

District Council of Savanne (Environmental Health) Regulations 2018

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LOCAL GOVERNMENT ACT 2011

Regulations made by the District Council of Savanne under Sections 50, 59, 60, 61, 158 and 163 of the Local Government Act 2011

1. These Regulations may be cited as the **District Council of Savanne (Environmental Health) Regulations 2018**.
2. In these Regulations —

“Animal carcass” means the dead body of any animal, bird or poultry;

“Building” includes any house, hut, shed or rooted enclosure, whether used for the purpose of human habitation or otherwise; and any structure, support or foundation connected with the foregoing;

“Cleanse” in relation to public streets and public places means the weeding and the removal of any accumulation of earth or other substances;

“Council” means the District Council of Savanne

“Drain” means a channel or pipe which carries off water or any other liquid waste.

“Disposal facility” includes a unit or site specifically for the purpose of depositing refuse or waste.

“Footway” includes footways and verandah ways at the side of the streets.

“Flat” means an apartment or a block of apartments.

“House” includes dwelling-house, warehouse, office, shop, school, and any other building in which persons are employed.

“Industrial waste” means any waste whether solid, liquid or gaseous produced in the course of or is the waste product of any trade, business, manufacture or building, construction, and includes toxic industrial waste.

“Nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing or which is or likely to be injurious or dangerous to health;

“Occupier” means the person in occupation of any premises or having the charge, management or control thereof either on his own account or as agent or any person, but does not include a lodger; and in relation to any part of any premises, different parts of which are occupied by different persons, means the persons in occupation or having the charge, management or control of that part;

“Workplace” means any premises or place used for any industrial, trade, commercial or manufacturing purposes and includes all construction sites, work sites and farms.

“Officer” means the Chief Inspector or any Inspector of the Health or Works or Planning Department of the District Council of Savanne; or an employee authorised by the Council, a Police Officer, or an Inspector of Department of Environment of the Ministry of Environment or of the Ministry of Local Government and Solid Waste Management.

“Waste water” means water supplied or contaminated by any matter, in solution or

suspension derived from its used in connection with domestic, industrial or other activities.

“Owner”

(a) in relation to any premises, means the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises were let to a tenant;

(b) In relation to any premises where building works are carried out, includes the Contractor.

“Premises” means messuages, buildings, lands, easements and hereditaments of any tenure whether open or enclosed, whether built or not, whether vacant or constructed upon, whether public or private whether used for residential, commercial, industrial, professional or trade purposes, situated within the area of the District Council of Savanne.

“Person” includes any individual, Company, Co-operative, Organisation or Association.

“Private street” means any street, not being a public street, and includes any alley, footpath.

“Public place” means any place whether privately owned or not, to which the public has access;

“Public street” means any street over which the public has right of way and any street vested in the Government or a local authority;

“Receptacle” means any bin, or recipient, whether fixed or movable designed to collect refuse;

“Refuse” means waste of any kind whether or not of renewable or recyclable or of monetary value.

“Refuse bin compartments” means structures or containers where dustbins and receptacle are placed.

“Household refuse,” means sweepings, dust, paper, bottles, wrapped glass, bones, waste food, cans, cartons or other refuse of domestic kind.

“Garden refuse” means lawn, clipping, branches, weeds, plants or other vegetable matter.

“Commercial refuse” means all waste resulting from operation of any business, manufacture, process, trade carried within market or fair or other similar undertaking.

“Sanitary conveniences” include latrines, toilets, urinals and water closets;

“street” includes any road, fly-over, square, foot-way, backlane or passage, whether a thorough- fare or not, over which the public has a right of way, and also the way over any public bridge, and also includes road, car park, field, grass verge, foot way or passage, open court or open alley used or intended to be used as a means of access to two more buildings, whether the public has a right of way thereover or not, and all channels, drains, ditches and reserves at the side of any street, shall be deemed to be part of the street;

“Transfer Station” means a site where waste is deposited or allowed to be deposited before such waste is disposed of at a waste disposal site.

