LOCAL GOVERNMENT ACT

(CAP 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SEWAGE, ONSITE SANITATION AND FAECAL SLUDGE MANAGEMENT) BY-LAWS, 2022

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IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council, with the approval of the Minister, makes the following By-laws\_\_\_

PART I\_\_\_PRELIMINARY

Citation

**1**. \_\_\_ These By-laws may be cited as the Local Government (Lilongwe City Council) (Sewage, Onsite Sanitation and Faecal Sludge Management) By-laws, 2022.

Interpretation

**2.** \_\_\_ In these By-laws, unless the context otherwise requires\_\_\_

“bio-toilets” means a water borne toilet that promotes resource recovery and reuse where the toilet block is connected to anaerobic digesters which produce biogas;

“Board” means the Lilongwe Water Board;

 “cesspool” means an underground container for the temporary storage of liquid waste and sewage;

“City” means the City of Lilongwe;

 “Council” means the Lilongwe City Council;

“desludging” means the process of cleaning or removing accumulated sludge;

“environmental sanitation services” in relation to sewage and faecal sludge, includes the collection, transportation, disposal and treatment of sewage and faecal sludge;

“faecal sludge” means undigested or partially digested slurry or solids resulting from storage or treatment in septic tanks, cesspool and pit latrines of flush water and human excreta;

“gulper” means a manually operated faecal sludge hand pump which works by gulping or sucking of sludge into which it is submerged;

“latrine” means a receptacle used as a toilet and includes a privy, urinal, earth closet or water closet;

“licensee” means a person granted a licence to provide environmental sanitation services under these By-laws;

“lined ventilated improved latrines” means a dry toilet comprising a pit for containment of faecal sludge and a vent pipe that serves to prevent flies and odour from the pit;

“mechanized emptying” means emptying of toilets and septic tanks using engine operated waste exhaustion systems powered by electricity, fuel or pneumatic systems;

“mobile toilet” means a portable toilet unit with a cesspool / waste tank for human excreta and is not connected to a sewer;

“nuisance” means any street, road, stream, pool, ditch, gutter, watercourse, sink, water tank, cistern, water closet, earth closet, privy, urinal, cesspool, soakaway pit, septic tank, cesspit, soil pipe, wastepipe, drain, sewer, garbage receptacle, dust bin, dung pit, refuse pit, slop tank, ash pit or manure heap, so foul or in such a state or so situated or constructed as to be offensive or to be likely to be injurious or dangerous to health;

“on-site sanitation” means management (containment and treatment) of human excreta where it is deposited and shall include latrines, cesspools and septic tanks;

“premises” includes dwelling places, hospitality industry establishments, health and veterinary care facilities, markets and lorry terminals, industries of any type or capacity, schools, offices, places of worship or entertainment, sanitary infrastructure including, slaughter houses, abbattoirs, public toilets, liquid waste and solid waste treatment plants or any area whether open or enclosed where people live or work;

“semi-mechanized emptying” means emptying of toilets and septic tanks using waste exhaustion systems powered by human force;

“septic tank” means a tank, typically underground, in which sewage is collected;

“sewage” means excrement and flush water from a toilet, that is conveyed in a sewer;

“sewer” means an artificial pipe or conduit for carrying sewage and wastewater:

“sewer connection” means a connection provided by the Board or at the Board’s directions for the conveyance of sewage or trade waste between a premises and a sewer at or near the boundary of that land;

“sludge” means the thick, viscous layer of materials including organic solids, sand and grit, that settles to the bottom of septic tanks, ponds and other sewage systems;

“solid waste” means garbage, refuse, trash and other materials or products including putrescible and non-putrescible wastes, organic and inorganic waste, combustible and noncombustible waste, and nonhazardous waste, and does not include hazardous waste or human body parts or human tissues;

“toilet” means a fixed receptacle into which a person may urinate or defecate and is connected to a system for flushing away the waste;

“transfer station” means a facility or tank where faecal sludge is temporarily disposed before onward transfer for further treatment, processing or disposal;

“urine diversion dehydrating toilets” means an ecological sanitation toilet option which involves separation of urine from feaces and operates on principle of waste sanitization for re-use; and

“waterborne toilets” means toilets that use water to transport human excreta through a drainpipe either to a sewer for offsite treatment or to a septic tank or a bio-treatment unit for onsite treatment.

