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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notices

EASTERN PROVINCE PROVINCIAL COUNCIL

By - Laws

MAHAOYA PRADESHIYA SABHA

I, Nazeer Ahamed Minister of the subject of Local Government of the Eastern Province Provincial Council, do hereby Order publish the approval granted by me under the power vested in me by Section 123 Sub Section (1) of the Pradeshiya Sabha Act, No.15 of 1987, read with Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989, the By-laws to Regularize, Control and Supervise the **Advertisements** made by the Mahaoya Pradeshiya Sabha under the power vested in it in Section 126 Item (VII) (f) and (XXX) of the Pradeshiya Sabha Act, No.15 of 1987.

NAZEER AHAMED,

Chief Minister of the Eastern Province and the Minister in charge
of the subject of Local Government.

Office of the Chief Minister of the Eastern Province,
Inner Harbour Road,
Trincomalee,
06th of November, 2015.

BY-LAWS RELATING TO ADVERTISEMENTS

1. These By-laws may be cited as the By-laws to regularize, control and supervise the advertisements displayed in the area of Mahaoya Pradeshiya Sabha. (hereinafter referred to as the Pradeshiya Sabha)
2. The Pradeshiya Sabha shall
 - (a) determine from time to time the area in which the advertisement would be permitted to display in the area of the Pradeshiya Sabha area.



- (b) the Chairman by order publish in the *Gazette* upon the decision made from time to time by the Pradeshiya Sabha in respect of the areas where the advertisements would be permitted to be displayed and such decision of the Pradeshiya Sabha shall come into effect from the date on which it is published in the *Gazette* or any future date specified therein.
3. (a) The Pradeshiya Sabha shall have the power to erect and maintain hoardings where advertisements would be displayed in any plot of land owned by the Pradeshiya Sabha in any area decided by the Pradeshiya Sabha from time to time as provided in By-law 2 or in any land owned by any other person and leased out by the Pradeshiya Sabha on an agreement.
- (b) The Pradeshiya Sabha shall have the power to charge from the exhibitors a fee determined by the Pradeshiya Sabha from time to time for displaying an advertisement in any hoarding erected by the Pradeshiya Sabha under paragraph (a).
4. (a) No person shall display or cause to be displayed an advertisement in any form so as to be visibly seen in any public place in the area of Pradeshiya Sabha, unless possess a valid licence issued by the Chairman in according to the specimen shown in the First Schedule in that behalf,
- (b) No person shall display or let any person else to display of advertisements, at any place other than the place or places specified in the licence issued to that person.
5. Every licence issued shall be valid only for the period specifically mentioned in the licence unless it is cancelled earlier under these By-laws.
6. Any person seeks to obtain a licence to display an advertisement shall forward an application substantially prepared in accordance with the specimen given in the Second Schedule hereof to the Chairman at least two days ahead.
7. The Chairman shall not issue a licence under these By-laws for the display of any form of advertisement, unless the applicant fulfils the following conditions;
- (a) Application shall be for the display of advertisement in a place within the zone determined upon by Pradeshiya Sabha from time to time in accordance with the manner set out in By-law 2.
- (b) The application shall be of a place for which the license issued should have been expired. However, this provision shall not be a prejudice to issue a licence to display an advertisement nearby an advertisement in existence displayed under a licence previously issued and still in force in the same place without having obstructed the view of the same advertisement being displayed.
- (c) The advertisement for which a licence is issued shall not contain any scenes or words which are obscene or unpleasant or immoral or damaging any culture or harming any religion or community or race or which can cause such a situation.
- (d) There shall be sufficient space in the hoarding which the Pradeshiya Sabha has erected under By-law 3 when an application for a licence is made to display an advertisement and in that event the period of time permitted for the advertisements already being displayed under a licence should have been expired.
- (e) No advertisement shall be displayed, in which the proposed display has been prohibited or limited by a written law of the country.
- (f) Every application for a licence shall contain a specimen of the advertisement prepared on the scale 1:1000 on a paper 210 millimetres by 297 millimetres and a ground plan or plans of the place or places where the advertisement is expected to be displayed prepared on the scale 1:1000 on a paper 210 mm x 297 mm and the exact length and the width of the advertisement should have been indicated therein.

- g) The place of displaying the advertisement shall be –
- (i) if the hoarding erected by the Pradeshiya Sabha under By-law 3, the fees determined under paragraph (b) thereof shall have been paid to the Pradeshiya Sabha.
 - (ii) if the place is owned by any person other than the applicant, or by any other Authority, the written permission ensuing that a permission has been obtained to display the advertisement at the particular place shall be submitted along with the application.
8. No advertisement shall be in a manner that may cause any obstacle or accident to a person walking near the particular advertisement or to a vehicle being driven nearby. Furthermore, fixing of electricity light rays or fluorescing of light so as to change the attention of a driver driving a vehicle or cause disturbances to his view shall not be permitted.
9. The applicant shall be informed by the Chairman or the Authorized Officer regarding the accomplishment of conditions necessary for the issue of a licence under these By-laws. It shall be the duty of the Chairman or the Authorized Officer to issue the licence to the applicant after having paid the licence fees in the manner set out in By-law 10 and cash deposit set out in By-law 11.
10. (a) the annual licence fee to be paid to the Pradeshiya Sabha on every licence issued under these By-laws shall not exceed to the fee mentioned in Column I and maximum fee corresponding to Column II of Section 149 of the Pradeshiya Sabha Act, No. 15 of 1987
- (b) Every licence issued under the provisions of the By-laws shall be valid up to 31st December of the year for which it had been issued unless it is cancelled earlier under the provisions of the By-laws.
- (c) a new licence shall be obtained when required to be displayed the existing advertisement during the succeeding year. Notwithstanding anything provided in this by-law the fee already charged shall be levied for the period the Pradeshiya Sabha intended to be levied during the succeeding year.
- (d) It shall be the duty of the Chairman order publish in the *Gazette* the annual licence fees to be levied by the Pradeshiya Sabha under the provisions of the paragraph (a) of this by-law
- (e) Notwithstanding anything to the provisions in these By-laws no fees shall be charged for any advertisement in respect of any religious or cultural services. However, the other provisions of these By-laws shall apply in respect of any such advertisement in the manner set out.
11. (a) the Chairman shall not issue a licence to any applicant seeking a license to display an advertisement unless the applicant pays the cash deposited as determined by the Pradeshiya Sabha
- (b) It shall be the duty of the Chairman order publish in the *Gazette* the decision taken by the Pradeshiya Sabha in respect of the cash deposit to be deposited in the Pradeshiya Sabha before issuing the licence to display any advertisement.
12. It shall be the duty of the licensee to indicate the registered number assigned to the licensee, in the lower corner, right hand side of each advertisement or advertisements.
13. (a) the Chairman or the Authorized Officer shall have the power by notice direct the licensee to restore or remove hoarding, support, structure or fittings if any, used for the fixing of any advertisement and which is in the state of that causing harm to the environment or danger or risk to any person or any property of any person, within a period specified thereof.