“vehicles” means any vehicle whether mechanically propelled or otherwise and includes a barrow and a cart;

“Waste” includes-

(a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process;

(b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled, and for the purpose of these Regulations anything which is discarded or otherwise dealt with as if it were waste, shall be presumed to be waste unless the contrary is proved; and

(c) litter or any hand-held package.

(d) Household refuse. paper. plastic. E-waste, kitchen waste, leaves, vegetable peels. solid waste generated from trade premises but exclude any wastes generated from Industrial processes.

(e) Metallic waste and used batteries will not be collected by the Council except in special campaign (if any).

(f) Hazardous waste and used oil will not be collected by the Council.

3. (1) No person shall-

(a) deposit, drop, or throw. or cause, allow or permit to be deposited any dust, dirt, paper, ash, carcass, refuse, box, barrel, bale, or any other waste in a street or any other public place;

(b) keep, leave or cause any article or thing whatsoever in any place where it or particles therefrom have passed or are likely to pass into any public place;

(c) place, scatter, spill or throw any blood, brine, noxious liquid, swill or any other offensive or filthy matter of any kind in such manner so as to run or fall in any public place; or

(d) throw or leave behind any bottle, can, food container, food wrapper, glass, particles of food or any other article or thing in any public place.

(2) No person shall drop, deposit or throw any refuse or any other matter or thing in any

drain, reservoir, river, stream or watercourse or upon the bank of any of the same.

(3) No person shall drop, scatter, spill or throwaway dirt, sand, earth, gravel, clay, loam, manure, refuse claydust, shavings, stone, straw or any other thing or matter in any public or unoccupied privately-owned premises.

(4) No person shall after causing the construction, erection, alteration, demolition or reparation of any building or excavation of any building or excavation of any road, drain or trench, allow any dirt, sand, earth, cement, rocks, gravel or any material used in connection with these works or arising therefrom on the footpath, gutter, alley, street, drain, pavement, footway, public place, public or private street whether under the control of the Council or not.

4. The occupier of any premises abutting upon any private street to which he has access or the right of access from such premises shall cause such portion of the street as fronts, adjoins or abuts on his premises and up to the centre thereof including footways to be swept and cleaned and refuse and filth of every sort found thereon to be collected and removed.

5. Every occupier of a residential premises shall deposit or cause to be deposited any refuse or any waste material in the receptacle to be emptied as decided by the Council.

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 5 whether used exclusively by him or in common to all occupiers of the flat.

7. The owner of a flat shall —

(a) provide a receptacle as described under Regulation 5 for common use of all occupiers and,

(b) comply with Regulations 5 and 6 above.

8. (a) The Council may cause any person to store if so required, refuse in different receptacles / bags for the purpose of recycling.

(b) The Council reserves the right to sell the refuse segregated to any person for recycling purposes.

(c) Every occupier of a fiat shall deposit, or cause to be deposited all refuse at ground level in a receptacle, as described under regulation 14, whether used exclusively by him or in common with all the occupiers of the flat.

9. Every occupier of a commercial or industrial premises shall —

(a) deposit his receptacle as close as possible to the roadside by 7.00 a.m. or as so advised by an officer, and

(b) remove the receptacle, after it has been emptied by the employees, agents or contractors of the Council.

10. Where any vehicle is used in disposing or dumping of refuse, waste or any other article in any public place, other than a public disposal facility established by or with the permission of the Council or on any land whether State land or otherwise or any unoccupied privately-owned premises, such vehicle may be seized by any public officer or any officer and removed to and detained in any Police Station, or in any other place as approved by the Council.

11. Any dealer in cakes, foodstuffs, fruits or other perishable goods shall secure such refuse as generated as a result of the trade in a plastic bag before depositing it in a receptacle.

12. (a) Every occupier, or owner, or agent of any workplace shall have his refuse kept as directed by the officer.

(b) Such occupier or other person may upon payment of the prescribed fees have his

refuse removed.

