

SUPPLEMENT to the Solomon Islands Gazette

Friday, 12th August 1994

S.I. No. 30

[Legal Notice No. 98]

LOCAL GOVERNMENT ACT

(Cap. 14)

**HONIARA LITTER (PUBLIC AND PRIVATE NUISANCE)
BY-LAWS 1993**

IN exercise of the powers conferred by section 50 of the Local Government Act, and in pursuance of a resolution dated the 17th day of December 1993, the Honiara Town Council hereby makes the following By-Laws.

1. These By-laws may be cited as the Honiara Litter (Public and Private Nuisance) By-Laws 1993.

Citation.

2. These By-laws shall apply within the Honiara Town Boundary.

Application
of By-laws.

3. In these By-laws unless the contrary otherwise requires -
“authorised person” means a person authorised by the Council in writing for the purpose of these By-laws and includes a police officer.

Definitions.

“council” means the Honiara Town Council or any authority who for the time being charged with the responsibility for Honiara Town.

“common parts of a building” includes lodges, yards, court-yards, compounds, garages, carparks, lanes, passage ways, corridors, staircases, landings, lifts, escalators and lift shafts.

“land” means any land, whether built on or not and includes the area surrounding any private dwelling house, commercial and industrial premises whether open or enclosed and whether maintained or not under statutory authority.

“litter” includes spit and betel-nut spit, buildings, household, shop, garden and trade refuse or waste, containers and packaging of any description whether manufactured in whole or in part of wood, glass, metal, paper or plastic, derelict vehicles, household, shop and factory furniture, appliances and machinery or any part thereof, timber, wood, glass, iron, concrete, sand, earth, gravel, stone and

clay or any other matter or thing that when left, deposited, dropped or thrown on to a public place or land causes, contributes to or tends to lead to the defacement or defilement of any public place or land.

“public place” includes any highway, street, road, bridge, square, court, alley, lane, footway, parade, throughfare, foreshore, range, market, playground, wharf, public reserve or open space to which the public are entitled or permitted to have access to whether on payment or otherwise.

“vehicles” means any mechanically propelled vehicle.

Dumping of
Litter in
Public Place.

4. (1) No person shall throw, sweep, drop, deposit or otherwise cause or permit to be thrown, swept, dropped or deposited or otherwise place other than in a receptacle provided for that purpose any litter or any other substance likely to constitute a nuisance on or in -

- (a) any public place;
- (b) the common parts of any building;
- (c) any water course, river, stream, channel ditch or reservoir sea shore or the open sea;
- (d) any property of the Council or the government except with the consent of an authorised person.

(2) If any litter or any other substance likely to constitute a nuisance is thrown, swept, dropped or otherwise deposited from the window, balcony, verandah or roof top of any premises or part thereof in contravention of sub-section (1), the occupier of such premises or part thereof shall be guilty of an offence unless he proves that the contravention was committed by a person who is not a member of his family nor employed by him.

(3) A person driving a vehicle on a road shall not drop, permit or allow litter to fall or otherwise be dropped from the vehicle on to the road or land adjoining the road.

(4) If a contravention of subsection (2) or (3) is committed, it shall be no defence for the occupier in the case of a contravention of subsection (2), or for the driver in the case of a contravention of subsection (3), to prove that the contravention was committed without his consent or knowledge.

5. (1) If any litter or any other substance likely to contribute a nuisance is found in a street or public place, within seven metres of any premises which has direct access to and which fronts, adjoins

Occupier
of premises
required to
keep
surroundings
clean.

or abuts such streets or public place an authorized person may by notice in writing served on the occupier of such premises require him to remove there from the litter or other substance within such time as maybe specified in the notice.

(2) If any litter or any other substance likely to constitute a nuisance is found in any common part of a building, an authorized person may by notice in writing served on the person responsible for the management or cleaning of the building or if there is no such person or person cannot be found or ascertained, the owner or occupier of the building, require him to remove there from the litter or substance within such time as may be specified in the notice.

(3) No person shall permit any land owned or occupied by him or over which he has control to become over grown with long grass and shall keep the land free from all litter. An authorized person may by notice in writing served on the owner or occupier of such land require him to remove therefrom any litter or cut overgrown grass within such time as may be specified in the notice.

(4) A notice under paragraph (1), (2) or (3) may also require the person on whom it is served to clean the premises, land area or common part of a building specified therein to the satisfaction of the authorized person serving the notice within such period as may be prescribed in the notice.

(5) If a notice served in accordance with subsection (1), (2) or (3) of the By-law is not complied with within the period specified therein, the litter or substance likely to cause a nuisance to which the notice refers shall become the property of the council and may be cut, removed and destroyed or otherwise disposed of by the council who may cause the premises, land, area or common part of a building in which it was found to be cleaned and may recover from the person in default as a civil debt the expenses thereby incurred.

6. Any person conveying any litter in or through any public place shall:-

- (a) convey the same in containers suitably covered so as to prevent access of flies to the contents and the spilling therefrom of any of the contents;
- (b) take all necessary precautions to prevent the same from falling on to any public place; and
- (c) if any of the same has so fallen, forthwith clean the place on which it falls.

7. An authorised person may make enquiries at reasonable times and place concerning the contravention of these Bye-laws, including requiring a statement of name and address.

8. Any person who contravenes or fails to comply with these By-laws is guilty of an offence and liable to "an on the spot" fine of \$20.00 such sum to be paid to the Council within 14 days from the date of the offence in the case of non-compliance with a notice served in accordance with section 5, subsection (1), (2) or (3) payment of any expenses incurred by the council. The amount of the fine shall be recoverable as a civil debt.

9. Where a person denies contravening, the provisions of these By-laws such person may be charged under these By-laws and upon conviction be liable to a fine not exceeding \$100.00, plus in the case of a continuing offence \$5.00 per day together with in the case of non-compliance of a notice served in accordance with section 5, subsection (1), (2) or (3) payment of the whole or part of any such expenses incurred by the council and in default of payment, to imprisonment for 3 months.

10. The Honiara (Public Nuisances) By-laws are hereby repealed.

Made under the seal of the Honiara Town Council this twenty-eighth day of December 1993.

DAVID MAESUA
President
Honiara Town Council

Approved this seventeenth day of March 1994.

MICHAEL MAELIAU
Minister for Home Affairs

Published and exhibited at the office of the Honiara Town Council this eleventh day of April, 1994.

JOSEPH HASIAU
Acting Town Clerk
Honiara Town Council