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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 1,461/14 - FRIDAY, SEPTEMBER 08, 2006

(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCIAL COUNCIL

Notification

I, Pestheruwe Liyanaralalage Reginold Rosmand Cooray Wijewarnasuriya, Chief Minister of Western Provincial Council and the Minister in charge of the subject of Local Government, by virtue of powers vested in me under Section 267 (Chapter 252) in Municipal Council Ordinance, hereby notify that I approved “By-Laws pertaining to removal of saw dust” within the jurisdiction of Moratuwa Municipal Council made by the Moratuwa Municipal Council and described in the Schedule hereto, in terms of provisions in Section 268 (1) (Chapter 252) in Municipal Council Ordinance read in conjunction with Section 2 in Provincial Council (Incidental Provisions) Act, No. 12 of 1989 and that such By-Laws were approved and ratified by the Western Provincial Council on 03rd January, 2006.

PESTERUWE LIYANARALALAGE REGINOLD ROSMAND COORAY WIJEWARNASURIYA,
Chief Minister and Minister of Order, Finance and Planning,
Education, Employment, Housing and Construction, Local Administration,
Local Government and Highways, Western Province.

Sravasthi Mandiraya,
Sir Marcus Fernando Mawatha,
28th July, 2006.

PART I

01. *Purpose :*

The following By-laws shall be imposed to provide for the purpose of proper and environmentally friendly removal and management of sawdust discharged and disposed from the timber shops, carpenter shops, and the establishments engaged in the timber industries established and conducted within the jurisdiction of Moratuwa Municipal Council.

SECTION – 1

BY-LAW PERTAINING TO DISPOSAL OF SAW DUST

01. All saw dust disposed and removed from carpentry workshop or saw mills or carpenter shops or places engaged in wood work conducted within the jurisdiction of the Council and collected and gathered by the Council within the jurisdiction shall be a property of the said Council.

02. The Council shall have absolute power to sell or dispose properly or dispose finally or burn all the saw dust referred to in By-law No. 01 in any other manner which the Council provided without causing nuisance.
03. Subsequent to establishment of a service for disposal of saw dust for the entire Municipal area or a specific part thereof the resident or the owner or the lessee of any place situated within an area in which such service has been established, shall pack all the saw dust removed and swept from his place, in strong bags of which size is not less than 100 cm., in height and 70 cm. in width or any other bags or packages which are not easily torn and place such bags or packages in his premises for proper disposal.
04. (A) The owner or the resident or the lessee of any place referred to in By-law No. 03, shall place daily the bags of saw dust referred to in the same By-law, by road side outside his place without causing an obstruction to the vehicles and the pedestrians proceeding along the road as per time notified in writing from time to time by the Mayor or a person authorized by him.
(B) The labourers of the Council who remove saw dust shall take action to remove such bags of saw dust from the place during the time notified from time to time.
05. No person shall place by any roadside the bags of saw dust referred to in By-law No. 03 during any other time other than the time referred to in By-law No. 04.
06. The owner or the resident or the lessee of a place where service is provided for disposal of saw dust shall pay the Council a monthly charge for the disposal of saw dust as prescribed by the Council from time to time. Provided that disposal of dust from 01 Kg. up to 500 Kg. free from weight of water shall be carried out without any charge.
07. No person shall collect or remove saw dust from the carpentry workshops or saw mills or carpenter shops or a place engaged in wood work within the limits of the Municipal Council or saw dust available in any street or public place in terms of By-laws No. 01 and 03 unless the Mayor has authorized for the collection or removal of saw dust.
08. The owner or the resident or the lessee of any place shall not dispose or heap up in any road or reservoir or low lying place or public place or road reservation or common open space the saw dust removed from his place unless as required by the provisions stipulated in By-law 4 (A) and burn the saw dust in his place unless written authority has been granted from the Mayor.
09. Violation or contravention of any By-law is an offence and legal proceedings may be instituted against such violation or contravention before a Magistrate or a Municipal Magistrate.
10. Every violation of any provision stipulated in By-law No. 03, or No. 4 or No. 05 or No. 06 No. 07 or No. 08 shall be an offence as stipulated in By-law No. 9 and every person convicted of such offence shall be liable respectively to –
 - (A) A fine not exceeding a sum of Rs. 1,000 for the first offence ;
 - (B) A fine not exceeding a sum of Rs. 2,000 for the second or subsequent offence, and
 - (C) An additional fine not exceeding a sum of Rs. 250 for each day for the continued commission of offence after being convicted or subsequent to delivery or written notice by the Mayor drawing attention to such violation.

PART II

Interpretations relating to all the proceeding By-Laws : –

01. In the interpretation of the following By-laws formulated by the Moratuwa Municipal Council the terms referred to in By-Laws or any of the By-Laws as Council, Mayor and jurisdiction of the Municipal Council mean the Moratuwa a Municipal Council, Mayor of Moratuwa and jurisdiction of the Moratuwa Municipal Council respectively.

02. In these by-laws, unless the context otherwise requires : -

‘Saw’ dust means all timber waste material including saw dust, planning dust and small pieces of wood discharged as a result of sawing timber, planning and performing any such act in any saw mill or carpenter shop or carpentry work-shop.

‘Charge’ means monthly payment of money payable to the Council by any place which provides the service of removing saw dust.

‘Place’ means a saw mill or a carpenter shop or carpentry workshop or any other factory which conducts a timber industry, or any such property, or building or house situated in the jurisdiction of the Council.

‘Labourer’ means every employee employed by the Mayor for the purpose of collecting saw dust in the jurisdiction of the Council and every employee of the contractor who has been authorized by the Mayor for the purpose of collecting saw dust for the Council.

‘Authorized person’ means every officer or employee of the council including the Municipal Commissioner duly authorized for this purpose or every contractor or agent engaged in the relevant activity for the council or any ; person acting on written order of the Mayor.

‘Road’ means a thoroughfare or a road or a lane or a street which is sufficiently spacious or constructed for a cart, a tractor, a lorry or a compactor truck or any such vehicle to proceed or drive and which is owned by the state or Council or public or private or to which the public has right of way.

‘Time’ means hours or time during which the Mayor or a person authorized by him intimates that the bags contained saw dust should be placed by road side outside a certain place during the period 6.00 a.m. to 6.00 p.m.

‘Offence’ means every violation or contravention of By-law or By-laws.

‘Reservoir’ means a tank, a canal, any water course, common drain and common water courses connected to all including sea and coastal area, any river and river banks.