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# The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1742/1 - 2012 ජනවාරි 23 වැනි සඳුදා - 2012.01.23

No. 1742/1 - MONDAY, JANUARY 23, 2012

(Published by Authority)

## PART IV (A) - PROVINCIAL COUNCILS

### Provincial Councils Notifications

#### BY-LAWS OF NAWALAPITIYA URBAN COUNCIL

By virtue of the powers vested to me by Sub section (1) Section 154 of the Urban Council's ordinance to be read with Sub-section (1) Section 2 of the Provincial Council's (Consequential Provisions) Act, No. 02 of 1989, I, Sarath Ekanayake, Minister-In-Charge of Local Government of the Central Province Provincial Council, do hereby notify that the following by-laws made by the Nawalapitiya Urban Council as per powers vested to the Council under Sub-section (1) of Section 153 of the Urban Council's Ordinance (Chapter-255) to be read with Section 9(N) of Section 157 of the said Ordinance, were duly confirmed by me and these By-Laws shall come into force in the area of authority of the Nawalapitiya Urban Council from the date of publication of this notice in the gazette.

Sarath Ekanayake,  
The Chief Minister of the Central Province and the  
Minister in charge of the subject of  
Local Government.

Office of the Chief Minister,  
Central Province Provincial Council,  
Kandy.  
15th December 2011.

#### Offensive Trades/Dangerous trades and By-Laws relating to Offensive and Dangerous Trades

01. These by-laws are framed for the purpose of regulating, supervising, inspection, controlling offensive and dangerous trades and for making provisions for promulgation of such trades.

02. No person within the limits of the Urban Council of Nawalapitiya shall conduct or maintain Offensive trades or Dangerous trades or Offensive and Dangerous trades shown in the 1st Schedule herein, unless such person possesses a licence issued by the Chairman of the Urban Council for such purpose.

03. Every such licence shall be valid until the 31st December of the year for which it is issued, unless such licence is cancelled earlier.

04. No person shall have any right to conduct an offensive trade or dangerous trade or offensive and dangerous trade unless the premises and if any building to be used or such purpose, do not conform to following terms and conditions.

- (a) Premises shall be in good repaired condition and shall have proper ventilation and lighting and every room when opened the area of windows fixed shall not be less than 1/15 of the floor area of the room.
- (b) Height of every part of the walls of every room shall be not less than 2.14 metres and be built with bricks, rubble stones, kabok bricks or with cement bricks and inner walls shall be cement plastered at least to a height of 2 metres from the floor and the remaining portions of such walls shall be lime plastered.
- (c) End of every roof shall be 2 metres in height from the floor.
- (d) Roof shall be covered with some permanent roof material.
- (e) All wood work shall be oil painted or be lime washed.
- (f) The floor must be paved with cement.
- (g) Premises shall be provided with adequate drainage facilities.
- (h) Premises shall have sanitary dust bins and be provided with adequate toilet facilities.

05. Every licence holder shall store, all the materials required for maintaining the business, so as to prevent emanation of any bad smell or causing any oppression.

06. A licence holder shall offendable or smelling materials through a public place or on a road in covered and impermeable containers so that no hindrance is caused to anyone when conveying such materials.

07. Every licence holder in any manufacturing process, shall take precaution, so that no offensive steam and air be emanated from such process.

08. Every licence holder shall build adequate drains in the premises where his business is to be carried out and maintain them properly and shall wash and clean them daily.

09. Every licence holder shall build and floor of the premises where his business is to be carried out with an impermeable material and shall maintain such premises in good repair condition and shall clean daily.

10. Every permit holder, during the period when his business is being carried out shall colour wash with lime such premises annually.

11. All articles, equipments and containers etc. used for the business process shall be kept clean by the licence holder.

12. All waste materials collected in the premises where the business is carried out, such as sweepings, garbage, remnants and by-products, if they are not to be used immediately in the business, shall be daily disposed by putting them in covered containers and as directed by the Urban Council by every licence holder.

