

THE LOCAL GOVERNMENTS ACT.

Statutory Instrument 243—21.

The Local Governments (Kampala City Council) (Solid Waste Management) Ordinance.

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THE LOCAL GOVERNMENTS ACT.

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The Local Governments (Kampala City Council) (Solid Waste Management) Ordinance. *(Under sections 38 and 40 of the Act.)*

PART I—PRELIMINARY.

1. Citation.

This Ordinance may be cited as the Local Governments (Kampala City Council) (Solid Waste Management) Ordinance.

2. Application.

This Ordinance applies to all areas of the district, including private premises, Government-owned properties and council properties.

3. Interpretation.

- (1) In this Ordinance, unless the context otherwise requires—
 - (a) “animal waste” means waste from stables, kennels, pet pens, chicken coops, veterinary establishments, slaughterhouses and others of a similar nature, and includes discarded parts from slaughtered animals;
 - (b) “clinical waste” means any waste material that has come into contact with body fluids or tissues;
 - (c) “commercial solid waste” means any solid waste produced by stores, shops, hotels, restaurants, markets, multiple residential units and similar concerns operated for profit;
 - (d) “composting” means a controlled condition or process under which organic material decomposes and waste stabilises in a manner that does not create a public nuisance;
 - (e) “construction and demolition waste” means rubble and spoils resulting from the construction, remodelling, repair and demolition operations on commercial, institutional and industrial establishments, dwelling units, garages, pavements, streets, alleys, trenches and other structures;

- (f) “contained solid waste” means garbage and trash generated by a household and placed in prescribed containers;
- (g) “council” means the Kampala District Council and includes its appointed agents and licensed collectors;
- (h) “district” means Kampala District;
- (i) “dustbin” means a movable receptacle for the deposit of refuse;
- (j) “incineration” means the process of burning waste to ash;
- (k) “medical waste” means waste consisting of human or animal tissue, any part of a human or animal body that has been removed by surgery, and any contaminated material such as, but not limited to, bandages and hypodermic needles;
- (l) “objectionable waste” includes hazardous and dangerous waste;
- (m) “person” includes an institution, public or private corporation, individual person or entity;
- (n) “protective clothing” includes gumboots, industrial gloves, masks, overalls and head covers;
- (o) “public nuisance” means anything which is injurious or obnoxious to health or offensive to the senses, or is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of the life or property of a considerable number of persons, or which obstructs free passage or use in the customary manner;
- (p) “reclamation” means the process of obtaining useful products from waste material;
- (q) “recycling” means the process of treating waste so that it can be used again;
- (r) “refuse” includes any waste, whether liquid or solid, which is discharged, emitted or deposited in the environment;
- (s) “responsible person” means the owner, occupant, resident, lessor, lessee, manager, licensee or other person having control of premises or over a structure or parcel of land;
- (t) “skip” means a container owned by the council and made available to residents for their use as part of the council’s solid waste collection system;
- (u) “solid waste” means garbage, refuse, trash and other materials or products including putrescible and nonputrescible wastes, organic and inorganic waste, combustible and noncombustible waste, and liquid nonhazardous waste, but does not include hazardous waste or human body parts.

(2) Terms and references used in this Ordinance have the same

meanings as in the Local Governments Act unless the contrary intention appears.

PART II—PLACEMENT.

4. Responsibility of owner.

(1) Every owner or occupant of dwelling or commercial premises is responsible for waste generated at those premises until it is collected by the council, its appointed agents or operators licensed by the council.

(2) Every owner or occupant of any premises, business establishment or industry is responsible for the sanitary condition of his or her premises, business establishment or industry, and for the proper placement for collection of all solid waste.

5. Prohibited placement.

(1) No person shall place, deposit or allow any solid waste to be placed or deposited on his or her premises or on private property, on a public street, roadside, or in a ditch, river, stream, lake, pond, canal, channel, park, gulch, ravine, excavation, or other place where it may be or become a public health nuisance.

(2) This paragraph shall not be construed to prevent the approved placement of solid waste for collection purposes in accordance with this Ordinance or any other applicable law.

(3) A person who keeps solid waste other than in a manner prescribed by this Ordinance commits an offence.

6. Use of skips.

(1) No person shall use a skip for a purpose other than the placement of solid waste unless otherwise authorised by the council.

(2) No person shall, except with the permission or consent of the council, remove, collect or scavenge any solid waste deposited in a skip.

PART III—STORAGE CONTAINERS.

7. Storage of solid waste.

(1) Solid waste shall be kept and stored in such a manner that it shall not be easily scattered or blown by the wind, and, where practicable, in durable containers or dustbins.

