

L.D. - O 41/2009

**AN ACT TO AMEND THE MUNICIPAL COUNCILS ORDINANCE
(CHAPTER 252)**

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

Short Title 1. This Act may be cited as the Municipal Councils (Amendment) Act, No. of 2014.

Amendment of section 4 of Chapter 252. 2. Section 4 of the Municipal Councils Ordinance (hereinafter referred to as the "principal enactment") is hereby amended as follows:-

(1) by the renumbering of that section as subsection (1) of that section;

(2) in the renumbered subsection (1) of that section by the substitution for the words "limits of the Municipality, charged with the", of the words "limits of the Municipality and shall engage in socio-economic development activities and in the protection and promotion of environment within such area and be charged with the"; and

(3) by the addition at the end of that section, of the following new subsection:-

“(2) In addition to the functions specified in subsection (1) of this section, a Municipal Council may also have the authority to enter into public private partnership for the purpose of carrying out the functions specified in subsection (1).

(3) For the purpose of discharging of its functions under this section, the Municipal Council may utilize such sums of money as may be required for such purpose from the Municipal Fund.

(4) The provisions of Article 154 of the Constitution shall apply in respect of the audit of accounts of the funds appropriated for the purposes of subsection (3).

Amendment of section 18 of the principal enactment

3. Section 18 of the principal enactment as amended by Law No. 24 of 1977, is hereby further amended by the substitution for the words "to be held at the Municipal office.", of the words " to be held at the Municipal office. Such special meeting shall be convened by the Mayor within seven days of the receipt of the said requisition and be held within a period not exceeding fourteen days of the receipt of such requisition."

Replacement of section 25 of the principal enactment.

4. Section 25 of the principal enactment is hereby repealed and the following section is substituted therefor:-

"Minutes of meetings to be entered in a Record Book.

25. (1) Minutes of the proceedings of all meetings of a Municipal Council shall be drawn up in the manner as may be prescribed and entered in a record book kept for that purpose.

(2) The proceedings of each meeting referred to in subsection (1) shall be signed by the Mayor, Deputy Mayor or other presiding Councillor. All such proceedings shall thereafter be taken to be the minutes of the original proceedings and a copy or extract thereof shall be admissible in any court, as *prima facie* evidence of the matters stated therein.

(3) The record book shall be kept open at the office of the Municipal Council during office hours for inspection by any Councillor free of charge and by the general public on the payment of a fee of twenty five rupees."

Replacement of section 26 of the principal

5. Section 26 of the principal enactment is hereby repealed and the following section is substituted therefor:-

enactment.

**"Appointment
of Standing
Committees.**

26. (1) Every Municipal Council shall in each year at its first general meeting or the second general meeting appoint a Standing Committee on Finance and not less than three other Standing Committees, consisting of both members of the Council and knowledgeable citizens who are permanently residing within the administrative limits of such Municipal Council.

(2) The main function of a Standing Committee shall be to advise the Council with regard to the exercise and performance of its powers and functions or any other matter being considered by the Council.

(3) (a) The Council may at its first general meeting by resolution, adjourn the appointment of a Standing Committee referred to in subsection (1), to the second general meeting of the Council.

(b) The provisions relating to the election and appointment of Standing Committees specified in this section and in section 26A, shall apply to such adjourned appointment, subject only to any modifications that may be effected by such resolution."

**Insertion of
new sections
26A, 26B,
26C and 26D
in the
principal
enactment.**

6. The following new sections are hereby inserted immediately after section 26 of the principal enactment and shall have effect as sections 26A, 26B, 26C and 26D:-

**"Members of
the Standing
Committees.**

26A. (1) Every Standing Committee other than the Standing Committee on Finance, shall consist of six Councillors and of a maximum of six knowledgeable citizens.

(2) The Standing Committee on Finance shall consist of five Councillors, the Mayor of the Council who shall be an *ex-officio* member and a maximum of six knowledgeable citizens.

(3) The appointment of knowledgeable citizens to the Standing Committees shall be by resolution passed by the Municipal Council at a general meeting and in making such appointments, preference shall be given to persons who are representatives of Rate Payers Associations, Environment Protection Societies, Private Sector Organizations and such other similar organizations, which are operating within the respective Municipal Council area.

(4) The knowledgeable citizens appointed as members of any Standing Committee, shall have no voting rights.

(5) For the purpose of this section, "knowledgeable citizens" who are appointed to Standing Committees shall be persons who are proficient and experienced in the respective subject assigned to each Committee and who are not disqualified for membership of a local authority under section 9 of the Local Authorities Elections Ordinance (Chapter 262).

(6) Not less than three knowledgeable citizens appointed to a Standing Committee shall be women and not less than three shall be young citizens below the age of thirty five years.

(7) A knowledgeable citizen shall not be appointed to more than one Standing Committee at a given period.

(8) In the event any vacancy occurs in any Standing Committee during any year, the Municipal Council shall at a general meeting, elect a member to fill such vacancy, having regard to the requirements specified in this section.