13. Water tanks used for washing and soaking leather or any other materials shall be emptied and be cleaned, preventing emanation of any bad odor as when required, by the licence holder.

14. No licence holder shall allow to flow or cause to flow into any river, waterway, canal, well, lake or any drain polluted, smelling and filthy water or any other liquid or shall not pollute such a river, canal, waterway, sluice, well, lake, sea or any open water filled area by washing any offensive matter or by any other manner.

15. It shall be lawful, for the Chairman or for any other officer of the Council who is generally or especially authorized by the Chairman for such purpose, to enter in to any premises where an offensive trade or dangerous trade is carried out and make an inspection during office or working hours and the licenced holder or the person who is in charge of such place shall assist them to make such an inspection.

16. Whenever at any inspection, if it is detected that a licenced place or premises is not being maintained in accordance with the provisions mentioned in these by-laws, the Chairman has the power to inform the licence holder in writing to take necessary action to regularize such premises conforming to provisions of these regulations within a specified period of time and the licence holder shall take action as provided in such a notice.

17. It is the duty of the Chairman, whenever any application forwarded by any Person to obtain a licence to conduct any trade or business under these regulations, to issue such licence within 30 days of the receipt of such application if such place conform to provisions of these by-laws and if such place does not conform to provisions of these by-laws or if such application is to be rejected the applicant shall be informed accordingly.

18. Every licence holder shall make arrangements to display a list of employees in Sinhala and Tamil languages, who are employed in the trade or business for which a licence is issued, together with their names and addresses at a conspicuous place of such premises.

19. Every notice issued under these by-laws shall be delivered to the owner or to the person in charge of the place, according to circumstances. If such person is not present, such notice shall be affixed at a conspicuous place of such business premises. The name of the owner of the place or the name of the person using such place need not be mentioned in such a notice.

20. In any occasion when a number of businesses or industries, requiring a licence under Section 164 of this Act are carried out at the same place, the licence fees for each industry or business shall be charged separately according to square feet area used or separated for such each industry or business.

21. Violation or contravening any of the provisions of these by-laws is an offence and when convicted in a court of law having jurisdiction, the maximum fine imposable, and when such violation or contravention is committed continuously and convicted or in the case of a continuous contravention or violation after delivering a written notice by the Chairman or by an other authorized officer, drawing attention for such violations or contraventions, the maximum additional fine imposable for each day of continuing such violations shall respectively be as defined under Sub-Section (2) of Section 153 of the Urban Council Act, being cap. 255 (The Legislative Enactments) and all fines so imposed under this Section shall be credited to the Nawalapitiya Urban Council Fund.

*Interpretations;*

“Licence holder” means a person to whom a licence is issued under these by-laws to carry out any business.

“Person” includes incorporated or non-cooperated board of individuals too.

“Person in-charge” includes a custodian, guardian, guardian of property, manager, or other person to whom, the administration or management or organization of any business is vested on behalf of certain person.

“Urban Council” means Nawalapitiya Urban Council.

“Chairman” means Chairman of Nawalapitiya Urban Council.

“Secretary” means the Secretary of Nawalapitiya Urban Council.

“Urban Council area” means Urban Council Authority area of Nawalapitiya.

“Any authorized officer or the Urban Council” means officer or officers who are authorized by the Chairman to enforce these by-laws.

1ST SCHEDULE

*Offensive Trades*

1. Production or storing manure or chemical manure.
2. Tanning Leathr.
3. Sale of leather.
4. Animal husbandry (for meat, milk or eggs)