(2) The responsible person in a dwelling place, business establishment or other premises where refuse accumulates shall ensure that sufficient numbers of suitable approved dustbins or containers for receiving and storing refuse are provided at the premises.

8. Containment of commercial solid waste.

(1) The responsible person shall provide dustbins, cans or bags for the storage of commercial solid waste accumulated at his or her premises.

(2) A commercial, institutional or industrial establishment where the amount of solid waste accumulated cannot be conveniently stored in dustbins, cans or bags shall provide for alternative containment of the waste.

9. Quality of waste containers.

(1) A solid waste container shall comply with the following—

- (a) a solid waste container shall be constructed of durable nonabsorbent, noncombustible materials, and have suitable watertight covers;
- (b) containers shall be kept covered except when being loaded or emptied;
- (c) dustbins and solid waste containers shall be maintained in a sanitary condition; and
- (d) containers shall be stored or maintained in such a manner as not to constitute a nuisance or health hazard.

(2) All solid waste containers provided by occupants of premises, business establishments or industries shall be subject to the approval of the council.

10. Prohibition to deposit in skip.

Solid waste generated by commercial, institutional and industrial establishments shall not be deposited or disposed of into a skip, except where

a disposal service is being provided to the establishment by the council.

11. Marking and other requirements for containers.

(1) Solid waste containers provided by a holder of a permit under this Ordinance for public use shall be legibly and durably marked with the name and address of the holder of the permit.

(2) Containers provided under subparagraph (1) of this paragraph shall be of a sufficient size and number to accommodate the area serviced and shall be emptied completely during the collection operation and, where required, be treated to prevent vermin, odour or other public nuisance.

12. Fire on skips prohibited.

No person shall light a fire or cause a fire to be lit on a skip, and any ash deposited in a skip shall be dampened with water to extinguish any live embers.

13. Storage of solid waste.

(1) The owner or occupier of any premises is responsible for the sanitary condition of those premises.

(2) No person shall keep solid waste or animal waste except as provided by this Ordinance.

(3) Except as provided in this Ordinance, no person shall bury, dump or deposit, or cause to be buried, dumped or deposited upon any street, alley or premises, solid waste of any kind.

14. Solid waste containment and disposal requirements.

The responsible person at any dwelling unit, commercial, industrial or institutional establishment or ground within the corporate limits of the city where solid waste accumulates shall ensure that solid waste is placed in containers prescribed and approved by the council, depending upon the type of collection service provided.

15. Materials not to be deposited.

Explosive and flammable material of any kind shall not be placed in a solid waste container.

16. Construction waste.

(1) Construction and demolition waste resulting from construction, reconstruction, demolition or repair of premises shall not be placed with other solid waste for collection.

(2) Where construction waste is generated by a contractor, the contractor is responsible for the prompt removal and disposal of the waste at an authorised disposal site.

(3) All construction waste shall be removed promptly and shall not be stored in any location where it may be blown or otherwise dispersed beyond the construction site.

PART IV—COLLECTION.

17. Responsibility of the council to collect and dispose of solid waste.

The council shall, either by its agents, servants or licensed collectors, ensure that solid waste in the district is collected and conveyed to treatment installations or approved disposal sites to the extent required to satisfy both public health and environmental conservation requirements, and as provided in this Ordinance.

18. Separation of solid waste at source.

The council shall ensure that there is separation of solid waste at the source of generation by the responsible person.

19. Collection fees.

(1) The council shall prescribe fees for the collection and final disposal of solid waste by the council.

(2) Fees prescribed under subparagraph (1) of this paragraph shall be paid by the responsible party to the council or to the permitted collectors of solid waste.

(3) Fees prescribed in this paragraph may be annual or periodic and shall be set at an amount that covers collection, storage and disposal costs.

20. Offences.

It is an offence for a person—

- (a) not authorised by the council to remove, collect or disturb solid waste in containers, or to remove solid waste from a container;
- (b) other than the council or licensed solid waste transporters to collect and dispose of solid waste;
- (c) to use for any purpose other than its intended purpose, a skip provided by the council;
- (d) to scatter or litter solid waste upon any private or public property; or
- (e) to collect, transport, remove or dispose of refuse at a fee or other consideration without a valid permit from the council.

21. Frequency of collection and placement of solid waste; copy of requirements governing its storage and collection.

(1) The frequency of collection of solid waste shall be in accordance with the regulations of the collection agency but shall be regular enough not to cause a public health nuisance.

(2) All solid waste shall be placed on the premises for convenient collection as designated by the council.

(3) A collection agency shall provide each head of a household or business or institutional establishment serviced by the agency with a copy of the requirements governing the storage and collection of solid waste which shall include at least the following—

- (a) scheduled days of collection;
- (b) places to be served;
- (c) places not to be served;
- (d) materials not acceptable for collection;
- (e) preparation of refuse for collection;
- (f) types and sizes of containers permitted; and
- (g) points from which collection will be made.

