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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 1511/20 - FRIDAY AUGUST 24, 2007

(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

KALUTARA URBAN COUNCIL

Urban Council Ordinance (Chapter 255)

BY-Laws which were made by the Kalutara Urban Council under Section 153 of Urban Council Ordinance in terms of the authority vested in the Council by Sub-section 157 (14A) of the said Ordinance (Chapter 255) and approved by me, the Chief Minister and the Minister of Law and Order, Finance and Planning, Education, Employment, Housing and Construction, Local Administration, Local Government and Highways of the Western Province, by virtue of powers vested in me in terms of Section 154 read in conjunction with Section 2 of Provincial Council (Incidental Provisions) Act, No. 12 of 1989.

PESTHERUWE LIYANARALALAGE REGINALD ROSMOND WIJEWARNESOORIYA COORAY,
The Chief Minister and The Minister of Law and Order, Finance and Planning,
Education, Employment, Housing and Construction,
Local Administration, Local Government and Highways,
Western Province.

17th August, 2007.

PARKING OF THREE WHEELERS WITHIN KALUTARA URBAN COUNCIL AREA

01. These By-Laws may be cited as By-Laws of the Kalutara Urban council relating to the parking of three-wheelers.
02. These By-Laws shall be imposed for the purpose of parking of three-wheelers and levying parking charges within the jurisdiction of the Urban Council.
- 03.1 The three-wheeler parks within the jurisdiction of the Urban Council and the maximum number of three-wheelers to be parked at each place should be determined on a resolution adopted by the Council and such decisions shall come into operation from the date of publication of them in the *Gazette* or from a date specified therein.
- 03.2 If the Council considers that the number of three-wheelers and parks should be changed in terms of By-law 03.1 above, it may be done on a resolution adopted by the Council and amendments shall come into operation from the date of publication of them in the *Gazette* or from a date specified therein.
- 03.3 The Council shall seek the recommendations of the committee consisting of the persons referred to in the first schedule in order to determine the three wheeler parks and decide its ranges, the maximum number of three-wheelers that can be parked or amend such decisions.
- 03.4 In terms of the By-Law 03.1, the maximum number of three-wheelers that can be parked shall be displayed at the respective park.
- 03.5 The three-wheelers shall be properly parked and the manner in which they are to be parked should be marked by an authorised officer of the council with a white or yellow line of 4 inches in width.

04. It shall be legal for the chairman to issue a licence in the manner as indicated in the second schedule of this By-Law for parking three-wheelers and for the council to impose and levy charges for such purpose.
05. When issuing licences for three-wheelers for the purpose of parking in a three-wheeler park, priority should be given to the nearest residents.
- 06.1 For the purpose of parking a three-wheeler in the three-wheeler park nearest to the permanent residence a licence should be obtained from the Urban Council making an application as per specimen application form indicated in the 3rd Schedule and the application form should be obtained on payment of Rs. 50.
- 06.2 In case where the three-wheeler is owned by the same person who drives it the photo copies of the following documents of such person and in case where the driver is a hired person such photo copies of both hired driver and the owner should be accompanied with the application. Such application should conform to the specimen form in the third Schedule.
 - (i) The National Identity Card and the valid driving licence of the owner.
 - (ii) Certificate of registration of the three-wheeler.
 - (iii) The National Identity Card and the valid licence of the hired driver.
- 06.3 A register should be maintained in respect of three-wheelers for which licences have been issued by the council and in the cancellation of such licences it should be marked with red ink.
- 06.4 The council may issue licences monthly or quarterly or annually for the purpose of the parking three-wheeler.
- 06.5 A photo copy of the valid licence should be prominently displayed on the front glass of the three-wheeler.
- 06.6 The right side of the three-wheeler should be closed to prevent the passengers from alighting.
- 06.7 The licence should be issued to the name of the registered owner of the three-wheeler.
- 06.8 The three-wheeler owner should get the licence renewed two weeks before the validity period of such licence expires.
- 06.9 In terms of para. 06.4 above licence fee levied monthly or quarterly or annually should be determined by the council and such fee should be levied with effect from a date published in the *Gazette* or such a date specified therein.
- 06.10 In terms of By-Law No. 4 no three-wheeler shall be parked or entered into a three-wheeler park unless such three-wheeler has a valid licence issued by the council.
- 06.11 Notwithstanding the possession of a valid licence issued, a Police Officer or the Chairman or an officer who has been authorized by him may order that a Three-wheeler be removed temporarily from the park, and this licence should not be an obstruction to such order.
07. In a three-wheeler park no other vehicle shall be entered or parked.
08. No three-wheeler or other vehicles shall be parked in a manner to block the entrance and the exit of the three-wheeler park.
09. No any other repairs should be effected in the three-wheeler park unless effecting any repairs relating to the removal of the three-wheeler.
10. No three-wheeler shall be parked at any other place for the purpose of hire other than the relevant parking place for which the licence has been issued.
11. By-laws should be in force from 06.00 hours to 20.00 hours during every day of the week.
- 11.1 Time indicated in By-law No. 11 above may be altered on adopting a resolution at a general meeting as per requirement of the council and such alternation should be effective after publishing a notification in the *Gazette*.
12. At the time a licensed three-wheeler has been parked at a three-wheeler park no one other than the three-wheeler driver shall loiter in such a place.

