

Municipal Council Hamirpur (Control and Regulation) of Muck Dumping Bye – Laws, 2012

NOTIFICATION

Hon'ble High Court Order Dated 19-10-2012 passed in CWPIIL 10/2012

No .

Dated:-

The following Muck dumping bye – laws , 2012 made by the M C. Hamirpur in exercise of the power conferred by Section 216 , 217 and Section 219 read with Clause (y and zb) of sub section (i) of Section 202 of the Himachal Pradesh Municipal Act , 1994 (Act No . 13 of 1994) as amended from time to time are hereby published in the Rajpatra , Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the MC Hamirpur after expiry of a period of 15 days from the date of its publication in the Rajpatra , Himachal Pradesh .

If any person, likely to be affected by these draft bye- laws has any, objection (s) against these draft rules, he may sent the written objections to the Executive Officer of MC Hamirpur, within the aforesaid period.

Objections, if any , received within the period as specified above , shall be taken into consideration by the MC Hamirpur before finalizing , these bye – laws namely :-

MC Hamirpur (Control and Regulation) of Muck Dumping Bye – laws, 2012.

Preliminary

- 1. Short title , commencement and application :-** (i) These Bye – laws may be called, MC Hamirpur (Control and Regulation) of Muck Dumping Bye – Laws , 2012 .
(ii) These Bye –laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh .
(iii) These Bye –laws shall be applicable within the jurisdiction of MC Hamirpur as defined from time to time .
- 2. Definitions :-** (i) In these Bye- laws , unless the context otherwise requires :-
 - (a) **Act** – means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
 - (b) **Applicant** – means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the MC Hamirpur.
 - (c) **Authorized Officer** – means any Officer / official duly authorized by the MC Hamirpur under these Bye – laws .
 - (d) **Muck** – includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
 - (e) **Place-** means authorized site specified by the MC Hamirpur for dumping of Muck.
 - (f) **Judicial Magistrate First Class** – means the judicial Magistrate having jurisdiction over the area of MC Hamirpur under the Act.
 - (g) Words and expressions used in these Bye- laws but not defined here in shall have the meaning respectfully assigned to them under the Act.
- 3. Prohibition on Muck Dumping :-** (i) no person , either by himself or through another , shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place

other than the place specified by the MC Hamirpur for dumping of Muck within their area .

(ii) any person found dumping the Muck illegally , unauthorisedly and without any permission shall be liable for penalty under these Bye – laws and the vehicle or tools used for such dumping shall be impounded .

4. Procedure for Application and grant of permission :- (i) applicant or the person concerned intended to commence the construction within the area of the MC Hamirpur shall in writing submit detailed estimate of Muck to be generated from the plot / construction site to the MC Hamirpur on the prescribed proforma annexed with these Bye – laws as appendix -! At the time of submission of their building map / plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the plot / construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC Hamirpur on this account.

(iv) The place for dumping of Muck shall be communicated to the applicant by the MC Hamirpur authority in writing and the name of the place / site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the MC Hamirpur for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the MC Hamirpur at the time of inspection.

(vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the muck in the dumping site shall be between 9:00 A.M. to 5:00 P.M. However, in the case of exigencies , the MC Hamirpur may in writing relax such restrictions .

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the MC in the larger public interest or in the case of emergent situation may relax such imposition / restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of the size of. X... indicating therein the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the Office / Control Room set up by the MC for entertainment of complaints etc.

(ix) The MC shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck: - The following rates shall be applicable for dumping of Muck in the specified places.

(i) Pick up	Rs . 300 /- per pick up
(ii) Tipper light duty	Rs. 700 /- per tipper
(iii) Tipper Heavy duty / truck	Rs. 1200 /- per tipper / truck
(iv). By Manual	Rs. 5/-
(v). By Mule	Rs. 20/-

An increase of 10 % on these rates shall be applicable after every financial year which shall be notified by the MC Hamirpur.

- 6. Duties and responsibilities of person concerned** - (I) It shall be the duty and responsibilities of owner to make available all the sanction / permission granted by the competent authority to the person so hired or engaged by him for dumping of muck in a specified places as specified by the M C Hamirpur .
- (ii) Whosoever is found dumping Muck other than the place specified by the MC Hamirpur, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye – laws .
- (iii) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance .
- 7. Impounding of Vehicle:-** (i) The authorized officer or the police establishment of the MC Hamirpur in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye – laws .
- (ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye – laws .
- (iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer / official and keep the same in custody at the place designated by the MC Hamirpur till it is not released to the registered owner . The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000 /- per day payable by registered owner to the MC Hamirpur in cash or through demand draft .
- 8. Compounding of Offences :-** All the offences punishable under these Bye – laws may , before , the institution of Prosecution , be compounded by such officer as may be authorized by the MC Hamirpur or Executive Officer in this behalf , on payment of such sum as may be specified by such officer under these Bye – laws .
- 9. Offences to be tried summarily:** - The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned Municipal area under section 260 of the Code of Criminal Procedure.
- 10. Penalty** – (i) Whosoever , is guilty of dumping Muck other than the place specified / notified by the MC Hamirpur , the rate of penalty shall be ten times at the first instance , twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the MC Hamirpur in respect of the class and make of vehicle as defined in Clause 5 of these Bye – laws .
- (ii) In case of repeated violation , in addition to penalty as specified above , the owner at whose instance the construction / execution work is carried and is found