- (b) It shall be lawful to the Chairman or Authorized Officer to cancel the licence issued under these By laws and remove the advertisement , if that person failed to comply with the direction given in the said notice under paragraph (a) above within the date stipulated.
- (c) when a licence is cancelled compliance to the provisions in paragraph (b) the cash deposit paid to the Pradeshiya Sabha in respect of displaying the advertisement shall be transferred to the funds of the Pradeshiya Sabha and no person shall have the right to claim the same.
14. Pradeshiya Sabha shall not hold responsible for any damage, defacement or evacuation caused to any advertisement by a third party displayed under a licence issued under these By-laws.
15. The Chairman or the Authorized Officer shall have the power to cancel the licence by a notice issued to the licensee in the event where the licensee has violated any provision of these By-laws.
16. It shall not be assumed or understood the mere fact that issuing of a licence by the Pradeshiya Sabha under these By-laws for the display of any advertisement tantamount to giving legal sanctions for the presentation of the meaning or the connotation embodied in the said advertisement.
17. The licensee shall hold responsible in regard to any damage or harm caused or likely to be caused to any party due to a support, fixing or any other thing used connection utilized for the construction of any advertisement or due to the menacing or connotation implied in the said advertisement.
18. It shall be the duty of the licensee to remove the advertisement and all other goods used in that behalf out of the place / places where such advertisements were displayed, before forty eight hours date mentioned in the application forwarded to obtain a licence under these By-laws.
19. (a) the licensee shall by a written request withdraw the cash deposited at the Pradeshiya Sabha after having complied with the provisions set out in By-law 18
- (b) the Chairman shall ensure the followings before who release the cash deposited as described in paragraph (a)
- (i) Whether the licensee has fulfilled the obligations on his part properly as stated in By-law 18, *and*
- (ii) that no damage has been caused by the licensee to the hording during the course of removal of such advertisement and in the event of any damage caused to such hording and is belonging to the Pradeshiya Sabha the licensee hold responsible to restore the status of quo of the hording before the release of such cash deposit.
- (c) the said cash deposit shall not be released by the Chairman unless who satisfies that no damage has been caused as described in paragraph (b) of this By law and in the event where the licensee has failed to act the matters such a manner set out in by-law 17 or caused damages to the hoarding of the Pradeshiya Sabha, the expenditure incurred by the Pradeshiya Sabha by either attending the matters or repairing the hording or for both shall be deducted from the deposited money and the balance , if any, be returned to the licensee.
- (d) It shall be lawful to the licensee to pay the additional expenditure incurred when acting in the manner set out in paragraph (c) to the Pradeshiya Sabha in the event of where the expenditure incurred by the Pradeshiya Sabha is higher than the money deposited.
20. The provisions in these By-laws shall not apply to an advertisement in the Pradeshiya Sabha area displaying in front of any business premises or any factory to a single notice depicting the name, address and the nature of the enterprise being maintained at the said place of business or the nature of the products being produced at the

factory or for a domestic name board and for a single advertisement carrying the phrase "on lease" or "for sale" or "available for rent" displayed on any property intended to be given on lease or for sale or to be given on rent. However, the provisions of these By-laws shall not apply to more than one such advertisements displayed at a time

21. The provisions of these By-laws shall not apply in respect of advertisements displayed by the Government, Provincial Council or the Pradeshiya Sabha.
22. The advertisement of any commodity or a service has been displayed together with the name, number and/or address of any business enterprise and an advertisement of any form of commodity or service has been displayed in any household, such advertisement or advertisements shall be subjected to the provisions of these By-laws. The owner, manager or any person in-charge of the administration of the premises at that time shall be considered as the person who is liable to obtain the licence in accordance to the provisions of these By-laws.
23. No person shall fix, paste, hang, keep tied or project any form of advertisement in a tree, a trunk of a tree, a branch or in any part of a public place or close to such a place or attached to a public building
24. The Chairman may delegate any power or function or duty vested in him under these By-laws to any officer of the Pradeshiya Sabha in writing and it shall be lawful to such person to exercise and perform such power or functions or duty so delegated in writing and act of such person shall be construed to be exercised and performed by the Chairman within the meaning of these By-laws.
25. The Chairman or any Authorized Officer shall have the power to examine any premises licensed under any of the provision or provisions of these By-laws and it shall be the duty to the licensee to assist during the performance of such examination. Nevertheless, there shall no prevention or obstruction from the licensee in such examination.
26. Any notice issued to any person by the Pradeshiya Sabha or by the Chairman or by any Authorized Officer under these By-laws may be considered as properly delivered, if :-
 - (a) it had been handed over to the post in a manner that could be proved that it had been delivered to be directed to the particular person who should receive the notice; *or*
 - (b) it had been handed over to him or to anybody residing in his address for the time being; *or*
 - (c) it had been pasted in any place in his residence or in the place where he is engaged in his functions; and the handing over in any of these manners shall be lawful.
27. Any person in the Pradeshiya Sabha area contravenes or violates any provisions provided under these By-laws shall be an offence punishable with fines as described hereunder after service of a written notice by the Pradeshiya Sabha and conviction thereof by a Magistrate's Court.
 - (a) penalty of a fine of Rupees Seven Hundred and Fifty for any one of such contravention or violation and
 - (b) an additional fine of Rupees Two Hundred and Fifty for each day during which such contravention or violation continues.
28. In these By laws, unless the context otherwise requires –

"Area of the Pradeshiya Sabha" means the area of authority of the Mahaoya Pradeshiya Sabha ;

"Pradeshiya Sabha" means the Mahaoya Pradeshiya Sabha.

"**Licensee**" means any person who has obtained a licence under the provisions of by-laws of any part and includes the guardian or manager of such licensed premises or any person administering such place for the time being ;

"**Licensed premises**" means any area for which a licence has been issued under provisions of the by-laws of any part ;

"**Authorized Officer**" means any officer of the Pradeshiya Sabha authorized by the Chairman in writing for a particular function ;

"**Secretary**" means the Secretary of the Mahaoya Pradeshiya Sabha or any other officer delegated to carry out the powers, functions and duties of the Secretary;

"**Chairman**" means the Chairman of the Mahaoya Pradeshiya Sabha ;

"**advertisement**" means an advertising notice or banner or cut-out or any form of model or notice or announcement or business notification containing any letters or words or illustrations used in advertising and displayed fully or partly over or on a land or building or a created structure and being displayed for the information or attention of the public and put in place by pasting, fixing, erecting, hanging or any other means;e:

"**cut-out**" means, an advertisement pasted or fixed in any frame prepared using wood or any other materials;

"**hoarding**" means any permanent board built in order to fix or hold any advertisement displayed for the information or attention of the public.

FIRST SCHEDULE

By-Law No. 4

**LICENCE FOR THE DISPLAY OF ADVERTISEMENTS IN THE AREA OF AUTHORITY OF
PRADESHIYA SABHA**

Licence fees paid: - Rs.... Serial No. of the licence ... Amount of surety: - Rs....

Mr/Mrs /Ms. holder of National Identify Card Number ... and resident in ... is hereby authorized to display an advertisement/advertisements at the following place/places within the area of authority of the ... Pradeshiya Sabha during the period ... 20... to ... 20..... s subject to provisions in By-laws relating to regularising, Supervision and control of advertisements.Place/ Places where authority has been granted to display advertisement/Advertisements.

- 1.
- 2.
- 3.
- 4.

.....
Chairman/Authorized Officer,
..... Pradeshiya Sabha.

Date :-

SECOND SCHEDULE

By-law No. 6

Application for display of Advertisements

01. Name of the Applicant: -
02. Address: -
03. National Identity Card No.: -
04. Telephone No.: -
05. Particulars of the advertisement: -
 - (i) Size of the advertisement: Length: cm, Width: cm.
 - (ii) Number of advertisements:-
 - (iii) Contents of the advertisement:-
 - (iv) Manner in which it is put in place:-
 - (v) Locations in which it is put in place:-(Please attach a specimen mentioned in paragraph (f) of By-law No. 7)
06. Period of validation of the licence applied for: -
Date of commencement: - 20...
Date of expiry: - 20...

I hereby promise to obey all provisions in the By-laws relating to regularizing, supervision and control of advertisements and to take action to remove the advertisement/advertisements relevant to the application and all materials used in this regard out of the place/places at my expense, before the expiry of two days after the termination of the period of validity of the licence.

.....
Signature of Applicant

Date : -

01-902/1

EASTERN PROVINCE PROVINCIAL COUNCIL

By - Laws

MAHAOYA PRADESHIYA SABHA

I, Nazeer Ahamed Minister of the subject of Local Government of the Eastern Provincial Council, do hereby Order publish the approval granted by me under the power vested in me by Section 123 Sub section (1) of the Pradeshiya Sabha Act, No.15 of 1987, read with Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989, the By-laws to Regularize, Supervise and Control **the Bakeries** made by the Mahaoya Pradeshiya Sabha under the power vested in it in Section 126 Item (IX) (h) and (XV) of the Pradeshiya Sabha Act, No.15 of 1987.

NAZEER AHAMED,
Chief Minister of the Eastern Province and the Minister in charge of
the subject of Local Government.

Office of the Chief Minister of the Eastern Province,
Inner Harbour Road,
Trincomalee.
06th November, 2015.

