

Urban Councils (Amendment)

Act No 48 of 1984

AN ACT TO AMEND THE URBAN COUNCILS ORDINANCE.

Short title. **1** This Act may be cited as the Urban Councils (Amendment) Act, No 48 of 1984.

- Amendment of section 36 of Chapter 255. [§2,48 of 1984] **2.** Section 36 of the Urban Councils Ordinance (hereinafter referred to as the principal enactment) is hereby amended by the repeal of paragraph (a) thereof, and the substitution thereof of the following paragraph:- " (a) to appoint necessary officers and servants and from time to time remove any such officers or servants and to assign to any office or service such salary, allowances or remuneration as to the Council may seem fit: Provided that, the preceding provisions shall not apply to and in relation to any officer or servant of such Council who is a member or who is deemed to be a member of the Local Government Service constituted under the Local Government Service Law ;
- Amendment of section 38 of the principal enactment [§ 3,48 of 1984] **3.** Section 38 of the principal enactment is hereby amended by the substitution, for the words " an expenditure exceeding one thousand rupees", of the words "an expenditure exceeding ten thousand rupees".
- Amendment of section 39 of the principal enactment [§ 4. 48 of 1984] **4.** Section 39 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution, for the words "which exceeds five hundred rupees", of the words "which exceeds ten thousand rupees".
- Amendment of section 40 of the principal enactment [§ 5, 48 of 1984] **5.** Section 40 of the principal enactment is hereby amended by the substitution, for the words "exceeding one thousand rupees", of the words "exceeding ten thousand rupees".
- Amendment of section 72 of the principal enactment [§ 6, 48 of 1984] **6.** Section 72 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees and with a further fine not exceeding twenty rupees ", of the words " with a fine not exceeding five hundred rupees and with a further fine not exceeding two hundred rupees".
- Amendment of section 73 of the principal enactment [§ 7, 48 of 1984] **7.** Section 73 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution, for the words " with a fine not exceeding ten rupees.", of the words " with a fine not exceeding one hundred rupees. ".
- Amendment of section 80 of the principal enactment. [§ 8,48 of 1984] **8.** Section 80 of the principal enactment is hereby amended in subsection(2) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees ", of the words " with a fine not exceeding five hundred rupees ".
- Amendment of section 81 of the principal enactment. [§ 9,48 of 1984] **9.** Section 81 of the principal enactment is hereby amended in subsection (2) thereof by the substitution, for the words " with a fine not exceeding fifty rupees", of the words with a fine " not exceeding five hundred rupees ".
- Amendment of section 85 of the principal enactment. [§ 10,48 of 1984] **10** Section 85 of the principal enactment is hereby amended by the substitution, for the words "with a fine not exceeding fifty rupees", of the words " with a fine not exceeding five hundred rupees".
- Amendment of section 86 of the principal enactment. [§ 11,48 of 1984] **11.** Section 86 of the principal enactment is hereby amended by the substitution, for the words " with a fine not exceeding fifty rupees ", of the words " with a fine not exceeding five hundred rupees ".
- Amendment of section 88 of the principal enactment [§ 12.48 of 1984] **12.** Section 88 of the principal enactment is hereby amended by the substitution, for the words " with a fine not exceeding fifty rupees", of the words " with a fine not exceeding five hundred rupees".

Amendment of section 90 of the principal enactment, [§ 13, 48 of 1984]

(a) in subsection (1) thereof, by the substitution, for the words "with a fine not exceeding fifty rupees : ", of the words " with a fine not exceeding five hundred rupees: ";

(b) in subsection (2) thereof, by the substitution, for the words " with a fine not exceeding five rupees ; " , of the words " with a fine not exceeding fifty rupees ;" ;

(c) in subsection (3) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees.", of the words " with a fine not exceeding five hundred rupees," , and

(d) in subsection (4) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees.", of the words " with a fine not exceeding five hundred rupees."

Amendment of section 91 of the principal enactment. [§ 14, 48 of 1984]

(a) by the repeal of subsection (2) thereof, and the substitution therefor, of the following subsection;" "

(2) No animal seized under subsection (1) shall be delivered to the owner thereof unless upon payment of such sum as the Council having regard to local conditions may by resolution fix, from time to time, for the use of the person by whom the animal may have been seized, and for each day during which the animal may have been kept in the pound. "; and

(b) in subsection (3) thereof, by the substitution, for all the words from and after payment of two rupees " to " the animal in the pound", of the following:"

"and after payment of such sums as the Council having regard to local conditions may by resolution fix from time to time, to the person by whom me animal was seized and for the custody and maintenance of the animal for each day it is kept in the pound ".