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

# PART II

# SEWAGE CONVENYANCE AND CONTAINMENT OF FAECAL SLUDGE

Premises to be connected to sewer

 **4**. \_\_\_(1) An owner or occupier of premises producing sewage shall apply to the Board for a connection to the sewer network, in all areas where sewer lines exist within 45 metres of the premises.

1. The connection and maintenance of a premise onto the sewer network, in all areas where sewer lines exist as stated in this by-law above, shall be subject to payment of a prescribed fee as set out in the Waterworks (Lilongwe Water Board) (Sewage Disposal Services) By-laws, 2022.
2. The Council and the Board shall keep deposited at its offices, for inspection by any person, at all reasonable hours, free of charge, a map showing and distinguishing all public sewers existing, planned or in the course of construction within the City.
3. The Council shall take necessary steps to ensure that the Board maintains the sewer network in a good condition as not to cause health hazards.

Minimum standards for onsite sanitation technologies

1. \_\_\_ (1) Where the sewer lines exist beyond 45 metres of a premises, an owner or occupier of a premise shall ensure that there exists onsite sanitation technologies, including waterborne toilets, lined ventilated improved latrines, bio-toilets and urine diversion dehydrating toilets, which shall conform to the minimum standards for onsite sanitation technology options, in the form specified in the Technical Guidelines and Standards for Construction of Onsite Sanitation Systems in Lilongwe City (2021).

 (2) Notwithstanding the generality of paragraph (1), the minimum standards for construction of onsite sanitation systems shall require that every onsite sanitation technology\_\_\_

1. is capable of being emptied and has access for a pit emptier using the means specified in By-law 6 (1);
2. has a hand washing facility with detergent;
3. has acceptable anal cleansing materials;
4. provides for privacy of users, including having a lockable door;
5. allows for inclusiveness, including provisions for persons with disabilities;
6. provides for menstrual hygiene and diaper management, as per guidelines to issued by the Council;
7. has a durable and sturdy superstructure with roof;
8. is secure;
9. is well ventilated and has adequate lighting especially for night use;
10. is kept clean and hygienic;
11. conforms to the Local Government (Lilongwe City Council) (Building) By-laws; and
12. generally, conforms to guidelines and standards for on-site sanitation systems in the City.
13. Licensees providing mobile toilet services shall ensure that the toilets they are operating meet the minimum standards referred to in paragraph (2) and other standards that the Council may specify.

PART III

EMPTYING OF SEPTIC TANKS AND PIT LATRINES

Emptying of faecal sludge from latrines and septic tanks

**6.** \_\_\_ (1) An owner or occupier of a building shall ensure that\_\_\_

1. the septic tank or cesspool for the toilet system of the building is desludged or emptied, at least every 5 years or when the sludge or solids fill 60% of the tank volume, whichever occurs first; and
2. the pit latrine of the building is emptied when full.
3. For purposes of these By-laws, a pit latrine is considered to be full when it is filled up to 0.5 metres from the top.

Feacal sludge emptying methods

1. **7.** Faecal sludge from septic tanks or latrines shall be emptied using mechanized, semi-mechanised or manual emptying methods.

# PART IV – FEACAL SLUDGE TRANSPORTATION

Handling and transportation

1. \_\_\_ (1) A licensee shall load and transport faecal sludge in such a manner that the faecal sludge is not exposed and does not leak or spill.

(2) Where any faecal sludge leaks or spills during loading or transportation, the licensee shall immediately remove spillage in a sanitary manner, including disinfection of the spillage area.

**9**. \_\_\_(1) A licensee shall ensure that any person involved in faecal sludge handling and transportation, has \_\_\_

Personnel involved in handling and transportation to be well equipped

1. adequate protective and safety clothing;
2. appropriate equipment or facilities for loading the faecal sludge, including gloves, nose masks, gumboots and properly labelled overalls that are not worn-out or torn;
3. safe and secure sitting facilities in the vehicles used for transportation of the faecal sludge;
4. been vaccinated against tetanus and common diseases associated with transportation of faecal sludge;
5. adequate training and show proof of training in occupational health and safety related to faecal sludge handling; and
6. undergone medical check-ups every 6 months and evidence is kept for easy inspection.
7. Personal protective equipment shall be in the form specified in the *First Schedule*.

