



**THE TEHSIL/TOWN MUNICIPAL ADMINISTRATION
REGULATION OF JUNKYARDS (MODEL)
BYE-LAWS, 2012**

LOCAL GOVERNMENT & COMMUNITY DEVELOPMENT DEPARTMENT,

SEPTEMBER, 2012

**THE TEHSIL/TOWN MUNICIPAL ADMINISTRATION -----
(REGULATION OF JUNKYARDS) BYE-LAWS, 2012**

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THE TEHSIL/TOWN MUNICIPAL ADMINISTRATION -----
(REGULATION OF JUNKYARDS) BYE-LAWS, 2012

PREAMBLE: WHEREAS it has been established by the experts that the junkyards are major larvae breeding sites of Aedes Aegypti and Aedes Albectus mosquitoes. It is therefore, expedient to regulate the trade in junk in extreme public interest as a public health measure across the Province.

AND WHEREAS the circumstances exist that render it necessary to take immediate steps to frame the Tehsil / Town Municipal Administration Regulation of Junkyards Bye-laws, 2012;

AND WHEREAS under Section 192 read with Part-II of the Fifth Schedule of the Punjab Local Government Ordinance, 2001, the Tehsil /Town Council may, in its ambit of responsibilities, make bye-laws to carry out the purposes of the Ordinance *ibid*.

NOW, THEREFORE, in exercise of the aforesaid powers and all other enabling provisions in this behalf, the Tehsil/Town Council through resolution No.....datedhas approved the following bye-laws which are hereby notified:-

1. SHORT TITLE, EXTENT AND COMMENCEMENT.-

- (1) These Bye-laws shall be called “.....(Regulation of Junkyards) Bye-laws, 2012”.
- (2) These shall extend to the whole of the local area of the Tehsil/Town Municipal Administration-----.
- (3) These shall come into force with immediate effect.

2. DEFINITIONS.-

In these Bye-laws, unless there is anything repugnant in the subject or context, the following terms and expressions shall have the meanings hereby assigned to them:-

- (a) **‘Local Area’** means the area of territorial jurisdiction of Tehsil/Town Municipal Administration;
- (b) **‘Government’** means Government of the Punjab;
- (c) **‘Junk’** includes old and scrap metals, old ropes, rags, expired batteries, paper trash, rubber debris, used tyres, automobile wreckage and parts thereof, discarded goods or any other unused material.
- (d) **“Junkyard”** means a place of business which is established, maintained, operated or used for trading, storing, keeping, buying or selling junk;
- (e) **“Licence”** means permission to carry on a trade in junk within a local area of TMA under such terms and conditions prescribed under these bye-laws;
- (f) **“Ordinance”** means the Punjab Local Government Ordinance, 2001;
- (g) **“Trade”** means a business of storing, keeping, buying or selling junk.; and
- (h) **“TMA”** means the Tehsil/Town Municipal Administration

3. GENERAL PROCEDURE OF LICENSING.-

No person shall carry on a trade in junk at any place in the local area of the TMA unless a licence has been obtained in this behalf from the TMA.

4. APPLICATION FOR GRANT OF LICENCE.-

(1) If a person intends to carry on a trade in junk anywhere in the local area of the TMA, he shall apply to the Tehsil/Town Officer (Regulations) in writing for grant of a licence in this behalf;

(2) No application for grant of licence shall be entertained unless submitted on prescribed **Form-I** and accompanied by the following documents:

- (a) Copy of CNIC of the applicant;
- (b) Description of the premises;
- (c) Applicant's ownership/title documents in respect of the premises/place wherein the trade is to be undertaken;
- (d) Tenancy agreement, if any; and
- (e) Receipt/Challan Form of payment of licence fee.

(3) The Tehsil/Town Officer (Regulations) shall send the application for licence to concerned Inspector who shall inspect the junkyard and send his report within seven days to Tehsil/Town Officer (Regulations).

(4) The Tehsil/Town Officer (Regulations) shall within seven days after the receipt of inspection report of the Inspector, either grant licence on **Form-II** for a financial year ending 30th of June or refuse the licence with reason(s) to be communicated to the applicant in writing on **Form-III**.

(5) The grant of a licence shall not be withheld by the Tehsil/Town Officer (Regulations) unless he has reasons to believe that the trade is a nuisance or is likely to be dangerous to the public life and health.

5. FEE FOR LICENCE.-

(1) Fee for new licence and renewal fee shall be levied by the TMA under Section 116 of the Ordinance and determined in accordance with the procedure laid down in the Punjab Local Government (Taxation Rules 2001).

(2) The prescribed fee shall be deposited in the local fund of TMA.

6. NOTICE TO PERSON CARRYING ON UNLICENSED TRADE.-

Any person who was, on the date of notification of these bye-laws carrying on this trade in any part of a local area, shall be bound to immediately apply for a licence for carrying on such trade in that part after receiving a notice under the prescribed **Form-III** in this behalf from the TMA to do so. In case of non-compliance, the premises shall be sealed.

