

**Municipal City Council of Port Louis (Collection and Disposal of Waste)
Regulations 2016**

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THE LOCAL GOVERNMENT ACT

**Regulations made by the Municipal City Council of Port Louis under sections 163(1)(2)(3)
of the Local Government Act**

1. These regulations may be cited as the **Municipal City Council of Port Louis (Collection and Disposal of Waste) Regulations 2016**.

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 but are not limited to 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 City Council of Port Louis;

“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 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; 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 an enforcement notice as set out in the First and Second Schedules;

“nuisance” shall be deemed to be created in any of-the following cases, namely where -

(a) any ditch, gutter, watercourse, sanitary;

(b) convenience, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health;

(c) any accumulation or deposit of refuse is in such a state or is so situated as to be offensive or likely to be injurious to health;

- (d) any accumulation or deposit of material is in such a state or is so situated as to be an eyesore;
- (e) any premises, including any accumulation or deposit of refuse thereon, are in such a state as to harbour or to be likely to harbour rats, pests, insects or other vermins;
- (f) any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health;
- (g) any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:
- (h) there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or other insects or is suitable for the breeding of insects, or of mites or ticks;
- (i) any act or omission occasions or is likely to occasion injury, annoyance, offence, harm, danger or damage to health or property;
- (j) any plant, shrub and/or branch of tree and/or tree and/or hedge protrude over a street;

“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 City Council of Port Louis; but

- (b) does not include a person holding or acting in the office of Lord Mayor or of Deputy Lord Mayor or of a Councilor 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 holding proprietary rights in the premises;
- (c) the person holding usufructuary rights in the premises;

“person” includes any individual, company, corporation, body, organisation and 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 City Council of Port Louis;

“private street” means a street, not being a public street;

“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;

“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 -

(a) means a road, square, court, alley, lane, bridge, footway, trace, track, path, passage or highway, whether a thoroughfare or not and it includes the pavement of any of same;

(b) includes public and private streets.

“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;

“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 is discarded, rejected, abandoned or unwanted; and

(b) 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

(c) 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.

2. 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 in a street or in a public place.

3. (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 a 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.

4. (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, on such days and hours as may from time to time be fixed by the Council, be 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 streets or further than five metres within the boundary line of the premises.

5. (1) (a) For the collection of waste, exceeding 2 cubic metres per week, resulting from any residential premises and/or of commercial premises, the occupier shall pay fees as specified in the Third Schedule;

(b) The collection of such waste shall be as per day and time fixed by the Council;

(2) Notwithstanding paragraph (1) commercial premises such as restaurants/hotel /guesthouses/hypermarkets/supermarkets/printing industry/textile industry/food processing industries workshops and traded generating more than 2 cubic metres of waste weekly, shall not be provided with any daily collection of waste; the Council may provide occasional services as specified in the Third Schedule;

(3) In the event the Council cannot, at any time, meet the demand of services referred to in regulation 5(1) or (2), the Council shall be entitled not to accept any payment as specified in the Third Schedule under these Regulations and the occupier shall, then, make his own arrangement for the collection and disposal of waste from his premises.

6. (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.

7. Any dealer in perishable goods shall secure such waste in a plastic bag before depositing it in a receptacle.

8. 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.

9. All receptacles, waste chambers or waste sheds, shall at all times, be maintained clean and in good state.

10. 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.

11. 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.

12. (1) The Council may provide, acquire, construct and/or maintain disposal facilities for the deposit and/or disposal of waste as it may consider necessary and may make available such facilities to any person upon payment of any fees or charges as may be prescribed.

(2) The Council may accept waste, at the disposal facilities, upon such terms and conditions, it may consider necessary in the circumstances.

13. (1) The Council may, by notice in writing as set out in the First Schedule under these Regulations, require the occupier of occupied premises to undertake cleaning works, within the specified delay set out in the notice.