BY-LAWS RELATING TO BAKERIES

1. These By-laws may be cited as the By-law to regularize, supervise and control the Bakeries within the area of authority of the Mahaoya Pradeshiya Sabha (hereinafter referred to as the Pradeshiya Sabha)
2. No person shall maintain a Bakery in the Pradeshiya Sabha area unless possess a valid licence issued by the Chairman for the purpose of these By- laws.
3. Every licence issued under the provisions of these By-laws shall be valid up to 31stDecember of the year unless it is cancelled earlier under the provisions of these By-laws.
4. The provisions of By-law 2 shall not apply to any Bakery maintained in the Pradeshiya Sabha area prior to the date on which these By-laws came into operation and such Bakery shall obtain a valid license as described hereinafter and it shall be lawful to maintain such Bakery during such period in the Pradeshiya Sabha area subject to the provisions provided hereinafter. .
5. Any person in the Pradeshiya Sabha shall make application to the Pradeshiya Sabha for a license for the purpose to maintain a Bakery by such application obtained from the Pradeshiya Sabha having paid such fee resolved by the Pradeshiya Sabha from time to time.
6. It shall be the duty to the Pradeshiya Sabha to issue a valid license to a person within 14 day from the date of receipt of such application unless there is a valid reason to the Pradeshiya Sabha.
7. Any notice issued to any person by the Pradeshiya Sabha or by the Chairman or by any Authorized Officer under these By-laws may be considered as properly delivered, if :-
 - (d) it had been handed over to the post in a manner that could be proved that it had been delivered to be directed to the particular person who should receive the notice; *or*
 - (e) it had been handed over to him or to any person residing in his address for the time being; *or*
 - (f) it had been pasted in any place in his residence or in the place where he is engaged in his functions; and the handing over in any of these manners shall be lawful.
8. The Chairman may delegate any power or function or duty vested in him under these By-laws to any officer of the Pradeshiya Sabha in writing and it shall be lawful to such person to exercise and perform such power or functions or duty so delegated in writing and act of such person shall be construed to be exercised and performed by the Chairman within the meaning of these By-laws.
9. The Chairman or any Authorized Officer shall have the power to examine any premises licensed under any of the provision or provisions of these By-laws and it shall be the duty to the licensee to assist during the performance of such examination. Nevertheless, there shall not any prevention or obstruction from the licensee in such examination.
10. Unless the following conditions described in this By-law is fulfilled by a person , the Chairman shall not issue a license to any Bakery: -
 - (a) The conditions in this part shall have been fulfilled irrespective of the medium in which heat is obtained for food produced in the Bakery :-
 - (i) The Bakery shall be in proper maintaining condition ;
 - (ii) Every room in the Bakery shall have windows that could be opened to the outside. The area of the opened windows shall not be less than one fifteenth the area of the floor of the room

- (iii) Every room shall have ceilings fixed and the ceiling shall have been painted in white ;
 - (iv) The floor of every room shall have been finished with cement or tiled ;
 - (v) While the room in which the oven of the Bakery is located shall be at least in a height of 3 meters from the ground level of the room, it shall be built in bricks or cement blocks or cabook blocks with both sides of the walls being plastered and applied with paints ;
 - (vi) Every room in the Bakery other than the room where the oven is located shall be in a height of at least 2.75 meters from the floor level to the ceiling level, and they shall be built in bricks or cement blocks or cabook blocks or aluminium or timber with both sides of the walls being plastered and applied with paints ;
 - (vii) All fittings in the Bakery made of wood shall have been applied with paints ;
 - (viii) While the roof shall have been built with any solid material the end of eaves shall be at least 1.8 meters above the floor level and the reservation for the eaves shall be at least 1 meter in width ;
 - (ix) Arrangements shall have been made to use potable water for production purposes ;
 - (x) While a supply of safe water shall have been provided through pipes to every room using water in the production process, action shall have been taken to provide a drainage system sufficient to allow the flow of waste water ;
 - (xi) Waste water disposed of shall be allowed to flow into a suction pit
 - (xii) Waste disposal programme shall have been put in place in the manner prescribed in By-law 17,
- (b) When the Bakery requesting a licence is one using wood,
- (i) The upper edge of the chimney of the oven of the Bakery shall have been built at a height of at least 7.5 meters above the ground level;
 - (ii) While the surfaces of all the tables used for kneading flour shall have been made smooth the joints shall have been joined leaving no spaces between the joints. Otherwise they shall be covered with stainless metal sheets with no joints;
 - (iii) A movable receptacle sufficient to dispose of ash and remnants of wood removed from the oven of the Bakery shall be supplied;
 - (iv) The outside wall of the oven of the Bakery shall be painted or applied with lime;
 - (v) While ordinary fire extinguishers shall have been provided, electrical fire fighting instruments shall have been supplied if electricity facilities have been obtained for the Bakery,
- (c) When the Bakery requesting a licence is using electricity,
- (i) While the electric plugs connecting electricity to bakery equipment shall be in a safe condition, trip switches automatically functioning during high voltage and leaks in electricity shall have been fixed;
 - (ii) While the electric cables of electric circuits fixed within the bakery premises shall be drawn through pipes or boxes without leakages of electricity, there shall not be ends of electric cables open to the outside;
 - (iii) Ordinary fire fighting equipment and electric fire extinguishers shall have been provided.
11. There shall be applied with paints to all spaces described in these By-laws at least once a year.
12. The floor of every room which is used for kneading flour shall be washed at least once every day.

13. The bakery and its environment, drains, furniture and equipment shall be kept in a manner clean and with the good condition.
14. No flour and other materials shall be used for the manufacture of bakery products unless those are sufficiently before its expiry date.
15. (a) No person suffering from infection or of incubation of an infectious, contagious or skin disease or had contacted such a disease in the recent past or had been recently nursing anybody who is suffering from such a disease shall engage himself or employ anybody or let anybody else engage in any licensed premises or as an assistant of any person engaged at any licensed premises unless the period of such disease has been elapsed
- (b) no person shall engage himself or employed anybody else in any form of sale at any licensed premises unless that person is dressed in washed and clean clothes.
- (c) It shall be the duty of the licensee to refer all employees deployed at the licensed premises to a medical test at least once a year.
16. It shall be the duty of the licensee to supply safety kits such as face-masks, gloves and other necessary kits to the person employed in the licensed premises and ensure that they dressed with the safety kits when they are on duty at the licensed premises.
17. (a) All waste generated at the licensed premises shall be separated into the categories as described below and it shall be the duty of the licensee to collect and keep them in separate bags, bins or receptacles according to such categorization, unless recyclable;
- (i) biodegradable waste ;
- (ii) glass ;
- (iii) paper or paper based materials ;
- (iv) polythene and plastics or material based on polythene and plastics ;
- (v) iron and other kinds of metal or parts of iron and other kinds of metal ;
- (vi) left-over from other raw materials made use of in the production process or by-products or other parts produced in the production line ;
- (vii) dangerous waste
- (b) The waste collected in the manner set out in paragraph (a) above shall be disposed of as prescribed by the Chairman unless they disposed under the waste management programme launched by the Pradeshiya Sabha.
18. No water suitable for human consumption shall be used for any bakery products.
19. A separate room exclusively for the storage of flour and other materials shall be used in the premises and maintained sufficiently ventilated and secured against entry of flies or other insects and rats.
20. There shall be a rack made out of timber on a stand at a height of 20 centimetres from the floor level where flour stored in the store room as provided in By-law 19 and which rack shall have been finished so as to facilitate its movement from place to place when unloaded. However, such rack shall have been covered preventing the rats and other kinds of insects hide underneath of such rack and shall be placed at least 23 centimetres away from the wall.
21. It is the duty of the licensee to ensure that the racks described in By-law 20 are taken out from the store room and cleaned at least twice a month.
22. No person shall sleep or rest in any place licensed under the provisions of these by-laws and shall not keep or store any materials or tools other than the materials or tools used for the purpose of bakery product. However, the rest room or dining room allocated for the employees of the bakery shall not be included in this provisions.