**Formulation of
Joint Standing
Committees.**

26B. (1) For the purpose of any matter in which any Municipal Council is jointly interested with any other local authority, it may make arrangements by mutual consent with such other local authority, for the constitution of a Joint Standing Committee.

(2) A Joint Standing Committee referred to in subsection (1) shall consist of the elected members and of knowledgeable citizens of the Municipal Council and of the other local authority concerned living within those local authority areas.

(3) A Joint Standing Committee constituted under subsection (1) shall have no authority to deal with any matter relating to the raising of any loan, levying of any rate or the imposition of any tax.

**Election of
Council
members to
Standing
Committees,
Chairman of
Standing
Committees
&c.,**

26C. (1) A Councillor shall not be eligible to be elected to –

- (a) two Standing Committees, until every Councillor has been elected to serve on at least one Standing Committee;
- (b) three Standing Committees, until every other Councillor has been elected to serve on at least two Standing

Committees:

Provided that, in any event a Councillor shall not be eligible to be elected to more than three Standing Committees.

(2) The Mayor shall in his *ex-officio* capacity be the Chairman of the Standing Committee on Finance, and he shall not be eligible to be elected to any other Standing Committee. The Chairman of any standing Committee other than the Standing Committee on Finance shall be elected by ballot of the members, from among its members at their first meeting.

(3) The Mayor of the Council may be present and speak but not vote at the meetings of the Standing Committees, other than the Standing Committee on Finance, and if present he shall be eligible to preside at such meeting and may speak and vote at every joint meeting of the Standing Committee on Finance and any other Standing Committee or Committees.

(4) Where the Mayor is absent from any meeting of the Standing Committee on Finance or from any Joint meeting of Standing Committee on Finance or from any other meeting of Standing Committee or Committees or in the absence of the Chairman at any such meeting of Standing Committee or Committees, the Committee concerned shall elect a Chairman for the particular meeting, from among the members present at such meeting.

(5) No business shall be transacted at any meeting of a Standing Committee unless the prescribed quorum is present. Until a by-law is made by the Council prescribing the quorum for any meeting of a Standing Committee or for any joint meeting of two or more Standing Committees, one third of the total number of the members of such Committee or Committees, as the case may be, shall constitute a quorum for the meeting:

Provided that, for a joint Committee meeting of any Standing Committee at least one member of a local authority of each Standing Committee joining shall be present.

(6) Where one-third of such number is an integer and fraction, the integer immediately higher to that integer and fraction shall be deemed to be the one-third for the purpose of this subsection.

(7) All matters or concerns authorized to be decided by a Standing Committee under this Ordinance, shall be decided by the majority of the Councillors present and voting at any meeting. Where the votes of the Councillors present are equally divided in regard to any concerns raised, the person who presides at such meeting shall, in addition to his own vote as a Councillor of the Committee, have a casting vote.

(8) No financial matter shall be finally dealt with by a Municipal Council unless such matter has been first dealt with and reported on by the Standing Committee on Finance.

(9) All matters to be decided by the Municipal Council shall be channelled through the respective Standing Committees:

Provided that, any urgent matter or unavoidable matter may be presented directly to the Municipal Council:

Provided further that, such matter shall forthwith be presented to the meeting of the relevant Standing Committee to be held immediately after the Council meeting.

(10) Every meeting of a Standing Committee of a Municipal Council shall be held at the office of the Municipal Council or any other place as the Committee may decide.

**Powers
and functions
of Standing
Committees.**

26D. (1) A Municipal Council may subject to such conditions as it may determine delegate to a Standing Committee in writing such of its powers and functions other than the power to raise loans, to levy any rate or impose any tax and the Standing Committee may exercise and perform such powers or functions as are delegated.

(2) The Municipal Council may whenever such Council deems appropriate exercise and perform all or any of the powers or functions or revoke such powers or functions delegated to a Standing Committee.

(3) The subject matter to be assigned to each Standing Committee other than the Standing Committee on Finance, shall be suitably defined by the Municipal Council.

(4) The subject matters of all the Standing Committees shall, wherever appropriate, be grouped together in order that closely related subjects may be dealt with by one Standing Committee.

(5) Any Standing Committee may call upon any officer of the Municipal Council to make available to the Standing Committee any information it may require in the course of discharging its functions, and shall have access to the books, contracts, accounts and other documents of the Municipal Council that it may require.”.

Insertion of new section 33A in the principal enactment.

7. The following new section is hereby inserted immediately after section 33 of the principal enactment and shall have effect as section 33A of that enactment:-

"Citizens Charter.

33A. (1) Every Municipal Council shall with the participation and in consultation with the civil societies, formulate and publish a document referred to as the "Citizens Charter" wherein the services provided by the Municipal Council for the welfare of the persons resident within the limits of a Municipal Council shall be specified.

(2) The Citizens Charter shall contain information relating to -

- (a) the different types of services extended by the Municipal Council;
- (b) the criteria to be satisfied and the procedure to be followed to obtain such services; and

(c) the approximate time periods during which such services are provided.

