

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SANITARY
ARRANGEMENTS) BY-LAWS, 2018

ARRANGEMENT OF BY-LAWS

BY-LAW

PART I —PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II — GENERAL PROVISIONS

4. Responsibility of owner/occupier
5. Sanitary accommodation requirements
6. Sanitary facilities for recreational areas
7. Temporary sanitary accommodation required on site
8. Power of Council to approve siting of sanitary accommodation
9. Hygiene
10. Misuse of water
11. Sewer line and other service fees

PART III —OFFENCES AND PENALTIES

12. Offences and penalties

FIRST SCHEDULE— STANDARDS OF SANITARY ACCOMMODATION FOR
COMMERCIAL AND PUBLIC BUILDINGS

SECOND SCHEDULE—FEES

LOCAL GOVERNMENT ACT
(CAP 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SANITARY
ARRANGEMENTS) BY-LAWS, 2018

IN EXERCISE of the powers conferred by section 103 of the Local Government Act,
the Lilongwe City Council has made the following By-laws—

PART I—PRELIMINARY

Citation **1.**These By-laws may be cited as the Local Government (Lilongwe City
Council) (Sanitary Arrangements) By-laws, 2018.

Interpretation **2.**In these By-laws, unless the context otherwise requires—
“approved” means approved by the Council regard being given to the
reasonable public health requirements of the particular case;
“building operation” means any operation of any kind relating to a
building whether construction, demolition, reconstruction or
erection, and includes excavation operations and any work of a
civil engineering nature on which workmen are employed;
“Council” means the Lilongwe City Council;
“dwelling house” means any premises or part thereof used solely for the
purpose of residential accommodation;
“occupier” means any person in actual occupation of land or premises
and in the case of premises subdivided and let to various tenants
includes each one of the tenants individually;
“owner” includes any person receiving rent or profit of any land or
premises from any tenant or occupier thereof or who would be
entitled to receive such rent or profit if such land or premises
were let out;
“premises” includes any land, buildings, room, tent, vehicle, drain or
arch which is open, covered or enclosed, whether built on or not
and whether public or private;

“average attendance” means such number of persons as is agreed between the Council and the owner or occupier of any premises;

“recreation ground” means any ground used for the purpose of athletic, sport or any other game or any kind of recreation whatsoever, and shall include a public or private swimming bath; and

“urinal” means a single stall urinal or a 500mm width of urinal trough.

Application **3.**These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council.

PART II—GENERAL PROVISIONS

Responsibility of owner/occupier **4.—(1)**An owner or occupier of any premises shall ensure that the premises are provided with sanitary accommodation as provided for in these By-laws.

(2)An owner of or a person who occupies or lets any other person to occupy premises which are not provided with sanitary accommodation as prescribed under these By-laws, commits an offence.

Sanitary accommodation requirements **5.—(1)**Residential premises shall be provided with at least one sanitary accommodation.

(2) An office, shop, workshop, factory, warehouse, school, church or other similar premises in which more than six persons regularly work or congregate but do not reside therein or any other premises licenced under theLocal Government (Lilongwe City Council) (Business Premises Licensing) By-Laws, 2018 , shall be provided with sanitary accommodation as prescribed in the First Schedule, where—

G.N.....2018

- (a) 50 per cent of the latrines provided shall be for females; and
- (b) 50 per cent for males, of which a third ($\frac{1}{3}$) thereof shall be urinals.

(3) An owner or occupier of the premises referred to in paragraphs (1) and (2) shall ensure that their premises contain enough and appropriate sanitary facilities easily accessible by persons with disabilities.

(4) Urinals, latrines and water closets prescribed under these By-laws shall be—

- (a) adequate;

- (b) effectively lighted and ventilated; and
- (c) easily accessible.

(5) Pit latrines prescribed under these By-laws shall be effectively screened against the entry of flies.

Sanitary facilities for recreational areas

6.— (1) A recreation ground shall have properly maintained urinals, pit or water closets reasonably accessible from any part of the ground.

(2) The urinals, pit or water closets referred to in paragraph (1) shall be clearly marked for separate use by males and females, with a minimum of one for each sex, and total requirement calculated on the average attendance at such ground as follows—

(a) one water closet and two urinals for every ~~25000~~ males or part thereof;

(b) one water closet for every ~~50400~~ females or part thereof.