(2) The occupier upon whom a notice has been served, shall comply with the requirements of the notice issued under regulation 13(1) above, within the delay set out therein.

14. (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 set out in the notice;

(3) In default by the occupier to comply with the requirements of the notice served under paragraph (1) above, the Council shall be entitled, without any notice, to enter into the vacant premises and cause the necessary cleaning works to be undertaken thereon.

15. The Council shall be entitled without any notice to enter into a vacant premises and cause the necessary cleaning works to be performed, thereon when -

(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.

16. (1) Prior to the performance by the Council of any cleaning works for any vacant premises under regulations 4(3) and/or 15 above, the form as set out in the Fourth Schedule shall be duly filled by the relevant Officer of the Council and shall be submitted for approval by the Council.

(2) The relevant Officer shall be entitled to cause photographs to be taken of the vacant premises before, during and after the performance of any cleaning works; such photographs may be used as evidence thereafter.

(3) After the partial or complete performance of any cleaning works of any vacant premises, the form as set out in the Fifth Schedule shall be duly filled by the relevant Officer of the Council and shall be submitted for approval by the Council.

(4) The Council shall be entitled to recover, as a civil debt from the occupier, all sums spent and approved, as set out in the Fifth Schedule, for the performance of any cleaning works, under regulation 14(3) and/or 15, on the vacant premises.

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. Regulations 113, 114 and 114A of the Municipality Regulations 1908 are revoked.

19. The Port Louis (Collection and Disposal of Refuse) Regulations 1996 are revoked.

20. These regulations shall come into operation on 1 January 2016.

Made by the City Council of Port Louis 22 October 2015.

FIRST SCHEDULE

(NOTICE)

CITY COUNCIL OF PORT LOUIS

NOTICE UPON OCCUPIER OF OCCUPIED PREMISES -UNDER REGULATION 14(1).....

Serial no.....

Name

Address.....

1. Take notice that on.....at.....you have failed to cause -

.....

2. The above constitute(s) an offence within the above Regulations.

3. You are hereby requested to, within a delay of days from the date of service of this notice upon you, undertake the following works to the satisfaction of the Council –

.....

4. Warning you that in case you fail to comply with the requirements of this notice within the specified delay, the Council shall take appropriate legal action against you.

5. You are further notified that you have committed the abovementioned offence(s) in breach of Section.....of Regulation(s)....., for which you are liable for prosecution; and this, irrespective as to whether you have complied with the requirements of paragraph 3 of this Notice or not.

(sd)

Served by.....- Health Inspector

Date.....

Acknowledgement of Service (sd).....

SECOND SCHEDULE

(NOTICE)

CITY COUNCIL OF PORT LOUIS

NOTICE UPON OCCUPIER OF VACANT PREMISES -UNDER REGULATION 15(1)

Serial no

Name

Address

1. Take notice that onat you have failed to cause -
.....

2. You are hereby requested to, within a delay of days from the date of service of this Notice upon you, undertake the following works to the satisfaction of the Council —

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)

THIRD SCHEDULE

[Regulations 5(1)]

.....

Occasional Services on Demand exceeding 2 cubic metres

(1) For the removal of waste resulting from residential premises

For every trailer or fraction thereof Rs 500 per trip without labour

For every lorry load or fraction Rs 1200 per trip thereof without labour

(2) For the removal of waste from commercial premises

For every trailer or fraction thereof without Rs 700 per trip
labour

For every lorry load or fraction thereof Rs 1500 per trip
without labour

FOURTH SCHEDULE

PROPOSED CLEANING WORKS OF VACANT PREMISES

(under section 61 of the Local Government Act)

1. Location of the vacant premises
- TV no.

Annexed A: Site plan

Annexed B: Photographs of vacant premises taken by Officer
..... before cleaning works
on (Date)

2. Owner/known/unknown

3. Name of Owner
- Address (if any)
- Tel no. (if any)

4. Approximate surface area of vacant premises

5. Actual state of vacant premises (before cleaning)
-

A brief description of the surrounding area

.....

