



# Urban Agriculture by-laws, 2008

for



THE CITY OF BULAWAYO



## Statutory Instrument .....of 2008

It is hereby notified that the Minister of Local Government, Public Works and Urban Development has in terms of Section 229 of the Urban Councils Act [Chapter 29:15] approved the following by-laws.

### Title

1. These by-laws may be cited as the Bulawayo (Urban Agriculture) by-laws, 2008

### Interpretation

2. In these regulations, unless inconsistent with content

“by-law” means these by-laws or any other by-law for the Bulawayo municipal area

“city” means Bulawayo

“city council” means Bulawayo city council

“companion animal” includes a pet or an animal that is kept for guide or guard purposes by a person living with a disability or any person with a need for such guarding or guidance.

“deserving” residents include but are not limited to people living with HIV and AIDS, orphaned and vulnerable children, the elderly, the indigent and the destitute people within and ordinarily resident within the municipal area

“irrigation” for the purposes of these bylaws refers to the watering of crops on land that is more than 200 square metres in extent.

“livestock” means domestic animals such as cattle, sheep, goats, pigs or horses raised for home use or for profit especially on a farm.

“pet” means an animal that is kept in the home for companion purposes and not for its meat or any other product that it may produce

“poultry” means domesticated fowls such as chickens, turkeys, ducks, guinea fowl, pheasant, ostriches, pigeons or geese kept primarily for meat and eggs.

“resident” means a person who is ordinarily resident within the Bulawayo municipal area.

“urban agriculture” means farming within or just outside the boundaries of the city

“urban farmer” means any person who practices farming within or immediately beyond the boundaries of the city

#### **Application of these By-laws in relation to other By-laws**

3. (1) Except where it is expressly provided to the contrary, these by-laws shall be construed as being in addition to and not in substitution of any other by-law which is not in conflict or inconsistent with these by-laws
- (2) If any other by-law is in conflict or inconsistent with these by-laws, these by-laws shall prevail on matters relating to protection of the environment and maintenance of public health standards.

### **Part 1**

#### **Purpose, Duties and Responsibilities**

##### **Purposes of Urban Agriculture**

4. Urban agriculture shall be permissible within the municipal area for the purposes of providing household food security, alleviating poverty, creating employment, establishing and sustaining agricultural businesses within the municipal area through the provision of raw materials for industry, for urban greening and beautification, for wastewater recycling or for any other purpose that is not inconsistent with the provisions of these bylaws.

##### **Rights and Responsibilities of urban farmers**

5. (1) Any person who is a resident of the municipal area may carry out urban agricultural activities within the municipal area subject to appropriate authorization from the municipal council
- (2) In practising urban agriculture, urban farmers shall ensure that their activities do not
  - (i) pose a health hazard
  - (ii) cause environmental harm, pollution or environmental degradation

- (iii) create a nuisance within the municipal area

### **Duties of City Council**

- 6. The City Council shall endeavour to promote, regulate and control urban agriculture
- 7. City Council shall try by all means to consider gender, disability and the vulnerability of any groups in the administration of urban agricultural activities and in particular in relation to allocation of resources and support schemes for urban agriculture

## **Part II: Marketing and Processing of Urban Agricultural Produce**

### **Marketing and processing of urban agricultural produce**

- 8. Urban farmers in the City shall be responsible for the marketing of their produce in a healthy and hygienic manner which is environmentally sustainable with strict observance of the provisions of the Public Health Act [Chapter 15:09] and the Bulawayo (Public Health) By-laws, 1966, Statutory Instrument 803/1966
- 9. In marketing their produce, urban farmers shall observe and comply with produce specific marketing and trade laws **including but not limited to** the Grain Marketing Act [Chapter: 18:14], the Dairy Produce Marketing and Levy Act [Chapter 18:10], the Fruit Marketing Act [Chapter 18:13], the Produce Export Act [Chapter 18:17] and the Pig Industry Act [Chapter 18:15]
- 10. In order to promote urban agriculture, City Council may promote the consumption and use of agricultural commodities within the municipal area by doing one or more of the following:
  - (i) Encouraging value addition of agricultural produce from within the municipal area through the allocation of land for leasing or purchasing to be used for the processing of agricultural produce
  - (ii) Exempting urban farmers from the Bulawayo Municipal area from paying taxes that are payable by farmers from outside the municipal area for selling, marketing and transporting their produce in, within and through the municipal area.**
  - (iii) Supporting the setting up of urban farmer markets.**

(iv) Supporting quality control of agricultural produce from within the municipal area and encouraging labelling of local produce.

11. City Council may promote the participation of urban farmers and urban agro-based industries at international and national agricultural or industrial exhibitions including but not limited to the Bulawayo Agricultural Show, the Harare Agricultural show and Zimbabwe International Trade Fair

## **Part IV: Availability of Inputs**

### **Water availability and provision**

12. City Council may provide water for urban agricultural purposes when water is available and council has the means to do so, including water for irrigation, watering of animals and processing of urban agricultural produce; provided that:

(i) Any person who wishes to use council treated water for irrigation purposes shall seek permission from council and shall only commence using the water upon receiving written permission from council.

(ii) Farmers may use partially treated water that meets World Health Organization standards for irrigation of non tuber vegetables and crops.

(iii) The use of raw sewage for irrigation purposes in the pursuit of urban agriculture is prohibited and any person who uses such water for irrigation purposes shall be liable to prosecution.