22. Methods of collection.

(1) Except as otherwise provided by this Ordinance, the mechanical solid waste collection system is the only waste collection system to be provided to residents of the district by the council.

(2) Where it is impractical for the council collection vehicles to operate due to adverse or other conditions, the council may substitute another system or require the residents to seek private collection services.

23. Residents to contract with private collectors.

Residents who do not wish to use the council's solid waste collection system shall be required to contract with authorised private collectors for a solid waste collection service.

24. Removing skips.

(1) Only the council may remove a skip from its assigned location.

(2) It is unlawful for any person to remove a skip from the address to which it is assigned.

PART V—TRANSPORTING OF SOLID WASTE.

25. Vehicles.

(1) Vehicles used for the collection and transportation of refuse shall have secure metal bodies of easily cleaned construction, and shall be cleaned and decontaminated frequently to prevent their becoming a public health nuisance, and shall be maintained in good mechanical condition and repair.

(2) Vehicles shall be loaded and moved in such a manner that the contents are not exposed and do not fall, leak or spill; and where spillage occurs, it shall be removed immediately by the holder of a permit or transporter in a sanitary manner.

(3) Each vehicle operated under a permit shall have the permit number clearly inscribed on the side door panels and rear face of the vehicle in six-centimetre letters or numerals, or both.

(4) The council shall approve all vehicles engaged in the business of collecting, transporting and disposing of solid waste.

26. Offences.

It is an offence for any person to haul or cause to be hauled on or along any public street, right of way or alley in the city, any solid waste, unless that waste is in a vehicle or receptacle so constructed or covered as to prevent the contents from falling, leaking or spilling and to prevent any obnoxious odour escaping from the waste.

27. Refuse to be securely covered.

All solid waste shall be transported in an enclosed vehicle or be adequately and securely covered to prevent it from being blown away or falling off the vehicle.

28. Transporters to follow scheduled routes.

Vehicles transporting waste or other means for the conveyance of waste shall follow the approved scheduled route from the point of collection to the disposal site or plant.

PART VI—DISPOSAL.

29. Disposal methods.

(1) All refuse shall be disposed of by a method prescribed by the council.

(2) All methods of disposal prescribed under subparagraph (1) of this paragraph shall include rodent, insect and nuisance control at the place of disposal.

(3) A holder of a permit shall dispose of all solid waste in accordance with the method approved by the council and at an approved site, and the approval must be obtained in advance of the commencement of operations and before any change of method of disposal or site.

30. Incineration.

No person shall dispose of refuse by incineration except in accordance with this Ordinance, the Public Health Act, the National Environment Act and any

other written law in force in Uganda.

31. Incineration method to be approved by the council.

- (1) Where waste is to be disposed of by incineration—
 - (a) the plans and specifications along with any other information necessary to evaluate the incineration project shall be submitted to the council for approval before construction is commenced; and
 - (b) an approved method for the disposal of the noncombustible refuse shall be provided.

- (2) Where incineration is to be carried out, the following shall be complied with—
 - (a) the capacity of the incinerator shall be sufficient for the maximum production of refuse expected;
 - (b) noncombustible refuse shall be disposed of by a method approved by the council; and
 - (c) skilled personnel shall be employed to ensure the proper operation and maintenance of the facilities in a nuisance-free manner.

32. Clinical and medical waste.

Clinical waste and medical waste shall be disposed of by incineration or autoclaving before being disposed of at a landfill.

33. Reclamation plants.

- (1) No person shall operate an establishment for the purpose of composting, processing or reclaiming refuse without a valid permit issued by the council.

- (2) Plan specifications and other information pertinent to a reclamation plant shall be submitted to the council for approval before the start of the project, and no construction work shall commence until that approval has been obtained.

- (3) Provision shall be made for the proper disposal of all refuse not considered suitable for composting, reclamation or processing.

(4) Skilled personnel shall be provided at the plant to ensure the proper operation and maintenance of the facilities in a nuisance-free manner.

34. Sanitary landfill.

(1) Disposal of refuse on the ground shall be by controlled sanitary landfill method.

(2) No person other than the council shall operate or maintain a sanitary landfill without a permit issued by the council or otherwise than in accordance with this Ordinance and any other written law in force.

(3) An application to operate a sanitary landfill shall be accompanied by a plan showing the following—

- (a) location of the site;
- (b) proposed extent and type of landfill planned;
- (c) local topography;
- (d) land use;
- (e) proposed final elevations and contours;
- (f) access roads;
- (g) depth to ground water;
- (h) proximity to surface water or drainage courses; and
- (i) any other information required by the council.

