

District Council of Flacq (Collection and Disposal of Refuse) Regulations 2013

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THE LOCAL GOVERNMENT ACT 2011

Regulations made by the District Council of Flacq under sections 50, 60, 61, 157, 158 and 163 of the Local Government Act 2011

1. These regulations may be cited as **The District Council of Flacq (Collection and Disposal of Refuse) Regulations 2013**.

2. In these regulations:-

“Council” means The District Council of Flacq;

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

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

“Authorised Officer” means an inspector of The District Council of Flacq designated by the Chief Executive of the Council or a Police Officer;

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

“Premises” means any land or building, whether vacant or constructed upon and whether used for residential, commercial, professional, trade, hotel, campement site, bungalow or other purposes, situated within The District Council of Flacq area;

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

refuse and fitted with a cover;

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

“Trade premises” means premises in The District Council of Flacq area, on which a trade, hotel, restaurant, business, profession, manufacture or industry is carried out, even though the premise is also used for residential purposes;

“Wastewater” means water sullied or contaminated by any matter, in solution or suspension derived from its use in connection with domestic, industrial or other activities;

“Person” includes any individual, Company, Co-operation, Organization, or Association;

“Lorry” means a Council’s vehicle having a capacity of 5.0 Tons;

“Wastes” includes household refuse, paper, plastic, E-Wastes, kitchen wastes, leaves, vegetable peels, solid wastes generated from trade premises but exclude any wastes generated from Industrial processes;

- 3.** No person shall deposit, or cause, or allow to be deposited, any household or commercial waste, litter, vehicle wreck, excavation or builder’s rubble, household furniture, animal carcass or any other material whether liquid or solid, on any street, pavement, bareland, vacant premises, drain, canal, rivulet, river, stream, reservoir or any 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 parts thereof, furniture, agricultural, building and excavation wastes, animal carcasses or other wastes on the premises.

- 5.** Every occupier of residential premises shall deposit or cause to be deposited any refuse, or any other material, in a receptacle which shall at all times be properly covered.
- 6.** Any dealer in cakes, foodstuffs or other perishable goods shall secure such refuse in a plastic bag before depositing it in a receptacle.
- 7.** All disposable nappies, sanitary pads or any other related materials shall be secured in a plastic bag before depositing in a receptacle.
- 8.** (a) Any vehicle wreck causing nuisance and where the owner of the vehicle wreck cannot be ascertained, it shall be lawful for the Council to cause such vehicle wreck to be disposed of as it fits necessary.

(b) In case where the owner of a vehicle wreck is known the Council shall serve a notice to the owner to remove the said vehicle within a delay of seven (7) days failing which the Council may cause such vehicle wreck to be disposed of as it fits necessary.
- 9.** No person shall be allowed to discharge any wastewater, effluent, in any public drain, any premises, canal, river, stream, rivulet, vacant premises, wasteland, street, pavement or in any other Public place.
- 10.** No hedges shall be allowed to encroach on street border, pavement, lanes or in any public place and shall be properly trimmed as to the satisfaction of the authorised officer. The owner or occupier of any premises may be required by notice in writing to trim hedges encroaching on Street border, pavement or in any public place within such time and to such dimension or otherwise as may be specified in such notice.
- 11.** Shop Owners and street vendors shall not be allowed to trade on any road pavement and under the verandah of any building unless a clear passage of 2.0 metres is left from the edge of the road or pavement, whichever is applicable, to be used freely by pedestrians.
- 12.** (a) The Council may cause any person to store if so required, refuse in different receptacles 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 flat shall deposit, or cause to be deposited all refuse at ground level in a receptacle, as described under Regulation 13, whether used exclusively by him or in common with all the occupiers of the flat.

13. (1) For the purpose of Regulations 5, 6, 7, 12 and 13 the receptacle shall be:-

- a) of such material, size and construction as may be reasonably practicable for the proper 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, cleaned and washed by the occupier.