23. There shall be provided lavatories in the proportion of at least one for each group of ten employees separately for males and females and which lavatories shall be located at least 15 meters away from the production room.
24. There shall be a sump within the premises to store water for the purpose to bakery production less than 18 meters away from a suction pit or fertilizer pit or ash pit.
25. There shall be supplied pure water, clean towels, brushes to clean nails and soap or fluid soap to employees who involve in bakery production activities.
26. No person shall smoke, chew betel or chew any other unhygienic material inside the bakery.
27. It shall be the duty of the licensee to keep a scale or any other type of scale with acceptable standard in a place visible to all corner of the licensed premises under the provisions of these By-laws and to weigh any bakery product displayed for or exhibited for sale at the request of any customer.
28. It shall be the duty of the licensee to utilize boxes or container securely covered to prevent entry of dust or waste materials or water, if the licensee takes away the bakery products for delivery.
29. The time and duration in which the production or any other activity relating to the production is carried out in a bakery shall be the time appropriate for inspection of the premises within the meaning of these By-laws by the Chairman or an Authorized Officer.
30. It shall be lawful to the Chairman or an Authorized Officer to buy a sample of any kind of bakery product or product displayed for sale in a bakery by paying such money and no licensee shall desist or prevent such purchase.
31. The Chairman shall notice to the licensee demanding him to restore certain conditions or standard in the said premises within the prescribed date specified in the notice, if the premises where bakery products are produced within the meaning of these By-laws and fails or contravenes to maintain the standard set out in By-law 10.
32. Any licensee who is of the receipt of a notice under By-law 31 shall comply with the notice before the date specified therein.
33. The Chairman shall have the power to extend the date specified in the said notice, when the person who is in the receipt of notice require time citing the reason acceptable. However, such extension shall not be exceeding fourteen days.
34. It shall be lawful to the Chairman to cancel the licence issued to the premises, if the licensee who is in receipt of the notice under By-laws 32 and 33 has failed to comply with and/or act in accordance with the matter set out in the notice before the date specified therein.
35. any person in the Pradeshiya Sabha area contravenes or violates any provisions provided under these By-laws shall be an offence punishable with fines as described hereunder after service of a written notice by the Pradeshiya Sabha and conviction thereof by a Magistrate's Court. :
 - (c) penalty of a fine of Rupees Seven Hundred and Fifty for any one of such contravention or violation and
 - (d) an additional fine of Rupees Two Hundred and Fifty for reach day during which such contravention or violation continues.
36. In this part, unless the context otherwise requires :-

“Area of the Pradeshiya Sabha” means the area of authority of the Mahaoya Pradeshiya Sabha ;

“Pradeshiya Sabha” means the Mahaoya Pradeshiya Sabha;

“**Licensee**” means any person who has obtained a licence under the provisions of by-laws of any part and includes the guardian or manager of such licensed premises or any person administering such place for the time being ;

“**Licensed premises**” means any area for which a licence has been issued under provisions of the by-laws of any part ;

“**Authorized Officer**” means any officer of the Pradeshiya Sabha authorized by the Chairman in writing for a particular function ;

“**Secretary**” means the Secretary of the Mahaoya Pradeshiya Sabha or any other officer delegated to carry out the powers, functions and duties of the Secretary;

“**Chairman**” means the Chairman of the Mahaoya Pradeshiya Sabha ;

“**Bakery**” means a place where bread, cake, buns, biscuits or any other kind of sweets are manufactured and it shall also include any place where such food is prepared or where goods are stored for the preparation of such food ;

“**Bakery Products**” means bread, cake, buns, biscuits or any other kind of sweets manufactured in any bakery for sale or on an order placed by any person.

01-902/2

EASTERN PROVINCE PROVINCIAL COUNCIL

By - Laws

MAHAOYA PRADESHIYA SABHA

I, Nazeer Ahamed Minister of the subject of Local Government of the Eastern Province Provincial Council, do hereby Order publish the approval granted by me under the power vested in me by Section 123 Sub Section (1) of the Pradeshiya Sabha Act No.15 of 1987, read with Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989, the By-laws to Regulate, Supervise, Control and Administer the Offensive or **Dangerous and Offensive and Dangerous Trade** made by the Mahaoya Pradeshiya Sabha under the power vested in it in Section 126 Item (IX) (k) of the Pradeshiya Sabha Act, No.15 of 1987.

NAZEER AHAMED,
Chief Minister of the Eastern Province and the Minister in charge
of the subject of Local Government.

Office of the Chief Minister of the Eastern Province,
Inner Harbour Road,
Trincomalee.

06th November, 2015

By-laws on Offensive or Dangerous and Offensive and Dangerous Trades

01. These by-laws may be cited as the by-laws to regulate, supervise, control and administer the “Offensive or dangerous and offensive and dangerous trades” in the area of Mahaoya Pradeshiya Sabha. (hereinafter referred to as “the Pradeshiya Sabha”)

02. In these By-laws, the Offensive or Dangerous and Offensive and Dangerous Trades means and includes the category of the Trades specified by a resolution passed at the Pradeshiya Sabha and listed in the Schedule I, II and III hereto.
03. No person shall carry on any Offensive or Dangerous and Offensive and dangerous trades in the area of the Pradeshiya Sabha unless the person possess a valid licence issued in that behalf by the Chairman.
04. Every licence issued under the provisions of these By-laws shall be valid up to 31st December of that year unless it is cancelled earlier under the provisions of these By-laws.
05. By Law 3 shall not apply to the Offensive or Dangerous and Offensive and Dangerous Trades in operation in the area of the Pradeshiya Sabha prior to the date on which these by laws come into operation and such Offensive or Dangerous and Offensive and Dangerous Trades shall obtain a valid license as described hereinafter and it shall be lawful to that Offensive or Dangerous and Offensive and Dangerous Trades to carry on such operation during such period.
06. Any person in the Pradeshiya Sabha shall make an application to the Pradeshiya Sabha for a license for the purpose to carry on the Offensive or Dangerous and Offensive and Dangerous Trades by such application obtained from the Pradeshiya Sabha having paid such fee resolved by the Pradeshiya Sabha from time to time.
07. It shall be the duty of the Pradeshiya Sabha to issue a valid license to a person within 14 days, from the date of receipt of such application unless there is a valid reason to the Pradeshiya Sabha.
08. Any notice to a person by the Pradeshiya Sabha or the Chairman or any Authorized Officer under these by-laws may be considered as properly handed over, if :—
 - (a) it had been handed over to the post in a manner that could be proved that it had been delivered to be directed to the particular person who should receive the notice; or
 - (b) it had been handed over to him or to anybody residing in his address for the time being; or
 - (c) it had been pasted in any place in his residence or in the place where he is engaged in his functions, and the handing over in any of these manners shall be Lawful.
09. The Chairman may delegate any power or function or duty vested in him under these by-laws to any officer of the Pradeshiya Sabha in writing and it shall be lawful to such person to exercise and perform such power or functions or duty so delegated in writing and act of such person shall be construed to be exercised and performed by the Chairman within the meaning of these By-laws.
10. The Chairman or any Authorized Officer shall have the power to examine any premises licensed under any of the provision or provisions of these by-laws and it shall be the duty to the licensee to assist during the performance of such examination. Nevertheless, there shall no prevention or obstruction from the licensee in such examination.
11. Unless the following conditions in paragraphs (b) and (c) of these by-laws are fulfilled the Chairman shall not issue a licence to operate the Offensive or Dangerous and Offensive and Dangerous Trades ;
 - (a) The building or the part of the building :-
 - (i) Shall be strong enough and having sufficient space for the expected number of customers to be served without a danger or harm up to the satisfaction of the Chairman,
 - (ii) The premises shall be maintained in good condition with sufficient light and ventilation. Every room shall be provided with windows capable of being opened outside the building