Amendment of section 92 of the principal enactment. [§ 15. 48 of 1984]

15. Section 92 of the principal enactment is hereby amended by the substitution, for the words "with a fine not exceeding fifty rupees.", of the words "with a fine not exceeding five hundred rupees."

Amendment of section 100 of the principal enactment. [§ 17.48 of 1984]

16. Section 100 of the principal enactment is hereby amended by the substitution, for the words "with a fine not exceeding fifty rupees.", of the words "with a fine not exceeding five hundred rupees."

Amendment of section 106 of the principal enactment [§ 16,48 of 1984]

17. Section 106 of the principal enactment is hereby amended by the substitution, for the words with a fine not exceeding fifty rupees," , of the words "with a fine not exceeding five hundred rupees,"

Amendment of section 109 of the principal enactment [§ 18.48 of 1984]

18. Section 109 of the principal enactment is hereby amended by the substitution, for the words" with a fine not exceeding fifty rupees: ", of the words " with a fine not exceeding five hundred rupees: ".

Amendment of section 113 of the principal enactment. [§19,48 of 1984]

19. Section 113 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words " with a fine of five rupee;," , of the words" with a fine of fifty rupees

Amendment of section 115 of the principal enactment. [§ 20,48

20. Section 115 of the principal enactment is hereby amended in subsection(1)

of 1984] thereof, by the substitution, for the words " with a fine not exceeding fifty rupees. ", of the words " with a fine not exceeding five hundred rupees."

Amendment of section 117 of the principal enactment [§ 21,48 of 1984] **21.** Section 117 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution, for the words " with a fine not exceeding fifty rupees." , of the words with a fine "not exceeding five hundred rupees.

Amendment of section 123 of the principal enactment. [§ 22,48 of 1984] **22.** Section 123 of the principal enactment is hereby amended by the substitution for the words " with a fine not exceeding ten rupees ", of the words " with a fine not exceeding one hundred rupees " .

Insertion of new sections 127A,128B, 127C, 127D and 127E in the principal enactment [§ 23, 48 of 1984] **23.** The following new sections are hereby inserted immediately after section 127 of the principal enactment and shall have effect as sections 127A, 127B, 127C, 127Dand I27E,of that enactment:"

" Nuisance by child. 127A. Every person who, having the care or custody of any child under twelve years of age, omits to prevent such child from committing a nuisance in or by the side of any street, shall be guilty of an offence and Shall be liable on conviction to a fine not exceeding one hundred rupees-

127B.

Public bathing places.

(1) The Council may by public notice prohibit bathing or the washing of animals or clothes in any public place not set apart for the purpose, or at times or by persons other than those specified in the notice, and all other acts which may in any manner pollute or render water in public places foul or unfit for use, or may cause inconvenience or annoyance to persons using the bathing or washing places. Such notice shall be published in the Gazette in the Sinhala, Tamil and English languages and in at least one Sinhala, one Tamil and one English newspapers.

(2) Every person who bathes, washes, or does any act contrary to subsection (1) shall, be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees.

Pollution of streams which flow into reservoirs or waterworks. 127C. Every person who bathes in, or washes any clothes or other things in, or causes or suffers any dirt, refuse, or impurity to flow into or otherwise in any manner pollutes or contaminates any reservoir used for the purpose of the waterworks belonging to any Urban Council, or any stream or watercourse whereof the water or flows into or feeds any such reservoir, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five hundred rupees, and, in the case of a continuing offence, to an additional fine nor exceeding one hundred rupees for each day during which the offence is continued after a conviction therefor, or after the dare of service of the written notice from the Council directing attention to the offence.

Pollution caused by 127D.

Factories

(1) Any person who, within the administrative limits of any Urban Council, operates or causes to be operated any

factory which causes pollution so as to endanger or prejudice the health of the neighborhood, shall be guilty of an offence.

(2) Where a Magistrate after summary trial convicts a person of an offence under subsection (1) he shall, depending on the degree of pollution caused by such factory, make order"

- (a) that such person pay a fine, equivalent to twice the fee payable for a licence issued under the provisions of this Ordinance or any by-law made thereunder in respect of the premises on which that factory is situated notwithstanding that such amount exceeds the amount of fine which a Magistrate may impose in the exercise of his ordinary jurisdiction and the amount so recovered shall be paid into the Fund of the Council; or
- (b) that operations in such factory shall cease.

Power of 127E.
chairman of
an Urban
Council in
regard to
trees or
branches,
trunks or
fruits of
trees
endangering
the safety of
person
property.

(1) Where in any urban area any tree or any branch, trunk, fruit or other part of a tree is causing or is likely to cause damage to any building, or is in a condition dangerous to the occupants of any building, or to the safety of passers-by along any public thoroughfare, the Chairman of the Council of such area may, by a notice in writing served on the owner or occupier of the land on which such tree stands require such owner or occupier to lie up and make secure, or to cut down and remove such tree or the branch, trunk, fruit or other part of such tree within such time as may be specified in the notice.

