

Moka/Flacq (Disposal of Refuse) Regulations 1996

GN No. 35 of 1996

THE LOCAL GOVERNMENT ACT 1989

**Regulations made by the Moka / Flacq District Council
under Sections 51, 141 and 142 of the Local Government Act 1989.**

1. These regulations may be cited as the Moka/Flacq (Disposal of Refuse) Regulations 1996.

2. In these regulations —

“Council” means the Moka/Flacq District Council;

“Officer” means the Principal Health Inspector or any Inspector of Public Health Department of the Moka Flacq District Council or any officer of the Moka Flacq District Council designated by the Chief Executive of the Council or any police Officer;

“Flat” means an apartment of block of flats;

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

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

“Premises” means any land or building whether vacant or constructed upon and whether used for residential, commercial, professional or trade purposes, situated within the Moka Flacq District Council area;

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

“Refuse” includes household, garden, yard, industrial, commercial, animal and agricultural waste;

“Trade premises” means premises in the Moka Flacq District Council area on which a trade, a profession, manufacture or industry is carried out, even though the premises is also used for residential purposes.

3. No person shall deposit, drop or throw or cause, allow or permit to be deposited any dust, dirt, paper, ash, carcass, refuse, box, barrel, bale, household or trade refuse, vehicle wreck, excavation or builder’s rubble, household furniture or any other materials on a street pavement, wasteland, vacant premises, drain, canal, on roadsides, beaches, gardens or any other public places.

4. 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 1.5 metres is left from the edge of the road or pavement, whatever is applicable, to be used freely by pedestrians.

5. No person shall obstruct any road or pavement in any way whatsoever.
6. (i) Every occupier of any premises shall deposit or cause to be deposited all house and garden sweepings from such premises in receptacles which he shall provide for that purpose.
 - (ii) 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 street or five metres within the boundary line of the premises.
 - (iii) No person shall deposit or cause or allow to be deposited any dung, discarded eggs, night soil human excretas, industrial waste, animal refuse in such receptacles.
 - (iv) The owner or occupier of any premises shall not put in any receptacle any noxious refuse or refuse which is likely to be a health hazard or cause inconvenience to the neighbouring areas or neighbours.
 - (v) (a) The owner of multi-storeyed residential, commercial or commercial-cum-residential building shall provide at the ground floor a refuse chamber or an approved refuse shed in the yard where shall be deposited refuse receptacles from all the individual premises.
 - (b) The refuse chamber or shed shall be readily accessible to the scavenging vehicles.

7. All refuse produced by the exercise on the premises of any trade or by any manufacture there be carried on, shall be removed by the party exercising that trade or carrying that manufacture at his own cost and under such arrangements as shall be approved by the Council.

8. Any seller of cakes, foodstuffs or other perishable goods shall secure such refuse in plastic bags before disposing of it in a receptacle.

9. Every occupier of premises shall

- (a) Keep clean the space extending from the wall or other enclosure of the premises down to the gutter or ditch;
- (b) Keep clean any courtyard or any premises and not allow same to be in a filthy or dirty state or be overgrown with rank and noisome vegetation;
- (c) not allow to be kept therein any basin, receptacle or used with foetid or filthy water.

10. (1) The owner or occupier of any premises shall be required by notice in writing to trim hedges, to lop trees or to clear land overgrown with vegetation within such time and to such dimension or otherwise as may be specified in such

notice.

- (2) Any person who fails to comply with a notice served under subsection (1) shall be guilty of an offence against these regulations and the Council may, on such no.-compliance to cause the hedges to be trimmed or the trees to be lopped or the land to be cleared at the expense of such person as if it were a civil debt.

11. The Occupier of any premises shall be held responsible for the contravention of these regulations whenever any unburied matter of animal origin with foetid or filthy smell is detected to exist on such premises.

12. No person shall drop packages, wrappings or containers, or any part thereof, any of the contents of such container on any other things such as trade refuse, vehicle wreck, excavation or builder's rubble, household used furniture etc, constituting litter of any road, footpath roadside, drain, cover, pavement, stream, river, rivulet or canal or any other place that may cause environmental problems.

13. Any officer may

(a) 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

(b) having due regard to the situation of the premises, whether residential or commercial, serve a notice on the occupier, requiring him to have this receptacle:

- (i) Constructed with concrete or other impervious material;
- (ii) adequately ventilated;
- (iii) placed at proximity of the main entrance;
- (iv) provided with a means of access for cleaning and removing its content without having it to be carried through any building; and
- (v) provided with an outlet to a covered drain.

14. For the removal of any kind of household trade refuse vehicle wrecks or part thereof, furniture, agricultural excavation or builder's rubbles and animal carcasses or any other waste, the Council shall claim the fees as prescribed in the Schedule.

15. (1) Any person who contravenes or otherwise fails to comply with these regulations shall commit an offence and shall on conviction be liable to a fine not exceeding ten thousand rupees and in case of a continuing offence to an additional fine not exceeding one hundred rupees for each day during which the offence continues after conviction.

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

16. Any prosecution under these regulations may be instituted

(i) by an officer of the Council;

(ii) by the police.

17-18. [Spent]

SCHEDULE

(1) For removal of refuse resulting from General Cleaning of household/trade premises and Hotel/Industries etc.

	<i>Household/trade premises</i>	<i>Hotels/Industries</i>
(a) Exceeding 1/2 a lorry load to a lorry load	Rs 50.-	Rs 500.-
(b) For an additional 1/2 lorry or fraction of it.	Rs 50.-	Rs 500.-