7. GENERAL CONDITIONS FOR LICENCE.-

The licensee shall:

- (1) observe the prescribed terms and conditions under these bye-laws.
- (2) keep the licence at the licensed premises and the Licence No./Registration No. shall be displayed at a conspicuous place in the premises, and on demand shall produce it for inspection;
- (3) not in any case use or allow to be used licensed premises for any other purpose other than the one for which licence has been issued;
- (4) keep an Inspection Register on the premises in which all inspections made by inspection authorities shall be recorded;
- (5) get his licence renewed in the month of July each year on payment of prescribed fee; and
- (6) intimate the Tehsil/Town Officer (Regulations) on closing of the junkyard or any change in the premises/location.

8. RESPONSIBILITIES OF THE LICENSEE.-

The licensee shall ensure that:

- (i) the junk is kept under a proper covering or shed;
- (ii) premises is kept clean, ventilated, well-lit, well drained and junk appropriately stacked;

- (iii) the size of stacks should not obstruct inspection of junkyard around the year;
- (iv) as far as possible, junkyard shall have pedestrian passages between stacks to facilitate inspection;
- (v) all junk is kept empty and turned upside down to prevent water retention;
- (vi) water from coverings and junk kept outdoor is drained immediately after rain;
- (vii) all depressions in junkyard are filled to prevent water pooling;
- (viii) timely preventive measures are taken and, where necessary, larviciding and fumigation is carried out during mosquito breeding seasons; and
- (ix) all junk is kept dried around the year.

9. INSPECTION OF THE LICENSED PREMISES AND RENEWAL OF LICENCE.-

(1) The Tehsil/Town Officer (Regulations) or any Inspector designated as such by the TMA in this behalf, may inspect any premises, where the trade is being carried on. The Inspecting Officer shall, during the course of inspection, especially ensure that:

- (a) the licence is displayed at a conspicuous place; and
- (b) all terms and conditions required under these bye-laws are being followed by the licensee in letter and spirit.

(2) The Tehsil/Town Officer (Regulations) shall maintain the record of inspections in the prescribed **Form-V**.

(3) The licence shall be renewed annually after receiving a satisfactory inspection report.

10. MAINTENANCE OF RECORD OF APPLICATIONS FOR GRANT/RENEWAL OF LICENCES.-

The Tehsil/Town Officer (Regulations) shall maintain the record of the applications for grant and renewal of licences in the prescribed **Form-VI**.

11. SURVEY AND MAINTENANCE OF RECORD OF JUNKYARDS.-

The Tehsil/Town Officer (Regulations) shall cause the survey to be conducted at the beginning of each financial year to have complete list and particulars of all places, premises, markets or shops being used as junkyard in the local area of the TMA and maintain a complete record.

12. POWER OF ENTRY AND SEIZURE.-

The Tehsil/Town Officer(Regulations) or any Inspector, authorized by the TMA in writing in this behalf, may at any time enter into any place, premises, market or shop being used as junkyard within the jurisdiction of the TMA and, in case, of serious threat to the public health, safety or danger to the life, may seal the premises.

13. CANCELLATION OF LICENCE.-

The TMA may cancel the licence in case of violation of any provision of these bye-laws by the licensee. Before cancellation of licence, the licensee shall be informed in writing. No licence shall be cancelled without affording an opportunity of hearing to the licensee.

14. PUBLIC AWARENESS.-

The TMA will make arrangements of public awareness through posters, notice boards, newspapers and electronic media regarding the enforcement of these bye-laws and the responsibilities of the junkyard owners.

15. APPEALS.-

Any person aggrieved by an order passed under these bye-laws may file appeal under section 190 of the Ordinance to the Appellate Authority as prescribed under the Punjab Local Government (Appeal) Rules, 2002.

16. PENALTIES.-

In addition to any other action as provided in these bye-laws, the person doing an act without licence or permission shall be proceeded against under sections 141 and 143 read with the Fourth Schedule and Eighth Schedule of the Ordinance, for imposition of punishment or fine thereon.

FORM-I

[See bye-law 4(2)]

To

The Tehsil/Town Officer (Regulations),
Tehsil/Town Municipal Administration,

Subject:- **APPLICATION FOR GRANT OF LICENCE FOR THE TRADE IN JUNK**

Sir,

I intend to carry on the trade in junk at_____.

2. I may kindly be permitted and granted a licence for carrying on the said trade for one year ending 30th June (Year).

3. I under-take to abide by all the rules and bye-laws applicable to the subject matter, as directed and conveyed by the T.M.A from time to time.

4. After the expiry of the licence period, I will myself apply for renewal of the licence.

Applicant's signature_____

Applicant's Name_____

Father's/Husband's Name_____

CN.I.C NO._____

Residential Address_____

Contact No. _____

Description of Premises_____

Contact No._____

The following documents are enclosed:

- (a) Copy of CNIC of the applicant;
- (b) Description of the premises;
- (c) Title of the property;
- (d) Tenancy Agreement, if any; and
- (e) Receipt/ Challan Form regarding payment of licence fee.

