

District Council of Grand Port (Environmental Health) Regulations 2014

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THE LOCAL GOVERNMENT ACT

Regulations made by the District Council of Grand Port under sections 50, 60, 61 and 163 of the Local Government Act

1. These regulations may be cited as the **District Council of Grand Port (Environmental Health) Regulations 2014**.

2. In these regulations —

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

“classified trade” means a business specified in the Twelfth Schedule of the Local Government Act;

“commercial waste” means all waste resulting from operation of any business, manufacture, process, trade market or other similar undertaking;

“Council” means the District Council of Grand Port;

“disposal facility” includes a unit or site specifically designed for the purpose of depositing waste;

“fence” means any structure, approved by the Council that encloses any perimeter, any bareland and/or any premises so as to prevent unauthorised access and dumping of any type of waste on that land;

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

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

“garden waste” means lawn, clipping, branches, weeds, plants, or other green matter;

“household waste” means sweeping, dusts, paper, bottles, wrapped glass, bones, waste food, cans, cartons or other waste of domestic kind;

“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 excludes toxic industrial wastes;

“occupier” means the person in occupation of any premises or having the charge, management or control thereof on his own account or as agent of any person, but does not include a lodger

“officer” means any officer of the public health department of the Council, or an officer who is authorised in writing by the Chief Executive of the Council;

“owner” means -

- (a) the person who receives or, where such property were to be let, would be entitled to receive the rent, whether for his own benefit or that of any other person or,
- (b) in relation to any premises where building works are carried out, includes the contractor;
- (c) where the owner cannot be found or ascertained; the occupier.

“premises” means any immovable property or building, whether vacant or constructed upon and whether used for residential, commercial, professional, trade and/or agricultural purposes and situated within the area of the Council;

“private street” means any street, not being a public Street, and includes any alley,

footpath;

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

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

“street” includes any road, fly-over, square, foot-way, back lane or passage whether a thorough-fare or not, over which the public has a right of access, 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 2 or more buildings, whether the public has a right of access there over or not, and all channel, drains, ditches and reserves at the side of any street, shall be deemed to be part of the street;

“trade premises” means premises within the area of the Council on which a trade, profession, manufacture or industry is carried out, even though part of the premises is also used for residential purposes;

“waste” includes any solid matter, other than hazardous waste which is discarded, rejected, abandoned, unwanted or surplus matter, including any such matter intended for —

- (a) recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter.
- (b) sale; or
- (c) export.

3. Any person causing the construction, erection, alteration, demolition or reparation of any building or excavation of any building or excavation of any road, drain or trench, shall not allow any dirt, sand, earth, cement, rocks, gravel or any material used in connection with these works or arising therefrom to remain on footpath, gutter, alley, street, drain, pavement, footway,

public place, private street, or any vacant land whether under the control of the Council or not:

- 4.** The owner/occupier of any premises or vacant premises or bareland or flat shall —

 - (a) at all times, keep the premises clean and free from all undergrowth or noisome vegetation and waste;
 - (b) take necessary measures to keep the bareland properly fenced;
 - (c) not dump or cause or permit the dumping of any waste, vehicle wreck, animal carcass, agricultural, building or excavation waste or any other waste material on the premises;
 - (d) secure household and kitchen waste in appropriate receptacle;
 - (e) deposit or cause to be deposited any bag or any other waste in a receptacle;
- 5.** The occupier of any premises abutting on 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, abuts or abuts on his premises and up to the centre thereof including footways to be swept and cleaned and waste found thereon to be collected and removed.
- 6.** The owner of a flat, multi-storeyed residential building, commercial or commercial cum residential building shall provide at the ground level, an approved common waste shed in the yard where shall be deposited in approved receptacles containing waste from all the individual premises and shall be easily accessible to the scavenging vehicle(s) at any time.
- 7.** No person shall deposit, or cause or allow to be deposited any human excreta, industrial waste, garden waste, animal waste or any hazardous waste in a receptacle meant for the deposit of household waste.
- 8.** The owner/occupier of any premises shall be held responsible for the breach of regulation 6 or 7 whenever any waste other than household waste is detected in such receptacle.