dumping the Muck illegally or without the permission of the competent authority as the case may be , shall also be liable for disconnection of water , electricity and others civic amenities and the concerned Officer / official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned .

SITE PROVIDED FOR MUCK DUMPING :-

Municipal Council Hamirpur provided two sites for muck dumping which are appended below :-

1. Bajuri
2. Dugneri near SWM Project .

By order

Executive Officer
Municipal Council Hamirpur
Distt. Hamirpur (H.P.).

Office of the Executive Officer Municipal Council Hamirpur

Notification

No.

Dated:-

The following Bye Laws made by the Municipal Council Hamirpur for regulating the Posting of Bills Hoardings, Advertisements, Sign Boards, in exercise of the power conferred by section 2002(O) read with section 217 of the Himachal Pradesh Municipal Act, 1994 (13 of 1994) having been confirmed by State Govt. , as required under Section 217 of the aforesaid Act are here by published for general information namely:-

BYE LAWS TO REGULATE POSTINGS OF THE BILLS,HOARDINGS, ADVERTISEMENTS OF MUNICIPAL COUNCIL HAMIRPUR

1. Short title commencement and application:- These Bye-Laws may be called the Municipal Council Hamirpur (regulation of Posting of Bills and Fixing of advertisement hoardings, sign boards etc) Bye-Laws, 2008

- (i) They shall come into force on the date of their publication in the Rajpatra, Himachal Pradesh.
- (ii) They shall apply to Hamirpur Municipal Council area.

2. Definitions:-

In these bye laws unless the context otherwise requires:-

- (a) "Act" means the Himachal Pradesh Municipal Act 1994.
- (b) "Bills" means any poster, notice and advertisement printed on paper of Board or painted on Hoardings. Sign boards or walls etc. and hung on poles etc.
- (c) "Council" means the Municipal Council Hamirpur and
- (d) "Schedule" means the schedule indicating the rate in respect of sign Boards.

3. Prohibition of sticking, fixing hanging or painting bills, posters, advertisement, notice etc:- No person shall without the written permission of the Executive Officer Municipal Council Hamirpur stick, fix or hung or cause to be fixed stick, or hung or paint bills, posters, advertisement, notice, over any place or property whether private or public in public street or road in contravention of the following conditions:-

- (i) Hoarding shall not be allowed in the required width the national state high ways and other schedule roads as they cause traffic hazards and are against the instructions of the Govt. of India and Hon'ble Himachal Pradesh High Court.
- (ii) No hoardings, advertisements shall be put on the valley side above the level (including on the roofs of buildings) to preserve the aesthetics, so beauty and the views of hills.

- (iii) No hoardings, advertisements shall be put at the place where it affect endangers the growth of flora.
- (iv) No hoardings shall be located in thickly wooded area and no wire of a kind shall be place on trees.
- (v) No hoardings advertisements shall exceed dimension size of 16 Sq. meters.
- (vi) No hoardings advertisement shall be against the guidelines of the PWD.
- (vii) No hoardings advertisement shall be located near a water source.
- (viii) No hoarding advertisement shall be in the form of writing engraving nailing and carving on any natural animate or inanimate object.
- (ix) No hoarding advertisement shall be located to the road. No. hoardings advertisement should be located on a sharp “U” turn and blind turns; and
- (x) The beauty of nature formation such as hills, rivers, trees and rocks shall not be destroyed by indiscriminate installation of commercial advertisements.

4. Exemption:-

Subject to the conditions mentioned in Bye-Laws 3 private boards may be erected on respective premises by Govt. Offices, Association or mercantile firms, for posting their own notices, advertisements etc.

Prohibition of displaying indecent picture or language. Advertisement containing indecent picture or language shall not be allowed Executive Officer Municipal Council shall be authority to decide as to the decency or otherwise of the advertisements and the appeal against the decision shall be made to the President Municipal Council Hamirpur whose decision shall be final.

5. Fee for Permission:-

- (i) Fee @ Rs. 300/- per sqm. Shall be payable for every permission granted under bye-laws No. 3 above per annum.
- (ii) Cloth Banners @ Rs. 100/- per month per banner.

