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PART IV (A) — PROVINCIAL COUNCILS

By-Laws

CENTRAL PROVINCE PROVINCIAL COUNCIL

.....Municipal Council

BY LAWS RELATING TO REGULATING, SUPERVISING AND CONTROLLING DISASTER MANAGEMENT

I, as the Minister in Charge of the subject of Local Government of the Central Provincial Council, do hereby publish the By Laws complied by me, mentioned below according to the Section 2 of the Local Authorities Act (Standard By Laws) No.6 of 1952, read along with Section 2 of the Provincial Council Act, (Consequential Provisions) No. 12 of 1989.

While the Municipal Councils have been empowered by Section 272 of Urban Councils Ordinance, read along with Sub section (I) of Section 267 of Municipal Councils Ordinance Chapter 252, the By - Laws relating to Regulating, Supervising and Controlling Disaster Management, It is hereby announced that the Municipal Councils in the Central Province are empowered to accept this By Laws subject to provisions in Section 3 of the Local Authorities (Standard By Laws) No.6 of 1952.

SARATH EKANAYAKE,

The Chief Minister of the Central Province and
the Minister in charge of the subject of Local Government.

Office of the Chief Minister of Central Province,
Pallekele,
5th of January, 2016.

BY-LAW ON DISASTER MANAGEMENT

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| 1. This by-law has been formulated in terms of powers vested in the Municipal Council in 267 section being read with 272 section under 252 chapter of Municipal Council Ordinance. | Legal Provision
for the
formulation of the
By-Law |
| 2. This by-law should be considered as a supplement to the provisions of any other written law on Disaster Management and should not be considered as one which will diminish the powers of such provisions or as a substitute to such provisions. | |
| 3. This by-law is cited as the By-Law on Disaster Management of the area of jurisdiction of the Municipal Council. | Title of By-law |
| 4. This by-law is imposed to make provision to minimize the possibility of disaster situations arising, to provide relief to persons who are affected or are likely to be affected in a | Objective |



Actions that
should be
performed

disaster situation, for pre-preparation to face a disaster situation, to put in place pre-disaster processes to minimize disaster risk, and all connected or consequential matters thereof, within the area of jurisdiction of the Municipal Council.

5. Decisions on pre-strategies that should be adopted to manage disasters which may arise, to provide relief to persons who are affected or are likely to be affected in such a disaster situation and to minimize disaster risk in the area of jurisdiction of the Municipal Council, should be taken by the Municipal Council Disaster Management Committee.

6. Composition of the Committee

The number of members of the Committee mentioned in By-Law 5 should not exceed 23, and should comprise the following persons, including representation of women.

- (i) The Mayor of the Municipal Council shall be the Chairperson of the Committee.
- (ii) The Commissioner of the Municipal Council shall be the Secretary of the Committee.
- (iii) Four members of the Municipal Council who are elected at the General Meeting of the month of December each year, shall hold office in the following year.
- (iv) The Technological Officer of the Municipal Council.
- (v) The Officer in Charge/Chief Fireman of the Fire-Fighting Section of the Municipal Council.
- (vi) The Assistant Director of the District Disaster Management Unit, who has been appointed in terms of the provisions of the Sri Lanka Disaster Management Act, No. 13 of 2005, or a representative nominated by him.
- (vii) The Divisional Secretary of the Divisional Secretariat area to which the Municipal Council belongs, or a representative nominated by him.
- (viii) The Medical Officer of Health or a representative nominated by him.
- (ix) The Officer in Charge of the Police Station to which the Municipal Council belongs, or a representative nominated by him.
- (x)
 - (a) A minimum of three representatives of the Urban Development Advisory Committee which operates in the Municipal Council area;
 - (b) The Divisional Director of Education or a representative nominated by him, in the Division to which government schools of the Municipal Council area belong;
 - (c) A representative of the Chamber of Commerce or Traders Association of the Municipal Council area;
 - (d) The Divisional Electrical Superintendent or his representative of the Ceylon Electricity Board;
 - (e) The Officer in Charge or his representative of the National Water Supply and Drainage Board;

- (f) The Depot Manager or his representative of the Sri Lanka Transport Board;
- (g) A representative of the Road Passenger Transport Authority;
- (h) The Commissioner of Local Government or his representative, shall be elected through a resolution which is passed at the General Meeting of the Municipal Council of the month of December each year, to hold office in the following year.