(c) two pit closets for every 100 persons of each sex or part thereof and two urinals for every 100 male persons or part thereof. ~~LCC: Mulula to check~~

(3) The Council may, in its discretion, permit at any ground, the provision of sanitary accommodation less than the above requirements, in consideration of a written undertaking by the owner of the ground to provide for special functions, or on occasions when a number of persons larger than the said average attendance is expected, an adequate amount of sanitary accommodation of a temporary nature.

Temporary sanitary accommodation required on site

7.—(1) Wherever workmen are employed in any building operation, the contractor in charge of the work on the site or an employer of the workmen shall provide on or near the building site or the place where such building operation is in progress, not less than one water closet for every 20 persons or part thereof of each sex so employed, provided that where no connection to a public sewer or septic tank is possible, the Council may, in its discretion, permit the provision of pit latrines.

(2) Where sanitary accommodation as prescribed in terms of paragraph (1) is not provided, the contractor or employer contravenes the provisions of this by-law.

(3) On completion of a building operation, any temporary sanitary accommodation which may have been erected in pursuance of this by-law shall forthwith be demolished.

Power of Council to approve siting of sanitary accommodation

8.—(1)The siting of sanitary accommodation required in terms of these By-laws shall be approved by the Council as being convenient and appropriate for the persons for whose use it is intended.

(2) A pit latrine shall not be constructed within—

- (a) 4.5 metres of any building;
- (b) 1.5 metres of any plot boundary; or
- (c) 30 metres of any stream, pool, dam, well, borehole, spring or other underground water supply.

(3) A septic tank of grey water facility shall not be constructed outside plot boundaries.

(4) The Council shall, from time to time, by resolution, prohibit the constructions of pit latrines in any planned settlement within the City of Lilongwe.

Repair and cleanliness of facilities

9.An owner or occupier of any premises which has a water closet, pit latrine, urinal either permanent or temporal, shall ensure that the sanitary facilities are always kept in a good state of repair and cleanliness.

Misuse of water

10.An owner or occupier of premises, who uses or knowingly allows another person to use water from a pit latrine, water closet or urinal on his premises for any purpose other than that for which it is intended, commits an offence.

Sewer line and other service fees

11.The Council shall levy a fee or charge for the use of its sewer line and provision of other services as specified in the Second Schedule.

PART III —OFFENCES AND PENALTIES

Offences and penalties

12.(1) A person who contravenes a provision of these By-laws or fails to comply with any condition imposed by the Council, commits an offence and shall be liable to the following penalties—

- (a) a fine of K2,000.00, payable to the Council, upon being notified of the contravention for the first time by an official of the Council;
- (b) Where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment; and

(c) Notwithstanding the penalties provided under paragraphs (a) and (b), the Council may, where applicable, suspend or revoke the licence of the premises and in so doing the provisions of by-law 14 paragraphs (5), (6) and (7) of the Local Government (Lilongwe City Council) (Business Premises) By-laws, 2018 shall apply *mutatis mutandis*.

(2) The Council shall recover from the owner, occupier, contractor, employer or any other person in charge of the premises the cost of enforcing its decision and such cost shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE

(by-law5(2))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SANITARY ARRANGEMENTS) BY-LAWS, 2018

STANDARDS OF SANITARY ACCOMMODATION FOR COMMERCIAL AND PUBLIC BUILDINGS

- | | | | |
|-----|--|---|---|
| (a) | Shop | : | at least one toilet |
| (b) | Supermarket | : | at least one toilet for males and one for females |
| (c) | Factory or office | : | one toilet for every fifteen persons of each sex and the male toilet to have a urinal |
| (d) | School, church or other institutions | : | one toilet for every twenty people of each sex and the male toilet to have a urinal |
| (e) | Hotel and other lodging houses | : | one toilet for every six rooms and the male toilet to have a urinal |
| (f) | Bar or <u>Bottle store or</u> restaurant | : | at least one toilet for every twenty people |
| | | | of each sex and the male toilet to have a urinal |
| (g) | Bottle store | : | at least one toilet |
| | | | regardless of No. of customers & gender???? |
- LCC: Mulula confirm

SECOND SCHEDULE

(by-law11)

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SANITARY ARRANGEMENTS) BY-LAWS, 2018

