

**District Council of Black River (Collection and Disposal of Refuse) Regulations
2013**

GN 80/2014

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**THE DISTRICT COUNCIL OF BLACK RIVER
(COLLECTION AND DISPOSAL OF REFUSE) REGULATIONS 2013**

THE LOCAL GOVERNMENT ACT 2011

**Regulations made by the District Council of Black River under sections 50, 60, 61, 157,
158 and 163 of the Local Government Act 2011**

1. These regulations may be cited as **the District Council of Black River (Collection and Disposal of Refuse) Regulations 2013**.

2. In these regulations:-

“Authorised Officer” means an Inspector of The District Council of Black River designated by the Chief Executive of the Council or a Police Officer;

“Council” means The District Council of Black River;

“Flat” means an apartment or a block of flats;

“Gated Community” means a private residential Community : -

- (i) Comprising of at least 10 lots of residential units;
- (ii) Having a defined geographic area and extent, irrespective of whether the residential community has a controlled access or not; and

(iii) Being managed by a syndic responsible for the maintenance of all common infrastructures such as roads, drains, and street lighting within the residential community.

(b) by inserting, after the words “gated community” in the interpretation of “syndic”, the words “or any other specific residential area or commercial complex”

“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 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 District Council of Black River 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;

“syndic” means the person or any authorised authority responsible for the management and maintenance of a gated community or any specific residential area of commercial complex.

“Trade premises” means premises in the District Council of Black River area, on which a trade, hotel, restaurant, business, profession, manufacture or industry is carried out, even though the premise is also used for residential purposes;

“Person” includes any individual, Company, Co-operation, Organization, or Association.

Amended by [\[GN No. 209 of 2015\]](#); [\[GN No. 17 of 2018\]](#)

3. (i) No person shall deposit, or cause, or allow to be deposited, any household or commercial refuse, litter, vehicle wreck, excavation, furniture, animal carcass or any other

material on any street, pavement, bare land, vacant premises, drain, canal, rivulet, river, stream, reservoir or any public place.

(ii) No person shall cause any littering in any street, road or public place.

4. The occupier of any premises or, in the case of vacant premises or a flat, the owner or syndic 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 wastes on the premises.

(c) Cause the premises to be properly fenced to prevent illegal dumping.

Amended by [\[GN No. 17 of 2018\]](#)

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 the occupiers of the flat.

7. (1) For the purpose of Regulations 5, 6, 8, 9,10 and 11 the receptacle shall be:-

(a) of such material, size and construction as may be reasonably practicable for the proper 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, cleaned and washed by the occupier.

(2) The authorised officer may serve a notice in writing to the occupier or owner of any premises to provide or make any alteration to the receptacle so that it complies with Para 7(1).

(3) Failure to comply with the above notice shall constitute an offence.

8. The owner of a flat shall

(a) provide a receptacle, as described in regulation 8, for the common use of all occupiers

(b) comply with regulations 4 and 5.

9. Every occupier of commercial premises 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 after it has been emptied by the Council or its contractor.

Amended by [\[GN No. 209 of 2015\]](#)

10. Any dealer in cakes, foodstuffs or other perishable goods shall secure such refuse in a bag before depositing it in a receptacle

11. (a) The Council may cause any person to store if so required, refuse in different receptacles for the purpose of recycling.

(b) The Council reserves the right to sell the refuse segregated to any person for recycling purposes.

12. (1) Every occupier of trade premises shall dispose of his refuse as directed by the authorised officer.

(2) Any occupier/holder of trade premises may, upon request, have his refuse disposed of

in accordance with an agreement made with the Council.

- (3) The agreement under Paragraph (2) shall be made in writing and signed by the occupier and the authorised officer and shall include the frequency and appropriate fees to be paid under regulations 14.
- (4) The Council shall not be held responsible for the non-collection of refuse from trades specified in the Schedule or from a gated community that have no agreement with the Council or which have failed to pay fees prescribed under the Schedule.
- (5) Where there is an agreement for refuse collection with the Council, the Syndic of a gated community shall pay fees set out in the schedule of these regulations for a twice weekly collection and disposal of refuse service only up to a maximum of 2 metres cube of non-compacted household and green wastes per residential unit per service.
- (6) (a) The fees payable under subsection(5) in respect of a financial year shall become due on the 1 July of that year and may be paid by the syndic in two equal instalments, the first on or before 31 July and the second on or before 31 January of the ensuing year.
 - (b) For the period 1 January 2016 to 30 June 2016, the syndic shall pay 50 per cent of the prescribed fees not later than 31 January 2016.
- (7) A surcharge of 10 per cent of the amount due shall be levied on any payment not effected within the delay specified in paragraph (6).
- (8) The syndic of a gated community or the owner or occupier of a trade premises may opt to have its own refuse collection service to the satisfaction of the authorised officer of the Council in which case fees set out in the schedule will not have to be paid.
- (9) The owner or occupier of a bareland may, in accordance with an agreement made with the Council and on payment of the fees set out under paragraph 4 of the

schedule, have the overgrown vegetations in the bareland lopped and trimmed.

Amended by [\[GN No. 209 of 2015\]](#)

- 13.** (1) An authorised officer may, where on account of the condition, construction, or location of the receptacle, there exists or is likely to be a threat to public health, or likely to cause injury to the refuse collectors 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 to be:-
- a) Constructed with concrete or other impervious material;
 - b) Adequately ventilated;
 - c) Placed 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; or to
 - f) Cause any such modifications as he thinks necessary.
- (2) The occupier shall comply with the notice under paragraph (1) above within one month of the service of the notice.
- 14.** (a) For the removal of refuse resulting from general cleaning of household, trade/ commercial premises, and from trades listed under paragraph 2 of the Schedule, the Council shall claim the fees as prescribed in the Schedule to these Regulations.
- 15.** (1) Any person who contravenes any of these regulations or fails to comply with the requirement of any notice served under these regulations shall commit an offence and shall be prosecuted and on conviction be liable to a fine not exceeding 25,000 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.
- 16.** Any prosecution under these regulations may be instituted by an Officer of The District Council of Black River or any Police Officer.
- 17.** These regulations shall come into force on 01 January 2014.
- 18.** The District Council of Black River (Collection and Disposal of Refuse) Regulations 1997 as subsequently amended is repealed.

Made by The District Council of Black River on 05 December 2013.

SCHEDULE

[Regulation 14]

1. For the removal of refuse resulting from general cleaning of household, trade or commercial premises subject to availability of resources —

(a) for every lorry load or fraction of it with labour, Rs 2,000

(b) for every lorry load or fraction of it without labour, Rs 1,200

2. For the removal of refuse, per service, from supermarkets, hypermarkets, hotels, restaurants, commercial complexes or any other trades and with whom an agreement has been made with the Council under the regulation 12.

For every half lorry load or fraction thereof, Rs 500

3. For the collection and disposal of household and green wastes from a gated community under regulation 12(5), Rs 3,600 per financial year per residential unit.

4. For the lopping and trimming of overgrown vegetations in a bareland under regulation 12(9)

For every 100 square metre or fraction thereof, Rs 1,500

Amended by [\[GN No. 209 of 2015\]](#)