13. In addition council or any other person intending to use partially treated water for irrigation purposes shall comply with the requirements of the Public Health (Effluent) Regulations, 1972, Statutory Instrument 638/1972 in relation to the standard of partially treated water for irrigation purposes and the types of crops that may be irrigated using such water

### **Availability of seed, fertilisers, chemicals and other inputs**

14. Council may upon request assist urban farmers in acquiring seed, fertilisers, chemicals and other agricultural inputs

15. Unless otherwise stated, any person who is assisted by the City Council in the acquisition of inputs in terms of Section 14 above shall pay for the inputs and any costs that may be incurred by council in the acquisition of the inputs.

## **Part V: Environmental Protection and Management**

### **Environmental Protection and Management**

16. No person shall cause environmental damage, pollution or degradation in the process of carrying out urban farming within the municipal area.
17. Any person who keeps livestock within the municipal area shall take measures to ensure that:
- (i) The **keeping and grazing** of livestock shall not cause damage to natural grass and vegetative cover so as to prevent such grass or vegetative cover from regenerating
  - (ii) The **keeping and grazing** of livestock does not cause damage to the natural soil and vegetative cover so as to cause soil erosion
  - (iii) **Every livestock farmer shall ensure that any livestock that is kept on any piece of land does not exceed the carrying capacity of that piece of land.**
  - (iv) **Every livestock farmer shall ensure that disposal of animal waste shall not cause environmental pollution**
18. Any person who is engaged in cultivation of crops within the municipal area shall take measures to ensure that:
- (i) The cultivation of crops does not cause environmental degradation.
  - (ii) The use of chemicals and fertilisers does not cause pollution of ground water sources or surface water sources including dams, rivers, wells, aquifers or any other water source or damage to soils, grass, trees, plants or any other vegetative cover
  - (iii) **The cultivation** on or close to ecologically sensitive areas including the banks of any naturally defined stream or river, wetland, aquifer or any natural watercourse

provided that such person makes a written application to and obtains written authority from the City Council.

19. Use of chemicals and fertilizers along stream banks shall be prohibited.

20. Any person who causes pollution or environmental degradation shall be liable to prosecution.

21. In addition to any penalty that may be imposed in terms of Section 21 above, any person who causes pollution or environmental degradation shall meet the costs of remedying such pollution or environmental degradation and any resultant adverse health effects, as well as the cost of preventing, controlling or minimising further pollution, environmental damage or adverse health effects.

## **Part VI: Types of Urban Agricultural Activities**

### **Keeping of livestock**

27. Any person may keep livestock within the municipal area provided that:

- (i) They have obtained the necessary permission from the City Council to keep the livestock and in giving such permission, the City Council shall give such conditions as may be necessary to avoid nuisances, environmental damage and protect the health of the public within the municipal area
- (ii) In giving permission to keep livestock, the City Council shall in addition to any other considerations take cognisance of and comply with the provisions of the Public Health Act [Chapter 15:09] and the Bulawayo (Public Health) Bylaws, 1966 Statutory Instrument 803/1966

### **Keeping of poultry**

28. Any person may keep twenty or less heads of poultry within the municipal area without seeking permission from council

29. Any person who intends to keep more than twenty heads of poultry shall make a written application to the City Council and may only keep more than twenty heads of poultry upon receiving written authority from council.
30. In granting such permission in terms of Section 29 above, council shall **in addition to any other considerations**, take into account the provisions of the Bulawayo (Public Health) Bylaws, 1966 Statutory Instrument 803/1966 in relation to numbers of poultry heads that may be kept on any piece of land in relation to the size and location of that piece of land, the prevention of nuisance and the protection of public health.

#### **Keeping of companion animals and pets**

31. Any person may keep a companion animal or pet within the confines of his or her private dwelling premises
32. It shall be the duty of the person who keeps a companion animal or pet to keep it free of any animal diseases or vermin and to ensure that the companion animal or pet is vaccinated against all animal diseases for which vaccinations are required.
33. No companion animal or pet shall be allowed to roam or move around unaccompanied or without proper leash or control outside the dwelling premises on which it is ordinarily kept.
34. Any pet or companion animal that is found roaming unaccompanied shall be impounded by council or any authorised person and shall be taken to the council pound where council shall keep the companion animal or pet **in terms of its pound regulations**.
35. Where the owner of the impounded companion animal or pet is located, he or she shall pay all the costs incurred by council or any other relevant authority or person carrying out his or her duties in terms of these Bylaws in handling the companion animal or pet.

#### **Keeping of Bees**

36. Any person may keep bees within the municipal area; provided that

- (i) Any person who intends to keep bees shall make a written application to the City Council and may only proceed to keep the bees upon receiving written permission from the City Council.
- (ii) In giving permission in terms of subsection (i) above, the City Council shall **in addition to any other considerations, comply with** the provisions of the Bees Act [Chapter 19:02] and the Bulawayo (Public Health) By-laws, 1966, Statutory Instrument 803/1966

### **Cultivation of Lands**

- 37. Any person may cultivate, excavate, dig or clear land for urban agricultural purposes and may plant any crops for either commercial, **aesthetic, leisure, environmental management, subsistence or any other purposes that are consistent with the provisions of these bylaws** on such land **provided that they have obtained written permission from council and complied with the provisions of the Bulawayo (Protection of Lands and Natural Resources) Bylaws, 1975, Statutory Instrument 676/1975**
- 38. Any person who wishes to cultivate his or her own privately owned land shall not cause soil erosion, environmental degradation, water pollution or leave the land in an unkempt or unsightly condition
- 39. **The burning of any agricultural residue without permission from council and the Environmental Management Agency created in terms of the Environmental Management Act: Chapter 20: 27 shall be prohibited.**

### **Part VI: Offences**

- 40. Any person who contravenes any provision of these by-laws shall be **liable to prosecution.**