6. When a person desires to remove the advertisement, he will put the space as it was before.

7. Penalties:-

Whoever contravenes any of these bye-laws shall be punishable with fine which may extend to Five thousand Rupees and when the contravention is a continuing one, with further fine which may extend to Rs. 200/- for every day, after the first day during which such contravention continues.

By order

Executive Officer
Municipal Council Hamirpur
Distt. Hamirpur (H.P.).

Municipal Council Hamirpur Draft /Model Plastic Waste (Management and Handling) Bye-Laws, 2014.”

Notification

No.

Dated:-

In compliance to the Hon’ble High Court dated 26-12-2013 passed in CWP No. 1732/2010 along with other CWPs, the following Plastic Waste Bye-Laws, 2014 made by the MC in exercise of the power conferred by Section 217 and section 219 read with clause d) (v) of sub section (1) of Section 202 of the Himachal Pradesh Municipal Act , 1994 (Act No. 13 of 1994) and para (3) of clause G of Sub Section (1) of Section 395 and 397 of the Himachal Pradesh Municipal Council Act, 1004 as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-Laws shall be considered by the MC after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any objection (s) against these draft rules , he may sent the written objections to the Executive Officer of concerned ULB, within the aforesaid period.

Objections, if any, received within the period as specified above , shall be taken into consideration by the MC before finalizing these Bye-Laws namely:- “M.C. Hamirpur (Management and Handling) of Plastic Waste Bye-Laws, 2014.”

Preliminary

1. Short title, commencement and application:-

- (i) These Bye-Laws may be called, “ M.C. Hamirpur Plastic Waste (Management and Handling) Bye – Laws, 2014.”
- (ii) These Bye-Laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.
- (iii) These Bye-Laws shall be applicable within the jurisdiction of M.C. Hamirpur as defined from time to time.

2. Definitions:-

- (1) In these Bye-Laws , unless the context otherwise requires:-
 - (a) “**Act**” means the H.P. Municipal Council Act, 1994 (Act No. 12) /H.P. Municipal Act, 1994 (13 of 1994) and Environment (Protection) Act, 1986 (29 of 1986);
 - (b) “**Authorized Officer**” means any officer / official duly authorized by the Municipality under these Bye-Laws;
 - (c) “**Carry bags**” means all plastic bags used to carry commodities, including self

carrying features;

- (d) **“Compostable plastics”** means plastic that undergoes degradation by biological process during composting to yield CO₂ water, inorganic compounds and biomass at a rate consistent with other known compostable materials and does not leave visible, distinguishable or toxic residue;
- (e) **“Disintegration”** means the physical breakdown of a material into very small fragments;
- (f) **“Extended Producer’s Responsibility (EPR)”** means the responsibility of a producer or a manufacturer of plastic carry bags and multilayered plastics, pouches or packages for the environmentally sound management of the product until the end of its life. This responsibility also applies to all manufactures using such packaging;
- (g) **“Manufacturer”** means any producer who manufactures plastic carry bags, multilayered packing, pouches and the like or uses such materials in packing of a product;
- (h) **“Municipality”** means an institution of Self Government constitutes as a Nagar Panchayat or Municipal Council under this Act or any other local body constituted under the relevant statutes and, where the management and handling of municipal solid waste is entrusted to such agency;
- (i) **“Multilayered Plastics”** means any material having a combination of more than one layer or packing material such as paper, paper board, polymeric materials, metalized layers or aluminium foil, either in the form of a laminate or co-extruded structure;
- (j) **“Occupier”** includes any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable and also include a tenant;
- (k) **“Plastic”** means material which contain as an essential ingredient a high polymer and which at some stage in its processing into finished products can be shaped by flow;
- (l) **“Plastic Waste”** means any plastic product such as carry bags, pouches or multilayered packing, which have been discarded after use or after their intended life is over;
- (m) **“Registration”** means registration of units manufacturing or recycling carry bags made of virgin or recycled plastics with the concerned State Pollution Control Board or Pollution Control Committee, as the case may be , within the jurisdiction of the Municipality;

- (n) **“Rule”** means the rules made under the H.P. Municipal Act, 1994 (Act No. 12)/ H.P. Municipal Act, 1994 (13 of 1994) and Environment (Protection) Act, 1986 (29 of 1986);
- (o) **“Section”** means section of the Act;
- (p) **“Virgin Plastic”** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste;
- (q) **“Waste management”** means the scientific reduction, re-use, recovery, recycling, composting or disposal of plastic waste;
- (r) **“Waste pickers”** means individuals or groups of individuals engaged in the collection of plastic waste.

(2) All other words and expressions used in these Bye-Laws, but not defined, shall have the same meaning as are assigned them in the Act or Rules framed there under.

(3) **Prescribed Authority:-** for enforcement of the provisions of these Bye-Laws relating to the use, collection, segregation, transportation and disposal of post consumer plastic waste shall be the concerned municipality and its authorized officer / official, as the case may be.