Approximate denseness of overgrowth

Type of vegetation

Approximate volume of waste/lorry load

Equipment and vehicles to be used for the cleaning works

Forester Knives	
Shovels	
Sickles	
Gloves	
Fuel used by brushcutters	
JCB	
Dumper	
Lorry	
Bobcat	
Roll On & Roll Off	
Others	

7. Approximate costs to be incurred for cleaning works of the vacant premises

(1) Approximate Cost of Manpower

Manpower	Rate/ hour	Approximate no. of hours to be worked	Cost
Supervising Officer			
Foreman			
Refuse Collectors			
Drivers			
Helpers			
Total cost of manpower			

(2) Approximate Cost of fuel used by vehicles (Lorry /JCB/ Bobcat/Dumper etc.)

(2) Approximate Cost of equipment:-

Equipment to be used	Approximate number	Approximate cost
Forester Knives		
Shovels		
Sickles		
Bass brooms		
Gloves		
Fuel to be used by brush cutters		
Phone cards		
Others		

Approximate Total cost of equipment to be used =

(4) Approximate Cost of hired equipment to be used:

Equipment to be hired	No. of hours to be used	Approximate cost
Approximate total cost		

Approximate total costs to be incurred for the cleaning of vacant premises
 (Approximate total cost of manpower + Approximate total cost of fuel to be used +
 approximate total cost of equipment to be used + approximate total cost of hired
 equipment =

.....
Name of Officer in charge	Signature	Date Submitted
.....	
Approval of Chief Health Inspector		Date
.....	
Approval of Financial Controller		Date
.....	
Approval of Chief Executive		Date
.....	
Approved in Committee		Date

FIFTH SCHEDULE

**PARTIAL PERFORMANCE/COMPLETE PERFORMANCE
OF CLEANING WORKS OF VACANT PREMISES**

(under section 61 of the Local Government Act)

1. Location of the vacant premises

TV no.

Annexed 1: Copy of filled Form under Schedule IV with its annexures.

(Date)

Annexed 2: Photographs of vacant premises taken by

Officerafter cleaning works

(Date:)

2. Owner/known/unknown

3. Name of owner

Address (if any)

Tel no. (if any)

4. Approximate surface area of vacant premises
5. Date of approval of cleaning works by Council
6. Actual State of vacant premises (after cleaning works)
7. Approximate denseness of overgrowth removed
8. Type of vegetation removed
9. Volume of waste/lorry load
- 10. Equipment and vehicles used for the cleaning of the vacant premises**

Equipment to be used	Approximate number	Approximate cost
Forester Knives		
Shovels		
Sickles		
Bass brooms		
Gloves		
Fuel to be used by brush cutters		
Phone cards		
Others		

11. Costs incurred for cleaning works

(1) Cost of Manpower

Manpower	Rate/ hour	No. of hours worked	Cost
Supervising officer			
Foreman			
Refuse Collectors			
Drivers			
Helpers			
Total Cost of Manpower			

(2) Cost of fuel used by vehicles (Lorry /JCB/Bobcat/Dumper etc.) =

(3) Cost of equipment

Equipment used	Number	Cost
Forester Knives		
Shovels		
Sickles		
Bass Brooms		
Gloves		
Fuel used by bush cutters		
Phone cards		
Others		

Total cost of equipment used =

(4) Cost of hired equipment:

Equipment hired	No. of hours used	Cost
Total Cost		

Total costs incurred for the cleaning of vacant premises (total cost of manpower + total cost of fuel used + total cost of equipment used + total cost of hired equipment=

.....

.....
Name of Officer in charge	Signature	Date Submitted
.....	
Approval of Chief Health Inspector		Date
.....	
Approval of Financial Controller		Date
.....	
Approval of Chief Executive		Date
.....	
Approved in Committee		Date