

(SAND, STONE AND GRAVEL WINNING) BYE-LAWS, 2017

IN EXERCISE of the powers conferred on the Adentan Municipal Assembly by section 181 subsection 1 of the Local Governance Act, 2016 (Act 936) this Bye-law is hereby made.

Title

This Bye-law may be cited as Adentan Municipal Assembly (Sand, Stone and Gravel Winning) Bye-Laws, 2017

Application for permit

1. (1) A person who wins or desires to win sand, stone or gravel within the jurisdiction of the Assembly shall apply to the Development Planning Committee of the Assembly for permit.
 - (2) An applicant shall
 - (a) state the name and address,
 - (b) enclose a site plan of the area of the intended operation,
 - (c) state the mode of winning, namely, excavation by mechanical means or by manual means,
 - (d) state the duration of winning operation and the application shall be countersigned by the Assembly and the landowners of the area.
 - (3) When all due processes have been satisfied, the Development Planning Committee shall recommend that the permit/license be granted to the applicant by the Assembly. The Assembly, when satisfied by the recommendation of the Development Planning Committee shall grant the permit.

Requirements of permit

2. (1) The permit shall have the following requirements;
 - (a) The permit shall contain the name and address of the operator,
 - (b) The hours of operation which by these bye-laws shall be 5.00 am. to 6.00 p.m. and a special permit from the Assembly after 6.00pm
 - (c) The duration of the permit or license,
 - (d) The fee to be paid for the permit by these bye-laws shall be determined by the Adentan Municipal Assembly periodically, and

- (e) The specified deposit to be determined by the Assembly which is refundable upon successfully reclaiming the land.

3 No person shall win sand, stone and gravel for commercial purposes within the area of authority of the Assembly without a permit.

4 A permit issued by the Assembly shall be produced on demand at the site at all times to an authorized officer of the Assembly.

5 A person who violates paragraph 1 of this Bye-law is liable to a fine of 200 penalty units.

Payment of loading fee

6 (a) A driver or a person in charge of a truck loaded with sand, stone or gravel shall pay a loading fee which the Assembly determines, and shall be issued with a receipt by the Assembly.

(b) Defaulters shall pay a fine of less than 100 penalty units and the sand, stone or gravel confiscated to the Assembly.

(c) A holder of a permit shall not assign, sell or part with it to another operator without the prior consent of the Assembly.

Withdrawal of License

7 A holder of a permit who violates this Bye-law will have the permit withdrawn.

Reclamation of land

8 (a) A person who does not reclaim the land after winning the sand, stone or gravel will be blacklisted in addition to the payment of a fine of 170 penalty units

(b) The Assembly shall be under no liability for any loss or damage to the site or any sand, stone or gravel that is due to the breach of these bye-laws or any other cause whatsoever

Unauthorised operation

9 (1) A driver or a person in charge of a vehicle caught within an unauthorised pit winning sand, stone or gravel commits an offence punishable by a fine of 150 penalty units, or in default 6 months imprisonment or to both.

(2) A driver or a person in charge of any truck loaded with sand, stone or gravel working outside the working hours commits an offence.

Penalty

10 A person who contravenes the provisions of this Bye-laws commits an offence and is liable on summary conviction to a fine not less than 150 penalty units or in default 6 months of imprisonment or to both.

Interpretation

11 In these bye-laws unless the context otherwise requires;

“Assembly” means the Adentan Municipal Assembly;

Revocation

Any Bye-law on Protection of Roads in existence within the area of authority of the Assembly before the coming into force of this Bye-law is hereby revoked.

Presiding Member

(Hon. Odai- Boye Joseph)

Municipal Coordinating Director

(Moirra Nancy Ewa)

Regional Minister

Regional Co-ordinating Director