- (iii) The walls of every room in every part shall not be less than 2.14 meters in height and be built of bricks, stone, Kabok , cement blocks or any other suitable material up to the satisfaction of the Chairman and internal surface of the walls not lesser than 2 meters shall be plastered in cement or protected with suitable material and it is sufficient if the rest of the internal surface is lime-plastered and lime-washed.
 - (iv) All eaves shall be more than 2 meters height from the ground level.
 - (v) The roof shall be made of some durable material up to the satisfaction of standards specified by the Chairman.
 - (vi) All joints of the woodwork of the building shall be applied with wood preservatives and oil paint or wood polish.
 - (vii) The entirety of the floor shall be cemented from which water will not leak up to the satisfaction of standards specified by the Chairman
 - (viii) The premises shall be provided with adequate drainage up to the satisfaction of the standards specified by the Chairman.
 - (ix) The internal wiring of the premises and the safety precaution installed therein shall be approved by an Electrical Superintendent or a Technical Officer who is professionally trained on that behalf or any officer authorized by the Chairman of the Pradeshiya Sabha.
- (b) Every Licensee should perform followings
- (i) Every licensee shall keep stored all materials required for carrying on the trade, in such a way as to prevent any effluvium or any other infection.
 - (ii) Every licensee when materials which are likely to cause any nuisance or effluvium are transported along a public place or a thoroughfare shall cause them to be carried in covered and non-absorbent containers so as to prevent causing any effluvia or nuisance to the public.
 - (iii) Every licensee shall not cause any offensive vapours or gases emitted during any process of manufacture, to be discharged into the external air, in such a manner and at such a height as to admit of their diffusion without injurious or offensive effects or shall be passed directly through a fire or into a condensing apparatus as per the recommendations of the Medical Officer of Health in the region.
 - (iv) Every licensee shall provide adequate drains for the premises in which the trade is carried on and cause to maintain them well and to wash them daily.
 - (v) Every licensee shall cause the floors of the premises in which the trade is carried on to be constructed of some impermeable materials and to be maintained in a proper state of affairs and to be cleaned daily.
 - (vi) Every licensee shall keep the walls of the premises in which the trade is carried on, in good order, so as to prevent absorption of filth and shall paint them annually.
 - (vii) Every licensee shall cause all apparatus including implements and vessels used in such trade to be kept clean and to be cleaned daily.
 - (viii) Every licensee shall cause all refuse, sweepings and scrapings together with waste and by-products to be removed daily from the premises in covered containers, unless used forthwith for further trade processes on such premises.
 - (ix) Every licensee shall cause the tanks used for washing or soaking skins or any other materials to be emptied and cleaned as often as may be necessary to prevent effluvium.
 - (x) Arrangements shall be to direct waste water disposed of to a suction pit.
 - (xi) Ordinary system of fire fighting shall be provided and if electricity connections provided to the Trade described in these By laws an additional electric fire extinguishers shall have provided.

12. It shall be the duty of the licensee to maintain every section of the premises where the Offensive or dangerous and offensive and dangerous trades are operated free of thorny bushes or thick growths and to prevent stagnation of water so as to facilitate breeding of mosquitoes and other larva.
13. No person shall store or use the premises or cause to store any kind of faeces, bone flour, fertilizer or any material emanating poisonous or oppressive effluvia, unless necessary precautionary measures are put in place to prevent spreading of any gas with effluvia or poisons,.
14. The waste water disposed of after use by the Offensive or dangerous and offensive and dangerous trades shall not be released to a public water course at any time.
15. It shall be the duty of the licensee to paint or cause to paint the spaces required to be painted under these By-laws at least once a year.
16. The Trade and its environment, rooms, drains, furniture and equipment shall be kept in a manner clean and good condition.
17. When cleaning the packing which have been used already and re-packing ;
 - (a) One tank for the removal of labels previously fixed in the packing and for the initial cleaning, and
 - (b) the other tank for the final cleaning of those packing, shall be used and the final cleaning shall be effected utilizing flowing water
18. (a) no person suffering from infection or of incubation of an infectious, contagious or skin disease or had contacted such a disease in the recent past or had been recently nursing anybody who is suffering from such a disease shall engage himself or employ anybody or let anybody else engage in any licensed premises or as an assistant of any person engaged at any licensed premises unless the period of such decease has been elapsed.
 - (b) no person shall engage himself or employed anybody else in any form of sale at any licensed premises unless that person is dressed in washed and clean clothes.
 - (c) It shall be the duty of the licensee to refer all employees deployed at the licensed premises to a medical test at least once a year.
19. It shall be the duty of the licensee to supply safety kits such as face-masks, gloves and other necessary kits to the person employed in the licensed premises and ensure that they dressed with the safety kits when they are on duty at the licensed premises.
20. (a) all waste material generated at the licensed premises shall be separated into the following categories and it shall be the duty of the licensee to collect them in separate bags, bins or receptacles according to the category.
 - (i) biodegradable waste ;
 - (ii) glass ;
 - (iii) paper or paper based materials ;
 - (iv) polythene and plastics or material based on polythene and plastics ;
 - (v) iron and other kinds of metal or parts of iron and other kinds of metal ;
 - (vi) left-over from other raw materials made use of in the production process or by-products or other parts produced in the production line ;
 - (vii) dangerous waste
- (b) the waste collected in the manner set out in paragraph (a) above shall be disposed of as prescribed by the Chairman unless they disposed under the waste management programme launched by the Pradeshiya Sabha.

21. Any occasion when services are being delivered to customers at the licensed premises shall be the appropriate time to the Chairman or Authorized Officer to inspect the premises under the provisions of these By-laws.
22. In the event where the premises licensed under these By-laws fails to maintain it in accordance with any one of the provisions set out in By-law 11 or contravenes any provision of these By-laws the Chairman shall issue a notice to the licensee demanding him to comply with the conditions to restore the said premises to the prescribed position before a specified date.
23. Any licensee in receipt of a notice under By-law 22 shall act in the manner prescribed before the date specified therein and the Chairman shall have the power to extend the date specified if the licensee requires time to accomplish the notice citing the reason acceptable by the Chairman in writing. However, the period of such extension shall not be more than four days.
24. It shall be lawful to the Chairman to cancel the licence issued to that premises, if the licensee in receipt of a notice under By-law 23 fails to comply with and/or act in accordance with the matter set out in the notice before the date specified or the date extended.
25. Any person in the Pradeshiya Sabha area contravenes or violates any provisions provided under these By-laws shall be an offence punishable with fines as described hereunder after service of a written notice by the Pradeshiya Sabha and conviction thereof by a Magistrate's Court.

(a) penalty of a fine of Rupees Seven Hundred and Fifty for any one of such contravention or violation and

(b) an additional fine of Rupees Two Hundred and Fifty for each day during which such contravention or violation continues.

12. In these By-laws unless the context requires otherwise –

"**Area of the Pradeshiya Sabha**" means the area of authority of the **Mahaoya** Pradeshiya Sabha ;

"**Pradeshiya Sabha**" means the **Mahaoya** Pradeshiya Sabha.

"**Licensee**" means any person who has obtained a licence under the provisions of by-laws of any part and includes the guardian or manager of such licensed premises or any person administering such place for the time being ;

"**Licensed premises**" means any area for which a licence has been issued under provisions of the by-laws of any part ;

"**Authorized Officer**" means any officer of the Pradeshiya Sabha authorized by the Chairman in writing for a particular function ;

"**Secretary**" means the Secretary of the **Mahaoya** Pradeshiya Sabha or any other officer delegated to carry out the powers, functions and duties of the Secretary;

"**Chairman**" means the Chairman of the **Mahaoya** Pradeshiya Sabha ;

SCHEDULE I Offensive Trades

01. Curing or storing of plumbago
02. Manufacture or sale of manure or chemical fertilizer
03. Tanning of leather
04. Sale of leather

05. Animal husbandry (for meal, milk or eggs)
06. Manufacture of Maldives fish
07. Manufacture of rubber or storing of rubber sheets
08. Keeping a veterinary infirmary
09. Keeping a perishable food or foodstuffs for the purpose of Wholesale trade
10. Keeping of dry fish, salt fish or Jadi in quantity exceeding 150 kilo-grams
11. Making Jadi, with meat or fish, drying of meat or fish or icing of meat or fish
12. Manufacture of coconut shell charcoal or wood charcoal
13. Drying of tobacco
14. Manufacture of animal food
15. Manufacture of poonac
16. Fermenting of animal flesh or blood
17. Manufacture of soap
18. Grinding and keeping of animal bones
19. Manufacture of trunks
20. Keeping of old metal and new metal
21. Keeping of metal scraps
22. Manufacture of furniture
23. Manufacture of rattan articles
24. Carrying on a carpentry shop
25. Manufacture of syrup or fruit drinks
26. Manufacture of sweets
27. Soaking of coconut husks (or treating of coconut husks)
28. Manufacture of brushes (except tooth brushes)
29. Manufacture of tooth brushes
30. Collection of toddy
31. Manufacture of vinegar
32. Sawing of timber
33. Manufacture of paint, varnish or distemper
34. Manufacture of soda
35. Colour washing of fibre
36. Manufacture of leather goods
37. Canning of fruits, fish or other food stuffs
38. Grinding of coffee or grains
39. Manufacture of baking powder
40. Manufacture of gas mantles
41. Manufacture of wood paste (putty)
42. Manufacture of candles
43. Manufacture of camphor
44. Manufacture of writing ink, printing ink and stencil ink
45. Manufacture of blue powder for washing cloths
46. Manufacture of lacquer
47. Manufacture of cosmetics
48. Manufacture of school chalk
49. Manufacture of tyres and tubes
50. Retreating of tyres
51. Vulcanizing of tyre tube
52. Manufacture of cement
53. Manufacture of cement articles or asbestos cement articles
54. Manufacture of sand paper
55. Manufacture of plastic goods

