

Curepipe (Environmental Health) Regulations 2010

GN No. 244 of 2010

THE LOCAL GOVERNMENT ACT 1989

Regulations made by the Municipal Council of Curepipe under Sections 51, 141 and 142 of the Local Government act 1989

1. These regulations may be cited as the **Curepipe (Environmental Health) Regulations 2010**.
2. In these Regulations:-

"Council" means the Municipal Council of Curepipe;

"Fence" means any structure, approved by Council that encloses the perimeter of any bareland and/or any premises so as to prevent unauthorized access and dumping on this land;

"Flat" means an apartment or a block of flats;

"Occupier" means any person in actual use and occupation of any premise independently of his title, right or capacity;

"Officer" means any officer of the Public Health Department or any officer appointed by the Council;

"Owner" includes any person who receives or is entitled to receive rent in respect of occupation of any premises;

"Premises" means any immovable property or building, whether vacant or constructed upon and whether used for residential, commercial, professional, trade and/or agricultural purposes and situated within the township of Curepipe;

"Property" means immovable property

"Receptacle" means any container, bin or recipient, whether fixed or movable, intended to Collect waste;

"Trade Premises" means premises in the township of Curepipe on which a trade, profession, manufacture or industry is carried out, even though part of the premises may be also used for residential purposes;

"Waste" includes household waste as well as garden or yard waste, whether solid or otherwise, including hazardous waste, clinical waste and pharmaceutical waste, litter or anything which is being get rid of.

3. No person shall dispose of or deposit or cause or permit to be deposited any household or trade waste, litter, vehicle wreck or part thereof, excavation or builder's rubble, furniture, animal's dead body/carcass, packages, wrappings, bottle, can, container, paper, box barrel or any other part constituting litter on any road, footpath, street, roadside, public pavement, bare land, vacant premises, drain, canal, river, stream or any other.
4. The occupier/owner of any premises, vacant premises, bare land or flat shall:
 - (i) at all times keep the premises clean and free from all under grown vegetation and waste;
 - (ii) not dump or cause or permit the dumping of any waste, vehicle wreck, excavation or builder's rubbles or any other waste material on the premises;
 - (iii) secure household and kitchen waste in appropriate bags;
 - (iv) deposit or cause to be deposited any bags or any waste in a receptacle;
 - (v) not allow any fetid water/used water to run or flow on any footway, road, street or any passage way from his yard/premises.
5. The owner of a flat, multi-storeyed residential building, commercial or commercial cum residential building shall provide at the ground floor, a refuse chamber or an approved refuse shed in the yard where shall be deposited refuse from all individual premises and shall be readily accessible to the scavenging vehicles.

6. Every occupier of premises shall deposit or cause to be deposited all house and garden sweepings and house refuse from such premises in receptacles which he/she shall provide for that purpose.
7. No person shall deposit, or cause or allow to be deposited any dung, human excretes, industrial waste and animal refuse in such receptacle.
8. The occupier of any premises shall be held responsible for the contravention of these regulations whenever any unburied matter of animal origin with fetid or filthy smell is detected to exist on such premises.
9. The owner or occupier of any premises shall not put in any receptacle, any toxic refuse which is likely to be a health hazard to the handlers or cause any inconvenience to the neighbouring areas or neighbours.
10. For the purpose of regulations 4 and 5, the receptacle shall be of such material, size and construction acceptable by the Council and shall be provided with a close fitting lid; and periodically shall be kept clean and washed by the occupier as may be requested by the officer.
11. Council may provide from time to time such plastic receptacles against prepayment of a fee as Council may decide.
12. Council may, however, alter, modify and/or amend any decision as to the category of premises and/or areas to be supplied with such receptacles and/or also stop to supply such receptacles to any area.
13. The receptacles, for the purpose of being emptied on such days and hours as may from time to time be fixed by the Council, shall be placed on the premises at a spot which shall be readily accessible to the scavenging vehicles.
14. The owners or co-owners or the "Syndicat des Co-propriétaires" or "Syndic" of a block of flats and the owner or co-owners of a commercial premise shall provide a receptacle as described in regulation 10 for the common use of all occupiers.
15. Every occupier of trade premises shall deposit his receptacle on the pavement as

close as possible to his trade premises by 07.00 hours and remove the receptacle after it has been emptied by the Council.