Minimum standards for faecal sludge transportation vehicles

 **10.** \_\_\_ (1) A vehicle used for the collection and transportation of faecal sludge shall\_\_\_

*(a)*  have a secure metal body or similar construction;

*(b)*  be maintained in good mechanical condition and repair;

*(c)* display the company name in a conspicuous place on the vehicle;

*(d)* be labelled with the sign “CESSPOOL EMPTIER” or “GULPER”, whichever is applicable;

*(e)* kept clean at all times; and

*(f)* state any other information as the Council may require.

(2) All equipment or plant used for the loading or transportation of faecal sludge shall be kept clean at all times and the cleaning shall only be carried out at designated washing points within disposal sites.

**11**. The Council shall, from time to time, inspect all equipment and plant used for the collection and transportation of faecal sludge to ensure that the equipment and plant conform to the requirements of these By-laws.

Faecal sludge transportation vehicles to be inspected

PART VI

LICENSING OF PROVIDERS OF ENVIRONMENTAL SANITATION MANAGEMNT SERVICES

Application for environmental sanitation management services license

1. \_\_\_ (1) A person shall not establish or carry out environmental sanitation management services, unless he is the holder of a valid business premises licence issued under the Local Government (Lilongwe City Council) (Business Premises Licencing) By-laws, 2018.

(2) In addition to the requirements under the Local Government (Lilongwe City Council) (Business Premises Licencing) By-laws, 2018, an applicant seeking to establish or carry out faecal sludge management services shall be required to state\_\_\_

* 1. that the applicant is incorporated or registered as a company or is registered as a legal entity under the laws of Malawi, for the purpose of providing environmental sanitation services; and

*(b)* the environmental sanitation services the applicant seeks to provide.

 (3) An application for licence shall be in the Form I specified in the *Second Schedule.*

(4) An application for licence shall be accompanied by an appropriate fee set out in *Third Schedule.*

(5) The licence issued under this By-law shall be in the Form II prescribed in the *Second Schedule.*

(6) The Council may require such additional information as the Council may reasonably require at the time of application or when considering the application.

( **13**. \_\_\_ (1) Upon receipt of an application, the Council shall review the application to

Procedure for considering the application

ensure that all the relevant documents are available to enable the processing of the application.

(2) In the processing of the application, the Council may consult other bodies as may appear to the Council to be appropriate.

(3) Where, upon review of an application under paragraph (1), the Council finds that the application is incomplete, the Council shall request the applicant to provide additional information or clarify on the information provided.

( **14.** \_\_\_ (1) The Council shall, within 30 days after receipt of an application or additional information, investigate and prepare a detailed report in respect of the application to enable the processing of the application.

Report in respect of application

 (2) The Council shall, in considering an application under this Part, have regard to the the nature of the environmental sanitation services to be provided.

 (3) Where the applicant proposes to use any plant or equipment to provide environmental sanitation services, the Council shall, in assessing the application for the licence, inspect the plant and equipment.

Grant or refusal of licence

**15.** \_\_\_ (1) After considering the application and the report referred to under by-law 14 and this By-law, the Council may grant the applicant a licence or refuse to grant a licence.

(2) The Council shall make its decision referred to in paragraph (1) within 30 days from the date of the report.

(3) Where the Council grants a licence, the Council shall issue a certificate of suitability for the business to be used by the licensee and the certificate shall be valid for the duration of the licence.

(4) Where the Council refuses to grant a licence, the Council shall thereof inform the applicant of its decision, in writing, with reasons thereof.

Validity of licence

1. A licence granted under this Part shall expire on the 31st March, every year.

Renewal of licence

1. The Council may renew a licence under this Part where it is satisfied that the applicant has fulfilled all the conditions of the grant of a licence specified in these By-laws.

Supervision of licencee

1. The Council shall supervise all the persons who have been granted a licence under these By-laws, to ensure that the licensees are complying with the conditions of their licences.

Appeals

1. A person whose application for a licence has been refused, revoked or granted with conditions by the Council or aggrieved by the decision of the Council to suspend or revoke a licence may appeal to the Environmental Appeals Tribunal established under Section 69 of the Environment Management Act.

PART VII – GENERAL

Where licence is required by other laws

1. Where the Council is required to provide a recommendation to any person applying for a licence under any written law relating to the environment or sanitation and that a person is licenced under these By-laws, that licence issued to that person shall serve as the recommendation from the Council for purposes of that other written law.

Register of licence

1. — (1) The Council shall keep and maintain a register of all licences granted under these By-laws in the form specified in the *Fourth Schedule*.

