

NATIONAL CAPITAL DISTRICT GARBAGE & SANITATION LAW 2010

ARRANGEMENT OF CLAUSES

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NATIONAL CAPITAL DISTRICT GARBAGE & SANITATION LAW 2010

PART I - PRELIMINARY

Being a law made pursuant to the *National Capital District Commission Act 2001* as amended to replace the *National Capital District Sanitation and Garbage Law 2006*.

Made by the National Capital District Commission to come into operation in accordance with a Notice published in the National Gazette by the Minister.

1. INTERPRETATION

In this Law, unless the contrary intention appears:-

“**Bin**” means a receptacle for depositing garbage which conforms with such specifications as are laid down in the Public Health (Sanitation and General) Regulation.

“**Commission**” means the National Capital District Commission established by Section 4 of the *National Capital District Commission Act 2001*.

“**Landlord**” for the purposes of this law means the Lessee of a State Lease or owner of a freehold property and/or their assignees.

“**Litter**” means bottle, tin, carton, package, paper, grass, food, chewing betelnut, betelnut spit or other refuse, rubbish or garbage or any other matter or thing that is disposed by a person in a public place or dumped within the premises.

“**Manager**” means the City Manager appointed under Section 21 of the *National Capital District Commission Act 2001*.

“**Minister**” means the National Minister for Inter-Government Relations.

“**National Capital District**” has the same meaning as in Section 4 of the Constitution.

“**Persons**” means the Landlord for the purposes of this Law.

“**Sanitation Service**” means service provided with a sanitary pan supplied by the Commission or any person with whom the Commission has entered into a contract for the provision of the service.

“**Waste Depot**” means locations approved by the Commission for disposal of garbage.

2. LIABILITY

For the purposes of this law, the Landlord shall be deemed to be the person receiving the service or services.



3. **FEES**

Fees for sanitary and garbage services within the National Capital District shall be in accordance with this law.

4. **MINIMUM FEES**

The minimum fees payable by a person for a service are the fees shown in Schedule 1 to this law or such other fees as prescribed by the Commission from time to time by Notice to the residents of the National Capital District.

5. **PAYMENT OF FEES**

Fees are due and payable annually as are prescribed and shall be paid in advance on receipt of a notice from the Commission, showing the fees payable, to a person receiving a service or services.

6. **DISCONTINUANCE OF SERVICE**

The owner of the land and/or property requiring a discontinuation of a service or services shall notify the Commission in writing that the service or services should be discontinued and the date on which such notification is to take effect.

7. **RESPONSIBILITY FOR CHARGES**

The owner of the land and/or property receiving a service or services shall be responsible for all charges in respect of that service or those services until such time as notification has been received by the Commission that the service or services shall be discontinued.

8. **REFUSAL TO DISCONTINUE SERVICE**

Notwithstanding anything contained in Sections 6 or 7, the Commission may refuse to discontinue a service or services if, in the opinion of the City Manager or his representative, there is evidence that need for the service still exist.

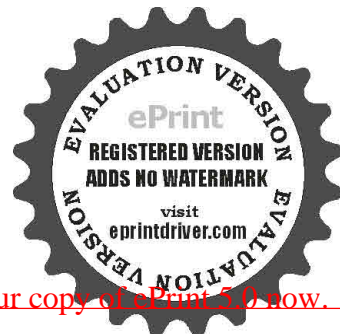
9. **NOTIFICATION OF REFUSAL**

Where the Commission has refused to discontinue a service or services, the person or persons to whom they were rendered shall be notified of the refusal in writing by the City Manager or his representative and shall continue to be responsible for the payment of charges in respect of such service or services.

10. **SUPPLY OF SERVICE UNDER MANAGERS DIRECTION**

For the purposes of this Law;

- (1) Removal of sanitary pans is the responsibility of the Commission.