56. Burning of bricks
57. Weaving of clothes by using machinery
58. Manufacture or refilling of oxygen
59. Manufacture of tiles
60. Cleaning of gunny bags in which manure, lime, flour or any other material and selling them
61. Manufacture of cement block bricks by using machinery

SCHEDULE II
Dangerous Trades

01. Metal quarrying
02. Manufacture of vegetable oil
03. Manufacture of coconut oil
04. Manufacture of boxes of matches and storing
05. Manufacture of methylated spirits
06. Manufacture of tea chests
07. Manufacture of coir or other kinds of fibre
08. Manufacture of articles with coir or other kinds of fibre
09. Keeping of straw
10. Storing of used clothes
11. Manufacture and repair of jewellery
12. Sawing of timber by using machinery
13. Mining of lime stones
14. Carrying on a mechanical workshop
15. Keeping of empty bottles and empty gunny bags
16. Repair of bicycles and motor bicycles
17. Keeping of used news-papers and papers
18. Spray painting
19. Storing of fireworks articles and crackers
20. Metal and iron industries (manufacture of machinery, implements and utensils)

SCHEDULE III
Offensive and Dangerous Trade

01. Curing or storing of plumbago
02. Tanning of cinnamon cardamom cloves and coir by using sulphur fume
03. Dry cleaning cloths and painting work on cloths
04. Printing designing and batik on cloths
05. Metal designing by using power
06. Manufacture of oil using animal fat
07. Burning of lime stone
08. Manufacture of fireworks articles and crackers
09. Preservation of shark oil
10. Manufacture of boats
11. Charging and repairs to batteries
12. Metal welding
13. Motor vehicle repairs
14. Motor vehicle service
15. Granting of metals using machineries

16. Maintaining of lathe workshop
17. Maintaining of tinkering workshop
18. Manufacture of body of motor vehicle
19. Manufacture of pesticides product and re-packing
20. Manufacture of Germicides
21. Manufacture of misquotes coil

01-902/3

EASTERN PROVINCE PROVINCIAL COUNCIL

By - Laws

MAHAOYA PRADESHIYA SABHA

I, Nazeer Ahamed Minister of the subject of Local Government of the Eastern Provincial Council, do hereby Order publish the approval granted by me under the power vested in me by Section 123 Sub section (1) of the Pradeshiya Sabha Act, No.15 of 1987, read with Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989, the By-laws to Regularize, Supervise and Control the Eating Houses, Restaurants and Tea or Coffee Shops made by the Mahaoya Pradeshiya Sabha under the power vested in it in Section 126 Item (IX) (h) of the Pradeshiya Sabha Act, No.15 of 1987.

NAZEER AHAMED,
Chief Minister of the Eastern Province and the Minister in
charge of the subject of Local Government.

Office of the Chief Minister of the Eastern Province,
Inner Harbour Road,
Trincomalee,
06th November, 2015.

BY-LAWS RELATING TO EATING HOUSES, RESTAURANTS AND TEA OR COFFEE SHOPS

1. These By-laws may be cited as the By-law to regularize, supervise and control the eating houses, restaurants and tea or coffee shops within the area of authority of the Mahaoya Pradeshiya Sabha (hereinafter referred to as the Pradeshiya Sabha)
2. No person shall maintain an eating house, restaurant or a tea or coffee shop in the Pradeshiya Sabha area unless possess a valid licence issued by the Chairman for the purpose of these By- laws.
3. Every licence issued under the provisions of these By-laws shall be valid up to 31st December of the year unless it is cancelled earlier under the provisions of these By-laws.
4. The provisions of By-law 2 shall not apply to any eating house, restaurant or a tea or coffee shop maintained in the Pradeshiya Sabha area prior to the date on which these By-laws came into operation and such eating house, restaurant or a tea or coffee shop shall obtain a valid license as described hereinafter and it shall be lawful to maintain such eating house, restaurant or a tea or coffee shop during such period in the Pradeshiya Sabha area subject to the provisions provided hereinafter.
5. Any person in the Pradeshiya Sabha shall make application to the Pradeshiya Sabha for a license for the purpose to maintain an eating house, restaurant or a tea or coffee shop by such application obtained from the Pradeshiya Sabha having paid such fee resolved by the Pradeshiya Sabha from time to time.
6. It shall be the duty to the Pradeshiya Sabha to issue a valid license to a person within 14 day from the date of receipt of such application unless there is a valid reason to the Pradeshiya Sabha.

7. Any notice issued to any person by the Pradeshiya Sabha or by the Chairman or by any Authorized Officer under these By-laws may be considered as properly delivered, if :-
- (a) it had been handed over to the post in a manner that could be proved that it had been delivered to be directed to the particular person who should receive the notice; *or*
 - (b) it had been handed over to him or to any person residing in his address for the time being; *or*
 - (c) it had been pasted in any place in his residence or in the place where he is engaged in his functions; and the handing over in any of these manners shall be lawful.
8. The Chairman may delegate any power or function or duty vested in him under these By-laws to any officer of the Pradeshiya Sabha in writing and it shall be lawful to such person to exercise and perform such power or functions or duty so delegated in writing and act of such person shall be construed to be exercised and performed by the Chairman within the meaning of these By-laws.
9. The Chairman or any Authorized Officer shall have the power to examine any premises licensed under any of the provision or provisions of these By-laws and it shall be the duty to the licensee to assist during the performance of such examination. Nevertheless, there shall not be any prevention or obstruction from the licensee in such examination.
10. Unless the following conditions described in this By-law is fulfilled by a person, the Chairman shall not issue a license to any eating house, restaurant or a tea or coffee shop: -
- (i) the premises shall be kept in proper condition by maintaining;
 - (ii) while the minimum height of the walls of all rooms shall not be less than 2.5 meters, both sides of the walls shall have been plastered with mortar and applied with paints, in the event of their being built with bricks, cement blocks or cabook blocks. Otherwise when the walls have been built in wood together with aluminium or any other metal the planks shall have been painted on their surface ;
 - (iii) every room of the premises shall be fixed with a ceiling, and shall be at a height of not less than 2.5 meters from the ground level.
 - (iv) every room shall have windows that could open outside. The area of the opened windows shall not be less than one fifteenth the area of the floor of the room. However, where any room is air conditioned, this provision shall not apply.
 - (v) the roof shall be made of some solid material.
 - (vi) the end of eaves shall be at least 2 meters above the floor level and the reservation for the eaves shall be at least 1.5 meters in width.
 - (vii) the floor of every room shall have been finished with cement or tiled.
 - (viii) dust bins shall be placed to collect waste generated in the premises the dust bins kept at the kitchen shall have lids to keep them closed so as to prevent entry of flies or other kinds of insects.
 - (ix) Necessary arrangements shall have made to meet the requirements as set out in By-law 17 and the waste generated in the premises be put in place accordingly.
 - (x) the legs of every table made available at the kitchen of the premises -
 - (a) shall have polished and applied with paints if they are made out of wood, and the top surface of the tables shall have been covered with polished non-opaque materials or stainless and joint less metal sheets.