(3) Copies of the Citizens Charter shall be kept in the office of the Municipal Council and other appropriate places within the Municipal Council area for the reference by the public.

(4) The Municipal Council shall with the participation and in consultation with the civil societies, review the Citizens Charter at least once in every year and update the same whenever it becomes necessary to do so.

(5) The Minister may make rules pertaining to the manner of formulation and implementation of Citizen Charters. The rules so made shall be published in the Gazette and shall be brought before the Parliament as soon as may be after such publication for approval. Every such rule approved by the Parliament shall prevail over any by-law made or deemed to be made by any Municipal Council in respect of the same matter or for the same purpose. Notification of such approval shall be published in the *Gazette*.”

**Amendment
of section 40
of the
principal
enactment.**

8. Section 40 of the principal enactment is hereby amended in subsection (1) of that section as follows:-

(1) by the repeal of paragraph (kk) of that subsection and the substitution thereof of the following paragraph:-

“(kk) to exercise, perform and discharge any power, duty or function delegated to it by the Provincial Council established for the relevant Province within the limits of which the Municipality is situated and to

implement any work or scheme assigned to it for implementation by such Provincial Council;”;

(2) in paragraph (u) of that subsection, by the insertion immediately after sub-paragraph (v) of that paragraph, of the following new sub-paragraphs:-

- “(vi) herbaria and plant nurseries;
- (vii) public libraries and reading rooms;
- (viii) children’s parks;
- (ix) public parks;
- (x) playgrounds;
- (xi) fire fighting equipment required for the area;
- (xii) amusement centres;
- (xiii) maternity and child welfare centres;
- (xiv) pre-schools and day care centres; and
- (xv) Ayurveda dispensaries.”;

(3) by the renumbering of paragraph (vi) as paragraph (xvi).

(4) In paragraph (uuu) of that subsection, by the insertion immediately after sub-paragraph (ii) of that paragraph, of the following new sub-paragraphs :-

- (iii) to engage in projects for the advancement of the welfare of women, children, senior citizens and persons with disabilities;
- (iv) to engage in income generating activities relating to the promotion of local tourism and in projects on eco-tourism and to credit any revenue earned from such activities to the Municipal Fund established under section 185 of this Ordinance;
- (v) to utilize any part of the Municipal Fund for the promotion of the Ayurveda system of indigenous medicine including the establishment and maintenance of Ayurveda dispensaries, clinics,

medicinal gardens and herbaria for the manufacture of Ayurveda drugs, and to promote indigenous systems of health care.

For the purpose of this sub-paragraph, the word "Ayurveda" shall include the Unani, homeopathy and Siddhi systems of treatment;"

Amendment of section 46 of the principal enactment.

9. Section 46 of the principal enactment is hereby amended as follows:-

- (1) by the re-numbering of that section as subsection (1) of that section;
- (2) in the re-numbered subsection (1) of that section, by the addition immediately after paragraph (e) of the following new paragraph:-

"(ec) to protect the environment and prevent pollution taking place within the limits of the Municipality;" and

- (3) by the addition at the end of the re-numbered subsection (1) of that section, of the following new subsections:-

"(2) In the performance of the functions specified in subsection (1), a Municipal Council may, in collaboration with any other local authorities of that Province, formulate and execute joint venture programmes to deal with the subject matters of any activities, the joint execution of which are prudent and expedient.

(3) For the purpose of execution of joint venture programmes under subsection (2), all local authorities involved in such joint venture programmes may, by general agreement formulate a corporate plan in consultation with the experts on the relevant subject matter."

**Amendment
of section 55
of the
principal
enactment.**

10. Section 55 of the principal enactment is hereby amended as follows:-

- (1) by the substitution for the words "of the Municipal Council to throw upon any lands adjacent", of the words "of the Municipal Council, having due regard to the public health and safety and the damage that may be caused to the environment as a result, throw upon any land adjacent"; and
- (2) by the substitution for the words "remove from the place of any such work.", of the following words:-

" remove from the place of any such work:

Provided that all the earth, rubbish or material thrown upon any, adjacent land by the proper officer shall be removed by him from such land within seven days."

**Replacement
of section 63
of the
principal
enactment.**

11. Section 63 of the principal enactment is hereby repealed and the following section is substituted therefor:-

**"Public
transport
services.**

63. (1) A Municipal Council may organize and maintain by itself or in collaboration with any other local authority or by agreement with any promoter any form of public transport service to provide better and competitive transport service for the inhabitants of the area.

(2) The organization and maintenance of a transport service under subsection (1) shall be subject to such prohibitions or restrictions as may be imposed under National Thoroughfares Act No.40 of 2008 or any other written law.

(3) "Inhabitants of the area" means those who live within the administrative limits of the Municipal Council and such other local

authorities with whom the Council has collaborated for the purposes of this section.”.

Amendment of section 73 of the principal enactment.

12. Section 73 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees.”.

Amendment of section 74 of the principal enactment.

13. Section 74 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding five hundred rupees.” of the words "fine not exceeding ten thousand rupees.”.

Amendment of section 78 of the principal enactment.