13. No person shall abuse drugs or conduct immorally or commit any offensive act at a three-wheeler park.
14. The driver or the owner of the three-wheeler shall produce the valid license on demand by the chairman or an officer authorized for this purpose or police officer.
15. Violation of any provisions stipulated in the By- Law is an offence and the offender after being convicted in a court of law shall be liable to fine not exceeding a sum of Rs. 750. If offence of such violation is being repeatedly committed, the chairman or an officer authorized for this purpose shall hand over a written notice drawing attention to offence of such violation after being convicted in a competent court or even after such notice, the same offence is further committed the offender shall be liable to fine not exceeding a sum of Rs. 250 for every day committing such offence.
- 15.2 In addition to penalty imposed after being convicted in a competent court in terms of By- Law 15.1 the council shall cancel the license.
- 15.3 The fine specified in the by law 15.1 above shall be credited to the public fund of the council.
16. *Interpretation*

“Council” means Kalutara Urban Council.

“Chairman” means the Chairman of the Kalutara Urban Council.

“An officer authorized for the purpose” means any officer of the council who has been authorized by the chairman.

“Authorized officer who has been empowered by the chairman for the purpose” means any officer of the council who has been authorized by the chairman in writing.

“Jurisdiction” means jurisdiction of Kalutara Urban Council incorporated under Section 2 in Chapter 225 of the Urban Council Ordinance No. 61 of 1939 and published in the Government *Gazette* by the Minister of Local Government, Housing and Construction on the 10th of August, 1978.

“Three-wheeler” means the three-wheeler parked for hiring.

“Hired driver” means a person who has been employed for driving by the owner of the three-wheeler.

“Parking place” means three-wheeler park determined on a resolution adopted by the Urban Council.

“Specific parking place” means a specific parking place for which a licence has been issued by the chairman of the Kalutara Urban Council.

“Monthly” means each month starting from 1st up to 28th, 30th, 31st as applicable.

“Quarterly” means successive three months starting from 1st of January up to 31st of December consisting of the number of days as defined in “monthly”.

“Annually” means a calendar year starting from 1st of January and ending on December 31st.

“Police Officer” means the same interpretation as defined under Section 104 in Chapter 53 of the Police Ordinance No. 16 of 1865.

“Other vehicles” mean the same interpretation as defined in the Motor Vehicle Ordinance.

“Registered owner” means the same interpretation as defined in the Motor Vehicle Ordinance.

“Offensive Act” means the same interpretation as defined in the Offensive Ordinance.
17. In the event of any inconsistency between the Sinhala and the Tamil text of this By- Law, the Sinhala text shall prevail.

FIRST SCHEDULE

BY-LAW 03.3

The committee to be appointed shall consist of the members listed below.

01. The president of the committee shall be the chairman of the Urban Council and the Secretary shall be the revenue inspector of the committee.

02. The Secretary and the Technical Officer of the Urban Council.

03. The Executive Engineer of the Road Development Authority or a representative nominated by him.

04. The Chairman of the Divisional Road Development Authority or a representative nominated by him.

05. The Chairman of the Road Passenger Transport Authority, Kalutara or a representative nominated by him.

06. The Chairman of the Bus Company Limited, Kalutara or a representative nominated by him.

07. The officers in charge of Traffic in the Police Stations coming under the jurisdiction of the Council or a representative from each station nominated by them.