(2) The authorised officer may serve a notice in writing to the occupier or owner of any premises to provide or make any alteration to the receptacle so that it complies with Para 13(1).

(3) Failure to comply with the above notice shall constitute an offence.

14. The owner / occupier of a flat, residential building, hotel, campement or restaurant shall:-

- a) Provide a receptacle, as described under Regulation 13(1), for common use of all occupiers, and
- b) Comply with Regulations 4, 5, 7 and 12.

15. Every occupier of commercial premises, hotel, restaurant or campement shall:-

- a) Deposit his receptacle in a place not further than 2 metres from the road, in his premises;

b) Collect the receptacle, after it has been emptied by the Council.

16. (1) Every occupier of trade premises or educational institutions shall dispose of his refuse as directed by the authorised officer.

(2) Any occupier of trade premises or educational institutions may, upon application, have his refuse disposed of in accordance with an agreement to be made with the Council.

17. (1) An authorised officer may, where on account of the condition, construction, or location of the receptacle, there exists or is likely to be a threat to public health, or likely to cause injury to the refuse collectors of the Council 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 to be:-

- 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; or to
- f) Cause any such modifications as he thinks necessary.

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

18. (1) Where any vacant premises are;

- a) Partly or wholly, covered with undergrowth
- b) Dumped with any kind of household or trade refuse, vehicle wrecks, or parts thereof, used furniture, agricultural, building and excavation wastes, animal carcasses or any other material prejudicial to public health or conducive to pollution;

An authorised officer may serve on the owner or occupier a notice requiring him to:

- (i) Cut down, remove, and dispose of the undergrowth or any wastes at to an approved dumping site; and
 - (ii) To fence the vacant premises with either chain link fencing, corrugated iron sheets or with a wall of block to a height of not less than 1.5 m or in any manner as may be approved by the Council.
- (2) Where the owner or occupier of any vacant premises is untraceable or unknown, the Council may decide to cause the said vacant premises to be cleaned and do any other works as it fits necessary as to abate the nuisance and to recover all sum spent by it for that purpose as a civil debt when the owner or occupier becomes known or has been traced out.
- (3) The owner / occupier shall comply with the requirements of the notice under paragraph 18.(1) within 15 days of the service of the notice or within 48 hours in the case of refuse constituting a health hazard.

19. On the failure of the owner or occupier to comply to the requirements of the notice under regulations 17 and 18, the latter shall be prosecuted and shall be liable to a fine not exceeding 10,000 rupees and the court may:-

- a) order the owner / occupier to clean the land within a delay to be fixed by the court;
- b) In case, any occupier or owner *fails to comply* with order of the court the Council may enter upon the said land / premises and cause all works necessary for the cleaning of the land, removal and disposal of all undergrowth, refuse, debris and any other material thereupon to be done and recover all sum spent by it for that purpose as a civil debt from the owner or occupier.

20. (a) For the removal of any kind of household refuse resulting from general cleaning of household premises or trade refuse, vehicle wrecks, or parts thereof, used furniture, agricultural and excavation wastes, animal carcasses or any other wastes or other material the Council

shall claim the fees as prescribed in the Schedule to these Regulations.

- (b) Economic Operators carrying more than one classified trade in one and the same premises under the same name shall pay the prescribed fee in respect of only one trade.

21. The Council reserves the right to accept or turn down any request for collection of waste from trade premises / Educational Institutions as mentioned in Part 1 of the Schedule.

22. (1) Any person who contravenes any of these regulations or fails to comply to the requirement of any *notice* served under these regulations shall commit an offence and shall be prosecuted and on conviction be liable to a fine not exceeding 10,000 rupees.

(2) The Court may, in addition to a fine, make any other 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.

23. Any prosecution under these regulations may be instituted by an officer of The District Council of Flacq or any Police Officer.

24. These regulations shall come into force on 01 January 2013

Made by The District Council of Flacq on 21 December 2012.

