**STATUTORY INSTRUMENT OF 2023**

 [CAP .29:15]

**Town of Rusape Protection of Water Sources By-laws, 2023**

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 TOWN of Rusape

**ARRANGEMENT OF SECTIONS**

***Section***

1. Title.

2. Application.

3. Interpretation.

4. Protection of Water Sources

5. Protection of wetlands

**Title**

 1. These by-laws shall be cited as the Rusape Town Council Protection of Water Sources By-laws, 2023.

**Application**

 2. These by-laws shall apply to the area under the jurisdiction of the Town of Rusape.

Interpretation

 3. In these by-laws—

“Council” means the Rusape Town Council;

 “Authorised Officer” means any person authorised by Council to carry out any functions in terms of these by-laws;

 “pollution”, in relation to water, means—

(a) such contamination or other alteration of the biological chemical or physical properties of the water, resulting in

changes in colour, odour, taste, temperature or turbidity; or

(b) such discharge of any gaseous, liquid, solid or other substances into any water or public stream; as will or is

likely to create a nuisance or render the water, as the case may be, detrimental ,harmful or injurious to the

health, safety or welfare of the public or any section thereof or any consumer or user of the water or any birds,

fish or other aquatic ecosystems, livestock or wild life;

 “Ground water” means all water which is—

(a) beneath the surface of the ground; and

(b) not visible on the land concerned; and includes water in boreholes and wells;

“aquifer” means any geological formation which absorbs, stores and transmits water;

surface water” means all water found on or below the bed of a public stream, including marshes, springs,

swamps or vleis forming the source of or found on the course of the public stream, and includes water in

storage works, drainage works or permanent pool

“public stream” means a water course of natural origin in which water flows, whether or not—

(a) the watercourse or any portion thereof is dry during any period of the year; or

(b)

the conformation of the watercourse has been changed by artificial means;

 “WaterSource”means

(a) surface water; and

(b) all water which rises naturally on any private land or drains or falls naturally on to any private land, even if it

does not visibly join any public stream; and

(c) all ground water

 (d)Dams and Reservoirs

**Protection of water Sources**

4. (1) Notwithstanding the provisions of the Rusape Town Trade Effluent by-laws and Rusape Town Environment by Laws, No person shall:

(a) engage in activities which cause pollution of water sources.

(b) discharge or apply any poison or toxic, noxious or obstructing matter, radioactive waste or other pollutants or any matter into any water source.

(3) Any person who contravenes subsection (1) shall be liable to a Penalty prescribed by Council.

(4) Any person who contravenes subsection 1 shall, in addition to paying a penalty:

 (a) pay the cost of the removal of any poison, toxic, noxious or obstructing matter, radioactive waste or other pollutants,

(b) Pay the costs of restoration of the damaged environment, which would have been incurred by Council.

 (c) pay third parties’ reparation, cost of restoration, restitution or compensation.

Duty to protect water sources

5. (1) All persons 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