- (b) shall have painted if they are made out of iron, steel or any other type of metal and the top surface of the tables shall have covered with polished, non-opaque materials or stainless and joint less metal sheets.
- (xi) the legs of every table made available for the use of customers of the premises
- (a) shall have polished and applied with paints if they are made out of wood, and the top surface of the tables shall have been covered with polished non-opaque materials or stainless and joint less metal sheets.
- (b) shall have painted if they are made out of iron, steel or any other type of metal and the top surface of the tables shall have been covered with polished, non-opaque materials or stainless and joint less metal sheets.
- (xii) A quality certificate shall have obtained at least once in every six month from the National Water Supply and Drainage Board certifying that the water used at the premises is suitable for human consumption and such certificate does not required if the water used at the premises is supplied by the National Water Supply and Drainage Board;
- (xiii) If the water used in the premises is kept stored, sufficient safety measures shall have arranged to prevent causing pollution ;
- (xiv) A separate section shall be arranged in the premises to wash utensils used by the customers.
- (xv) Separate lavatories and urinals shall have provided for employees and the customers on the basis of one each for every ten persons separately for males and females.
- (xvi) The walls of every lavatory and urinal shall have been built with bricks or cement blocks, cabook blocks or stainless metal sheets and plastered with cement and finished off with cement or tiled. Moreover, when there are other walls built with bricks or cement blocks or cabook blocks they shall be finished off with cement or tiled and when they are built in stainless metal sheets, the surfaces shall be painted.
- (xvii) Sufficient number of bath rooms shall have built for the use of the persons employed at the premises and the prescriptions relevant to lavatories mentioned above shall apply to the floors and walls of these bathrooms.
- (xviii) The wash basins made out of stainless metal sheets or ceramic clay or polished bricks or cement blocks and tiled shall be made available in the section assigned for the use of the customers;
- (xix) A suitable system of drains shall have made available to allow free flow of waste water disposed of from any section of the premises.
- (xx) In the event where the Pradeshiya Sabha maintains a drainage system, the waste water generated at the premises may be drained to the said drainage system in the manner as prescribed by the Pradeshiya Sabha. If not arrangement shall have made to divert such waste water into a suction pit.
- (xxi) General fire fighting instruments shall have provided at the premises and if electricity supplies have been obtained to the premises the electrically operated fire extinguishers shall have made available.
- (xxii) The section where tea, coffee or milk is prepared shall have made of stainless metal sheet or with tiles or with any other type of non-opaque materials.
11. There shall be applied with paints to all spaces where paining is required in these By-laws at least once a year.
12. The licensed premises shall be swept and the drains carrying waste water be cleaned and washed with water at least twice a day.

13. The lavatories and urinals at the licensed premises shall be cleaned at least twice a day and disinfected and maintained so as to prevent bad smell spreading.
14. Every receptacle, apparatuses and instrument used for the purpose to prepare food, exhibition for sale and use of customers in the licensed premises shall be washed by using clean water before the use and it shall be the duty of the licensee to ensure that they are being washed and cleaned after use.
15. All waste collected in the licensed premises shall be categorized as the manner prescribed in by-law 17 and place them categorically in bags or bins or receptacle made out of non-opaque material and arranged to remove them from the premises at least once a day or more depending on the requirements and the bags or bins or receptacles be kept closed other than the occasion where placing and disposal of such waste.
16. In any event the waste generated in the licensed premises shall not be placed or dumped in disorderly manner.
17. (a) all waste generated at the licensed premises shall be separated into the categories as described below and it shall be the duty of the licensee to keep them in separate bags, bins or receptacles according to such categorisation unless recyclable;
 - (i) biodegradable waste ;
 - (ii) glass ;
 - (iii) paper or paper based materials ;
 - (iv) polythene and plastics or material based on polythene and plastics ;
 - (v) iron and other kinds of metal or parts of iron and other kinds of metal ;
 - (vi) left-over from other raw materials made use of in the production process or by-products or other parts produced in the production line ;
 - (vii) dangerous waste
- (b) the waste collected in the manner set out in paragraph (a) above shall be disposed of as prescribed by the Chairman unless they disposed under the waste management programme launched by the Pradeshiya Sabha.
18. The licensed premises shall be maintained free of rats, flies or any other kind of insects and it shall be the duty of the licensee to ensure that the materials used for the purpose of preparation of food or beverages are kept in a manner that those rats, flies or any other kind of insects have no access.
19. No food items in the licensed premises shall be served to customers with naked hands and be served either by spoon, fork or any other suitable instruments.
20. There shall not be kept or sold any kind of adulterated milk in any licensed premises. For the purpose of these By-laws adulterated milk means and includes the milk mixed with water or any other kind of foreign items or matters or cow milk with less than 85 percent solid milk which is not fat or with less than 35 percent milk fat or buffalo milk with less than 9 percent solid milk which is not fat or with less than 7 percent milk fat.
21. (a) no person suffering from infection or of incubation of an infectious, contagious or skin disease or had contacted such a disease in the recent past or had been recently nursing anybody who is suffering from such a disease shall engage himself or employ any person or let any person to engage in any licensed premises or as an assistant of any person engaged at any licensed premises unless the period of such disease has been elapsed.
- (b) no person shall engage himself or employed any person in any form of sale at any licensed premises unless that person is dressed in washed and clean clothes.

- (c) It shall be the duty of the licensee to refer all employees deployed at the licensed premises to a medical test at least once a year.
22. It shall be the duty of the licensee to supply necessary apron and to ensure that the servants wear apron when are on duty.
23. All employees of the licensed premises shall be supplied with pure water, clean towels, brushes to clean nails and soap or fluid soap.
24. No person shall smoke, chew betel or chew any other unhygienic material inside the bakery.
25. The time and duration in which the business or any activity relating to the business is carried out in the premises shall be the time appropriate for inspection of the premises within the meaning of these by-laws by the Chairman or an authorised officer.
26. It shall be lawful to the Chairman or an Authorized Officer to buy a sample of any kind of product or any product displayed for sale at the premises by paying such money and no licensee shall desist or prevent such purchase.
27. The Chairman shall notice to the licensee demanding him to restore certain conditions or standard in the said premises within the prescribed date specified in the notice, if the premises where bakery products are produced within the meaning of these By-laws and fails or contravenes to maintain the standard set out in By-law 10.
28. Any licensee who is of the receipt of a notice under By-law 27 shall comply with the notice before the date specified therein and the Chairman shall have the power to extend the specified date, when the person who is in the receipt of notice require time citing the reason acceptable. However, such extension shall not be exceeding fourteen days.
29. It shall be lawful to the Chairman to cancel the licence issued to the premises, if the licensee who is in receipt of the notice has failed to comply with and/or act in accordance with the matter set out in the notice under By-law 28 before the date specified or extend therein.
30. Any person in the Pradeshiya Sabha area contravenes or violates any provisions provided under these By-laws shall be an offence punishable with fines as described hereunder after service of a written notice by the Pradeshiya Sabha and conviction thereof by a Magistrate's Court.
- (a) penalty of a fine of Rupees Seven Hundred and Fifty for any one of such contravention or violation and
- (b) an additional fine of Rupees Two Hundred and Fifty for reach day during which such contravention or violation continues.
31. 24. In this part, unless the context otherwise requires –

"Area of the Pradeshiya Sabha" means the area of authority of the Mahaoya Pradeshiya Sabha ;

"Pradeshiya Sabha" means the Mahaoya Pradeshiya Sabha.

"Licensee" means any person who has obtained a licence under the provisions of by-laws of any part and includes the guardian or manager of such licensed premises or any person administering such place for the time being ;

"Licensed premises" means any area for which a licence has been issued under provisions of the by-laws of any part ;

"Authorized Officer" means any officer of the Pradeshiya Sabha authorized by the Chairman in writing for a particular function ;

"**Secretary**" means the Secretary of the Mahaoya Pradeshiya Sabha or any other officer delegated to carry out the powers, functions and duties of the Secretary;

"**Chairman**" means the Chairman of the Mahaoya Pradeshiya Sabha ;

"**Restaurant or eating house**" means a place where cooked rice and curries are prepared or stored or exhibited for sale and it shall also include a place where any type of prepared food or short eat is prepared or stored or exhibited for sale ;

" **Tea or coffee shop**" means any place which is maintained for sale of tea or coffee with bakery products or short eats.

01-902/4

EASTERN PROVINCE PROVINCIAL COUNCIL

By - Laws

MAHAOYA PRADESHIYA SABHA

I, Nazeer Ahamed Minister of the subject of Local Government of the Eastern Provincial Council, do hereby Order publish the approval granted by me under the power vested in me by Section 123 Sub section (1) of the Pradeshiya Sabha Act, No.15 of 1987, read with Section 2 of the Provincial Councils (Consequential Provisions) Act, No. 12 of 1989, the By-laws to Regularize, Supervise and Control the **Hair Dressing Saloons, Barber shops and Beauty Centers** made by the Mahaoya Pradeshiya Sabha under the power vested in it in Section 126 Item (XXIII) of the Pradeshiya Sabha Act, No.15 of 1987.

NAZEER AHAMED,
Chief Minister of the Eastern Province and the Minister in
charge of the subject of Local Government.

Office of the Chief Minister of the Eastern Province,
Inner Harbour Road,
Trincomalee.
06th November, 2015.