(2) Every person on whom a notice is served under subsection (1), shall comply with the requirements of such notice within the time specified therein, and in the event of the refusal or neglect of such persons to comply with such requirements within such time, the Chairman, or any officer or workman authorized in writing in that behalf by the Chairman, may enter upon the land referred to in such notice and do what such person was required to do by such notice, and the expenses thereby incurred may be recovered from such person as a debt due to the Council, For the purposes of section 127B, section 127C and section 127D "pollution" means any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any part of the environment by discharging, emitting or depositing wastes so as to effect any beneficial use adversely, to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare or to animals, birds, wildlife, fish or aquatic life, or to plants."

- Amendment of section 151 of the principal enactment [§ 24, 48 Of 1984] **24.** Section 151 of the principal enactment is hereby amended by the substitution, for the words "with a fine not exceeding one hundred rupees and with a further fine of fifty rupees. ", of the words "with a fine not exceeding one thousand rupees, and with further fine of five hundred rupees-".
- Amendment of section 159 of the principal enactment. [§ 18,61of 1981] **25** Section 159 of the principal enactment is hereby amended in subsection (1) thereof as follows :"
 (i) by the insertion immediately after paragraph (e) of that subsection of the following new paragraph:" " (ee) all sums as may be set apart by the Council to pay as incentives to the occupiers of premises under section 209A ;".
 [§ 25, 48 of 1984] (ii) in paragraph (f) thereof, by the substitution, for the words "not exceeding in the aggregate two thousand rupees", of the words "not exceeding in the aggregate five thousand rupees";
 [§25.48 of 1984] (iii) in paragraph (g) thereof, by the substitution, for the words "not exceeding in the aggregate one thousand rupees", of the words "not exceeding in the aggregate two thousand five hundred rupees", and
 [§25,48 of 1984] (iv) by the insertion, immediately after paragraph (h) thereof, of the following new paragraph;"
 " (i) all sums not exceeding in the aggregate one thousand rupees or such other sum as may be approved by the Minister as being payable in any year by the Council to the Association of the Urban Councils." .
- Amendment of section 167 of the principal enactment. [§ 26.48 of 1984] **26.** Section 167 of the principal enactment is hereby amended in subsection (3) thereof, by the substitution for the words with a fine not exceeding one hundred rupees " of the words " with a fine not exceeding one thousand rupees".
- Amendment of section 167 of the principal enactment.[§27,48 of 1984] **27.** Section 168 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words with a fine not exceeding fifty rupees " of the words " with a fine not exceeding five hundred rupees " .
- Amendment of section 169 of the principal enactment [§28,48of 1984] **28.** Section 169 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words " with a fine not exceeding fifty rupees " of the words " with a fine not exceeding five hundred rupees " .
- Amendment of section 181 of the principal enactment [§ 29,48 of 1984] **29.** Section 181 of the principal enactment is hereby amended in subsection (3) thereof, by the substitution for the words " with a fine not exceeding one hundred rupees and a further fine not exceeding fifty rupees ", of the words with a fine not exceeding one thousand rupees and a further fine not exceeding five hundred rupees".
- Amendment of section 209 of the principal enactment. [§ 30,48 of 1984] **31.** Section 209 of the principal enactment is hereby amended by the substitution for the words "with a fine not exceeding fifty rupees." of the words " with a fine not exceeding five hundred rupees".
- Amendment of section 219 of the principal enactment [§ 3 1, 48 of 1984] **31.** Section 219 of me principal enactment is hereby amended by the substitution, for the words "within three months next after the commission ", of the words " within six months next after the commission " .
- Amendment of section 225 of the principal enactment [§32.48 of 1984] **32.** Section 225 of the principal enactment is hereby amended by the substitution, for the words " to a fine not exceeding fifty rupees or to imprisonment of either description for a term not exceeding three months.", of the words " to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not

exceeding six months."

Amendment of section 226 of the principal enactment [§33, 48 of 1984] **33.** Section 226 of the principal enactment is hereby amended by the substitution, for the words " to a fine not exceeding fifty rupees.," of the words "to a fine not exceeding five hundred rupees".

Amendment of section 227 of the principal enactment [§34, 43 of 1984] **34.** Section 227 of the principal enactment is hereby amended by the substitution(2), therefor by the substitution for the words "to fine not exceeding five hundred rupees," of the words " with a fine not exceeding five thousand rupees,".

Repeal of section 229 of the principal enactment [§35, 48 of 1984] **35.** Section 229 of the principal enactment is hereby repealed.