

Government Notice No. 85 of 2021

THE LOCAL GOVERNMENT ACT

**Regulations made by the District Council of
Riviere du Rempart under sections 163(1) (2) (3)
of the Local Government Act 2011**

1. These regulations may be cited as the District Council of Riviere du Rempart (Collection and Disposal of Waste) Regulations 2021.

2. In these regulations –

“animal carcass”

(a) means the dead body of any animal; and

(b) includes but not limited to bird or poultry or any aquatic species;

“building” includes houses, units, huts, sheds, roofed enclosures or flats, made of any material(s) whatsoever, whether used for habitation or otherwise; and includes any structure, container, support or foundation made of any material whatsoever;

“building complex” consists of several interconnected and/or related and/or separate buildings found in the same compound;

“cleaning works” means in relation to premises includes the cutting down and the disposing of undergrowth and/or the removal of waste and/or the maintenance in clean and proper state

“cleanse” in relation to public streets and public places –

(a) includes the weeding and the removal of any accumulation of soil, mud, sand, clay or any other related matter; but

- (b) does not include any accumulation of animal carcass, human excreta, dung, hay, manure and straw;

“clinical waste” –

- (a) means waste produced by, discharged by, or derived from or associated with the operation of, a health institution, hospital, pathological laboratory or sanatorium; and
- (b) includes human and animal tissues or excretion or any matter discarded from the body, drugs, medicinal products;

“collection” consists of any collection system adopted by the Council for collecting waste (including curbside collection);

“construction and demolition waste” are wastes generated from the construction and/or renovation and/or demolition and/or repairs and/or finishing of premises and/or of street. The wastes include the following materials : wood, planks, iron sheets, poles, tubes, steel, iron bars, concrete, rock, debris, macadam, tar, rubbles, plaster, lumber, shingles, plumbing, metallic parts, broken glass-panes and/or residuals of all these materials;

“Council” means the District Council of Riviere du Rempart;

“disposal” in relation to waste, includes its sorting, carriage, transportation, treatment, storage, tipping above or underground and the transportation operations necessary for its recovery, reuse or recycling;

“disposal site”

- (a) means any disposal site or a waste management facility for hazardous and non-hazardous waste as prescribed by the Minister under the Local Government Act; and
- (b) includes a landfill or other final disposal site;

“economic operator” means any person or company or body or association paying a trade fee to the Council and/or been issued with an Exemption Certificate or licensed under any Ministry and/or Authority to operate a business;

“footway” includes pathways and verandah-ways at the side of streets or of other access roads or of other access paths;

“hazardous waste” –

(a) means waste, natural or artificial, whether in solid or liquid form, or in the form of gas or vapour or ash, declared as hazardous waste under section 42 of the Environment Protection Act in force; and

(b) includes clinical waste and industrial waste;

“industrial waste” includes solid or liquid or gaseous or ash waste and/or residue from an industrial and/or manufacturing and/or processing undertaking;

“Minister” means the Minister to whom the responsibility for the subject of Local Government is assigned;

“notice” means a written notice issued by the Council;

“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” in relation to any premises –

(a) means every person in actual occupation of the premises and/or having the charge, management or control thereof; and

- (b) includes an owner, or a landlord, or a tenant or a licensee or his agent or his representative.

“Officer”

- (a) means the authorised Officer by the Council; but
- (b) does not include a person holding or acting in the office of Chairperson or of Vice Chairperson or of a Councillor of the Council;

“owner”, in relation to any premises, includes –

- (a) in respect of any immovable property situated on State Land or Pas Géométriques, the lessee of the site;
- (b) the person receiving the rent of the premises, whether on his own account or as agent or trustee;
- (c) the person holding proprietary rights in the premises;
- (d) the person holding usufructuary rights in the premises;

“person” includes any individual, Company, Co-operative, Organisation or Associations;

“premises” means messuages, buildings, lands, easements and hereditament of any tenure, farms, whether open or enclosed, whether built upon or bare, whether vacant or occupied, whether public or private, whether used for residential, commercial, trade, farming, industrial, professional, educational, health, sports, leisure and/or entertainment purposes or otherwise, Situated within the jurisdiction of the Council;

“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 and it includes drain, canal, gutter, rivulet, river, stream, reservoir or watercourse or the bank of any of same

