THE PUBLIC HEALTH ACT

REGULATIONS
(*under section 7*)

THE PUBLIC HEALTH (ST. MARY PARISH COUNCIL) (GARBAGE COLLECTION AND DISPOSAL) REGULATIONS, 1998

(*Made by the Local Board with the approval of the Minister on the 19th day of May, 1998*) L.N. 26D/98

[*19th May, 1998.*]

1. These Regulations may be cited as the Public Health (St. Mary Parish Council) (Garbage Collection and Disposal) Regulations, 1998. Citation

2. In these Regulations— Interpretation.

"Authority" means the Natural Resources Conservation Authority established by the Natural Resources Conservation Authority Act;

"authorized disposal site" means a place, facility or installation authorized by the Local Board and the Authority for the disposal of garbage other than garbage which is classified as being hazardous, toxic or noxious;

"commercial garbage" means garbage which is generated by any commercial enterprise or activity, other than garbage which is classified as being hazardous, toxic or noxious;

"contractor" means a person employed by the Local Board for the collection and disposal of garbage or a person engaged by the owner or occupier of any premises for the collection and disposal of garbage;

"domestic garbage" means garbage which is generated on any residential premises and which is generated as a result of normal domestic activity;

"garbage" includes refuse of any description, whether generated by domestic, commercial or industrial activity, and all forms of solid and liquid waste matter;

"hazardous, toxic or noxious garbage" means garbage which is classified by the Local Board and the Authority or the Water Resources Authority to be detrimental to—

(*a*) the health or safety of the public;

(*b*) animals; or

(*c*) the environment,

or which is classified to be for any other reason unsuitable for disposal at an authorized disposal site;

"industrial garbage" means garbage which is generated on any industrial premises or by any industrial activity other than hazardous, toxic or noxious garbage;

"receptacle" means a receptacle used for the collection and disposal of garbage;

"Secretary" means the Secretary of the Local Board;

"special disposal site" means a place, facility or installation which is designated by the Local Board and the Authority for the disposal of hazardous, toxic or noxious garbage.

Duties of owner and occupier of premises.

3. The owner or occupier of any commercial or industrial premises shall—

(*a*) ensure that all garbage, not being garbage to be collected by a contractor, is disposed of at least twice in every seven days by incineration or burial or by any other means approved by the Local Board;

(*b*) ensure that all garbage being stored on the premises is stored in a manner approved by the Local Board;

(*c*) ensure that where garbage is being put out to be collected by a contractor, the garbage is put out in a manner approved by the Local Board.

Collection and disposal of garbage.

4.—(1) The Local Board shall designate the areas for which they provide scheduled services for the collection and disposal of domestic garbage and shall inform the residents of the days and times scheduled for collection and disposal.

(2) The residents of the areas designated under paragraph (1) shall put out their domestic garbage on the days scheduled by the Local Board.

(3) The owner or occupier of any commercial or industrial premises or a person engaged in any commercial or industrial activity shall dispose of commercial garbage or industrial garbage generated on the premises.

(4) The management of an institution shall dispose of garbage generated by the institution.

(5) Where an officer of the Local Board or other person authorized in that behalf enters any premises for the purpose of collection or disposal of garbage or in order to execute any other duty under these Regulations, the owner or occupier shall comply with all lawful requests or instructions given by the officer or other person and shall not hinder the officer or other person in the execution of his duties.

(6) Where a person disposes of garbage by incineration, the incineration shall occur between the hours of 10:00 o'clock in the forenoon and 5:00 o'clock in the afternoon.

(7) The Local Board may vary the hours specified in paragraph (6).

Contractual arrangements by Local Board.

5.—(1) The Local Board may enter into contractual arrangements for the collection or disposal of garbage.

(2) Where a contractor fails to comply with any of these Regulations, the Local Board may, in addition to any penalty which may otherwise be imposed, terminate the contract immediately.

(3) Where a contract is terminated under paragraph (2) the licence granted under regulation 10 (3) (*b*) shall cease to be valid.

Designation of disposal sites.

6.—(1) The Local Board, in consultation with the Authority, shall designate areas as authorized disposal sites and as special disposal sites.

(2) The Local Board shall ensure that a site conforms to such standards and guidelines regarding design, construction and operation as may be established by the Authority or any other body authorized in that behalf.

(3) The Local Board may, by resolution, specify fees to be paid by the users of a disposal site.

Prohibition on disposal and removal of garbage.

7.—(1) No person shall dispose of garbage in an area which is not designated as a disposal site by the Local Board.

(2) No person shall dispose of hazardous, toxic or noxious garbage at a disposal site without the approval of the Medical Officer (Health) or a person authorized in that behalf.

(3) No person shall remove garbage from a disposal site unless he is authorized to do so by the Local Board.

Conveyance of garbage.

8.—(1) No person shall convey garbage along any public road other than in a manner approved by the Local Board.

(2) A contractor shall securely cover a receptacle used to convey garbage.

(3) Where in the process of collection or conveyance, garbage escapes from the receptacle, the contractor shall immediately re-load the garbage or cause the garbage to be re-loaded into the receptacle.

Disposal of dead animals.

9.—(1) A person who has the custody of an animal which dies shall dispose of the remains of the animal in a manner approved by the Local Board.

(2) Where a person contravenes paragraph (1) the Local Board may dispose of the animal and charge any expense incurred in so doing to that person.

(3) Any expense incurred under paragraph (2) may be recovered by the Local Board in a Resident Magistrate's Court as a civil debt due to the Crown.

Provisions relating to licences for collection and disposal of garbage.

10.—(1) No person shall engage in the business of collection or disposal of garbage unless that person first applies for and obtains a licence to do so from the Local Board.