14. Section 78 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees, and in case of a continuing offence, to an additional fine not exceeding two hundred and fifty rupees for each day”, of the words " fine not exceeding ten thousand rupees and in case of a continuing offence, to an additional fine not exceeding one thousand rupees for each day”.

Amendment of section 79 of the principal enactment.

15. Section 79 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees.”.

Amendment of section 81 of the principal enactment.

16. Section 81 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees.”.

Amendment of section 83 of the principal enactment.

17. Section 83 of the principal enactment is hereby amended as follows:-

(1) in subsection (1) of that section, by the substitution for the words "fine not exceeding five hundred rupees;”, of the words "fine not exceeding ten thousand rupees:”;

(2) in subsection (2) of that section, by the substitution for the

words "fine not exceeding five hundred rupees;", of the words "fine not exceeding ten thousand rupees;"

(3) in subsection (3) of that section, by the substitution for the words "fine not exceeding five hundred rupees, and in case of a continuing offence, to an additional fine not exceeding two hundred and fifty rupees", of the words "fine not exceeding ten thousand rupees and in case of a continuing offence, to an additional fine not exceeding one thousand rupees"; and

(4) in subsection (4) of that section, by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees."

Amendment of section 85 of the principal enactment.

18. Section 85 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees."

Amendment of section 93 of the principal enactment.

19. Section 93 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees."

Insertion of new section 98A in the principal enactment.

20. The following new section is hereby inserted immediately after section 98 of the principal enactment and shall have effect as section 98A of that enactment:-

"Releasing prohibited matter into drains &c, to be an offence.

98A. (1) Every person who within the administrative limits of a Municipality:-

- (a) release or permits the release of, any factory refuse, hospital refuse or any hazardous substance into a public drain, culvert, gutter or watercourse; or

- (b) makes or constructs any drain leading into any public sewer or drain without the written approval of the Municipal Council,

shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ten thousand rupees and in case of a continuing offence, to an additional fine not exceeding two thousand five hundred rupees for each day during which the offence is continued to be committed after such conviction.

(2) The Municipal Council shall by written notice issued on any person who acts in contravention of the provisions of subsection (1), require such person to forthwith –

- (a) take immediate steps to prevent the release of such prohibited substance as is specified in the written notice; and
- (b) demolish, alter or remake the drain concerned and permanently prevent the release from the premises concerned, of the prohibited substance specified in the written notice issued.

(3) Where a person fails to comply with a written notice issued under subsection (2), the Municipal Council shall-

- (a) take such measures as to the

Council may deem appropriate including the demolition, altering or remaking any drain, to prevent any further release of any such prohibited substance; and

(b) Institute legal proceedings against the offender, in the Magistrate's Court having jurisdiction.

(4) A person convicted of by the Magistrate's Court at any legal proceedings instituted against him under paragraph (b) of subsection (3), shall be liable to a fine not exceeding rupees ten thousand. Such person shall also be required to pay to the Municipal Council, the sum expended by the Municipal Council in taking preventive measures as required by subsection (3).".

Amendment of section 101 of the principal enactment.

21. Section 101 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees and, in case of a continuing offence, to an additional fine not exceeding two hundred and fifty rupees for each day", of the words "fine not exceeding ten thousand rupees and in case of a continuing offence, to an additional fine not exceeding one thousand rupees for each day".

Amendment of section 102 of the principal enactment.

22. Section 102 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees and, in case of a continuing offence, to an additional fine not exceeding one hundred rupees for each day", of the words "fine not exceeding ten thousand rupees and in case of a continuing offence, to an additional fine not exceeding one thousand rupees for each day".

**Amendment
of section
103 of the
principal
enactment.**

23. Section 103 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words "fine not exceeding one thousand rupees and, in case of a continuing offence, to an additional fine not exceeding two hundred and fifty rupees for each day", of the words "fine not exceeding twenty thousand rupees and in case of a continuing offence, to an additional fine not exceeding one thousand five hundred rupees for each day".

**Amendment
of section
104 of the
principal
enactment.**

24. Section 104 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words "fine not exceeding one thousand rupees and, in case of a continuing offence, to an additional fine not exceeding two hundred and fifty rupees for each day", of the words " fine not exceeding twenty thousand rupees and in case of a continuing offence, to an additional fine not exceeding one thousand five hundred rupees for each day".

**Amendment
of section
105 of the
principal
enactment.**

25. Section 105 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding one thousand rupees.", of the words "fine not exceeding twenty thousand rupees."

**Amendment
of section
106 of the
principal
enactment.**

26. Section 106 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding two thousand five hundred rupees.", of the words "fine not exceeding thirty thousand rupees."

**Amendment
of section
107 of the
principal
enactment.**

27. Section 107 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding one thousand rupees.", of the words "fine not exceeding twenty thousand rupees."

**Amendment
of section
108 of the
principal
enactment.**

28. Section 108 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees."

**Amendment
of section
109 of the
principal
enactment.**

29. Section 109 of the principal enactment is hereby amended in subsection (11) of that section, by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees."