If a vacancy arises in the Committee as a result of a Member of the Municipal Council who is elected as a Member of the Committee under Sub-Para 6 (iii) above resigning from Committee membership or vacating his membership of the Municipal Council for whatever reason, another member of the Municipal Council shall be elected for such vacancy at the next meeting of the Municipal Council held after such vacancy arises, and the member so elected shall hold office till 31st of December of that year.

If a vacancy in the membership of the Committee arises as a result of a member vacating his membership due to resignation or any other reason, another person to fill that vacancy should be elected at the next General Meeting of the Municipal Council. Further, the member so elected shall hold office till the 31st of December of that year.

In the event of any officer mentioned in Sub-Sections 6 (iv), (v) and (ix) being unable to personally attend a meeting of the Committee, another officer who is nominated by him and who is covering up his duties can be made to participate in the meeting with the consent of the head of the institution.

7. (1) An ordinary meeting of the Committee should be held at least once in two months. The Chairperson of the Committee shall have the power to summon a special meeting of the Committee on any occasion where he deems suitable.
 - (2) Every meeting of the Committee should be chaired by the Chairperson of the Municipal Council or in his absence the Vice Chairperson. In the event of the absence of both the Chairperson as well as the Vice Chairperson of the Municipal Council at a Committee Meeting, the members who are present shall elect a member among members mentioned in Sub-Section (1) (iii) of By-Law 5 to chair the meeting.
 - (3) The quorum for a meeting of the Committee shall be one-third of the whole membership of the Committee.
 - (4) Every decision of the Committee shall be taken on the majority vote of the members present at the meeting on that day.
 - (5) Decisions taken at the Committee shall be recorded by the Secretary on a record book and at the next meeting of the Committee when they are confirmed with necessary amendments, the person who is chairing the Committee shall put his signature to same.
8. No act or action of the Committee should be considered null or void due to the sole reason of there being a vacancy among the members of the Committee or there being a deficiency in the election of a member.

9. Minutes of every meeting of the Committee shall be tabled at the ensuing General Meeting of the Municipal Council for its information.
10. If there are any recommendations which the Committee submits for approval to the General Meeting, they may be considered by the General Meeting, after obtaining a report from the Committee on Finance and Policy.
11. The duties of the Committee shall be the duties mentioned in the first schedule of these by-laws.
12. (1) It shall be lawful for the Chairperson to direct that
 - (a) a lamp using kerosene oil; or
 - (b) a lamp or flame made by using coconut oil or any other material;
 - (c) an incense stick or something which is similar;
 - (d) or anything else with such an open flame,

which is set a light inside an office or a trade premises within the area of jurisdiction of the Municipal Council, should be blown out or diffused after the normal daily work of such office or trade premises is over and before the closure of such office or trade premises.
- (2) The owner or manager or the caretaker at the relevant time of any office or trade premises situated within the area of jurisdiction of the Municipal Council shall be the person responsible for carrying out the direction set out in paragraph (1) and it shall be his duty to carry out such direction by himself or through another person.
13. No person shall-
 - (1) (a) Ignite a fire or allow the ignition of a fire, or not be performed
 - (b) Have in possession an open flame; or
 - (2) Carry out business without an insurance certificate and fire- extinguishing equipment and material, in a petroleum oil filling station, petroleum oil storage facility, premises where LP gas is sold wholesale or retail, or place where LP gas storage tanks are installed, within the area of jurisdiction of the Municipal Council.
14. It shall be the duty of the owner or occupier of any building within the area of jurisdiction of the Municipal Council, where an office or a trade is conducted, to ensure that the electricity circuits are installed and maintained with the fullest safety, and no unsafe electricity wires should be drawn or allowed to be drawn.
15. On private or state owned land within the area of jurisdiction of the Municipal Council, no blocking out of land should be done or any temporary or permanent building, wall or retaining wall erected in a manner that will obstruct the natural flow of rain water.
16. No house should be built on any land, located within the area of jurisdiction of the Municipal Council, having the risk of natural disaster or having an incline of more than 30 degrees, without the permission of the Municipal Council.

