

Government Notice No. 79 of 2002

**THE LOCAL GOVERNMENT ACT 1989**

**Regulations made by the Grand Port Savanne District Council under sections 51, 141, and 142 of the Local Government Act 1989**

1. These regulations may be cited as the Grand Port Savanne District Council (Collection and Disposal of Refuse) Regulations 2002.

2. In these regulations :-

“Council” means the Grand Port Savanne District Council;

“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;

“Officer” means an inspector of the Grand Port Savanne District Council designated by the Secretary of the Council or a Sanitary Officer 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 Grand Port Savanne District Council area;

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

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

“Trade premises” means premises in the Grand Port Savanne District Council area, on which a trade, hotel, restaurant, business, profession, manufacture or industry is carried out, even though the premises is also used for residential purposes.

3. No person, Company, Corporation, Organisation, Association shall deposit, or cause, or permit to be deposited any kind of household, commercial or trade refuse, vehicle wrecks or parts thereof, furniture, agriculture, building and excavation wastes, animal carcasses, litter or any other material on a street, pavement, wasteland, vacant premises, drain, canal, or any 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 parts thereof, furniture, agricultural, building and excavation wastes, animal carcasses or other waste material 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.
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, residential, hotel, campement, restaurant 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, hotel, restaurant, campement 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 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) place 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) partly or wholly, covered with undergrowth or
  - (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;
  - (c) 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.
- (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 to the requirements of the notice under regulations 12 and 13, the latter shall be prosecuted and shall be liable to a fine not exceeding 1,000 rupees and he shall forthwith:-
  - (a) be ordered to clean the land within a delay to be fixed by the court;
  - (b) failure to do so within the delay specified, shall amount to contempt of Court.
  - (c) The Council may also be empowered to 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.
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 or other material the Council shall claim the fees as prescribed in Schedule.
16. (1) any person who contravenes any of these regulations or fails to comply to the requirement of the notice under Section 13 shall be prosecuted, shall commit an offence and shall on conviction be liable to a fine not exceeding 1.000 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.
17. Any prosecution under these regulations may be instituted by an officer.



## SCHEDULE—continued

	<i>Scavenging Fee</i>
	Rs
Butcher's shop... ..	30
Cinema Hall (Manager or owner) ... ..	50
Cold Storage ... ..	50
Cold Room ... ..	50
Cobbler... ..	20
Dealer in leather and saddles... ..	20
Dealer in green and dry fruits & vegetables ... ..	20
Dealer in electric and electronic appliances and accessories thereof	50
Dealer in furniture and cabinet ware ... ..	50
Dealer in chemical fertilizer... ..	20
Establishment for manufacture of footwear and other allied products ... ..	50
Filling Station... ..	30
General Retailer (Nonfoodstuffs) only ... ..	35
General Retailer (foodstuffs) only ... ..	35
General Retailer (non foodstuffs & foodstuffs) having authorisation to sell duty-free ... ..	60
General Retailer (Nonfoodstuffs & Foodstuffs) ... ..	60
Hairdresser ... ..	40
Hardware shops not having the right to sell cement and iron & steel bars... ..	40
Hardware shop having the right to sell cement and iron and steel bars	40
Hypermarket... ..	1000
Ice cream parlour ... ..	40
Manufacture of ship models ... ..	30
Manufacture or "Bottler" of soft drinks and aerated minerals	200
Mobile Vicualler ... ..	30
Manufacture of furniture and cabinet (up to 5 asst) ... ..	50
Manufacture of furniture and cabinet (more than 5 asst) ... ..	60
Manufacturer of handicraft products (up to 5 asst) ... ..	30
Manufacturer of handicraft products (more than 5 asst) ... ..	40

SCHEDULE—*continued*

	<i>Scavenging Fee</i>
	Rs
Owner of snooker's/pools/billiards house ... ..	50
Owner of a place of amusement ... ..	50
Owner of Bowling House ... ..	50
Photographer... ..	20
Printer (up to 5 employees) ... ..	75
Printer (more than 5 employees) ... ..	75
Pharmacies (Wholesale)... ..	50
Pharmacies (Retail) ... ..	50
Places of public entertainment other than cinema halls ...	50
Pastry shops ... ..	30
Photo studio ... ..	20
Retailer of manufactured tobacco, non alcoholic beverages, pastries, confectionery & cakes ... ..	15
Retailer of groceries ... ..	20
Retailer of manufactured tobacco ... ..	15
Retailer of draper and haberdashery ... ..	40
Seller of vegetables and fruits... ..	20
Seller of cakes, pastries & confectioneries ... ..	20
Supermarket ... ..	200
Seller of ready made garments ... ..	40
Shoemaker ... ..	20
Tea hotels or tea shops... ..	20
Shoemaker ... ..	20
Tobacco shop ... ..	20
Tailor ... ..	20
Upholsterer ... ..	40
Victualler selling cooked food to be consumed on & off the premises ... ..	40
Video games coin machine ... ..	50
Wholesale Dealer ... ..	60