**Amendment
of section
110 of the
principal
enactment.**

30. Section 110 of the principal enactment is hereby amended as follows:-

- (1) in subsection (5) of that section, by the substitution for the words "fine not exceeding one thousand rupees;" and for the words "fine not exceeding two hundred and fifty rupees", of the words "fine not exceeding twenty thousand rupees" and of the words "fine not exceeding one thousand five hundred rupees", respectively; and
- (2) in subsection (7) of that section, by the substitution for the words "fine not exceeding one thousand rupees.", of the words "fine not exceeding twenty thousand rupees."

**Amendment
of section
111 of the
principal
enactment.**

31. Section 111 of the principal enactment is hereby amended in subsection (4) of that section, by the substitution for the words "fine not exceeding one thousand rupees;" and for the words "fine not exceeding two hundred and fifty rupees", of the words "fine not exceeding twenty thousand rupees;" and of the words "fine not exceeding one thousand five hundred rupees", respectively.

**Amendment
of section
112 of the
principal
enactment.**

32. Section 112 of the principal enactment is hereby amended as follows:-

- (1) in subsection (4) of that section, by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees."; and
- (2) in subsection (6) of that section, by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees."

**Amendment
of section
113 of the
principal
enactment.**

33. Section 113 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding one thousand rupees.", of the words "fine not exceeding twenty thousand rupees."

**Amendment
of section
115 of the
principal
enactment.**

34. Section 115 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding five hundred rupees" and for the words "fine not exceeding two hundred and fifty rupees", of the words "fine not exceeding twenty thousand rupees" and of the words "fine not exceeding one thousand five hundred rupees", respectively.

**Amendment
of section
116 of the
principal
enactment.**

35. Section 116 of the principal enactment is hereby amended as follows:-

- (1) in subsection (1) of that section, by the substitution for the words "fine not exceeding five hundred rupees;" and for the words "fine not exceeding two hundred and fifty rupees", of the words "fine not exceeding ten thousand rupees;" and of the words "fine not exceeding one thousand five hundred rupees", respectively; and
- (2) by the addition at the end of that section, of the following new subsection:-

"(3) Where any person constructs a drain which connects to a main drain or a pipe line belonging to the Municipal Council or to a main drain or pipe line belonging to any other person, without the prior written permission of the Council or the Commissioner or any officer duly authorized in that behalf, the Council shall be empowered to forthwith disconnect such illicit construction or connection after giving twenty-four hours' notice to the person concerned. The Council shall thereafter by notice issued in that behalf, call upon the person responsible to pay such sum as shall be specified in the notice, being the amount incurred by the Council as cost in disconnecting such illicit construction or connection, within such time as shall be specified in the

notice. A person who fails to make the required payment within the time specified, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand rupees."

**Amendment
of section
117 of the
principal
enactment.**

36. Section 117 of the principal enactment is hereby amended as follows:-

- (1) in subsection (1) of that section, by the substitution for the words "foul liquids or faecal matter", of the words " foul liquids, industrial refuse or faecal matter"; and
- (2) in subsection (6) of that section, by the substitution for the words "fine not exceeding five hundred rupees;" and for the words "fine not exceeding two hundred and fifty rupees", of the words "fine not exceeding ten thousand rupees;" and of the words "fine not exceeding one thousand five hundred rupees", respectively.

**Amendment
of section
118 of the
principal
enactment.**

37. Section 118 of the principal enactment is hereby amended as follows:-

- (1) in subsection (2) of that section, by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees."; and
- (2) by the addition at the end of that subsection of the following new subsection:-

"(3) In any case where the drain, sewer or pipe line concerned is constructed or connected to the main drain or pipe line belonging to the Council or is constructed or connected to the main pipe line belonging to another person, without the written permission of the Council, the Commissioner or any officer duly authorized in that behalf, the Council shall be empowered to forthwith disconnect such illicit construction or connection after giving twenty-four hours' notice to the person

concerned. However where there exists a possibility of making such drain, sewer or pipe line lawful and the person concerned after being issued with a notice to make it so neglects to do it, the Council shall have the authority to attend to the required work and to recover from the person concerned, the cost incurred by the Council in carrying out such work."

Amendment of section 119 of the principal enactment.

38. Section 119 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words "fine not exceeding two thousand rupees.", of the words "fine not exceeding twenty thousand rupees."

Amendment of section 120 of the principal enactment.

39. Section 120 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding one thousand rupees.", of the words "fine not exceeding ten thousand rupees."

Amendment of section 121 of the principal enactment.

40. Section 121 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding five hundred rupees;" and for the words "fine not exceeding two hundred and fifty rupees", of the words "fine not exceeding ten thousand rupees;" and of the words "fine not exceeding one thousand five hundred rupees", respectively.

Amendment of section 124 of the principal enactment.