## (2) There shall be entered in the register referred to in paragraph (1), in respect of each licence—

## the name of the business enterprise to which the licence was granted;

## the principal place of business of the licensee;

## the activities to which the licence relates; and

## the validity period or dates of the licence.

## (3) The register shall be kept at the principal office of the Council and shall be open for inspection during normal office hours, subject to the payment of the fee for each inspection.

Licensee to keep records of transactions

1. — (1) A licensee shall keep a record of all the activities and transactions in respect of the licence.

(2) The Council or a person designated by the Council may, after giving reasonable notice to the holder of the licence, inspect the records kept under paragraph (1).

Persons providing environmental sanitation services before the coming into force of these By-laws

1. A person who, before the coming in force of these By-laws, was carrying on any business as specified in By-law 12, shall apply to the Council for a licence within ninety days after the coming in force of these By-laws.
2. — (1) The operation and maintenance of on-site sanitation systems and all costs pertaining to such operation and maintenance shall always be the responsibility and liability of the owner of the premises.

Payment for sanitation services

(2) Where the Council renders the operations and maintenance services referred to in paragraph (1), it shall charge the owner of the premises—

* + 1. in respect of the removal or collection of conservancy tank contents and night soil or the emptying of ventilated improved pit latrines and shall cover—

 (i) all the operating and maintenance costs for the removal of the pit contents;

 (ii) the transportation to a disposal site;

 (iii) the treatment of the contents to achieve a sanitary condition; and

 (iv) the final disposal of any solid residues;

* + 1. in respect of the removal or collection of conservancy tank contents and night soil or the emptying of ventilated improved pit latrines, based on the volume removed by vacuum tank or otherwise; and
		2. a prescribed fixed charge, if the volume of the conservancy tank contents or night soil or the contents of the ventilated improved pit latrines cannot be quantified.

PART VII

OFFENCES AND PENALTIES

**25**. — (1) A person who—

Offences and penalties

*(a)* wilfully obstructs an employee of the Council in the discharge of his or her duties; or

*(b)* wilfully fails to comply with any requirement properly made to him or her by an employee of the Council in the discharge of his or her duties or an agent of the Council,

 commits an offence.

(2) 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\_\_\_

1. 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;
2. where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues; or
3. a term of imprisonment of six months or both such fine and imprisonment.

(3) Notwithstanding the penalties provided under paragraph (2), the Council may, where applicable, suspend or revoke the licence of the premises and in so doing, the provisions of by-law 14 of the Local Government (Lilongwe City Council) (Business Premises) By-laws, 2018 shall apply, *mutatis mutandis.*

(4) 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.

PART VIII

TRANSITION PROVISIONS

**26**. — (1) These by-laws shall have a transition period extending from the date of commencement to the 31st of March, 2023, during the period of which the transition arrangement outlined in this by-law shall apply.

Transition Period and arrangement

 (2) During the transition period stipulated in this by-law above- ;

(a) Any reference in these by-laws to the Board shall, *mutatis mutandis*, be construed as reference the Council

(b) Any mandate, power, or authority granted, rights or obligations accruing, or any reference, to the Board under the Waterworks (Lilongwe Water Board) (Sewage Disposal Services) By-laws, 2022 shall be construed as the mandate, power of, rights or obligations accruing or reference to, the Council.

Provided that this shall not apply to by-law 35(1) and 36 (a) and (c) of the Waterworks (Lilongwe Water Board) (Sewage Disposal Services) By-laws, 2022.

**27**. — (1) A person who—

Transition Arrangement

*(a)* wilfully obstructs an employee of the Council in the discharge of his or her duties; or

*(b)* wilfully fails to comply with any requirement properly made to him or her by an employee of the Council in the discharge of his or her duties or an agent of the Council,

 commits an offence.

(2) 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\_\_\_

(By-law 9 (2))

FIRST SCHEDULE

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SEWAGE, ONSITE SANITATION AND FAECAL SLUDGE MANAGEMENT) BY-LAWS, 2022

Personal Protective Equipment

1.Goggles: to protect eyes from splashes of human waste or sewage.

2**.** Protective face mask or splash-proof face shield: to protect nose and mouth from splashes of human waste or sewage.

3.Work suit/Liquid-repellent overalls: to keep human waste or sewage off clothing.