“public street” means a street over which the public has right of way and a street vested to the Government or a Local Authority;

“receptacle” means any bin, or recipient, whether fixed or movable designed to collect waste;

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

“scavenging vehicles” mean any vehicle licensed by the Government or the Local Authority, used for the purposes of waste collection and disposal and include mechanically propelled vehicles or otherwise;

“toxic industrial waste” means any industrial waste which owing to its nature, composition, or quantity constitutes a danger to human health or to the environment or which contains or may produce pathogens of transmissible diseases;

“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;

“vacant premises” include bare land, wasteland, abandoned and unoccupied open premises;

“vehicle wreck”

- a) means the wreck of, or any part of, any vehicle whether mechanically propelled or otherwise and

b) includes a barrow and cart;

“waste” –

(a) means any solid matter, including used tyres, electrical appliances, fixtures and fittings, from premises which are discarded, rejected, abandoned or unwanted; and

(b) includes litter or any hand-held package, household refuse, paper, plastic, can, kitchen waste, green waste, commercial waste resulting from operation of any business, manufacture, process, trade carried within market or other similar undertaking;

(c) includes any such solid matter intended for –

(i) recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter;

(ii) sale or distribution; or

(iii) export; but

(d) does not include animal carcass, exposed human excreta, exposed matter discarded from the body, dung, hay, manure, straw, construction and demolition waste, clinical waste, hazardous waste, industrial waste, toxic industrial waste and vehicle wreck.

3. No person shall deposit, drop, throw, scatter, dump, abandon or allow to be deposited, dropped, thrown, scattered, dumped or abandoned, waste, animal carcass, exposed human excreta, exposed matter discarded from the body, dung, hay, manure, straw, construction and demolition waste, clinical waste, hazardous waste, industrial waste, toxic industrial waste and

vehicle wreck on a street, pavement, bareland, or in a public place.

4. (1) The occupier of premises abutting on a private street to which he has access from such premises, shall cause that part of premises abutting the private street to be properly swept and cleaned and to allow waste found thereon to be easily collected and easily removed.
 - (2) The occupier of premises abutting a street, shall trim, or cause to be trimmed, in height and thickness, any plant, shrub and/or branch of tree and/or tree and/or hedge from protruding on the street so as to allow a free passage and he shall allow waste found on that part of his premises abutting the street, to be easily collected and easily removed.
 - (3) The occupier of premises shall, at all times, keep the premises clean and free from any undergrowth.
5. (1) Every occupier of premises shall deposit or cause to be deposited waste from such premises in receptacles which he shall provide for that purpose.
 - (2) The receptacles for the purpose of being emptied shall be:-
 - a) of such material, size and construction as may be reasonably practical for the collection of refuse and provided with a closed lid.
 - b) placed on the premises at a spot which shall be readily accessible to the scavenging vehicles and which shall in no case be further than five metres from the edge of the street or boundary wall of the premises reasonably close to the street and or placed outside the premises reasonably close to the main entrance gate in the case of gated premises.

6. (1) (a) The volume of waste to be collected each time from a premises shall not exceed one cubic metre.
- (b) For the collection of waste, exceeding 1.0 cubic metre per week, resulting from any residential premises and/or of commercial premises, the occupier shall pay fees as specified in the First Schedule for all additional volume;
- (c) The collection of such waste shall be as per day and time fixed by the Council;
- (2) Notwithstanding paragraph (1) Gated premises holding more than ten household units, commercial premises such as restaurants/hotels/guesthouses/hypermarkets/supermarkets/printing industries/textile industries/food processing industries/workshops and trades generating more than 2 cubic metres of waste weekly, shall not be provided with any collection of waste; the Council may provide occasional services as specified in the First Schedule;
- (3) In the event the Council cannot, at any time, meet the demand of services referred to in regulation 6(1) or (2), the Council shall be entitled not to accept any payment as specified in the First Schedule under these Regulations and the occupier shall, then, make his own arrangement for the collection and disposal of waste from his premises by his own means.
7. (1) The occupier of a building complex and/or residential complex shall provide at the ground floor an approved waste chamber or an approved waste shed in the yard where shall be deposited waste receptacles for each of its individual premises;
- (2) The waste chamber or waste shed shall be readily accessible to the scavenging vehicles.