5. Maintaining a studio.
6. Maintaining a veterinary hospital.
7. Storing for sale all kind perishable foods or storing food-stuff.
8. Storing or dry fish, salted fish or jadi fish exceeding 150 kilograms.
9. Production of coconut shell charcoal or wood charcoal or storing charcoal.
10. Curing tobacco or keeping a storage of tobacco.
11. Production of animal foods or maintaining an animal food store.
12. Production of poonac or stroing a quantity exceeding 200 kilograms.
13. Production of soap.
14. Grinding animal bones or storing them.
15. Storing new or old scrap iron.
16. Keeping a store for scrap iron.
17. Production of household furniture or storing.
18. Production of rattan articles.
20. Production of cyrup and fruit drinks.
21. Production of sweet meats.
22. Soaking coconut husks (or allow to decompose)
23. Production brushes (except tooth brushers)
24. Production of tooth brushes.
25. Collection of toddy.
26. Production of vinegar or storing.
27. Maintaining a mechanically or manually operated timber depot.
28. Storing painting ink, varnish, or distemper paints, exceeding 100 wires.
29. Production of soda.
30. Production of leather goods.
31. Canning fruits, fish or other food items.
32. Maintaining grinding mill for grinding chilies, coffee, grains, fish foods, spices or flour.
33. Manufacturing candles.
34. Camphor manufacture.
35. Manufacturing writing ink, printing ink or stensil ink.
36. Production of washing blue.
37. Production of lacquer.
38. Production of perfumes and keeping a store.
39. Manufacturing school chalks.
40. Storing tyres and tubes.
41. Refilling tyres.
42. Keeping a tyres and tubes vulcanizing depot.
43. Storing cement exceeding 1000 kilograms.
44. Manufacture of cement products or asbestos cement products.
45. Manufacture of plastic goods.
46. Textile weaving by machines.
47. Sale of cleaned gunny bags which contained manure, lime, flour and other materials.
48. Manufacture of cement bricks by machines.

## 2ND SCHEDULE

### *Dangerous Trades*

1. Storing for whole sale flour, salt or sugar exceeding quantities of 750 kilograms.
2. Manufacture of finished garments.
3. Maintaining a printing press.
4. Keeping a poultry farm or poultry yard for over 100 fowls.
5. Keeping a shed or a hut for more than 10 goats or pigs.

2ND SCHEDULE (*cont.*)

6. Storing bricks and tiles.
7. Keeping firewood depot.
8. Digging and breaking granite stones by machines or by hands.
9. Manufacture of soft drinks or storing over 100 bottles.
10. Production of ice cream.
11. Production of coconut oil or storing over 300 liters.
12. Manufacture of match boxes or storing over 100 dozens of the same.
13. Manufacture of goods from coir or from other kinds of fiber or storing them.
14. Storing used garments.
15. Production of jewelry or repairing them.
16. Timber sawing by using machines.
17. Maintaining machine tools and equipment factory.
18. Storing empty gunny bags and bottles.
19. Maintaining a bicycle or motor bicycle repairing work shop.
20. Storing used papers and newspapers.
21. Maintaining picture framing centre.
22. Manufacture or storing fireworks and crackers.
23. Storing over stock of 50litres of vegetables oils except coconut oil.
24. Storing cooled meat or fish.
25. Timber stocking.

3RD SCHEDULES.

*Offensive and Dangerous Trades*

1. Curing cinnamon, cloves, cardamom or other kinds of fiber by using chemical materials.
2. Dry cleaning or dyeing.
3. Textile printing and dyeing.
4. Keeping an electro-plating centre.
5. Burning and treating lime stones and dolomite or storing lime ash.
6. Keeping battery charging or repairing centre.
7. Maintaining motor car repairing garage.
8. Maintaining a motor car service station.
9. Maintaining a welding centre.
10. Keeping a gas cylinder depot.
11. Production or dispensing Ayurvedic drugs and indigenous drugs.
12. Stocking glass ware or glass sheets.
13. Maintaining a plastic or fibre products factory.
14. Storing tea, stock or over 150 kilograms.
15. Keeping a welding work centre.
16. Maintaining work shop with lathe machines.
17. Maintaining a filling station for petrol, diesel, oil or any kind of mineral oil.
18. Manufacturing and storing agro-chemicals.
19. Repairing or servicing air condition equipment.
20. Maintaining an electrical work shop or electrical instruments production and repairing shop.
21. Keeping a milk cooling centre.