4.Waterproof gloves: to prevent exposure to human waste or sewage.

5.Gum boots: to prevent exposure to human waste or sewage.

SECOND SCHEDULE (By-law 12 (3))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SEWAGE, ONSITE SANITATION AND FAECAL SLUDGE MANAGEMENT) BY-LAWS, 2022

FORM I

APPLICATION FOR A LICENCE TO CARRY OUT FAECAL SLUDGE MANAGEMNT SERVICES

TO: The Chief Executive Officer,

 Lilongwe City Council,

 P.O Box 30396,

 LILONGWE 3.

I/we apply for a licence to establish and carry out faecal sludge management services under by-law 12 of the Local Government (Lilongwe City Council) (Sewage, Onsite Sanitation and Faecal Sludge Management) By-laws.

1. (a) Name of applicant /proprietor (1) ………………… ……… ……… …… …

 (in block letters)

1. Postal address………………………………………………………………… Nationality…………………………………………….……………………….

 (c) Telephone number ……………………………………………………………

(d) E-mail …………………………………………………………………………..

2. (a) Nature of Service …………………………………………….

1. Plot number …………………………Road/Street ………………………

(c ) Postal address …………………………………………………………………

(d) Telephone number ……………………………………………………………

 (e) Business Premises Licence no …………………… (attach copy of licence)

3. (a) Age of applicant /proprietor …………………………………………………

1. Other occupation of applicant/proprietor ……………………………………

4. (a) Details of any special qualification held by applicant /proprietor[[1]](#footnote-1)……………..

 …………………………………………………………………………………….

 ……………………………………………………………………………………...

 ……………………………………………………………………………………..

(b) Brief details of applicant/proprietor’s experience in the field of ornamental nursery

 ………………………………………………………………………………..

 …………………………………………………………………………………

 …………………………………………………………………………………

5. Normal hours of business ………………………… …………… …………… …

 Is Saturday included?....................................................................

Is Sunday included?....................................................................... ........

6. Declaration

*I declare that the information I have given above is true to the best of my knowledge and am aware that failure to disclose relevant information or provision of false information shall result in refusal of the licence or, if issued, immediate revocation of the licence upon discovery of the misinformation or misrepresentation.*

 Dated this…………day of……………….…………………..…..20…………

Signed ……………………………………………

Applicant/Proprietor

LILONGWE CITY COUNCIL (By-law 12 (5))

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SEWAGE, ONSITE SANITATION AND FAECAL SLUDGE MANAGEMENT) BY-LAWS, 2022

FORM II

# FAECAL SLUDGE MANAGEMENT SERVICES LICENCE

………………………….of ……………………………… is hereby licensed to engage in (Name of licensee) (address)

 and pursue a …………………………………………………… Service at plot No.

…………………………………. within Lilongwe City for a period of one year.

Date of issue ………………………………………………………………………………..

This licence expires on 31st March, 20…………………………………………………

Amount paid K……………………… tambala ……………….. Receipt No……………..

……………………………………..

 Licensing Officer

THIRD SCHEDULE (By-law 12 (2))

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SEWAGE, ONSITE SANITATION AND FAECAL SLUDGE MANAGEMENT) BY-LAWS, 2022

LICENCE FEES

1. Application Fee K 5,000.00

2. Inspection fee K 30,000.00

3. Licence fee for Environment Sanitation Service K 350,000.00

3. Licence Replacement fee K 10,000.00

 FOURTH SCHEDULE (by-law 21(1))

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (SEWAGE, ON-SITE SANITATION AND FAECAL SLUDGE MANAGEMENT) BY-LAWS, 2021

ENVIRONMENTAL SANITATION SERVICES REGISTER

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Date of issuance of licence | Licence No. | Name of Business  | Name and address of a person (owner) to whom licence was issued | Contact details (Tel. No, E-mail and physical address) of a licence holder | Business location(Street /Road name, plot no.) | Name and particulars of person in charge of the \business (Tel. No, andE-mail)  | Conditions (if any) |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |

Made this…………… day of …………………… 20….

………………………………..

COUNCILLOR RICHARD BANDA

Mayor

Approved by the Minister of Local Government

This………..day of ……………………… 20…

………………………………

HONOURABLE PROF. BLESSINGS D. CHINSINGA

Minister of Local Government

1. In the case of a legal person, insert the details of the owner(s) of the entity. [↑](#footnote-ref-1)