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8. Any dealer in perishable goods shall secure such waste in a plastic bag before depositing it in a receptacle.
 9. The Council may, by notice in writing, require the occupier of premises to provide, construct or reconstruct, at the expense of the occupier and within such period as may be specified in the notice, convenient receptacles and/or waste chamber or waste shed, to be placed in appropriate locations within the premises of the occupier for ease of collection of waste.
 10. All receptacles, waste chambers or waste sheds, shall at all times, be kept clean and in good state.
 11. No occupier of premises shall keep or allow to be kept otherwise than in specific separated and appropriate receptacles, animal carcass, clinical waste, construction and demolition waste, hazardous waste, industrial waste, toxic industrial waste and waste so as not to create a nuisance or not to cause any risk, harm or injury to persons or animals or not to pollute the environment, street and public place.
 12. All waste collected by the Council or its contractors, whether from streets, public place, premises and/or brought by any person to any public disposal facility, shall become the property of the Council which may, thereupon, sell or dispose of same as it may determine.
 13. (1) The Council may serve a notice, as set out in the Second Schedule under these Regulations, upon the occupier of vacant premises, requiring him to cause cleaning works to be undertaken thereon where any vacant premises are –
 - (a) partly or wholly, covered with undergrowth; and/or
 - (b) dumped with any waste; and/or

- (c) constitute a potential hazard to public health and/or are a nuisance.
- (2) The occupier shall comply with the requirements of the notice issued under paragraph (1) above within the delay not exceeding 15 days as from the date of service of the notice;
- 14.** The Council shall be entitled without any notice to enter into a vacant premises including those which are surrounded by a boundary wall or fenced with their gates under lock and cause the necessary cleaning works to be performed, thereon where –
 - (a) the vacant premises are State land and constitute a potential hazard to public health and/or are a nuisance; and/or
 - (b) the vacant premises are private property whose occupier is untraceable and the vacant premises constitute a potential hazard to public health and/or are a nuisance; and/or
 - (c) there is outbreak of infectious diseases that can be transmitted by mosquitoes or rodents.
- 15.** Where owners of vacant premises that are partly or wholly covered with undergrowth are unknown and untraceable, Council shall be empowered to enter upon the said land/premises and cause all necessary cleaning works and recover all sum spent for that purpose as a civil debt as per records kept at the Council.
- 16.** (1) 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 bins.
 - b) No person shall put or attempt to put anything into any public litter bin if the bin is already full.

17. Any person contravening any of these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees.
18. The Pamplemousses/Riviere du Rempart (Disposal of Refuse) Regulations 1995 (GN 161 of 1995) is repealed.
19. These regulations shall come into operation on June 2021.

Made by the District Council of Riviere du Rempart on
13 October 2020.

FIRST SCHEDULE

(Regulation 6)

For removal of refuse

1. For the removal of refuse resulting from general cleaning of household premises.
 - a) For every lorry load or fraction thereof with labour Rs 2000
 - b) For every lorry load or fraction thereof without labour Rs 1000
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

SECOND SCHEDULE

(Regulation 14)

(NOTICE)

THE DISTRICT COUNCIL OF RIVIERE DU REMPART

NOTICE UPON OCCUPIER OF VACANT PREMISES

-UNDER REGULATION 13(1)

Serial no

Name

Address

1. Take notice that on atyou have failed to cause:-

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2. You are hereby requested to, within a delay of fifteen (15) days from the date of service of this Notice upon you, undertake the following works to the satisfaction of the Council: -

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3. Warning you that in case you fail to comply with the requirements of this notice within the specified delay, the Council shall be entitled: -

- (a) to, without notice, enter the vacant premises and cause any necessary cleaning works to be undertaken thereon; and/or
- (b) to recover from you, as a civil debt, all sums spent by it for the performance of any cleaning works on the vacant premises; and/or
- (c) take such other legal action against you.

4. You are also notified that, notwithstanding compliance with the requirements of paragraph 2 of this Notice, you have committed the abovementioned offence(s) in breach of Section of Regulation(s), for which you may be liable for prosecution.

(sd)

Served by - Health Inspector

Date

Acknowledgement of Service (sd)