41. Section 124 of the principal enactment is hereby amended as follows:-

(1) by the substitution for the words "fine not exceeding two hundred and fifty rupees", of the words "fine not exceeding two thousand rupees"; and

(2) by the substitution for the words "overcrowding shall continue.", of the following words:-

" overcrowding shall continue:

Provided that, the Council shall in taking action

under this section, give serious consideration to the housing problems that may be prevailing in that area and take such action only in cases where there is a serious health hazard to the occupiers of the house concerned or to the neighbourhood in general."

Amendment of section 127 of the principal enactment.

42. Section 127 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words "fine not exceeding two hundred and fifty rupees", of the words "fine not exceeding one thousand rupees".

Replacement of the Heading appearing after section 128 of the principal enactment.

43. The Heading "CONSERVANCY AND SCAVENGING" appearing immediately after section 128 of the principal enactment, is hereby repealed and the following heading substituted therefor :-

"ENVIRONMENTAL PROTECTION"

Replacement of sections 129 and 130 of the principal enactment.

44. Sections 129 and 130 of the principal enactment are hereby repealed and the following sections are substituted therefor :-

"Municipal Council to be responsible for protecting the environment.

129.(1) The Municipal Council shall, subject to any responsibilities and powers that may be conferred on it by any other law, be the general administrative authority for the purpose of promoting and protecting the environment within its administrative limits.

(2) In fulfilling the responsibilities entrusted to it under subsection (1), a Municipal Council shall in compliance with any guidelines or criteria that may be formulated for that purpose by the Central Environmental Authority, established by the National Environmental Act, No. 47 of 1980, take measures to prevent any damage being caused to the environment, from:-

(a) disposal of solid and liquid refuse;

- (b) polythene and other similar material which is used for decorations, banners, advertisements or for any such purpose;
- (c) unauthorized display of bill boards, hoardings, banners, gantries and posters;
- (d) unauthorized removal of earth, clay, sand and rocks from areas around and outside waterways;
- (e) unauthorized filling of lands, low land and marshy lands; and
- (f) Unauthorized location of industries."

Duty of Council as to conservancy and scavenging.

130. (1) It shall be the duty of the Municipal Council, so far as it is reasonably practicable, to take all necessary measures in every part of the Municipality –

- (a) for properly sweeping and cleaning the streets including the foot-paths, and for collecting and removing all street refuse;
- (b) for securing the due removal at specified periods of all household refuse, and the due cleansing and emptying when it is so required, at the specified periods of all latrines and cesspits; and
- (c) For the proper disposal of all street refuse, house refuse and night soil.

(2) All street refuse, house-hold refuse and night soil or similar matter collected by any Municipality under the provisions of this Part, shall be the property of the Council and the Council shall have full power to sell or dispose of all such matter.

(3) Every Municipal Council shall from time to time provide places convenient for the proper disposal of all street refuse, house refuse and night soil and similar matter removed in accordance with the provisions of this Part, and for keeping all vehicles, animals, instruments and other things required for that purpose or any of the other purposes of this Ordinance, and shall take all such measures and precautions as may be necessary to ensure that no such refuse, night soil or similar matter removed in accordance with the provisions of this Part is disposed of in such a way as to cause nuisance.”.

Insertion of section 130A in the principal enactment.

45. The following new section 130A is hereby inserted immediately after section 130 of the principal enactment and shall have effect as section 130A of that enactment:-

“Duty of Council as to litter, garbage etc.

130A. (1) The Municipal Council shall declare areas and places prohibited for dumping of litter, garbage, sundry debris or similar matter and for hoisting of flags or displaying of banners, posters and similar things.

(2) Any person who dumps litter, garbage sundry debris or similar matter, or hoists flags, or displays banners, posters or similar things in any area or place prohibited under subsection (1) commits an offence and shall on conviction after

summary trial by the Magistrate Court be liable to fine not exceeding ten thousand rupees.”.

Replacement of section 131 of the principal enactment.

46. Section 131 of the principal enactment is hereby repealed and the following section is substituted therefor:-

“By-laws to be made for promoting waste management etc.,

131. The Municipal Council shall, in keeping with the National Policy on Solid Waste and its Strategies and with a view to promoting waste minimization, waste segregation and resource recovery against waste, make by-laws to provide for:-

- (a) promoting the composting of biodegradable waste and releasing it back to the environment in a healthy and environmental friendly manner;
- (b) taking all necessary measures to encourage resource recovery from recyclable waste materials, such as paper, plastics, metals and glass;
- (c) taking all necessary measures to minimize the adverse effects and damage being caused to the environment, such as pollution of water, soil and air; and
- (d) the use of most safety methods such as sanitary land filling, for the purpose of final disposal of waste in order to reduce adverse impact on environment; and
- (e) declaring areas and places prohibited for dumping of litter, garbage, sundry debris or similar matter, and for hoisting of flags or displaying of banners, posters and similar things.”.

Amendment of section 134 of the principal enactment.

47. Section 134 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding one hundred rupees.", of the words "fine not exceeding two thousand rupees."

Amendment of section 135 of the principal enactment.

48. Section 135 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words "fine not exceeding five hundred rupees.", of the words "fine not exceeding ten thousand rupees."

Amendment of section 136 of the principal enactment.

