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# The Gazette of the Democratic Socialist Republic of Sri Lanka

**EXTRAORDINARY**

අංක 1652/50 - 2010 මැයි 06 වැනි බ්‍රහස්පතින්දා - 2010.05.06

No. 1652/50 - THURSDAY, MAY 06, 2010

(Published by Authority)

## **PART IV (A) - PROVINCIAL COUNCILS**

### **Provincial Councils Notifications**

**NOTIFICATION UNDER TERMS OF PROVISIONS IN SECTION 154, 255 COMPETENT AUTHORITY IN URBAN COUNCILS ORDINANCE READ IN CONJUNCTION WITH SECTION 2 IN THE PROVINCIAL COUNCILS (CONSEQUENT PROVISIONS) ACT, No. 12 OF 1989**

THE By-Law on Three-Wheeler parking and levying of charges describe in Schedule hereto was prepared, by Kalutara Urban Council 255 Authority in Urban Councils Ordinance in Section 154, read in conjunction with Sub-section 157(14A) and approved by the Chief Minister of Western Province and Provincial Minister of Local Government under terms and Provisions in Section 154, aforesaid 255 competent Authority in Urban Councils Ordinance read in conjunction with Section 2 in the Provincial Councils Consequent Provisions Act, No. 12 of 1989 and published by the Gazette of Democratic Socialist Republic of Sri Lanka No.1511/20 on 24th August, 2009 was granted approval on 07th July, 2009 by Western Provincial Council.

PRASANNA RANATHUNGA,

Chief Minister and the Minister-in-charge of Finance and Planning, Law and Order,  
Land, Education, Local Government and Provincial Administration,  
Power and Energy, Manpower and Employment, Economic Developmenty  
of Provincial Council, Western Province.

Chief Ministry Office,  
“Shrawasthi Mandiraya”,  
Colombo 07,  
On this 30th day of April 2010.

#### **Parking of Three Wheelers within Kalutara Urban Council Area**

01. These By-laws may be cited as By-laws of the Kaluatarara 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. 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-Laws 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 No. 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 license 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.

04. When issuing licenses for three-wheelers for the purposes 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 part nearest to the permanent residence a license 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 license of the owner ;
- (ii) Certificate of registration of the three-wheeler ;
- (iii) The National Identity Card and the valid license of the hired driver.

06.3 A register should be maintained in respect of three-wheelers for which licenses have been issued by the council and in the cancellation of such licenses it should be marked with red ink.

06.4 The Council may issue licenses monthly or quarterly or annually for the propose of parking three-wheeler.

06.5 A photo copy of the valid license 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 license should be issued to the name of the registered owner of the three-wheeler.

06.8 The three-wheeler owner should geeth licence renewed two weeks before the validity period of such licence expires.

06.9 In terms of para 06.4 above license 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 three-wheeler park unless such three-wheeler has a valid licence issued by the council.

06.11 Notwithstanding a valid license has been issued a police officer or chairman or officer authorized by him may order to remove temporarily three-wheeler from the part and this license shall not serve as an obstruction in such an instance.

07. The 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 repair should 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-Law 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 alteration 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 then 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.

15.1 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.

15.2 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 license has been issued by the Chairman of the Kalutara by the 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 Decembers 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 interpretations 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 interpretations 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

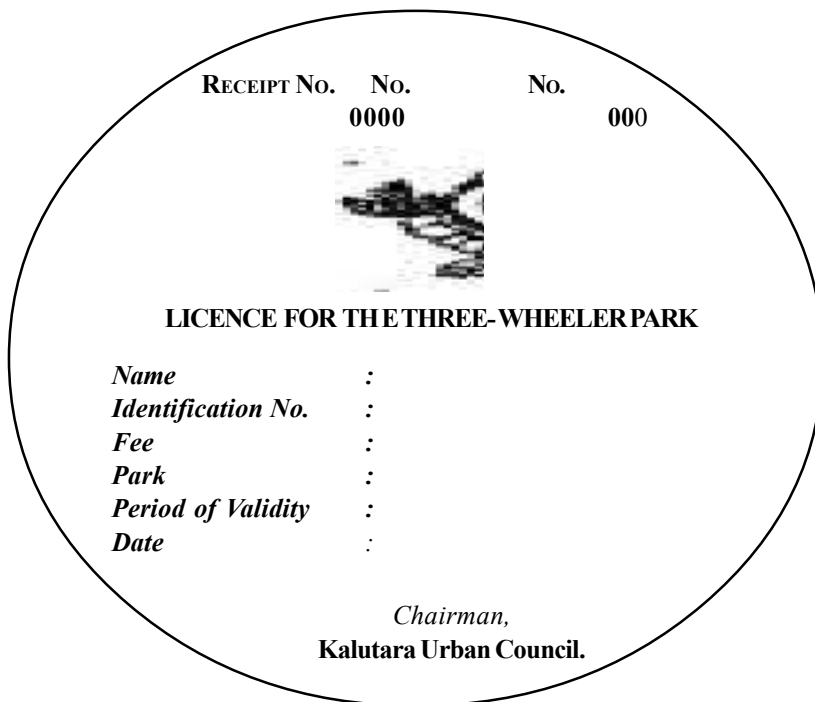
##### BY-LAW NO. 03.3

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 Maroon Colour background consisting of Urban Council badge as depicted in the diagram.

THIRD SCHEDULE

BY - LAW No. 06.2

APPLICATION FOR A LICENSE 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 license is applied :  
 04. Duration of the license 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 Urban Council.

.....  
 Signature of Applicant.

.....  
 Date.

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

.....  
 Chairman,  
 Urban Council,  
 Kalutara.

Date :

05-480