

**Beau Bassin-Rose Hill (Disposal of Refuse) Regulations, 2013**

**GN No. 280 of 2013**

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**THE LOCAL GOVERNMENT ACT 2011**

**BEAU BASSIN-ROSE HILL (DISPOSAL OF REFUSE)  
REGULATIONS 2013**

**Regulations made by the Municipal Council of Beau Bassin- Rose Hill under sections 50 (2), 59,60,61 and 163 respectively of the Local Government Act 2011.**

**1. These Regulations may be cited as the Beau Bassin-Rose Hill (Disposal of Refuse) Regulations, 2013**

**2. In these Regulations:**

- (a) “Council” means the Municipal Council of Beau Bassin/Rose Hill;
- (b) “flat” includes an apartment or a block of flats;
- (c) “occupier” includes any person in physical occupation of any premises immaterial of his title, right or capacity;
- (d) “officer” means any officer or any person authorised by the Council;
- (e) “owner” includes any person who receives, or is entitled to receive, rent in respect of the occupation of the premises;
- (f) “premises” means any land or building, whether vacant or constructed upon and whether used for residential, commercial, professional, or trade purposes situated within the township of Beau Bassin/Rose Hill;
- (g) “receptacle” means any bin or recipient, whether fixed or movable, designed to collect refuse;
- (h) “refuse” includes household refuse as well as garden or yard refuse, waste whether solid or otherwise including hazardous waste, clinical waste and pharmaceutical waste, litter or anything which is being got rid of;

(i) trade premises” means premises, in the township of Beau Bassin Rose Hill, on which a trade, a profession, manufacture or industry is carried out, even though the premises is also used for residential purposes.

3. (i) No person shall deposit, or cause, or permit to be deposited, any household or trade refuse, waste, litter, vehicle wreck, excavation or builder’s rubble, household furniture or any other material on a street, pavement, waste land, vacant premises, drain, canal or any public place;

(ii) No person shall deposit or cause or permit to be deposited any building material on a street, pavement, wasteland, vacant premises, drain, canal or any public place, unless he hold a prior written authorisation from the Municipal Council authorising him to do so.

In the event of such authorisation having been obtained the deposit or stacking should be in strict conformity with the terms and conditions of the authorisation.

4. The occupier of any premises or, in the case of vacant premises or waste land 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 refuse, vehicle wreck, excavation or builder’s rubble, or any other waste material on the premises.

5. The owner and the occupier of any bare land or wasteland or vacant premises shall within 3 months of the publication of the present regulation in the Gazette submit to the Council a declaration confirming their ownership or occupation of the land or premises and shall keep the Council informed of all changes in such ownership or occupation within 1 month of such change.

6. Every occupier of residential premises shall deposit or cause to be deposited, any refuse, or any other waste material, in a receptacle.

7. Every occupier of a flat shall deposit, or cause to be deposited, all refuse at ground level in a receptacle, as described under Regulation 8, whether used exclusively by him or in common to all occupiers of the flat.

- 8.** For the purpose of regulations 6, 7, 9 and 10 the receptacle shall be -
- (a) of such material, size and constructions 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 request by the officer cleaned and washed by the occupier.
- 9.** The owner of a flat shall:
- (a) provide a receptacle, as described under Regulation 8, for the common use of all occupiers; and
  - (b) remove the receptacle, as described under Regulation 8, after it has been emptied by the Council.
- 10.** Every occupier of commercial premises shall:
- (a) deposit his receptacle/s as described under Regulation 8, on the pavement as close as possible to his premises by 7 a.m.; and
  - (b) remove the receptacle, as described under Regulation 8, after it has been emptied by the Council.
- 11.** Any dealer in cakes, foodstuffs or other perishable goods shall secure such refuse in a plastic bag before depositing it in a receptacle.
- 12.** (a) Every occupier of trade premises shall dispose of his refuse as directed by the officer;
- (b) Any occupier of trade premises may upon request, have his refuse disposed of in accordance with an agreement to be made with the officer.
- (c) The arrangement under paragraph (b) shall be made in writing signed by the occupier and the officer and shall include the appropriate fees under regulation 16.
- 13. (1)** An 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 premises or trade premises, serve a notice on the occupier, requiring him to have his 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 contents without having it to be carried through any building; and
- (v) 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.

**14.** (1) Where any vacant premises are

- (a) partly, or wholly, covered with undergrowth, or
- (b) dumped with any refuse, vehicle wreck, excavation or builder's rubble, household furniture or any other material prejudicial to public health or conducive to pollution, an officer may serve on the owner a notice requiring him to cut down, remove, or dispose of, the undergrowth or material.

(2) The owner shall comply with the requirements of the notice under paragraph (a) within fifteen days of the service of the notice.

**15.** On the failure of the owner or occupier to comply with the requirements of the notice presented in Regulations 13 and 14, the Council shall:

- (a) be empowered to enter upon the said land/premises and cause all works necessary for the cleaning of the land and removal and disposal of all undergrowth, refuse, wreck, rubble furniture and any other material thereupon to be done; and
- (b) recover all sum spent by it for that purpose as a civil debt from the owner or occupier.

**16.** For the removal of household refuse, trade refuse, household furniture, the Council shall claim the fees as prescribed in the Schedule.

**17.** It shall not be lawful for:

- (a) any person to allow bamboo, fataque (or any other plant) hedges to grow of more than three meters from the level of the road and in thickness as to encroach on public footpath or public road.

(b) any person to allow trees growing on his premises to project on a public road or footpath.

**18.** (1) Any person contravening any of these regulations shall commit an offence and shall on conviction be liable to a fine not exceeding Rs 20,000.

(2) The Court may, in addition to a fine, make any order it thinks just, having regards to the circumstances of the case and the situation of the person, to secure compliance with the Regulations infringed.

**19.** The Beau Bassin Rose Hill (Disposal of Refuse) Regulations, GN 86 of 1996 are revoked.

**20.** These regulations shall come into force on 1st January 2014.

Made by the Municipal Council of Beau Bassin Rose Hill on 31 October 2013.

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### **SCHEDULE**

**1.** For the removal of refuse resulting from general cleaning of residential premises / yard -

(a) For every lorry load or fraction thereof with labour: ..... Rs 1500.00

(b) For every lorry load or fraction thereof without labour: ..... Rs 600.00

**2.** For the removal of refuse from trade / commercial premises:

(a) For every lorry load or fraction thereof with labour: .....Rs 2000.00

(b) For every lorry load or fraction thereof without labour: .....Rs 1200.00