08. A representative from each three-wheeler drivers' union within the jurisdiction of the council.

SECOND SCHEDULE

BY - LAW NO. 4



A circle with a diameter of 13 cm.

A sticker with meroon colour background consisting of Urban Council badge as depicted in the diagram.

THIRD SCHEDULE

By - Law No. 06.2

Application for a Licence for Three-wheeler Park

01. (i) Name of Applicant :
(ii) Permanent Address :
(iii) Assessment No. :
(iv) Local Authority relating to permanent address :
(v) National Identity Card No. :
02. (i) Registration No. of the Three-wheeler :
(ii) State whether the driver is owner or hired driver :
(1) If the driver is the owner, valid driving licence No. :
(2) If he is a hired driver :
(a) Name of the driver :
(b) Permanent Address :
(c) N. I. D. No. :
(d) Valid driving Licence No. :
03. Three-wheeler park for which the licence is applied.
04. Duration of the licence applied for a month/three months a year. I declare that the above particulars furnished me are correct and I am aware that my licence for three-wheeler park is liable to be cancelled without prior notice in case such particulars are found to be false and I agree to comply with the provisions stipulated in the By-laws relating to the parking of Three-wheelers imposed by the Urban Council.

.....,
Signature of Applicant.

Date:.....

I approve the grant of licence to Mr./Mrs. for parking the three-wheeler No. at
Three-wheeler Park for a period of

Chairman,
Urban Council - Kalutara.

Date:.....

BANDARAGAMA PRADESHIYA SABHA

Pradeshiya Sabha Ordinance (Chapter 15)

ACCORDING to the powers wasted on me in terms of the Section 123(1) of the Pradeshiya Sabha Act, No. 15 of 1987, this law which has been created in line with Section 126(h) of the Pradeshiya Sabha Act and read with the Provincial Council (incidental Provision) Act, No. 12 of 1989 was approved by me as the Chief Minister of Western Province and the Minister of Law and Order, Finance and Planning, Education, Employment, Housing and Construction, Local Administration, Local Government, Transport, Cultural and Art.

PESTHERUWE LIYANARALALAGE REGINALD ROSMOND WIJEWARNESOORIYA COORAY,
The Chief Minister and The Minister of Law and Order, Finance and Planning,
Education, Employment, Housing and Construction,
Local Administration, Local Government Transport, Cultural and Art,
Western Province.

15th May, 2007.

01. These By-Laws may be cited as By-Laws of the Bandaragama Pradeshiya Sabha relating to the parking of Three-wheelers.

02. These By-Laws are enacted for the purpose of parking of Three-wheelers and Levying parking charges within the limits of the Pradeshiya Sabha.

03.1 The Three-wheelers parks within the limits of the Pradeshiya Sabha and the maximum number of Three-wheelers to be parked at each park should be decided on a resolution passed by the Sabha and such decisions shall come into operation from the date of publication of them in the Gazette or from a date specified therein.

03.2 If the Sabha considers that the number of Parks and the Nos. of the Three-wheelers to be parked therein, decided under by Law 3.1 above should be changed, it may be done on a resolution passed by the Sabha and such amendments shall come into operation from the date of publication of them in the Gazette or from a date specified therein.

03.3 The Sabha shall seek the opinions of the committee consisting of the persons referred to in the first schedule, in order to decide places of the Three-wheeler parks and to decide its ranges, the maximum Number of Three-wheelers that can be parked in each park or to amend such decisions.

03.4 In terms of the By-Law 03.1 above there must be a Board fixed at each park and display the notation of the park and also the maximum number of Three-wheelers that can be parked shall be displayed in the board.

03.5 The Three-wheelers shall be properly parked and the manner in which they are to be parked should be marked by an authorized officer of the Sabha with a white or yellow line of 4 inches in width.

04. It shall be legal to issue a license in the manner indicated in the Second Schedule of this By-Law for parking Three-wheelers by the Chairman and to impose charges and collect charges for such purpose by the Pradeshiya Sabha.

05. When issuing licences for Three-wheelers for the purpose of parking in a Three-wheeler park priority shall be given to the Three-wheelers owned by the nearest residents.