Actions that
should

17. On lands with a natural incline of over 30 degrees, earth should not be cut or removed without conforming to criteria prepared with technical assistance of the Disaster Management Center.
18. (1) A map should be prepared and a data-base maintained showing areas within the area of jurisdiction of the Municipal Council, where disasters have occurred previously or which are vulnerable to such disasters, and such data should be displayed for the information of the public.
(2) Areas within the area of jurisdiction of the Municipal Council, which are identified as vulnerable to disasters, should be mapped out and wide publicity given among the public.
(3) Boards in the three languages should be installed to make the public aware of places which are vulnerable to disaster and they should be updated.
(4) Necessary action should be taken to minimize disasters in areas identified as vulnerable to disasters, with the assistance of the Disaster Management Centre and other relevant institutions, after making them aware.
19. (1) When giving the necessary approval for all development and construction activities, an evaluation of the disaster risk situations prevailing in the relevant area and steps that should be taken to minimize disasters should be obtained from the Disaster Management Centre. In case of high disaster risk, a plan, with a certificate from a chartered engineer, architect/geologist, embodying strategies to minimize disasters, should be submitted.
(2) Should work together with the Disaster Management Committees which have presently been established by the Disaster Management Center at Grama Niladari area level, in the area of jurisdiction.
20. Should work within the strategy presently adopted by the Government in regard to providing funds to restore back to normalcy areas affected by disasters and to provide relief to victims of disasters together with other relevant institutions.
21. It shall be the duty of the Municipal Council -
 - (1) To map out and update and maintain such maps in regard to disaster vulnerable zones, which have been identified as likely disaster vulnerable zones by the Committee with technical assistance of the Disaster Management Centre, to identify causes of disaster in regard to each such zone, and in the event of a local disaster, to facilitate finding ways of evacuating those who are affected and finding places to lodge such displaced persons temporarily;
 - (2) To identify separately specific short-term and long-term impacts likely on the lives of the people living in the disaster vulnerable zones ;
 - (3) To identify relevant institutions which could provide equipment to the sites which have been identified by the Committee as suitable to provide temporary lodging to persons who are displaced, in the event of a large-scale disaster occurring in the disaster vulnerable zones;