- (2) The removal and disposal of domestic garbage is the responsibility of the Commission.
- (3) Subject to Section 13 the removal and disposal of commercial and industrial waste is the responsibility of the Commission.
- (4) Where in the opinion of the City Manager a person who does not receive sanitary or garbage services is in need of such services, the City Manager may direct that they be supplied and the person to whom they are supplied shall be responsible for payment of fees levied in respect of such services.

11. OFFENCE

- (1) It is an offence for a person, without reasonable cause, to refuse or fail to pay fees levied in accordance with the provisions of this law and the Schedule thereto.
- (2) The landlord or occupier of premises must provide refuse bin as approved by the Commission.
- (3) A person must not place refuse or refuse bin on public road, thoroughfare, public place or on the neighbor's premises.
- (5) A Person must place refuse bin within the boundaries of premises and shall be placed in positions convenient for collection, as determined by the Commission, only on collection days.
- (6) A person must not dispose of rubbish in sites other than the approved dump site.¹
- (7) Failure to comply with Sub Section 2, 3, 4 and 5 above shall be considered as an offence under this law.

Penalty: For offences under sub section 2, 3 and 4, a fine of up to K1000.00² for each offence in addition to the respective rates imposed under this Law; whereas for offences under sub section 6, a fine of K5,000 together with the forfeiture of the vehicle or other transport mode used for the illegal dump.

12. RIGHT TO DISCONTINUE SERVICE

The Commission reserves the right to discontinue the provisions of the service or services under this law with or without notice if in the Commission's opinion, the person whom the service or services has been provided has failed or neglected continuously to pay the prescribed fees.

¹ Inserted in 2010 amendments together with the penalty for the offence

² K500 until end of 2009



13. WASTE DEPOT USAGE FEE

- (1) A person wishing to remove or dispose of his Chemical Hazardous Wastes, Explosive and Toxic Non-Hazardous, Solvent or Fluid waste and Solid wastes is not be permitted to do so without first obtaining written approval from the Commission every time he wishes to remove and dispose of the waste and pay the Waste Depot usage fees as prescribed in the Schedule 1.
- (2) The Commission may include other wastes from time to time to the list specified in Section 13(1) by Notice to the residents of the National Capital District.
- (3) Payment of the fees described in Section 13 (1) shall be made at the Commission cash office or the Commission shall cause a receipt to be issued to the person. The receipt so issued shall constitute the written approval of the Commission as required by Section 13 (1).

14. REMOVAL OF LITTER

- (1) The Commission shall send a notice to the landlord when it believes that litter is on their property.
- (2) The landlord must remove the litter within fifteen days of receipt of such notice.
- (3) If the landlord fails to comply with the notice issued under sub section (1) above, the Commission may remove the litter at the landlord's expense and such costs shall be recovered together with the Garbage and Sanitation rates due under this law.



SCHEDULE - 1

Nature of Service(s)	Fees - Kina	10% GST- Kina	Total Fees Kina
1) Monthly Sanitary Fees			
a) Daily Collection (per bin)	16.00	1.60	17.60
b) Twice daily collection (per bin)	36.00	3.60	39.00
c) Special Collection (per lift)	8.00	0.80	8.80
2) Monthly Garbage Rates			
<i>a) Garbage collection if provided:</i>			
Twice weekly - per bin	30.00	3.00	33.00
<i>b) Mobile garbage bin – 240 liters</i>			
Twice weekly collection	48.00	4.80	52.80
c) Special collection - per bin per collection	13.00	1.30	14.30
d) Special collection - per drum per collection	48.00	4.80	52.80
3) Waste Depot Fess (per load)			
a) Chemicals Hazardous Wastes	110.00	11.00	121.00
b) Explosive and Toxic Non -Hazardous	110.00	11.00	121.00
c) Solvent or Fluid Wastes	78.00	7.80	85.80
d) Solid Waste	38.00	3.80	41.80



C E R T I F I C A T E

We certify that the National Capital District Garbage & Sanitation Law 2010 was made on the 30th day of November 2009 and this is a true copy of that Law.

HON. POWES PARKOP, LLB, MP
Governor NCD & Chairman – NCDC Board

LESLIE ALU
City Manager