06.1 For the purpose of parking a Three-wheeler in the Three-wheeler park nearest to the permanent residence, a licence should be obtained from the Pradeshiya Sabha making an application as per specimen application form mentioned in the 3rd schedule and the application form should be obtained on payment of Rs. 50.

06.2 In case where the driver is the owner the photo copies of the following documents of such person and, in case where the driver is a hired person, photo copies of such documents of both hired driver and the owner should be accompanied with the application. Such application confirm to the specimen form in the third (3rd) schedule.

- (i) The National Identity Card and the Valid Driving Licence of the owner ;
- (ii) Certificate of Registration of the Three-wheeler ;
- (iii) The National Identity Card and the valid Licence of the hired driver.

06.3 A register should be maintained in respect of Three-wheelers which have been obtained licences issued by the Sabha, and when cancelled such licences it should be recorded with red ink.

06.4 The Sabha may issue licenses monthly or quarterly or annually for the purpose of parking Three-wheeler.

06.5 A photo copy of the valid licence should be displayed on the front glass of the Three-wheeler which could be seen clearly.

06.6 The right side of the Three-wheeler should be closed/blocked to prevent the passengers from getting into or getting out.

06.7 The licence should be issued in the name of the registered owner of the Three-wheeler.

06.8 The Three-wheeler owner shall renew the licence, two weeks before the expiry of such licence.

06.9 In terms of By-Law 06.4 above licence fee impose on the basis of monthly or quarterly or annually shall be decided by the Sabha and such fee shall be charged with effect from the date when such decision is published in the Gazette or such a date specified therein.

06.10 In terms of By-Law No. 4 Three-wheelers shall not be parked or entered into a Three-wheeler park unless the Three-wheeler possessed a valid licence issued by the Sabha.

06.11 Notwithstanding the possession of a valid licence issued, a Police Officer or the Chairman or an officer who has been authorized by him may order that a Three-wheeler be removed temporarily from the park, and this licence should not be an obstruction to such order.

07. Other vehicle shall not be entered or parked in a Three-wheeler Park.

08. Neither Three-wheeler nor any other vehicles shall be parked in a manner blocking the entrance or the exit of the Three-wheeler park.

09. No any other repairs should be done in the Three-wheeler park other than the repairs relating to the removal of the Three-wheeler.

10. No Three-wheeler shall be parked in any other place awaiting hires other than the relevant parking place for which the licence has been obtained.

11.1 These By-Laws in regards to the Three-wheeler parking should be in force from 06.00 hours to 20.00 hours every day of the week.

11.2 Time indicated in By-Law No. 11 above may be amended on a resolution passed in a General Meeting of the Sabha and such amendment shall be effected after publishing a notice in the Gazette.

12. At the time licensed Three-wheelers have been parked in a Three-wheeler park the drivers shall not call and allow outsiders to come into the Park and loiter in the Park.

13. No person shall abuse drugs or conduct immorally or commit any offensive act in a Three-wheeler park and it is an obligation of the persons authorized to use the park, not to allow any persons to commit such acts.

14. If there are any complaints from the public regarding any misbehaving at Three-wheeler parks, by any person, who possessed a licence, the Sabha reserves the authority to inquire into those complaints and to cancel his licence if found guilty for the charges.

15. The driver or the owner of the Three-wheeler shall produce the original of the valid license on demand by the Chairman or an Officer authorized for this purpose by him or a Police Officer.

16.1 Violation of any provisions stipulated in this By-Laws in an offence and after being convicted by a competent court of law shall be liable of a fine not exceeding a sum of Rupees Seven Hundred and Fifty (Rs. 750/-) In an occasion of repeating such violation, after being convicted by a competent court of law or after being handed over a written notice drawing the attention of the offence of such violation by the Chairman or an Officer authorized for this purpose by him, shall be liable of a additional fine not exceeding a sum of Two Hundred and Fifty (Rs. 250/-) for each and every of day of committing such offence repeatedly.

16.2 In addition to the penalty imposed after being convicted in a competent court in terms of by law 16.1 above, the Sabha shall cancel the licenses.

