

Temeke Municipal Council (Solid Waste Management) (Collection and Disposal of Refuse)

GOVERNMENT NOTICE No. 45 published on 25/1/2001

THE LOCAL GOVERNMENT (URBAN AUTHORITIES
ACT), 1982
(No. 8 OF 1982)

BY-LAWS

Made under section 80 and (81)

THE TEMEKE MUNICIPAL COMMISSION (SOLID WASTE MANAGEMENT) (COLLECTION AND DISPOSAL OF REFUSE) BY-LAWS, 2002

1. These By-laws may be cited as the Temeke Municipal Commission (Solid Waste Management) (Collection and Disposal of Refuse) By-laws, 2002 and shall come into operation on the date of publication in the *Gazette*. Title and date of operation

2. These By-laws shall apply throughout the area of jurisdiction of Temeke Municipal Commission and as described in the Schedule hereto. Application

3. In these By-laws:—

"agent" means the Temeke Municipal Commission to render refuse collection services on its behalf; Inter-pretation

"authority" means the Temeke Municipal Commission, its successor, assignee and or authorised representatives;

"bulk waste" includes large appliances, machines, furniture, and other solid waste (Including construction or demolition debris or dead animals with weights or volumes greater than those allowed for bundle waste or dustbins);

"bundle waste" includes tree parts, shrubs, bush trimmings, news papers, magazines, cartons or solid waste securely tied as a package not exceeding one metre in length or 15kg. in weight;

"domestic refuse" means normal household waste produced on any residential building used wholly as a private dwelling;

Where any trade is carried in any residential building or any part thereof the whole of the waste arising there from shall be considered as trade refuse;

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- "hazardous wastes" means waste whole is toxic, flammable, corrosive, radioactive, explosive or otherwise dangerous in accordance with the Tanzania Environmental Protection Agency, and shall also include motor oil, diesel, fuel, gasoline (petrol), paint, solvents, dry cell and batteries, pesticides and infectious or medical wastes from hospitals and clinics, metallic and/or oily sludges or solvents from commercial and industrial establishments, asbestos materials, pesticides, radioactive wastes, and the like;
- "household" means a kaya, family, single or couples with or without children ;
- "occupier" includes any person in actual occupation of premises or residential dwelling without regard to have title under which he occupies and in the case of residential dwelling subdivided and let to lodgers or various tenants; the tenants;
- "owner" means the holder and includes any person lawfully claiming title under him or his or agent or any person receiving rent or proceeds on his behalf;
- "person" means a natural person and includes a corporation whether aggregate or sole;
- "polluter" means a person causing environmental effect out of liquid waste, bulk waste, bundle waste, domestic refuse, trade refuse, hazardous waste and so on;
- "premises" includes land, buildings, vehicles, railway carriage or other conveyances and tents, vans, structures of any kind, streams, lakes, seashore, drains or places open, covered or enclosed, whether maintained or not under statutory authority and any ship, boat or crane or other vessel lying in any sea, river, harbour or other water, or exadverso of any place within the limits of the Municipality;
- "residential dwelling" means building, flat or any structure used as a private dwelling, it also includes undeveloped or partially developed land allotted for residential purposes;
- "zones" means the demarcation of areas in accordance with first schedule to these By-laws;
- "refuse vehicles" means small container, large container compactor truck, small truck, carrier tipping truck or trailler and so on;
- "refuse collection charges" means the charge determined by the authority as refuse collection charge as set out in second schedule to these By-laws;

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'service" means the cleansing, removing, collecting and disposal of trade and domestic refuse;

"solid waste" means all waste material generated by household, institutions, commercial establishments, and industries, all litter and clandestine piles of such wastes;

"street" includes any street, road, highway, path lane, sanitary lane, sand lane, through-fare or public space to which the public have access and includes a bridge over which a road runs;

"trade refuse" means all commercial and industrial waste arising from trading or industrial output or business or in the provision of services and includes all waste which is not domestic refuse as defined above;

4. Every occupier or tenant of any residential dwelling shall provide and maintain to the satisfaction of the Authority, a receptacle for domestic refuse of a sufficient size, and fitted with a good and effective lid and shall daily cause to be placed within such receptacle the domestic refuse from the said residential dwelling in so far as the said receptacle shall be sufficient to contain the same;

Management
domestic
refuse

5. Every occupier or tenant of any trade premises shall provide and maintain to the satisfaction of the Authority a receptacle for trade refuse of a sufficient size, and fitted with a good and effective lid and shall daily cause to be placed within such receptacle the trade refuse from the said premises in so far as the said receptacle shall be sufficient to contain the same.