13. (1) The Council may cause any number of dustbins, bins or other receptacles wherein refuse may be temporarily deposited to be provided and placed in a proper and convenient location in public streets and private streets and in such other places as it may think fit, and may cause vehicles to go around to collect the same.

(2) No person shall deposit, or cause or permit to be deposited any dung, discarded eggs, nightsoil, human excretes, industrial waste, animal refuse/excreta or garden refuse in any such dustbin or receptacle.

14. (1) The Council may by notice in writing require any person upon whom any duty is cast under Regulations 7, 8 and 11 above, to sweep, cleanse, collect and remove the refuse, filth or other matter found thereon at such time or times as are stated in the notice.

(2) The Council may further by notice in writing require any person carrying on any trade, manufacture, or business, to remove at its own costs periodically such refuse or waste to a disposal facility for disposal.

(3) For any premises generating more than one lorry load of refuse per week, part I of the schedule shall apply subject to availability of lorry.

(4) Any person upon whom a notice has been served under subsections (1) and (2) above shall, if so required by any officer, furnish evidence that he has complied with the notice.

15. (1) The Council may, by notice in writing require the owner or occupier of any premises to provide, construct or reconstruct at the expense of the owner or occupier and within such period as may be specified in the notice -

(a) covered dustbins or other convenient receptacles, which shall conform to such specifications as the Council may require, to be placed in appropriate locations within the

premises of the occupier for the deposit of refuse and rubbish from those premises, and

(b) refuse bin compartments, which shall conform to such specifications as the Council may require, to be sited in appropriate situations within the premises as the Council thinks fit, and wherein or whereon shall be placed the dustbins and other receptacle referred to in paragraph (a).

(2) Where any dustbins have been provided under subsection (1), the Council may, by notice in writing, require the owner or occupier of any premises concerned to convey, as often as may be necessary, refuse from such premises to a disposal facility.

16. (1) The owner of a building or part thereof served by a refuse lift which is wholly or partly used for the conveyance of refuse or by a refuse chute or chute chamber shall be responsible for the maintenance, repair or replacement of such lift, chute or chute chamber

(2) The Council may, by notice in writing, require the owner of a building or part thereof served by a refuse lift, refuse chute or chute chamber to maintain, repair or replace the refuse lift, refuse chute or chute chamber, or both, or to change the dimensions of such refuse lift, refuse chute or chute chamber as the Council may consider necessary

17. (1) No owner or occupier of any dwelling-house or premises shall —

(a) keep or allow to be kept otherwise than in some proper receptacle, refuse or any noxious or offensive matter in any part of such house or premises;

(b) allow such receptacles to be in a filthy or noxious state.

(2) The receptacle referred to in subsection (1) shall be placed at such times and places as may be directed by the Council.

18. All refuse, waste and filth of every sort and any matter or thing collected by the employees,

contractors or agents of the Council from streets, buildings or any premises or place or brought by any person to any public disposal facility shall be under the Management of the Ministry of Local Government and Solid Waste Management.

19. The Occupier of any workplace where industrial waste is being produced shall keep or store the waste for disposal in a proper and efficient manner so as not to create a nuisance or to cause any risk, harm or injury to persons or animals or is likely to pollute the environment.

20. (1) The Council may, by notice in writing, require the occupier of any work place to remove periodically industrial waste from such premises to a disposal facility.

(2) The Council may, by notice in writing, require any occupier upon whom a notice has been served under subsection (1) to furnish evidence that the industrial waste from the premises has been disposed of at a disposal facility in accordance with the notice.

21. Any person who collects or transports refuse or industrial waste shall ensure that the refuse or waste or liquid from such refuse or waste is not dropped, scattered or spilled onto any public place.

22. The Council may take such steps as it may consider necessary to remove or abate all nuisance of a public nature and may, if it considers that the circumstances so warrant, proceed at law against any person committing any such nuisance.