(2) An application for a licence shall—

(*a*) be in the form set out in the First Schedule; First Schedule.

(*b*) be accompanied by the appropriate fee specified in the Third Schedule; Third Schedule.

(*c*) be accompanied by a passport size photograph of the applicant taken not more than three months prior to the date of the application; and

(*d*) be lodged in the Office of the Secretary.

(3) The Local Board may, after considering an application—

(*a*) require the applicant to furnish such further information as it considers necessary;

(*b*) grant to the applicant a licence subject to such conditions, if any, as it considers necessary; or

(*c*) refuse to grant a licence.

(4) A licence shall be in the form set out in the Second Schedule and shall, unless sooner revoked, remain valid for one year from the date of its issue. Second Schedule.

(5) In considering whether to grant a licence or the type of licence to be granted, the Local Board may have regard to—

(*a*) the type of garbage which the applicant intends to collect; and

(*b*) the type of receptacle which is proposed to be used.

(6) The Local Board shall not grant a licence for the disposal of hazardous, toxic or noxious garbage unless it is satisfied that the garbage will be disposed of in such a manner as not to be detrimental to public health, animals or the environment.

(7) A contractor shall within thirty days before the expiry of his licence make an application to the Local Board for the renewal thereof and the provisions of paragraphs (2), (3), (4) and (5) shall apply thereto.

(8) The Local Board may refuse to renew or may revoke a licence where the licensee contravenes any provision of these Regulations or orders made thereunder.

(9) The Local Board may, by resolution, amend the fees specified in the Third Schedule.

Services and facilities.

11. The Local Board may offer services or operate facilities for the carrying out of activities relating to garbage reduction, collection, conversion and disposal and may, by order, specify the fees for the provision of the services and the use of the facilities.

Orders.

12. The Local Board may, by resolution and after consultation with the Authority and the Water Resources Authority, make orders under these Regulations in relation to—

(*a*) the manner in which different types of garbage shall be stored on any premises;

(*b*) the manner in which different types of garbage shall be put out for collection;

(*c*) the manner in which garbage may be disposed of by residents;

(*d*) the manner in which garbage may be conveyed along any public road;

(*e*) the operation and use of a disposal site which falls within its jurisdiction;

(*f*) the operation of contractors;

(*g*) the payment of fees for the collection and disposal of garbage; and

(*h*) the manner in which certification and reporting of garbage is to be made.

Offences.

13.—(1) A person who fails to comply with any provision of these Regulations commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months and where the offence continues after conviction the offender is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars for every day on which the offence so continues, and in default of payment, to imprisonment for a term not exceeding two months.

(2) Where a person commits an offence against these Regulations he may, in addition to any penalty which may otherwise be imposed, be required to—

(*a*) remove any garbage which is improperly disposed of and remedy any damage caused by the improper disposal;

(*b*) reimburse the Local Board any costs incurred in removing garbage and remedying any damage caused by the improper disposal;

(*c*) compensate any person who suffers loss or damage as a result of the improper disposal;

(*d*) properly dispose of garbage improperly removed from a disposal site.

FIRST SCHEDULE (Regulation 10)

THE PUBLIC HEALTH (ST. MARY PARISH COUNCIL) (GARBAGE COLLECTION AND DISPOSAL) REGULATIONS, 1998

Application for a Licence to carry on the Business of Collecting and Disposing of Garbage

Name of applicant:.....

Business address of applicant:.....

.....

*Type of garbage to be collected and disposed of:.....

.....

Approximate annual volume or quantity of garbage to be collected and disposed of:.....

.....

Routes or areas from which garbage to be collected:.....

.....

Number of vehicles to be used in the collection and disposal of garbage:.....

.....

FIRST SCHEDULE, *contd.*

Type or make of vehicles and registration numbers:

.....

.....

.....

Equipment (type and quantity):.....

.....

.....

Signature of applicant:.....

Date of application:.....

* A separate application is required in respect of each of the types of garbage listed in the Third Schedule to the Public Health (St. Mary Parish Council) (Garbage Collection and Disposal) Regulations, 1998.

SECOND SCHEDULE (Regulation 10)

THE PUBLIC HEALTH (ST. MARY PARISH COUNCIL) (GARBAGE COLLECTION AND DISPOSAL) REGULATIONS, 1998

Licence to carry on the Business of Collecting and Disposing of Garbage

LICENCE NO.....

Affix Photograph of Contractor	This licence is granted to..... (*name of contractor*) of .... (*business address of contractor*) to carry on the business of collecting and disposing of..... .....garbage. (*specify type*)

CONDITIONS

This licence is not transferable to any other person and is issued subject to the provisions of the Public Health Act and to the regulations made thereunder, including the certification by the Local Board of any receptacle which is used by the licensee to transport garbage. It is also issued subject to any requirements made by Order of the Local Board in respect of certification and reporting of garbage collected by the contractor named herein and, unless sooner revoked, will expire on the day of

Dated the.....day of.....

Signature of contractor.....

Signature of Secretary of Local Board.....

Place of issue.....

THIRD SCHEDULE (Regulation 10)

THE PUBLIC HEALTH (ST. MARY PARISH COUNCIL) (GARBAGE COLLECTION AND DISPOSAL) REGULATIONS, 1998

Licence Fees to carry on the Business of Collecting and Disposing of the following types of Garbage

1. Domestic garbage	$30,000.00
2. Commercial and industrial garbage	$45,000.00
3. Hazardous, toxic, noxious, and infectious garbage	$50,000.00.

[The inclusion of this page is authorized by L.N. 33A/2005]