16. Any dealer in cakes, foodstuffs or other perishable goods shall secure any waste in an appropriate bag before depositing it in a receptacle.
17. Council may remove trade or manufacture refuse of nonmetallic and non-toxic vegetable, animal or synthetic nature, solid waste upon request and prepayment of the appropriate fee under the schedule.
18. On account of the condition, construction or location of the refuse receptacle, and having due regard to the situation of the premises, an officer may serve a notice on the occupier/owner of such premises, requiring him to have his receptacle
 - (a) constructed with concrete or other impervious material,
 - (b) adequately ventilated,
 - (c) placed at the proximity of the main entrance,
 - (d) provided with a means of access for cleaning and removing its contents without having it to be carried through any building and
 - (e) provided with an outlet to a covered drain.
19. The occupier / owner / co-owner shall comply with the notice under regulation 18 within two months of the service of the notice. If the occupier/owner fails to comply with such notice within the prescribed delay, he shall thereafter pay a fee of Rs 50.00 weekly to the Council for disposal of his waste until he complies with the requirements of the notice.
20. Every occupier of premises shall keep clean
 - (a) the space extending from the wall or other enclosure of the premises down to the gutter or ditch
 - (b) any courtyard or any premises and not allow same to be in a filthy or dirty state

or to be overgrown with rank and noisome vegetation and not allow to be kept therein any basin, receptacle or used tires with fetid or filthy water.

21. Where any premises are

- (a) partly or wholly covered with overgrown vegetation,
- (b) dumped with any waste, vehicle wreck or part thereof, excavation or builder's rubble, animal carcasses or any other material and
- (c) not properly fenced or enclosed, an officer shall be empowered to serve on the owner a notice requiring him/her, within two weeks of the service of the notice, to trim overgrown hedges at a height of not more than three metres, to lop trees and / or to clear land overgrown with vegetation and have the premises fenced or enclosed at a height of not less than two metres.

22. In case of non compliance to regulations 21, Council shall be empowered to enter upon the said land/premises and cause all works necessary for the cleaning of the land, the removal and disposal of all noxious undergrowth, waste, rubble, furniture and other material thereupon to be done and recover all expenses incurred by it for that purposes as a civil debt from the owner or occupier.

23. Council shall claim the fees as prescribed in the schedule for the removal of house waste, trade waste, vehicle wrecks, excavation or builder's rubble, household furniture and bulky wastes. Yearly payment for industrial/trade waste should be effected between the 1st January to the 15th January of each financial year.

24. Any officer may enter on any property, upon, production of an evidence of his identity, for the purpose of surveying it environmentally, in connection with these regulations.

25. Council may, by notice, require the owner of any property in the Town of Curepipe, within 21 days from the date of service of the said notice, to clean and/or paint the frontage and such other parts of the property as may be specified by Council.

26. A notice under regulation 25 may, at the discretion of Council, be served on the Occupier of the property in question where the owner is not the occupier or may be served on both the owner and the occupier.

- 27.** Any person on whom a notice has been served under regulation 25 or 26 fails to comply with the requirement of the notice within the specified period, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000.00 rupees and in case of a continuing offence to an additional fine not exceeding 100.00 rupees for each day during which the offence continued after conviction.
- 28.** Any person who wilfully obstructs an officer in the exercise of his duties under these Regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000.00 rupees.

The Curepipe (Waste Management) Regulations 2000 made under Government Notice 18 of 2001 are hereby repealed.

The Curepipe (Maintenance of Property) Regulations 1992 made under Government Notice 209 of 1992 are hereby repealed.

Made by the Municipal Council of Curepipe on 12th May 2010.

These regulations shall come into operation on 1st January 2011

SCHEDULE
(Regulations 17)

A. Occasional Service

1. For the removal of waste resulting from general cleaning of household premises:

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| ➤ From ½ lorry load to 1 lorry load with Municipal Labour | Rs 3000.00 |
| ➤ From ½ lorry load to 1 lorry load (lorry and driver only) | Rs 1500.00 |
| ➤ From ½ lorry load to 1 lorry load (Municipal Labour & Plant) | Rs 5000.00 |

B. Removal of Industrial and Trade Waste

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| 1. Daily removal of commercial and trade waste in town centre | Rs 600.00 per year |
| 2. Weekly removal of outside town centre | Rs 200.00 per year |
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