Management
trade
refuse

6. Every occupier and every owner of premises wherein bulk waste, industrial waste, hospital waste or any hazardous waste is generated, shall manage, contain and ensure that disposed of in a safe sound conditions to the satisfaction of the Authority and as may be directed by the Authority from time to time.

Management
hazardous
Waste

7.-(1) The occupier of any residential dwelling or trade premises will deposit all refuse arising from a Residential dwelling or premises at a place directed by the authority. Any person depositing refuse other than in accordance with the direction of the Authority shall be guilty of an offence under By-law 19 hereof.

Refuse
deposit

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(2) No person shall throw or deposit or cause to be thrown or deposited in or upon any street or other public place any construction debris, sands accumulation of dust, refuse, garbage, decaying animal, vegetable matter or obnoxious matter.

Authority to Collect and dispose

8. The Authority shall arrange for disposal of trade and domestic refuse collected respectively from premises and from residential dwellings and the Authority shall collect and dispose of or arrange for the collection and disposal of all refuse deposited as specified in By-law 7 hereof.

Payment of a charge

9. There shall be paid by every household or occupier a refuse collection charge and in such manner as provided in Second Schedule to these By-laws. Any person who fails to pay refuse collection charges on time shall be liable to a penalty of 25% of the refuse collection charge and in each case shall also be guilty of an offence under By-law 19 hereof.

Civil liability

10. Any refuse collection charge payable under By-law 9 shall be a debt due to the Authority or its agent and may be recovered from the household or occupier as a civil debt by suit at the instance of the Authority or any person authorised by the Authority on its behalf.

Application of Summary procedure

11. Without prejudice to the method of recovery of refuse collection charge prescribed in By-laws 9 procedure where any amount of the charge is due from any occupier, the Authority or any other person, duly authorised by the Authority, may file in a court of competent jurisdiction, and over the area in which an occupier resides or carries on business, a certificate stating the name and address of the head of household or the occupier from whom the refuse collection charge is due and the actual amount due and signed by the Chief Executive of the Authority. Upon the filing thereof, the Certificate shall be deemed to be a Plaint filed under Order XXXV of the Civil Procedure Act, and the Court shall proceed in accordance with the provisions of the Order, and in the event of a decree for payment by the household or occupier any sum found due, there shall also be ordered the payment of interest thereon at the rate of two percentum per month from the date on which the Certificate was filed until payment of the principal sum.

Evidence

12. Every certificate filed in a court afore said pursuant to By-laws 11 shall be *prima facie* evidence of the truth of the statement contained in that certificate.

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13. The Authority may authorise in writing any person to collect the refuse collection charge and may authorise in writing any such person to exercise the powers of the Authority for collection including the power to institute court proceedings against any person failing to pay the refuse collection charge and the Authority may authorise in writing any person to institute proceedings under By-laws 11 and 19 hereof. Delegation of powers to agents
14. If a nuisance shall exist upon or near by any premises or residential dwelling by reason of trade or domestic refuse produced thereon or proceeding there from, the Authority may serve upon the occupier of such premises or residential dwelling premises notice in writing requiring him to remove the nuisance within such period as may be specified in the notice and to prevent its recurrence; and if after the expiry of such period as aforesaid such nuisance shall continue or shall by default or sufferance of the person upon whom notice shall have been served recur, such person shall be guilty of an offence against these By Laws. Nuisance prohibited
15. The Authority may require the occupier of any premises or residential dwelling to make such arrangement for the removal and disposal of night soil as it may think fit. Management of night soil
16. The occupier of any plot or portion of a plot or in the case of unoccupied plots, the owner thereof or any person shall not in any street or open place throw or lay down any dirt, filth rubbish, or stone or building materials, or allow any of offensive matter to run onto any of them. Unoccupied plot
17. Every owner of any residential dwelling or trade premises shall be vicariously liable for any offence under these By-laws committed by the occupier of any person under him at that residential dwelling or premises. Vicarious liability
18. Any Officer or agent of the Authority duly authorised in that behalf, may at all reasonable times, enter any residential dwelling or premises within the area of jurisdiction of the Authority for the purposes of conducting an inspection, inquiry or the execution of works under the provisions of these By-laws.
19. Any person who refuses or fails to comply with the provisions of these By-laws, who obstruct an officer or agent or gives false information in relation to any requirements of these By-laws shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty thousands shillings or imprisonment for a term not exceeding six months or to both such fine and imprisonment. Offence and punishment

