

Black River District Council (Collection and Disposal of Refuse) Regulations 1997

GN 80/1997

Regulations made by the Black River District Council under sections 51, 141 and 142, respectively, of the Local Government Act 1989

1. These regulations may be cited as the Black River District Council (Collection and Disposal of refuse) Regulations 1997.

2. In these regulations -

“ Council” means the Black River District Council;

“ flat” means an apartment or a block of flats;

“ littering” means odds and ends bits of paper, wrappings, remains of fruit, and any other such matter discarded and left lying about;

“ occupier” means any person in physical occupation of any premises independently of his title, right or capacity;

“ officer” means the Chief Health Inspector, or any other officer of the Black River District Council designated by the Secretary of the Council or any Police Officer;

Amended by [GN No. 43 of 2005]

“ owner” includes any person who receives or is entitled to receive, rent in respect of the occupation of the premises;

“ planter” has the same meaning as in the Cane Planters and Millers Arbitration and Control Board Act and includes those consigning sugar canes to the sugar factories in the District Council area;

“ premises” means any land or building, whether vacant or constructed upon and whether used for residential, commercial, professional trade or other purposes, situated within the Black River District Council area;

“ receptacle” means any bin or recipient, whether fixed or moveable designed to collect refuse;

“ refuse” includes household refuse as well as yard refuse and agricultural waste and trash;

“ ton” means metric ton;

“ trade premises” means premises in the Black River District Council area, on which a trade, business, profession, manufacture or industry is carried out, even though the premises is also used for residential purposes.

3. (1) No person shall deposit, or cause, or permit to be deposited any kind of household or trade refuse, vehicle wrecks or parts thereof, furniture, agricultural, building and excavation wastes, animal carcasses, or any other material on a street, pavement, wasteland, vacant premises, drain, canal, or any other public place.

(2) No person shall cause any littering in any street, road or other public place.

4. The occupier of any premises or, in the case of vacant premises or a flat, the owner shall-

(a) at all time keep the premises clean and free from all undergrowth; and

(b) not dump, or cause, or permit the dumping of any kind of household or trade refuse, vehicle wrecks or part thereof, furniture, agricultural, building and excavation wastes, animal carcasses or any other wastes material on the premises.

(c) cause the premises to be properly fenced to prevent illegal dumping.

(d) with 3 months from the publication of the present regulations in the Government Gazette submit to the Council a declaration confirming that ownership or occupation of the land and shall keep the Council informed of all changes in such ownership or occupations within one month of such change.

Added by [GN No. 43 of 2005]

5. Every occupier of residential premises shall deposit or cause to be deposited, any refuse, or any other waste material, in a receptacle.

6. Every occupier of a flat shall deposit or cause to be deposited all refuse at ground level in a receptacle, as described under regulation 7, whether used exclusively by him or in common with all occupiers of the flat.

7. For the purpose of regulations 5, 6 and 10 the receptacle shall be-

(a) of such material, size and construction as may be reasonably practicable for the collection of refuse by the Council;

(b) within the premises of the occupier and reasonably close to the main entrance;

(c) provided with a closed fitting lid; and

(d) periodically, or on a request by the officer, cleaned and washed by the occupier.

8. The owner of a flat shall -

(a) provide a receptacle, as described under regulation 7, for the common use of all occupiers, and

(b) comply with regulations 4 and 5.

9. Every occupier of commercial premises shall-

(a) deposit his receptacle, as described under regulation 7, in a place not further than 5 metres from the road, in his premises;

(b) remove the receptacle, as described under regulation 7, after it has been emptied by the Council.

10. Any dealer in cakes, foodstuffs or other perishable goods shall secure such refuse in a plastic bag before depositing it in a receptacle.

11. (1) Every occupier of trade premises shall dispose of his refuse as directed by the officer.

(2) Any Occupier of trade premises may, upon request, have his refuse disposed of in accordance with an agreement to be made with the officer.

(3) The agreement under paragraph (2) shall be made in writing signed by the occupier and the officer and shall include the frequency and the appropriate fees under regulation 15.

12. (1) An officer may, where on account of the condition, construction, or location of the receptacle, there exists or is likely to be, pollution or a threat to public health, and having due regard to the situation of the premises, whether residential or commercial, serve a notice on the occupier, requiring him to have his receptacle-

(a) constructed with Concrete or other impervious material;

(b) adequately ventilated;

(c) placed at 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.

(2) The occupier shall comply with the notice under paragraph (1) within three months of the service of the notice.

13. (1) Where any vacant premises are -

(a) (a) partly or wholly, covered with undergrowth; or

(b) (b) dumped with any kind of household or trade refuse, vehicle wrecks, or parts thereof, furniture, agricultural, building, and excavation wastes, animal carcasses or any other material prejudicial to public health or conducive to pollution,

an officer may serve on the owner a notice requiring him to cut down, remove, or dispose of the undergrowth or material to an approved dumping site and to cause the premises to be fenced.

(2) The owner shall comply with the requirements of the notice under paragraph (1) within one month of the service of the notice or within 48 hours in the case of refuse constituting a health hazard.

14. On the failure of the owner or occupier to comply with the requirements of the notice served under regulations 12 or 13, the Council shall-

(a) be empowered to enter upon the said land/premises and cause all works necessary for the cleaning of the land and removal and disposal of all undergrowth, refuse, debris and any other material thereupon to be done; and

(b) recover all sums spent by it for that purpose as a civil debt from the owner or occupier at the rate prescribed in the schedule.

15. For the removal of any kind of household or trade refuse, vehicle wrecks, or parts thereof, furniture, agricultural and excavation wastes animal carcasses or any other wastes material the Council shall claim the fees as prescribed in Schedule.

16. (1) Any person who contravenes these regulations shall commit an offence and shall on conviction be liable -

(a) for an offence under regulation 3(2) to a fine of Rs 1000; and

(b) for an offence under any other regulation to a fine not exceeding Rs 10000 and shall in the case of a continuing offence, be liable to a fine not exceeding Rs 1000 for each day during which the offence continues after conviction.

(2) The court may, in addition to the infliction of a fine, make any order it thinks just, having regard to the circumstances of the case and the situation of the person to secure compliance with the regulations infringed.

(3) Any prosecution for an offence under regulation 3 (2) may be instituted by an officer or by any Police Officer.

Amended by [GN No. 43 of 2005]

17. [Spent]