23. (1) An officer may—

(a) 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

(b) having due regard to the situation of the premises whether residential or commercial, serve a notice on the owner or occupier, requiring him to have his receptacle -

- (clxxiii) constructed with concrete or other impervious materials,
- (clxxiv) adequately ventilated;
- (clxxv) placed at proximity of the main entrance;
- (clxxvi) provided with a means of access for cleaning and removing its contents without having it to be carried through any building; and
- (clxxvii) provided with an outlet to a covered drain
- (clxxviii) all refuse bins or receptacle should have a cover and its opening shall not infringe a public way.
- (clxxix) Periodically cleaned and washed.

(2) The occupier shall comply with the notice under para. (1) within one month of the service of the notice.

24. (1) Where any vacant premises are —

- (i) not properly or suitably fenced or enclosed or;
- (ii) partly, or wholly, covered with undergrowth, or
- (iii) dumped with any refuse, vehicle wreck, excavation or builder's rubble, household furniture or any other material prejudicial to public health or conducive to pollution,

An officer may serve on the owner or occupier a notice requiring him to cut down, remove, or dispose of, the undergrowth or material or refuse or to fence the said land or premises.

(2) The owner or the occupier shall comply with the requirements of the notice under paragraph (1) within 15 days of the service of the notice.

25. On the failure of the owner or occupier to comply with the requirement of the notice mentioned in Regulations 24, the Council shall in addition to section 30 (1),

- a) where owners of vacant premises that are partly or wholly covered with undergrowth are unknown and untraceable, be empowered to enter upon the said land/premises and cause all works necessary for the cleaning of the land.
- b) Recover all sum spent by it for that purpose as a civil debt as per records kept at the Council, from the owner

26. (i) For the removal of household refuse, trade/Commercial refuse, vehicle wrecks, excavation or builder's rubbles, household furniture, the Council shall claim scavenging fees as prescribed in **Schedule I** of these Regulations.

(ii) Yearly payment of scavenging fees as per **schedule I (part II)** shall be effected in two equal instalments between 1st January to 31st January and 1st July to 31st July of each financial year and at time of first payment of a new classified trade as per Schedule 1.

(iii) Market / Fair stall / space occupier are exempted from the scavenging fee.

(iv) For economic activities generating more than 1 metre cube load refuse weekly, scavenging-fee as per Schedule I (part 1) shall be levied. Economic operators may also be required to cart away their trade refuse by their own means.

27. (1) The occupier or tenant of any trade/commercial premises in the District Council of Savanne shall deposit or cause to be deposited all trade refuse from such premises in a dustbin or other receptacle, specially provided by the occupier or tenant for that purpose.

(2) The dustbin or receptacle shall be kept on the premises of the occupier or tenant as close as possible to the footway without causing any obstruction.

28. Use of public litter bins: —

(a) No person shall place any offensive matter, any household, garden or commercial refuse, or any special waste of any description in any public litter bin.

(b) No person shall put or attempt to put anything into any public litter bin if the bin is already full.

(c) No person shall remove anything from any public litter bin unless authorised by the Council to do so.

29. No advertisement shall be put on public litter bins without the consent of the Council.

30. Subject to paragraph (2) any person contravening any of these Regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding (Rs 25,000) twenty-five thousand rupees.

31. The District Council of Savanne (Environmental Health) Regulations 2014 is repealed.

These Regulations shall come into force as from 1st January 2019.

Made by the District Council of Savanne on 28 May 2018.

SCHEDULE I

[Regulation 26]

Part I

For removal of refuse

1. *For the removal of refuse resulting for general cleaning of household premises.*

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|-----|---|----------|
| (a) | For every lorry load or fraction thereof with labour. | Rs 1,500 |
| (b) | For every lorry load or fraction thereof without labour | Rs 600 |

2. *For the removal of trade / commercial refuse.*

- | | | |
|-----|---|---------|
| (a) | For every lorry load or fraction thereof with labour | Rs 2000 |
| (b) | For every lorry load or fraction thereof without labour | Rs 1200 |

Part II

Scavenging fees

Particulars	Fees (Rs)
Yearly scavenging fees for classified trade	600