(4) **Generation of Plastic Waste:-**

(1) The Municipality may assess the quantum of post consumer plastic waste generated through delineating high, mid and low waste generating areas within its jurisdiction and conducting waste audit in the manner as provided under Bye-Laws 9.

(2) The municipality may ask manufacturers, distributors and other person who produce or handle commodities for plastic quantum within its jurisdiction and also with respect to type , size , labeling and composition of packaging.

5. **Segregation of Plastic Waste:-**

(1) Municipality shall ensure post consumer plastic waste through primary or secondary segregation from the waste stream.

(2) No owner or occupier of any premises shall keep or allow to be kept staking or deposits of post consumer plastic waste which is likely to occasion a nuisance or is likely to be dangerous to health and environment.

6. **Plastic Waste Management Centers (PWMC):-**

- (1) Municipality shall be responsible for setting up, operationalisation and coordination of the plastic waste management system ensuring collection, storage, transportation, treatment, disposal and for performing the associated functions, namely:- The Municipality shall establish a plastic waste management centre (PWMC) headed by its Corporation Health Officer/Executive Officer/ Secretary. The plastic waste management centre within the municipality will ensure that post consumer plastic waste is recovered from the waste stream.
- (2) The PWMC shall ensure the identification and involvement of the waste pickers, agencies working in waste management sector and formalization of the informal post consumer plastic waste collection units within jurisdiction of the Municipality.
- (3) The PWMC shall register and grant authorization to such informal post consumer plastic waste collection units within the Municipality in the format as prescribed by the municipality from time to time.
- (4) The registration granted under these bye laws shall be valid for a period of one year, unless revoked suspended or cancelled; and registration shall not be revoked suspended or cancelled without providing the registered plastic waste unit an opportunity for explanation to the authority.
- (5) The PWMC may also establish plastic waste collection units in Municipality jurisdiction involving plastic bulk generators.
- (6) The PWMC may ensure such unit's channelization to authorized recyclers.
- (7) The PWMC shall create awareness among all stakeholders about their responsibilities and ill effects of plastic waste;

7. Plastic Waste Recycling and Recovery:-

The plastic waste management shall be as under:-

- (1) Recycling, recovery or disposal of post consumer plastic waste shall be carried out as per the rules, regulations and standards stipulated by the Central Government from time to time;
- (2) Recycling of plastic shall be carried out in accordance with the Indian Standard: IS 14534: 1998 titled as Guidelines for recycling of Plastic, as amended from time to time;
- (3) Recyclers shall ensure that recycling facilities are in accordance with the Indian Standard: IS 14534: 1998 titled as Guidelines for Recycling of Plastic and in compliance with the rules under the Environment (Protection) Act, 1986 as amended from time to time;
- (4) the Municipality shall ensure that the residues generated from recycling processed are disposed off in compliance with Schedule II (Management of Municipal Solid Wastes) and Schedule III (Specifications for Landfill Sites) of the Municipal Solid Waste (Management and Handling) Rules , 2000 made under the Environment (Protection) Act, 1986 , as amended from time to time.

8. Prohibition on Littering and Burning of Plastic Waste:

- (1) No owner or occupier shall dispose –off any post consumer plastic waste to run down or to be thrown into any drain sink or any other place within municipal area except in such a manner as shall prevent any avoidable nuisance.
- (2) No owner or occupier of any premises shall deposite post consumer plastic waste in any street, on the varandha of any building, any unoccupied ground along side on the bank of a water course, any dustbin, vehicle and vessel not intended for the removal of the same.

- (3) No owner or occupier of any premises shall burn the post consumer plastic waste.
- (4) If any corporate body, firm or other association of individuals committing offence under this section; every person who, at the time of the commission of the offence, was incharge of the conduct of the corporate body shall be deemed to be guilty.

9. Waste Audit:

- (1) The Municipality shall manage the plastic waste by undertaking waste audit in the beginning of the year.
- (2) The results of the waste audit shall be compiled and sent to the HP State Pollution Control Board / State Government.

10. Extended Producer's Responsibility:-

The Municipality may ask the manufactures, either collectively or individually in line with the principle of Extended Producer's Responsibility(EPR) involving such manufactures, registered within its jurisdiction and brand owners with registers offices within its jurisdiction to provide the requires=d finance to establish such collection centers.

11. Sustainable use of Plastic Waste:-

The Municipality shall encourage the use of plastic waste by adopting suitable technology such as road construction, co-incineration etc. the municipality or the operator intending to use such technology shall ensure the compliance with the prescribed standards including pollution norms prescribed by the competent authority in this regard.

12. Penalty:-

Whosoever contravenes the provision of these Bye-Laws shall be penalize as provided under the Act and the prescribed authority may request the competent authority to withdraw registration/ recognition, if any, granted in his favour.