49. Section 136 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees," and for the words "fine not exceeding one hundred rupees", of the words "fine not exceeding ten thousand rupees," and of the words "fine not exceeding five hundred rupees", respectively.

Amendment of section 136A of the principal enactment.

50. Section 136A of the principal enactment is hereby amended in paragraph (a) of subsection (2) of that section, by the substitution for the words "twice the fee payable", of the words "ten times the fee payable".

Amendment of section 137 of the principal enactment.

51. Section 137 of the principal enactment is hereby amended in subsection (3) of that section, by the substitution for the words "fine not exceeding five thousand rupees.", of the words "fine not exceeding twenty five thousand rupees."

Amendment of section 139 of the principal enactment.

52. Section 139 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five hundred rupees:", of the words "fine not exceeding ten thousand rupees:".

Amendment of section 141 of the principal enactment.

53. Section 141 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding thousand rupees.", of the words "fine not exceeding twenty thousand rupees."

Insertion of new section 144A in the

54. The following new section is hereby inserted immediately after section 144 of the principal enactment and shall have effect as section 144A of that enactment:-

principal
enactment.

"Promotion
of indigenous
system of
medicine.

144A.(1) The Municipal Council may within its administrative limits promote and develop the Ayurveda system of indigenous medicine and other systems of indigenous medicine, with a view to preserving and improving the health of the people.

(2) In promoting and developing the Ayurveda system of indigenous medicine, the Council may :-

(a) establish and maintain :-

(i) Ayurveda dispensaries and clinics;

(ii) Ayurveda Herbariums and herbal parks;

(iii) Ayurveda plant nurseries and the cultivation of Ayurveda medicinal plants in home gardens;

(b) organize lectures, seminars and other awareness programmes relating to the Ayurveda systems of indigenous medicine in coordination with professional Ayurveda Councils and traditional Ayurveda physicians; and

(c) organise programmes to popularize the indigenous system of health care and nutrition and the growing of medicinal plants.

(3) For the purpose of this section "Ayurveda" includes Homiopathy, Unani and Siddhi systems of treatment;".

**Amendment
of section
145 of the
principal
enactment.**

55. Section 145 of the principal enactment is hereby amended as follows:-

- (1) in subsection (2) of that section, by the substitution for the words, "fine not exceeding two thousand rupees," and for the words "fine not exceeding five hundred rupees", of the words "fine not exceeding fifty thousand rupees," and of the words "fine not exceeding five thousand rupees", respectively; and
- (2) by the addition at the end of that section, of the following new subsections:-

"(3) It shall be the responsibility of the licensee to dispose of all waste which is collected from the slaughter house and any person who fails to dispose such waste shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand rupees and in the case of a continuing offence, to an additional fine not exceeding one thousand five hundred rupees for each day during which the offence is continued to be committed after such conviction.

(4) Where the person convicted of an offence under this section continues to commit such offence for a period of one week after the date of such conviction, a Magistrate may, upon an application made by the Mayor, the Commissioner or any officer authorized by the Mayor in that behalf, for the closure of the slaughter house concerned, order the immediate closure of such slaughter house by the person convicted and further order that in the event such person fails to comply with the closure order within three days of the making of

such order, the fiscal of the court to carry out the closure order. The order issued to a fiscal shall be sufficient authority for the said fiscal or any police officer authorized by him in that behalf, to enter the slaughter house concerned to carry out the closure order."

Amendment of section 147 of the principal enactment.

56. Section 147 of the principal is hereby amended in subsection (3) of that section, by the substitution for the words "fine not exceeding five thousand rupees," and for the words "fine not exceeding five hundred rupees", of the words "fine not exceeding fifty thousand rupees," and of the words "fine not exceeding five thousand rupees", respectively.

Amendment of section 148 of the principal enactment.

57. Section 148 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words, "fine not exceeding two thousand rupees", of the words "fine not exceeding twenty thousand rupees".

Amendment of section 153 of the principal enactment.

58. Section 153 of the principal enactment is hereby amended by the substitution for the words "fee of twenty-five cents", of the words "fee of twenty-five rupees".

Amendment of section 157 of the principal enactment.

59. Section 157 of the principal enactment is hereby amended as follows:-

- (1) by the renumbering of that section as subsection (1) of that section;
- (2) in the renumbered subsection (1) of that section, by the substitution for the words "such market or part thereof.", of the following words:-

"such market or part thereof:

Provided that, the person to whom any public market or a part thereof has been let or

leased by the Municipal Council, shall not, without obtaining the prior sanction of such Council, sublet to any other person a shop or stall within the public market or a part thereof which has been let or leased to that person."; and

- (3) by the addition immediately after the re-numbered subsection (1) of that section, of the following new subsection:-

"(2) Where any lessee to whom a public market or any part thereof has been let or leased under subsection (1), alters the nature of the business being carried thereon or carries out any alterations to the structure of the property let or leased by the Council, without obtaining the prior sanction of the Council for that purpose, the Council shall have the power after giving three days' notice to the person concerned, to cancel the lease or tenancy and require the person to vacate the property. The Municipal Council shall not be held liable for any loss or damage caused to the person concerned as a result of the cancellation of a lease or tenancy, as the case may be, under this subsection."