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- (4) To take action, together with the members of the Municipal Council, community, Disaster Management Centre, and other stake-holders, to identify courses of action and tasks to be performed to minimize disaster vulnerability and restore to normalcy those who have been affected.
 - (5) Action should be taken to prepare priority plans and update them to minimize disaster vulnerability and bring back to normalcy those who are affected by disaster.
 - (6) It shall be the duty of the Municipal Council to provide adequate training, with the assistance of the Disaster Management Centre, to members of groups identified by the Committee to engage in providing relief to persons affected in the event of a disaster situation arising.
22. (1) It shall be the duty of the Municipal Council to specifically assign an officer or employee of the to keep pre-disaster reports which are issued by the Disaster Management Centre, on the instructions of technical institutions which are dealing with disasters.
- (2) It shall be the responsibility of the officer or employee to whom this duty is entrusted to inform the Chairperson or Members of the Committee about pre-disaster warnings of disasters which could affect the area of jurisdiction .of the Municipal Council.
- (3) The Committee may decide on the courses of action that Should be taken, in the event of a disaster risk arising or is likely to arise in any disaster vulnerable zone within the Municipal Council area, to provide relief to those who are affected or are likely to be affected. If in the opinion of the Chairperson, there is insufficient time to summon the Committee to take a decision or decisions on providing facilities such as life protection, food, drinking water, clothing, health and sanitation equipment, the Chairperson should have the power to take decisions on providing necessary relief on such an occasion. However, it shall be the duty of the Chairperson to submit to the Committee the decision or decisions he has taken, at a meeting summoned within three calendar days.
- (4) The Municipal Council can provide relief to persons affected by a disaster according to a decision or decisions taken by the Committee or Chairperson as mentioned in paragraph (3) above, and the necessary expenditure for it can be borne by the Municipal Council fund.
- (5) It shall be the duty of the Committee to submit a detailed report containing decisions taken by the Committee or Chairperson in the manner mentioned in paragraph (3) above, courses of action taken according to such decisions as per paragraph (4) above and what expenditure has been borne by the Municipal Council fund for such action, to the next General Meeting of the Municipal Council, held after the incident.
23. The Disaster Management Center should give technical assistance to identify lands which are vulnerable to natural disasters and also lands with an incline of over 30 degrees, located within the area of jurisdiction of the Municipal Council.
24. Areas within the area of jurisdiction of the Municipal Council which are affected by floods should be identified, marked in maps, and approval for the foundation level of houses should be granted, based on a scientific methodology depending on the maximum water level, rainfall and other factors or on past experience, in respect of each of the areas.

25. It shall be the duty of the Municipal Council to construct a surface drainage system and maintain it, so that rain water would flow without a hindrance, and take action to remove obstructions prevailing in regard to the flow of rain water.
- (1) In approving sub-division applications in the area of jurisdiction of the Municipal Council, it should be ensured that a necessary drain system for the systematic flow of rain water so that no disaster situation occurs, is included in the plan.
- (2) In approving auction of lands in the Municipal Council area, confirmation should be obtained that a certificate of conformity has been issued for the blocking out plan.
26. It shall be the duty of the Municipal Council to create awareness among the residents and those conducting businesses in the area of its jurisdiction about the need to maintain LP gas cylinders, accessories and where such accessories are joint together, without leaks, in houses, trade premises and other places where LP gas is used, and on pre-safety methods in this regard.
27. It shall be compulsory to submit a fire insurance cover to issue annual trade licenses to businesses which use LP gas, and such businesses should not be allowed to be conducted without a fire insurance cover.
28. In places within the Municipal Council area, where people gather in large numbers, such as tuition classes and shopping complexes, it should be ensured that there are sufficient exits so that people could be evacuated in a short time in the event of a fire or other accident occurring, and no trade licenses should be issued to business places where this requirement is not fulfilled.
29. It shall be the duty of the Municipal Council to create awareness among the people of its area, with the assistance of relevant technical institutions, on safety methods to be adopted during lightning at all times, including monsoon rain periods, and on use of electrical equipment during whether conditions with thunder.
30. It shall be the duty of the Municipal Council to establish voluntary committees to save lives and administer first aid during times of disaster and provide them with necessary training, with the assistance of relevant technical institutions.
31. (1) It shall be the duty of the Chairperson to ensure that sufficient funds, including moneys from the Disaster Management Fund, are allocated in the Municipal Council Budget -
- (a) To minimize disaster risk situations, and
- (b) To provide relief during disaster risk situations under this By-Law.
- It shall be the duty of the Secretary to report to the Auditor-General without delay what decision has been taken by the General Council of the Municipal Council under this By-Law.
32. (1) An organization or a person may provide financial assistance to meet the expenditure which the Municipal Council has to incur in implementing this by-law, or provide necessary equipment, implements and materials to perform such tasks.