FORM-II
[See bye-law 4(4)]

Tehsil/Town Municipal Administration

From

The Tehsil/Town Officer (Municipal Regulations),
Tehsil/Town Municipal Administration,

To

(Name) _____
Address _____

Subject:- **LICENCE FOR CARRYING ON TRADE IN JUNK**

With reference to your application dated _____ for grant of licence, you are hereby granted a licence for carrying on the trade in junk at _____ as requested.

2. During the term of licence you will abide by all prescribed terms and conditions and bye-laws on the subject matter and as may be directed or conveyed by the T.M.A from time to time.

The licence is granted to you as per following particulars:-

Name _____
Father's / Husband's Name _____
CN.I.C No. _____
Trade _____
Term of licence 1st July, 20---- to 30th June, 20----
Licence Fee Paid _____
Address _____
Description of the premises _____

Tehsil/Town Officer (Regulations)
Tehsil/Town Municipal Administration

(to be printed on the back of licence)

GENERAL CONDITIONS OF LICENCE

(Bye-law 7)

The licensee shall:

- (1) observe the prescribed terms and conditions under these bye-laws.
- (2) keep the licence at the licensed premises and the Licence No./Registration No. shall be displayed at a conspicuous place in the premises, and on demand shall produce it for inspection;
- (3) not in any case use or allow to be used licensed premises for any other purpose other than the one for which licence has been issued;
- (4) keep an Inspection Register on the premises in which all inspections made by inspection authorities shall be recorded;
- (5) get his licence renewed in the month of July each year on payment of prescribed fee; and
- (6) intimate the Tehsil/Town Officer (Regulations) on closing of the junkyard or any change in the premises/location.

Responsibilities of Licensee

(Bye-law 8)

The licensee shall ensure that:

- (j) the junk is kept under a proper covering or shed;
- (ii) premises is kept clean, ventilated, well-lit, well drained and junk appropriately stacked;
- (iii) the size of stacks should not obstruct inspection of junkyard around the year;
- (iv) as far as possible, junkyard shall have pedestrian passages between stacks to facilitate inspection;
- (v) all junk is kept empty and turned upside down to prevent water retention;
- (vi) water from coverings and junk kept outdoor is drained immediately after rain;
- (vii) all depressions in junkyard are filled to prevent water pooling;
- (viii) timely preventive measures are taken and, where necessary, larviciding and fumigation is carried out during mosquito breeding seasons; and
- (ix) all junk is kept dried around the year.

FORM-III
[See bye-law 4(4)]

Tehsil/Town Municipal Administration

No. _____, Dated _____

To

(Name) _____

Address _____

Subject:- **REJECTION OF APPLICATION FOR GRANT OF LICENCE**

Reference your application, dated _____ for grant of licence for carrying on the trade in Junk at _____ in the jurisdiction of Tehsil/Town Municipal Administration.

2. It is intimated that your application for grant of licence has been rejected on the following grounds:

- (i) _____
- (ii) _____
- (iii) _____

Tehsil/Town Officer (Regulations)
Tehsil/Town Municipal Administration

FORM-IV
(See bye-law 6)

Tehsil/Town Municipal Administration

Notice No. _____, Dated _____

To

(Name) _____

Address _____

Subject:- **NOTICE FOR UNLICENSED TRADE IN JUNK**

It has been noticed that you are carrying on the trade in Junk at _____ in the jurisdiction of Tehsil/Town Municipal Administration without obtaining a licence regulating such trade.

2. You are directed to immediately apply for obtaining the licence in this behalf from the TMA. In case, you fail to obtain the licence within a period of one month, the junkyard/place/market/shop whereon you are undertaking the above trade would be sealed and the expenditure incurred thereon will be borne by you. If you default in payment of such expenditures, it will be recovered as arrears of land revenue.

Tehsil/Town Officer (Regulations)
Tehsil/Town Municipal Administration

FORM-V
(See bye-law 9)

Record of Inspection of Licences and Premises and Renewal of Licences,

Tehsil/Town Municipal Administration -----

Sr. #	Name & Designation of the Inspecting Officer	Date & Time of Inspection	Name & address of the person whose premises is inspected	Licensed or unlicensed Licence No. in case of licenced premises	Renewed or not renewed	Findings and recommendation s of the Inspecting Officer with signatures and stamp	Action taken against the defaulters

FORM-VI
(See bye-law 10)

Record of applications for grant /renewal of licences

Tehsil/Town Municipal Administration-----

1.	Name of the Applicant	
2.	Father's / Husband's Name	
3.	CNIC No.	
4.	Place of trade	
7.	Total area of junkyard/place/market/shop	
9.	Date of application for grant /renewal of licence	
10.	Licence No. date of issue	
11.	Date of rejection of application	
12.	No. & date of notice in case of the person carrying on unlicensed trade	
13.	Date of receipt of appeal	
14.	Proceedings & decision	
15.	Status of implementation of decision	
16.	No. & date of the recovery notice if it is to be recovered as arrears of land revenue	
17.	Reply with date submitted by the licensee	
18.	Communication of the decision of TMA with date	
19.	Recovery status	
20.	Remarks, if any	