35. Duties of a landfill operator.

- (1) A landfill operator shall—
 - (a) provide an adequate access road to the site;
 - (b) provide a semipermanent, all-weather road on the site marked with appropriate directional signs, and where required, a vehicle turnaround to facilitate the orderly movement of vehicles and disposal of refuse;
 - (c) take all necessary measures, including the erection of physical barriers, to prevent refuse being windblown; and
 - (d) take all reasonable measures necessary to—
 - (i) prevent or eliminate the breeding or harbourage of flies, mosquitoes and other insects, rodents or vermin, that could be a danger to public health;
 - (ii) prevent and control fires or pollution of the air by dust, smoke fumes, odour or from other causes;
 - (iii) prevent the pollution of surface or groundwater;

- (iv) prevent or eliminate any public nuisance on the premises;
and
- (v) provide and maintain effective supervision of the landfill and its operation, and the supervision shall extend over the physical limits of the project, including access roads.

(2) The working face of the landfill shall be kept as narrow as is consistent with proper containment of refuse, the operation of vehicles and equipment and minimising the area of unprocessed, exposed waste material.

(3) Waste materials may be compacted, and compacting shall be done mechanically after depositing and before covering the waste.

(4) The exposed working surface shall be covered with clean earth as promptly as necessary for nuisance and fire control; and at the close of each day's operations, both the surface and side slopes of the fill shall be completely covered with soil to a depth of at least twelve centimetres.

(5) Bulky materials, such as building rubble and tree stumps, shall not be used as final surfaces or side slopes.

(6) The final cover for surface and side slopes shall be maintained at a minimum depth of eight centimetres.

(7) Sufficient standby equipment shall be provided to prevent delays in compacting and covering due to emergencies, peak loads or for other reasons.

(8) Where a finished landfill has a boundary side slope, the toe of the slope shall terminate in a filled ditch or other structure designed to prevent ravelling of the toe and slope.

(9) Except for cases in which the permission of the council is granted, burning at a landfill is prohibited.

(10) After the active period of filling is completed, a maintenance program shall be continued so as to ensure prompt repair of cracks, depressions, surface and side slope erosion until the landfill has stabilised.

(11) The operator of a landfill shall be responsible for keeping scavengers away from the landfill.

(12) The disposal at a landfill of human excreta from septic tanks, cesspools and job toilets and of objectionable waste such as solvents, pesticides, poisons and their containers is prohibited.

(13) A landfill operator shall provide the following at the premises—

- (a) fire extinguishers;
- (b) first-aid facilities;
- (c) adequate water supply;
- (d) ablution facilities;
- (e) protective clothing to all the workers; and
- (f) communication facilities.

(14) All workers at a landfill shall undergo a periodical medical examination.

36. Dumping sites; disposal of large dead animals.

(1) Persons, firms, and Government agencies, within the corporate limits of the city shall be permitted by the council to dispose of solid waste generated within that area at a place designated by the council—

- (a) upon payment of a tipping fee; or
- (b) upon payment for an annual licence granted by the council.

(2) The disposal of large dead animals shall be by burial, cremation, breaking them up or tearing them up in a manner approved by the council, or by other methods approved by the council.

37. Fees.

(1) The council may prescribe fees to be paid for the removal and final disposal of waste by the council.

(2) Fees prescribed under subparagraph (1) of this paragraph may be paid either to the council or to its licensed agents or collectors.

(3) Fees prescribed under this paragraph may be annual or periodic and shall be set at an amount not exceeding costs required for planning, capital and operating costs of waste collection, storage and disposal.

38. Recycling.

(1) No person shall operate an establishment for the purpose of recycling solid waste without a valid permit issued by the council.

(2) Plans, specifications and other information pertinent to the recycling project shall be submitted to the council for review and approval before the start of the project, and no construction work shall commence until that approval has been obtained.

(3) Provisions for the proper disposal of all solid waste not considered suitable for recycling must be provided.

(4) Skilled personnel shall be provided to ensure the proper operation and maintenance of the facilities in a nuisance-free manner.

39. Penalties.

(1) A person who commits an offence under this Ordinance is liable on conviction to a fine not exceeding two currency points or to a term of imprisonment not exceeding six months.

(2) A person convicted of an offence under this Ordinance is, in addition to any penalty imposed by the court, liable to pay to the council any expenses incurred by the council in consequence of that offence.

40. Application for a permit.

An application for a permit of any kind under this Ordinance shall be made to the council in a form prescribed by the council and shall be accompanied by the prescribed fee.

History: Ordinance 1/2000.

Cross References

National Environment Act, Cap. 153.

Public Health Act, Cap. 281.