16.3 The fine specified in the by law 16.1 above shall be credited to the common fund of the Sabha.

17. Notwithstanding anything mentioned contrary in this By-Laws, by a resolution passed by the Sabha, these By-Laws may be amended, repeal by enacting new By-Laws or enact additional By-Laws.

18. Interpretation.

“Sabha” means Bandaragama Pradeshiya Sabha

“Chairman” means the Chairman of the Bandaragama Pradeshiya Sabha.

“An Officer authorized for the purpose” means any Officer of the Sabha who has been authorized by Chairman.

An “Authorized Officer who has been delegated by the chairman for the purpose” means any officer hold a permanent post of the Sabha who has been authorized by the chairman in writing.

“Limits” means Limits of Bandaragama Pradeshiya Sabha in incorporated under Section 15 of Pradeshiya Sabha Ordinance 1987.

“Three-wheeler” means the Three-wheeler parked for hiring.

“Hired Driver” means a person who drives the Three-wheeler either the owner or any other person employed for driving by the owner of the Three-wheeler.

“Parking Place” means Three-wheeler Park determined on a resolution Passed by the Pradeshiya Sabha.

“Specific parking place” means a specific parking place for which a Licence has been issued by the Chairman of the Bandaragama Pradeshiya Sabha.

“Monthly” means each month starting from 1st consisting 28, 30 or 31 days as applicable.

“Quarterly” means successive three months starting from 1st January up to 31st of Decembers consisting of the number of days as defined in “monthly”.

“Annually” means a calendar year starting from 1st January and ending on December 31st.

“Police Officer” means the same interpretation as defined under Section 104 in Chapter 53 of the Police Ordinance No. 16 of 1865.

“Other Vehicles” means the same interpretation as defined in the Motor Vehicle Ordinance.

“Registered Owner” means the same interpretation as defined in the Motor Vehicle Ordinance.

“Offensive Act” means the same interpretation as defined in the Offensive Ordinance.

19. In the event of any inconsistency between the Sinhala and Tamil text of this by law, the Sinhala text shall prevail.

FIRST SCHEDULE

By-Law 03.3

The Committee to be appointed shall consist of the members listed below.

01. The president of the Committee shall be the chairman of the Pradeshiya Sabha and the Secretary shall be the revenue inspector of the committee.

02. The Secretary and the technical officer of the Pradeshiya Sabha.

03. The Executive Engineer of the Road Development Authority or a representative nominated by him.

04. The Chairman of the Divisional Road Development Authority, or a representative nominated by him.

05. The Chairman of the Road Passenger Transport Authority, Kalutara or a representative nominated by him.

06. The Chairman of the Bus Company Limited, Kalutara or a Representative nominated by him.

07. The Officers in Charge of Traffic in the Police Stations coming under the jurisdiction of the Sabha or a representative from each station nominated by them.

08. A representative from each Three-wheeler drivers' union within the jurisdiction of the Council.

SECOND SCHEDULE

By-Law No. 4



A circle with a diameter of 13 cm. A sticker with maroon colour background consisting of Pradeshiya Sabha badge as depicted in the diagram.

THIRD SCHEDULE

By-Law No. 06.2

Application for a Licence for Three-wheeler Park

01. (i) Name of Applicant :
(ii) Permanent Address :
(iii) Assessment No:
(iv) Local Authority relating to Permanent Address :
(v) National Identity Card No.:
02. (i) Registration No. of the Three-wheeler :
(ii) State Whether the driver is the owner or the hired driver :
- (1) If the driver is the owner, valid driving Licence No. :
(2) If he is a hired driver –
- (a) Name of the Driver :
(b) Permanent Address :
(c) N.I.D. No. :
(d) Valid Driving Licence No. :

03. Three-wheeler park for which the licence is applied.

04. Duration of the licence applied for a month/three month/a year.

I declare that the above particulars furnished me are correct and I am aware that my licence for three-wheeler park is liable to be cancelled without prior notice in case such particulars are found to be false and I agree to comply with the provisions stipulated in the by-laws relating to the parking of three-wheelers imposed by the Pradeshiya Sabha.

.....
Date

.....
Signature of Applicant.

I approve the grant of licence to Mr./Mrs..... for parking the Three-wheeler No.....at.....Three-wheeler park.....for a period of

Date:

Chairman,
Pradeshiya Sabha.
Bandaragama.

09-218/2