SEWER LINE AND OTHER SERVICE FEES /CHARGES

Application Fee	K 5,000.00
Inspection Fee	K 30,000.00
Sewer fees—	
(a) Connection fee—	
(i) Commercial-CBD and Industrial	K300,000.00
(ii) Commercial Normal and Institutional	K200,000.00
(iii) Domestic	K 50,000.00
(b) Sewer disposal fee per load (private operators)—	
(i) less than 3,000 litres	K 5,000.00
(ii) from 3,000 litres to less than 9,000 litres	K 10,000.00
(iii) 9,000 litres and above	K 20,000.00
(c) Septic tank emptying fee per load (hiring from Council) —	
(i) less than 3,000 litres	K 50,000.00
(ii) from 3,000 litres to less than 9,000 litres	K 75,000.00
(iii) 9,000 litres and above	K100,000.00
Blockage clearing—	
(a) Domestic effluent, per hour	K10,000.00
(b) Trade effluent, per hour	K20,000.00
Public toilet rental charges per cubicle— (time frame??)	
(a) Central Business District	K20,000.00
(b) Townships	K15,000.00
DOMESTIC EFFLUENT (per half year)(what service??)	
Category 1 (High Density) per toilet	K1,000.00
Category 2 (Low Density) per toilet	K1,500.00

Category 3 (Commercial) per toilet	K2,000.00
Category 4 (Hotels and Hostel) per toilet	K2,500.00
Category 5 (Non profitable premises) per toilet	K 650.00

DOMESTIC EFFLUENT TANKER DISCHARGE LCC: clarify these 2

i) < 3 cubic metres per trip	K 60,000.00
ii) >3 cubic metres per trip	K100,000.00

TRADE EFFLUENT CHARGES [INDUSTRIAL???)

OILS, GREASE & FATTY MATTERS MONTHLY

L1) Up to 200 parts per million (ppm)	K 12,000.00
L2) Over 200 but not exceeding 300 (ppm)	K 14,500.00
L3) Over 300 but not exceeding 400 (ppm)	K 19,000.00
L4) Over 400 but not exceeding 500 (ppm)	K 45,000.00
L5) Over 500 but not exceeding 1000 (ppm)	K 58,000.00
L6) Over 1000 but not exceeding 2000 ppm	K 80,000.00
L7) Over 2000 but not exceeding 3000 ppm	K 90,000.00
L8) Over 3000 but not exceeding 4000 ppm	K100,000.00
L9) Over 4000 ppm	K112,000.00
L10) Discharge Consent Certificate (Annual)	K 90,000.00
Laboratory test	K 25,000.00
Risk Charge/Supervision Charge	K 17,000.00
Treatment and Processing up to 30 cubic m	K 85,000.00

SEWERAGE INDUSTRIAL / TRADE EFFLUENT

Biochemical Oxygen Demand (BOD) Monthly

a) Up to 400 parts per million (ppm)	K 20,000.00
b) Over 400 but not exceeding 500 ppm	K 22,500.00
c) Over 500 but not exceeding 600 ppm	K 27,000.00
d) Over 600 but not exceeding 700 ppm	K 35,000.00
e) Over 700 but not exceeding 800 ppm	K 46,000.00
f) Over 800 but not exceeding 900 ppm	K 57,500.00
g) Over 900 but not exceeding 1000 ppm	K 89,000.00
h) Over 1000 but not exceeding 1100 ppm	K 90,000.00
i) Over 1100 but not exceeding 1200 ppm	K110,000.00
j) Over 1200 parts per million	K135,000.00

POLLUTION CHARGES

TRADE EFFLUENT TANKER/PIPE DISCHARGE

a) Up to 1 m3	K 5,000.00
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b) Over 1 m ³ and not exceeding 2 m ³	K 6,000.00
c) Over 2m ³ and not exceeding 3m ³	K7,500.00
d) Over 3m ³ and not exceeding 4m ³	K9,000.00
e) Over 4m ³ and not exceeding 5m ³	K10,000.00
f) Over 5m ³ and not exceeding 6m ³	K11,250.00
g) Over 6m ³ and not exceeding 7m ³	K12,200.00
h) Over 7m ³ and not exceeding 8m ³	K13,500.00
i) Over 8m ³ cost per additional m ³	K3,000.00

Made this..... day of 2018

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MAXON MOZA ZELEZA
Chief Executive Officer

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COUNCILLOR DESMOND BIKOKO (PhD)
Mayor

Approved by the Minister of Local Government and Rural Development

This.....day of 2018

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KONDWANI NANKHUMWA
Minister of Local Government
and Rural Development

(FILE NO: LG/1/13/25)