**Amendment
of section
159 of the
principal
enactment.**

60. Section 159 of the principal enactment is hereby amended as follows:-

- (1) by the renumbering of that section as subsection (1) of that section;
- (2) in the renumbered subsection (1) of that section, by the substitution for the words "fine not exceeding two hundred rupees.", of the words "fine not exceeding four thousand rupees.";
- (3) by the addition immediately after the re-numbered

subsection (1) of that section, of the following new subsections:-

"(2) Where any person is found selling or exposing for sale any articles in contravention of a notification issued under subsection (1), the Council may through any officer authorized specifically in that behalf by the Council, seize all such articles and produce them in court and on conviction of such person, such articles shall be forfeited to the State and be disposed of in such manner as may be determined by the court. Any money realised on such disposal shall be credited to the Municipal Fund established under section 185.

(3) Where any articles seized under subsection (2) are of a perishable nature as in the opinion of the Council render their immediate sale is necessary or advisable, the Council shall dispose of the articles seized in such manner as it may determine best and any money realised shall be deposited in court. The money so deposited shall upon conviction of such person, be credited to the Municipal Fund established under section 185."

**Replacement
of section
163 of the
principal
enactment.**

61. Section 163 of the principal enactment is hereby repealed and the following section is substituted therefor:-

**"Jurisdiction
of the
Magistrate.**

163. (1) The Magistrate having jurisdiction within any Municipality shall hear, try, and determine, any offence, committed within the limits of such Municipality:-

(a) under the provisions of this Ordinance or under any by-laws, rules or regulations made thereunder; and

(b) as is specified in Column II of the

Schedule to this subsection, which is an offence committed under the enactments specified in the corresponding entry in Column I of that Schedule,

and shall have jurisdiction to award such punishment to the offender, as is specified by the relevant provision of this Ordinance or any by-laws, rules or regulations made thereunder or by the relevant provision of any enactment specified in Column I of the Schedule as set out below.

(2) Where any person liable to pay a fine imposed under subsection (1) fails to pay the same, the Magistrate shall proceed to recover the amount of such fine and the amount so recovered shall be paid in to the Municipal Fund –

Schedule

	<u>Column I</u>	<u>Column II</u>
1.	The Auctioneers and Brokers Ordinance	Any offence under the Ordinance
2.	The Boats Ordinance	Any offence under the Ordinance
3.	The Brothels Ordinance	Any offence under the Ordinance
4.	The Bread Ordinance	Any offence under the Ordinance
5.	The Butchers Ordinance	Any offence under the Ordinance
6.	The Cemeteries and Burials Ordinance	Any offence under the Ordinance
7.	The Census Ordinance	Any offence under the Ordinance
8.	The Contagious Diseases	Any offence under

Ordinance	the Ordinance
9. The Contagious Diseases (Animal) Ordinance	Any offence under the Ordinance
10. The Excise Ordinance	Any offence under the Ordinance
11. The Gaming Ordinance	Any offence under the Ordinance
12. The Gas Meter Ordinance	Any offence under the Ordinance
13. The Motor Traffic Act	Any offence under the Act
14. The Nuisances Ordinance	Any offence under the Ordinance
15. The Penal Code	Section 257, 258, 259
16. The Police Ordinance	Any offence under the Ordinance
17. The Prevention of Cruelty to Animals Ordinance	Any offence under the Ordinance
18. The Quarries Ordinance	Any offence under the Ordinance
19. The Rabies Ordinance	Any offence under the Ordinance
20. The Crown Lands Ordinance	Any offence under Part VIII of the Ordinance
21. The Surveyors Ordinance	Any offence under the Ordinance
22. The Thoroughfares Ordinance	Any offence under the Ordinance
23. The Tools Ordinance	Any offence under the Ordinance
24. The Vaccination Ordinance	Any offence under

		the Ordinance
25.	The Vagrant Ordinance	Any offence under the Ordinance
26.	The Vehicles Ordinance	Any offence under the Ordinance
27.	The Weights and Measures Ordinance	Any offence under the Ordinance
28.	The Wells and Pits Ordinance	Any offence under the Ordinance
29.	The Food Act	Any Offence under the Act
30.	The Medical Ordinance	Offence under section 54 of the Ordinance
31.	The State Gem corporation Act	Any Offence under the Act
32.	The Felling of trees (Control) Act	Any Offence under the Act
33.	The Fauna and Flora Protection Ordinance	Any Offence under the Ordinance
34.	The National Environmental Act	Any Offence under the Act".

Amendment of section 180 of the principal enactment.

62. Section 180 of the principal enactment is hereby amended by the substitution for the words "fine not exceeding five thousand rupees.", of the words "fine not exceeding fifty thousand rupees.".

Amendment of section 185 of the principal enactment.

63. Section 185 of the principal enactment is hereby amended by the repeal of paragraph (g) of subsection (2) of that section and the substitution therefor of the following paragraph:-