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Dumping 20. Any Agent, contractor, owner, or any person who haul waste to the dumping site shall pay refuse disposal charges in accordance with Third Schedule to these By-laws and in case of any default he shall be liable and punished in terms of By-law 19 hereto.

Polluters pay principle 21. Any person or manufacturer whose products shall cause to be littered or dumped a product, by product or package materials in any High way, street, premises or open space shall be liable for an annual polluters manufacturing fee which shall be based on a polluters pay principle, the said fee to be paid in advance on the date before a date set for a business licence and shall be at the rate of 0.01 percentum of annual turnover of the business, provided that, if the polluter is out of the jurisdiction of the Municipal, shall be liable to pay two hundred shillings per 2 square km or part of it littered or disposed with per each week.

Repeal 22. The Dar es Salaam (Refuse collection By-laws), 1993 are hereby repealed.

The Seal of the Municipal Commission was hereunto affixed in pursuance of Resolution of the Commission passed at a meeting duly convened and held on the 24th day of August 2000.



NESTORY L. M. KOBERO,
Secretary of the Commission

R. MVUGALO
Ag. Chairman of the Commission

I APPROVE

Dodoma,
5th November, 2001

BRIG. GEN. (RTD) HASSAN NGWILIZI (MP),
*Minister of State, President's Office,
Regional Administration and
Local Government*

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FIRST SCHEDULE

ZONES

ZONE A:

Old Wards:

1. Keko
2. Mtoni
3. Temeke
4. Miburani
5. Kurasini
6. Changómbe
7. Azimio
8. Sandali
9. Tandika

ZONE B:

1. Mbagala
2. Charambe
3. Kigamboni
4. Yombo Vituka
5. Makangarawe

ZONE C:

The remaining Wards of Temeke Municipality.

SECOND SCHEDULE

CHARGES FOR REFUSE COLLECTION SERVICES

<i>S/N</i>	<i>Type of Premisek</i>	<i>Middle Income</i>	<i>Low Income</i>
1.	Residential Areas (per month)	1,000.00	500.00
2.	Tea Room (per month)	3,000.00	2,500.00
3.	Caf'e' (per month)	5,000.00	3,000.00
4.	Ice Parlour (per month)	8,000.00	3,000.00
5.	Restaurant (per month)	15,000.00	6,000.00
6.	Guest House (per month)	10,000.00	5,000.00
7.	Dispensary (per month)	10,000.00	6,000.00
8.	Health Centre (per month)	10,000.00	6,000.00
9.	Hospital (per month)	60,000.00	25,000.00
10.	Small Industries & Garages (per month)	20,000.00	10,000.00
11.	Industry (Light Waste) (per trip)	30,000.00	15,000.00

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SCHEDULE — (contd.)