- (2) While financial assistance provided to the Municipal Council according to (1) above may be paid into the Municipal Council fund, moneys so provided should be used only for tasks mentioned in these by-laws.
 - (3) It shall be the duty of the Secretary to maintain separate accounts of the moneys paid to the Municipal Council under paragraph (2) above, and such fund shall be named as the Disaster Management Account. A policy and set of instructions should be prepared for the use of moneys of this fund, for which the approval of the Municipal Council should be obtained.
 - (4) A report on the moneys received and spent from the Municipal Council fund under this by-law should be submitted to every meeting of the Committee for consideration and it should also be tabled at the next meeting of the Municipal Council.
33. (1) It shall be the duty of the head of the institution or a person acting for him to provide to the Secretary of the Municipal Council, on any occasion he makes a request, data and information relevant to Disaster Management in the possession of the District Disaster Management Committee of the District to which the area of jurisdiction of the Municipal Council belongs, the Divisional Secretary or Divisional Secretaries of Divisional Secretariat or Divisional Secretariats to which the Municipal Council area belongs, other Local Authorities belonging to the Municipal Council area, other state institutions which are located within the Municipal Council area or close to it and non-governmental organizations operating within the Municipal Council area.
- (2) Similarly, it shall be the duty of the Secretary of the Municipal Council to provide to any of the above institutions when requested, data and information relevant to Disaster Management in the possession of the Municipal Council.
- (3) Provided however that whatever is mentioned in paragraphs (1) and (2) above, if in the opinion of the head of institution or person acting for him, giving out data or information so requested can be a threat or can be harmful to state security, the directions given in the above paragraphs shall not be a hindrance to him to refrain from giving out such data and information which could be a threat or could be harmful to state security.
- Delegating Power
34. It shall be lawful for the Chairperson or Secretary to delegate the power in regard to regulating this By-Law to any officer of the Municipal Council.
- Inspection
Process and
Authority
35. The Secretary or an officer to whom powers are delegated will have the power to inspect directives of this by-law, and “appropriate time” would mean any occasion.
- Complaints And
Redress
Mechanism
36. Any complaint could be submitted in writing or verbally to the Chairperson, Secretary or an officer to whom powers have been delegated, who will take steps to hold an initial investigation and provide a solution.
- Violation of By-
Laws
37. It shall be an offence to violate one or several or all of the directives contained in these by-laws.
- Fines and
Penalties
38. A person who is found guilty by a Court possessing appropriate jurisdiction, for an offence of breaching or violating any of the directives contained in these by-laws, shall be liable to a fine mentioned in Section 267 (3) of the Municipal Council Ordinance such offence.

39. In these by-laws, unless the context otherwise requires, -"Chairperson" means the Mayor of the Municipal Council or a person entrusted with the powers, duties and functions of The Chairperson; Interpretation and definition

"Vice Chairperson" means the Deputy Mayor of the relevant Municipal Council.

"Secretary" means the Commissioner of the relevant Municipal Council or an officer entrusted with the powers, duties and functions of such Secretary;

"Municipal Council" means relevant Municipal Council ;

"General Council" means the meeting of the Municipal Council held monthly;

"Disaster and Risk" mean what is defined as "Disaster" in the Sri Lanka Disaster Management Act, No. 13 of 2005.

Accordingly, a disaster, including -

- (a) A landslide;
- (b) A cyclone;
- (c) A flood;
- (d) A drought;
- (e) An industrial catastrophe;
- (f) A tsunami (a sea flood close to an earthquake) (g) An earthquake;
- (h) An air catastrophe; (i) A sea catastrophe; (j) A fire;
- (k) An epidemic; (l) An explosion; (m) An air attack;
- (n) A civil or internal conflict; (o) A chemical accident;
- (p) An emergency caused by radiation; (q) An oil leak on land or sea;
- (r) A nuclear disaster;
- (s) An urban or forest fire; (t) Coast erosion; or
- (u) A tornado, a cyclone, a strike of lightning, or a violent thunderstorm,

which has actually occurred or is in imminent danger of occurring by an act of nature or by man, which has harmed or threatens to harm the security or health of a person or a group of persons in Sri Lanka, or causes destruction or harm to property, or threatens to cause destruction or harm to property, is meant.