9. The receptacles, for the purpose of being emptied on such days and hours as may from time to time be fixed by the Council, shall be placed within the premises at a spot as close as possible to the roadside and readily accessible to the scavenging vehicle.

10. (1) The owners or the “*Syndicat des Co-propriétaires*” or “Syndic” of a block of flats and the owner of commercial premises shall dispose of a receptacle as specified in regulation 6 for the common use of all occupiers.

(2) For the purpose of regulations 6, 7, 8, 9 and 10 the receptacle shall be of such material, size and construction acceptable to the Council and shall be provided with a close fitting lid; and shall be washed periodically and kept clean at all time.

11. Any dealer in cakes, cooked food, foodstuffs, fruits or other perishable goods shall secure such waste as generated by the trade in an appropriate plastic bag before depositing it in receptacle as defined under this regulation.

12. The Council may provide loading and/or transport facilities for the disposal of bulky household waste, garden waste or commercial waste other than industrial waste upon request and prepayment of the appropriate fee as prescribed in the Schedule.

13. The Council may by a notice request —

(1) any person/company carrying on any trade or business to dispose of at its own cost such waste where at the time of service as fixed by the Council the volume of refuse exceeds 2 cubic metres.

(2) any owner/occupier to remove at its own cost waste resulting from general cleaning of his premises or where the volume of waste exceeds one cubic metre.

14. Any person, on whom a notice under regulation 13 is served, shall comply with it within the period specified in the notice which shall not be less than 2 days and not more than 7 days from the day the notice is served or in case of service by post, is deemed to have been received by the person.

15. On account of the condition, construction or location of the waste receptacle and having due regard to the situation of the premises, an officer may serve a notice on the owner/occupier of such premises, requiring him to have his receptacle —

- (a) constructed with concrete or other impervious material,
- (b) adequately ventilated,
- (c) placed at the proximity of the main entrance,
- (d) provided with a means of access for cleaning and removing its content without having it to be carried through any building and
- (e) provided with an outlet to a covered drain.

16. Every owner/occupier of premises shall keep clean —

- (a) the space extending from the wall or other enclosure of the premises down to the roadside, gutter or ditch
- (b) any courtyard or any premises and not allow same to be in a filthy or dirty state or to be overgrown with rank and noisome vegetation and not to allow to be kept therein any basin, receptacle or used tyres with fetid or filthy water.
- (c) drains inside his private property at all times.
- (d) and trim or cause to be trimmed, in height and thickness, perpendicular to the inward edge of the footway, any hedge projecting on any street so as to allow a free passage.

17. Any officer may enter on any property, on production of an evidence of his identity/power of entry, for the purpose of surveying it environmentally, in connection with any section of this regulation.

18. The Council may, by notice, require the owner of any property along roads within The District Council of Grand Port to keep clean, regularly maintained and embellished to and/or to keep the frontage and such other parts of the property clean as may be specified by the Council.

19. A notice under regulation 18 may, at the discretion of Council, be served on the occupier of the property in question where the owner is not the occupier or may be served on both the owner and the occupier.

20. Any person on whom a notice has been served under the above mentioned regulations, who fails to comply with the requirement of the notice within the specified period, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees.

21. These regulations shall come in force on the date of its publication.

Made by the District Council of Grand Port on 28 August 2014.

SCHEDULE

[Regulation 12]

(Rs)

For the removal of -

- | | |
|--|----------------|
| (a) bulky household waste/garden waste from half lorry load to one lorry load (lorry & driver only) | 1,000 per trip |
| (b) commercial waste from half lorry load to one lorry load (lorry & driver only) (lorry of capacity of approximately 10m ³) | 1,500 per trip |

(c) hire of loader

3,000 per lorry
load

The above mentioned facilities are subject to availability of the appropriate logistics.

With regard to (3) above, arrangement shall be made with the police by the applicant for the loader to be escorted from the head office to the site of work and back.