SCHEDULE

(Regulation 20)

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

	Rs
1 lorry load or fraction of it	1,500
with labour	
1 lorry load or fraction of it	1,000
without labour	

2. The Council shall determine the rate at which the segregated refuse under regulation 12(b) to be sold to any person.

- 3 (A) For removal of refuse from trade premises or educational institutions listed in Part 1 of the schedule under Regulation 20 or by agreement made under regulations 16(2) and 16(3).

	Rs
1 lorry load or fraction of it	2,000
with labour	
1 lorry load or fraction of it	1,200
without labour	

(B) For removal of refuse	600
from trade premises	(yearly)
listed in the Part II of	
the schedule, under	
regulation 20.	

PART I

- Hypermarket.
- Industry not classified elsewhere in this Part (employing 10 persons or more).
- Industry not classified elsewhere in this Part (employing less than 10 persons).
- Manufacturer of footwear (employing 10 persons or more).
- Manufacturer of footwear (employing less than 10 persons).
- Manufacturer of tobacco products.
- Manufacturer of toilet requisites.
- Manufacturer of wax blends and liquid polish.
- Medical Clinic.
- Medical Laboratory and/or X-Ray and Scan Centre.
- Mirror Manufacturer.
- Oil manufacturing and/or related processing activities.
- Organiser of trade/commercial fair.
- Sugar factory or refinery.
- Supermarket.
- Textile industry with or without spinning, weaving, washing, knitting, bleaching, dyeing and printing (employing less than 50 persons).

- Textile industry with or without spinning, weaving, washing, knitting, bleaching, dyeing and printing (employing 50 to 150 persons).
- Textile industry with or without spinning, weaving, washing, knitting, bleaching, dyeing and printing (employing more than 150 persons).
- Trade premises (Hotel), licenced under Tourism Act.
- Educational Institution

PART II

- Agent for Import and Export.
- Agent in Land and/or Building, or Estate Agent.
- Agent of a foreign pool promoter.
- Aluminium, metal welding, panel beating and/or paint workshop.
- Assembly of batteries.
- Assembly of motor vehicles.
- Assurance or Insurance Agency.
- Assurance or Insurance Company.
- Auctioneer keeping auction room.
- Audiotex service provider.

- Automotive Workshop employing 10 persons or more.
- Automotive Workshop employing less than 10 persons.
- Bakery and/or Pastry shop/manufacturer.
- Bank (Branch).
- Bank (Main Office).
- Beauty Care Centre.
- Bookmaker operating outside racecourse.
- Bookmaker operating by telephone.
- Bookmaker operating by telephone (each additional place).
- Bottler.
- Builder of Coach.
- Business and/or Management Consultancy or Professional Service (including medical and para-medical practitioners and optician) (Firm).
- Business and/or Management Consultancy or Professional Service (including medical and para-medical practitioners and optician) (Individual).
- Caterer/Canteen (employing less than 10 persons).
- Caterer/Canteen (employing 10 persons or more).
- Cinema Hall/Multiplex (per screen).

- Coin-operated Gaming/Amusement Machine (per machine).
- Cold Room and Refrigeration Plant (for storage and hire only) (0-46.45 m²).
- Cold Room and Refrigeration Plant (for storage and hire only) (46.46 - 92.90 m²).
- Cold Room and Refrigeration Plant (for storage and hire only) (above 92.90 m²).
- Computer/ICT Related Activities.
- Contractor for hire of audio equipment/decorative items.
- Contractor for hire of scaffolding equipment, tubular tent and accessories.
- Contractor of motor vehicles - per motor vehicle, excluding contract motor vehicles for the conveyance of tourists.
- Contractor for hire of construction plants and equipment.
- Cybercafé.
- Day Care Centre.
- Dealer in autocycles, motor cycles and accessories (excluding rental to tourists).
- Dealer in bicycles and bicycles accessories (excluding rental to tourists).
- Dealer in commercial and industrial equipment and accessories.
- Dealer in electric and electronic appliances and accessories thereof.
- Dealer in motor vehicles and spare parts.

