-aside for the purpose by the Council.

Injury to animal life

20. In any public amenity area, no person shall—

- a) catch or snare any bird or animal; or
- b) lay or place any net, snare or trap for the taking of birds or animals; or c) take any bird's egg or nest; or
- d) shoot or chase or attempt to shoot any bird or animal; or
- e) throw any stone or stick or other missile, with intent to injure or catch any bird or animal; or
- f) in any way interfere with any fish, or any aquatic bird or animal:

unless he is possession of a valid permit to do so, issued by the Council.

Enclosures

21. In any public amenity area, no person shall—

- a) go, or attempt to go, into any enclosed place, plantation or garden, or temporary enclosure, entry to which is prohibited by the display of a notice at such place, plantation, garden or enclosure; or

b) make or attempt to make any enclosures.

Use of land

22. In any public amenity area, no person shall—

- a) erect or place any post, rail, fence, pole, peg, spike, tent, booth, screen, stand or swing, or any building, erection or obstruction of any kind whatsoever, without the consent of the Council; or
- b) deposit or leave any refuse, rubbish, paper, bottle, dead animal or other matter or thing; or
- c) turn livestock out to grass or feed, or allow or suffer livestock to stray or remain; or
- d) use any part of any public amenity area or shaking, beating, brushing or cleaning any carpet, mat or other thing, or for drying or bleaching linen clothes or other articles.

Wheeled traffic

23. In any public amenity area, no person shall—

- (a) ride any horse, or ride, drive, draw or propel any cycle or vehicle, other than a wheeled chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or an invalid, without the written approval of the council, except in the places and at the times which shall be defined by the council by notices affixed or set-up at or near several entrances to any public amenity area; or
- (b) draw, drive, propel, stand or place upon, or over, any part of a flower bed or lawn any wheeled vehicle or machine whatsoever.

Use of public water amenities

24. (1) In any public amenity area, no person shall—

- (a) pollute; or
- (b) wash clothes or other things in; or
- (c) bathe or wash any dog or animal, or allow any dog or other animal to be in; or
- (d) bathe, jump into or throw, or be a part to throwing or pushing, any person into; any lake, fountain, ornamental water, dam, public stream, conduit, aqueduct or pool.

(2) No person shall, within a public amenity area, catch, or attempt to catch, any fish in any lake, fountain, public stream, pool, dam or ornamental water, unless fishing in such water has previously been authorised by a resolution of the Council.

Fire-works and miscellaneous weapons

25. In any public amenity area, no person shall—

- (a) discharge any firework, catapult, sling or pellet-gun; or
- b) throw any stone, stick or other missile; or
- (b) use any squirt, syringe or other instrument; or
- (c) do anything which may be a nuisance, obstruction or annoyance to the public.

Public conduct

26. In any public amenity area, no person shall—

- (a) brawl, fight, use profane, indecent or improper language, be intoxicated or drugged, bet, gamble, beg, lie on any seat, or behave in an indecent or offensive manner, or commit any nuisance; or
- (b) sell, or offer or expose for sale or hire, any commodity or article, or distribute any pamphlet, book, handbill, or other printed or written matter, except with the consent of the council; or
- (c) use, or attempt to intrude upon or use, any water – closet, urinal or other place of convenience provided for the opposite sex; or
- (d) play cricket, football or any other game, except on the places and at the times set apart for such games by the council; or
- (e) take into, or have in, any public amenity area where notices prohibiting the admission of dogs are exhibited, any dog not led by a chain, leash or other sufficient fastening; or
- (f) smoke in any place or building in which, by notice affixed at or near the entrance to such place or building, smoking is prohibited; or
- (g) take photographs or paint pictures or make sketches for sale by way of business without the prior written approval of the Council.

Noise

27. In any amenity area, no person shall—

- (a) play or make sounds on any musical instrument, radio, gramophone, tape recorder or other instrument so as to create a nuisance; or
- (b) deliver, utter or read aloud any public speech, prayer, book, or address of any kind, or sing any sacred or secular song, or hold any public meeting or assemblage, except with the prior written approval of the Council.

Control

28. In any public amenity area, no person shall—

- (a) assault or resist, or aid or incite any person to assault or resist, any servant of the council or other person in the execution of his duty or the lawful exercise of any authority under these by-laws or otherwise; or
- (b) refuse to leave such public amenity area at or after the time of closing the gates, when requested to do so by any servant of the council or member of the police or unlawfully remain therein after the gates are closed, or climb on or over any gate, fence or railing, or enter or leave otherwise than through one of the authorised means of ingress or egress; or
- (c) obstruct, disturb, interrupt or annoy any person in the proper use of such public amenity area.

Hours of Closing

29. The Council shall, by notice posted at or near the entrance gates, indicate the hours during which any public amenity area is closed to the public, and may, for any special purpose, by means of such notice, close any such public amenity area, or any part thereof, or any building therein, to the public for such time as the Council may from time to time consider necessary or expedient

Special Uses

30. (1). The Council may from time to time grant to any person or association of persons the exclusive use of any public amenity area, or of any portion thereof, for the purpose of any sport, game or public meeting, during such hours and for such period as the Council may deem fit.

(2) The Council may from time to time reserve a portion or portions of any public amenity area for any specific purpose, and may give orders, by means of a notice or notices posted at or near the entrances or in any such public amenity area, for the regulation of traffic therein.

(3) No person shall interfere with, or in any way hamper, any exclusive use granted in terms of this section, or neglect or refuse to obey any order made in terms of this section.

Authority

31. (1) It shall be lawful for any duly authorised servant of the council or any member of the police to exclude or remove from any public amenity area any person committing any breach of these by-laws.

(2) No person, after being told by an authorised person or a police officer to go from a public amenity area—

- (a) shall neglect or refuse to go; or
- (b) having left the place, or having been removed there from, return thereto within twelve hours.

(3) Every person shall on being required to do so by an authorised official in a public amenity area inform such duly authorised official of his correct name and address.

Police powers

32. Nothing in these by-laws shall take away, abridge or limit or interfere with the powers of the police.

PART V

GENERAL

Offences and penalties

33. No person shall—

- (a) contravene any provision of these by-law; or
- (b) fail to comply with an order or prohibition given in terms of these by-laws; or
- (c) fail to comply with any terms or conditions attached to any permission authority or approval given in terms of these by-laws; or
- (d) obstruct or hinder any official in the execution of his duties under these by-laws.

shall be guilty of an offence and liable to a fine not exceeding level three (3) or to imprisonment for a period not exceeding three months or to both such a fine and such imprisonment.