<i>S/N</i>	<i>Type of Premisek</i>	<i>Middle Income</i>	<i>Low Income</i>
12.	Industry Heavy Waste (per tone)	25,000.00	5,000.00
13.	Wholesale shops (per month)	8,000.00	3,000.00
14.	Retails Shops (Food & other items) (per month)	6,000.00	5,000.00
15.	Schools (Primary & Secondary) (per month)	10,000.00	5,000.00
16.	Boarding Secondary Schools (per month)	10,000.00	3,000.00
17.	Day Care Centre (per month)	7,000.00	5,000.00
18.	Groceries (per month)	10,000.00	8,000.00
19.	Bar (per month)	15,000.00	3,000.00
20.	Butcher (per month)	6,000.00	3,000.00
21.	Pharmacy Part I (per month)	8,000.00	5,000.00
22.	Pharmacy Part II (per month)	5,000.00	2,500.00
23.	Market (per trip)	5,000.00	2,500.00
24.	Stalls (magenge) (per month)	500.00	250.00
25.	Food Vendors (Mama Lishe/Baba Lishe) (per day)	500.00	200.00
26.	Truck offloading at Market		
	Offloading Unofficial (Per Trip)		
	- 2m - 6m ³	1,000.00	500.00
	- Per trip - 6m ³ - above	5,000.00	2,500.00
	- Per month - official Offloading	20,000.00	10,000.00
27.	Truck offloading Unofficial areas per trip		
	6m ³ -above	4,000.00	2,000.00
28.	Bus Stations (per bus per month)	3,000.00	3,000.00
29.	Daladala (Temeke Municipal Council)		
	(TMC - with plying licence per month)	1,000.00	1,000.00
30.	Small Business Informal Sector-per day	500.00	100.00
31.	Informal day cleaner (dobi) & Tailors per month	500.00	300.00
32.	Informal Carpenter (per month)	500.00	300.00
33.	Shoe Maker per month	300.00	100.00
34.	Electronic godget repair per month such as TV, RADIO, FANS, IRON Etc.	1,000.00	500.00
35.	Tailor licenced per month	2,000.00	1,000.00
36.	Saloon Licenced per month	5,000.00	2,500.00
37.	Petrol Station per month	25,000.00	10,000.00
38.	Kerosene Station per month	3,000.00	1,000.00
39.	Store for charcoal per month	2,000.00	1,000.00
40.	Ware houses (per trip) - 4.5m ³	10,000.00	5,000.00
	- 6m ³	20,000.00	10,000.00
41.	HOTELS (per month)		
	- Rooms 01 - 10	10,000.00	5,000.00
	- Rooms 11 - 15	20,000.00	5,000.00
	- Rooms 16 - 25	25,000.00	5,000.00

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SCHEDULE —(contd.)

S/N	Type of Premisek	Middle Income	Low Income
-	Rooms 26 - 50	30,000.00	15,000.00
-	Rooms 51 - 75	40,000.00	25,000.00
-	Rooms 76 - 100	50,000.00	35,000.00
-	Rooms more than 100	60,000.00	45,000.00
42.	OFFICES (per month)		
-	Staff - 01 - 05	1,000.00	500.00
-	Staff - 06 - 10	2,000.00	1,000.00
-	Staff - 11 - 15	3,000.00	1,500.00
-	Staff - 16 - 20	5,000.00	2,000.00
-	Staff - 21 - 25	10,000.00	4,000.00
-	Staff - 26 - 50	15,000.00	10,000.00
-	Staff - 51 - 75	20,000.00	15,000.00
-	Staff - 76 - 100	30,000.00	25,000.00
-	Staff more than 101	50,000.00	35,000.00
43.	Other not in this Schedule	5,000.00	3,000.00

THIRD SCHEDULE

THE REFUSE DISPOSAL CHARGES AT THE LANDFILL:-

CAPACITY OF VEHICLE	COST/CHARGES IN T.SHS.
Every Pick-Up-1 ton - 5 tons	2,000.00
Every Vehicles from 6 tons - 10 tons	4,000.00
Every Vehicles - 10 tons - 15 tons	8,000.00

SPECIAL DISTRUCTION OF FOOD & FOOD RELATED ARTICLES

Every 1 ton of Non poisonous, Food or food related article shall be destructed at the landfill site or Dumping site. The proprietor of the food, food article or on non poisonous article to be destructed shall incur all expensences of a bulldozer to destruct the matter, to excavate the land so as to burry the whole matter, the cost of material to cover the matter destroyed and turn it to be unpalatable, unmarketable prior to the destruction procedure, all supervision costs to be incurred by the owner prospector, manufacturer, processor of the food found unfit for human consumption. Costs shall be assessed at market price.