- Dealer in motor vehicles spare parts and tyres.
- Dealer in ready made goods.
- Distributor of general merchandise excluding liquor and manufactured tobacco.
- Distributor/Dealer of liquor and/or manufactured tobacco.
- Duty Free Outlet.
- Establishment for recording/sale/hire of audio, video cassette, compact discs and other recording/storage devices.
- Establishment for the manufacture of paints and other allied products.
- Exhibition Centre with the right to sell articles exhibited therein by retail.
- Filling station.
- Financing and Lending Agency.
- Firm of Builders and/or Contractors.
- Florist.
- Food processing industry (employing 10 persons or more).
- Food processing industry (employing less than 10 persons).
- Formulation, Packing and Dealing in Pesticides, Herbicides, Fertilizer and other listed chemical products.
- Gaming House holding 'A' licence.

- Gaming House holding 'B' / 'C' licence.
- Gaming House holding Casino Licence.
- General Retailer - Foodstuff (including liquor) and Non Foodstuff.
- General Retailer - Foodstuff (excluding liquor) and Non Foodstuff.
- Hardware shop having the right to sell cement, iron and steel bars.
- Hardware shop not having the right to sell cement, iron and steel bars.
- Importer/Manufacturer/Seller of Gold and Silver wares and other precious metals and / or stones.
- Job Contractor (Grade A or B).
- Land Promoter and Property Developer.
- Launderer and Dry Cleaner.
- Launderette.
- Maker/Seller of clocks and watches.
- Manufacturer and / or Seller of handicraft products (employing less than 10 persons).
- Manufacturer and / or Seller of handicraft products (employing 10 persons or more).
- Manufacturer of Crown bags.
- Manufacturer of candles (employing 10 persons or more).

- Manufacturer of candles (employing less than 10 persons).

- Manufacturer of food items (self employed).
 - Manufacturer of furniture and cabinet (employing 10 persons or more).

- Manufacturer of furniture and cabinet (employing less than 10 persons).

- Manufacturer of mattresses.

- Manufacturer of soap and detergents.

- Manufacturer of spirit vinegar and vinegar.

- Matrimonial Agency.

- Merchant/Wholesale dealer.

- Money changer and/or lender.

- Multi-purpose hail, including wedding hail.

- Operator of totalisator.

- Operator of totalisator (Agent).

- Packing enterprise of foodstuff ad/or non foodstuff.

- Pharmacy.

- Photographer/Photo Studio.

- Pool Promoter Collector.

- Printing industry (employing 10 persons or more).
- Printing industry (employing less than 10 persons).
- Private enterprise offering courier service.

- Private Radio/Television broadcasting.

- Private security service provider.

- Pulp and paper manufacturer.

- Registered office of company.

- Repair/Assembly of bicycles and motorcycles.

- Residential Care Home.

- Screen printing/serigraphy.

- Seller of poultry, meat, fish and allied products.

- Showroom.

- Skating/Karting centre.

- Store and warehouse (less than 50m²).

- Store and warehouse (between 50 - 100m²).

- Store and warehouse (more than 100m²).

- Tailor (employing 10 persons or more).

- Tailor (employing less than 10 persons).

- Tannery and leather finishing establishment.

 - Timber dealer, processing and storage.

 - Undertaker.

 - Upholsterer.

 - Victualler.

 - Workshop for repair of chemical appliances, refrigerators and other electrical, mechanical appliances, and washing of vehicles.

 - Workshop for repair and/or assembly of computers and other electronic and electrical appliances.

 - Workshop for vulcanization, retreading and repair of tyres and wheel balancing.

 - Workshop not elsewhere classified in this Part.

 - Trade premises (except hotels) licenced under Tourism Act.
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