"Providing relief", according to the interpretation given to the term "disaster" for the purposes of this by-law, would mean, in any disaster situation or when there is specific likelihood of any disaster occurring, those who have been affected or are likely to be affected by such disaster situation being temporarily placed in a safe place or places, saving lives, administering first aid, providing basic facilities to those affected by the disaster situation and displaced, until they leave the temporary camps, and should include providing cooked or dry food rations to those who are so displaced.

FRIST SCHEDULE

- (1) Identifying disasters which impact the area of jurisdiction of the Municipal Council and areas which would be affected by them. Schedule
- (2) Deciding on the causes or likely causes of disaster situations.
- (3) Identifying strategies to prevent or minimize causes of disaster and bring back those who have been affected by disaster to normalcy.

- (4) Specifically identifying areas and families, which could be harmed or caused difficulty in any disaster situation. In so identifying, particulars of students, children, elderly persons and disabled persons should be marked separately.
- (5) Deciding on strategies to provide relief to families who are harmed or caused difficulty in any disaster situation.
- (6) Identifying before the disaster occurs, places to temporarily lodge people who are displaced by any disaster situation.
- (7) Identifying before the incident strategies to provide food and drink to people who are displaced due to any disaster situation, until they are re-settled in their homes.
- (8) Identifying before the incident strategies to provide health protection facilities to the people of the area of jurisdiction of the Municipal Council, during any disaster situation.
- (9) Identifying specific periods of time when any disaster situation is more likely to occur.
- (10) Identifying alternative roads which could be used to ease traffic congestion in roads caused by any disaster situation.
- (11) Identifying the volume of rainfall that would cause inundation of roads during flood situations, and how long it would take for such rainfall to cause inundation of roads.
- (12) Identifying how long it would take for any area to be inundated by showers sufficiently heavy to cause flooding, in any flood situation, and also identify places in the area which would get flooded by unexpected showers which are caused by a cyclone or a storm situation close to a cyclone.
- (13) Take action to install low-cost meters to monitor rainfall in a few selected locations within the Municipal Council area, with the assistance of the Disaster Management Centre and the Department of Meteorology, and to collect and keep the metered data.
- (14) Identifying time periods during which the people of the Pradeshiya Sabha area are unable to obtain drinking water from the systems presently in operation, and the causes for it.
- (15) Identifying and mapping out places within the Municipal Council area which are vulnerable to fires, that could cause harm to people and property.
- (16) Identifying with the assistance of relevant technical institutions places with steep inclines in the Municipal Council area, which are vulnerable to landslides.
- (17) Identifying with the assistance of the relevant health institution strategies to control the incidence and spread of epidemics in the Municipal Council area.
- (18) Identifying and registering industries and industrialists who operate from a fixed place or moving from place to place, within the Municipal Council area, using dangerous chemical material which are highly inflammable or Could cause explosions.
- (19) Among the duties entrusted to the Committee, ensuring that the data and information collected relevant to Disaster Management are updated and maintained.
- (20) Ensuring that a close relationship is maintained with the District Disaster Management Centre of the District to which the Municipal Council belongs, and exchanging data and information relating to Disaster Management, which are in the possession of the two institutions, between the Municipal Council and the District Disaster Management Center.
- (21) Identifying persons, institutions and non-governmental organizations, who are able to work as relief groups and whose assistance could be easily obtained during a situation of disaster or danger, and equipment in their possession.
- (22) Identifying persons who are willing to work voluntarily in life-saving activities in a situation of disaster or danger, registering them and submitting recommendations to the Municipal Council to provide them with sufficient training.
- (23) Submitting to the Municipal Council recommendations on equipment or other materials which should be bought by the Municipal Council, to carry out pre-disaster warnings and provide disaster relief.
- (24) Submitting to the Municipal Council recommendations of the Committee on strategies it has identified and data and information it has collected.