BY-LAWS RELATING TO HAIR DRESSING SALOONS, BARBER SHOPS AND BEAUTY CENTERS

1. This By-laws may be cited as the By-laws to regularize, supervise and control Hair Dressing Saloons, Barber Shops and Beauty Centres within the area of authority of the Mahaoya Pradeshiya Sabha (hereinafter referred to as the Pradeshiya Sabha)
2. No person shall maintain a Hair Dressing Saloons, Barber Shops and Beauty Centres in the Pradeshiya Sabha area unless possess a valid licence issued by the Chairman for the purpose of these By- laws.
3. Every licence issued under the provisions of these By-laws shall be valid up to 31st December of the year unless it is cancelled earlier under the provisions of these By-laws.
4. The provisions of By-law 2 shall not apply to any Hair Dressing Saloons, Barber Shops and Beauty Centres maintained in the Pradeshiya Sabha area prior to the date on which these By-laws came into operation and such Hair Dressing Saloons, Barber Shops and Beauty Centres shall obtain a valid license as described hereinafter and it shall be lawful to maintain such Hair Dressing Saloons, Barber Shops and Beauty Centres during such period in the Pradeshiya Sabha area subject to provision provided hereinafter.

5. Any person in the Pradeshiya Sabha shall make application to the Pradeshiya Sabha for a license for the purpose to maintain Hair Dressing Saloons, Barber Shops and Beauty Centres by such application obtained from the Pradeshiya Sabha having paid such fee resolved by the Pradeshiya Sabha from time to time.
6. It shall be the duty to the Pradeshiya Sabha to issue a valid license to a person within 14 days from the date of receipt of such application unless there is a valid reason to the Pradeshiya Sabha.
7. Any notice issued to any person by the Pradeshiya Sabha or by the Chairman or by any Authorized Officer under these By-laws may be considered as properly delivered, if .—
 - (a) it had been handed over to the post in a manner that could be proved that it had been delivered to be directed to the particular person who should receive the notice; *or*
 - (b) it had been handed over to him or to anybody residing in his address for the time being; *or*
 - (c) it had been pasted in any place in his residence or in the place where he is engaged in his functions, and the handing over in any of these manners shall be lawful.
8. The Chairman may delegate any power or function or duty vested in him under these By-laws to any officer of the Pradeshiya Sabha in writing and it shall be lawful to such person to exercise and perform such power or functions or duty so delegated in writing and act of such person shall be construed to be exercised and performed by the Chairman within the meaning of these By-laws.
9. The Chairman or any Authorized Officer shall have the power to examine any premises licensed under any of the provision or provisions of these By-laws and it shall be the duty to the licensee to assist during the performance of such examination. Nevertheless, there shall no prevention or obstruction from the licensee in such examination.
10. (a) Unless the following conditions in the paragraphs (b) and (c) of the By-laws are fulfilled, the Chairman shall not issue a licence to maintain a Hair Dressing Saloon, Barber Shop or Beauty Centre.
 - (b) The building or the part of the building expected to maintain the Hair Dressing Saloon, Barber Shop or a Beauty Centre shall.—
 - (i) have strongly built and at least an area of 1.5 square meters for a single customer been provided therein in the proportion of the number of customers expected to be served simultaneously;
 - (ii) be provide sufficient sitting space at least 1.5 meters, away from the place where the place the customer is serviced, to customers arriving at the premises expecting the service;
 - (iii) have the inner walls been built using strong materials and have been painted as well ;
 - (iv) have the roof been built using timber or other strong material and it shall also contain a ceiling at least 2.25 meters above the ground level. Moreover the ceiling shall have been painted white ;
 - (v) have the floor of the building shall have been finished off with cement or tiled and the place where the wall and the floor meets shall be built circular to facilitate cleaning ;
 - (vi) have windows not below one fifteenth of the floor area of the premises with sufficient light been allowed into the building when the building is not supplied with air-conditioning ;
 - (vii) have been supplied with sufficient electric light when the building is air-conditioned ;
 - (viii) have wash basins fixed and sufficient pipes fixed to drain waste water if water is used in providing services to customers ;
 - (ix) have drains to drain waste water to a suction pit in order to prevent such water flowing into a public waterway;
 - (x) provide water sealed lavatory facilities in the buildings or in the premises ;
 - (xi) not be used as a residence and it shall be separate from the buildings used as a residence.

(c) The hair dressing centers, barber saloons or beauty centres shall be supplied with :-

- (i) sufficient water supply during the period where it is kept opened for the customers' service ;
 - (ii) facilities to boil water or a sterilization mechanism and a sufficient number of utensils used in sterilization in order to sterilize instruments and utensils used ;
 - (iii) wash basins with facilities to wash hands and soap or liquid soap for the use of employees providing services;
 - (iv) a sufficient number of towels and aprons in light colours but not in dark colours for the use of the customers
 - (v) a movable receptacle with a tight lid to collect cut hair and other waste ;
 - (vi) at least one each of safety plugs fixed to each table in the event of electrically controlled instruments are used ;
 - (vii) a first aid box containing sufficient amount of first aid instruments and drugs as prescribed by the Regional Director of Health Services.
11. The persons employed in each centre under licensed by these by-laws shall have been provided with first aid training and first aid rehearsal at least once a year in the manner recommended by the Regional Director of Health Services.
 12. All spaces or places of licensed premises where it is required to be applied with paints in these by Laws shall have painted at least once a year.
 13. the floor of the licensed premises licensed under these by-laws shall have been washed by licensee with disinfectants at least once in three months.
 14. The licensed premises licensed under these by Laws shall not be used by anybody as a place for sleeping or eating meals during the night or day time.
 15. The licensed premises licensed under these by Laws shall not be used by anybody as a place to cook meals or sell food or display food items for the purpose to sell.
 16. (a) No person suffering from infection or of incubation of an infectious, contagious or skin disease or had contacted such a disease in the recent past or had been recently nursing anybody who is suffering from such a disease shall engage himself or employ anybody or let anybody else engage in any licensed premises or as an assistant of any person engaged at any licensed premises unless the period of such decease has been elapsed.
 - (b) No person shall engage himself or employed anybody else in any form of sale at any licensed premises unless that person is dressed in washed and clean clothes.
 - (c) It shall be the duty of the licensee to refer all employees deployed at the licensed premises to a medical test at least once a year.
 17. After extending services to any customer suffering from any kind of infectious or contagious or skin disease or who have recently attended on a person suffering from such a disease –
 - (a) action shall be taken not to serve or to allow anybody else to serve any other customer unless such person who extended service cleans his hands using any kind of disinfectant ;
 - (b) action shall be taken not to use or to allow anybody else to use any kind of instrument used in respect of that customer unless it has been sterilized and unless the towels and aprons used have been washed using disinfectants and soap.
 18. It is the duty of the licensee to ensure that all employees of the licensed centre –
 - (a) engage in their service daily only after a bath or body wash ;

- (b) maintain their clothes in a clean and healthy condition ;
 - (c) keep their nails cut and without any dirt, and
 - (d) wash their hands with soap before serving each customer.
19. The licensee shall ensure that the,
- (a) instruments used in the licensed centre are sterilized after each use ;
 - (b) brushes and combs are sterilized after washing well before use on each day ;
 - (c) receptacles, cups and soap brushes are washed in hot water after each use.
20. The licensee shall ensure —
- (a) that cut hair and other waste material removed after cutting hair and beard of each customer obtaining service at the licensed centre are put into a receptacle having being collected by sweeping or through electrically operated mechanism ; and
 - (b) that the blade of the barber's knife containing changeable blades is changed, after each haircut.
21. It is the duty of the licensee to see that waste material in the receptacle containing pieces of cut hair are dumped in a pit at least one meter below the ground level at the end of daily activities or if necessary a number of times each day. Moreover, it is also the duty of the licensee to ensure that precautionary action is taken to prevent dispersal or scattering of cut hair disposed of.
22. In the event of the inability to dispose of the pieces of hair and other waste in the manner set out in By-law No. 15 action shall be taken to hand over such waste to an Pradeshiya Sabha scavenging vehicle in the manner prescribed under the waste management programme of the Pradeshiya Sabha.
23. It shall be the duty of the licensee to ensure cleaning and disinfecting of the receptacle used to collect waste material produced at the licensed centre.
24. The use of,
- (a) any type of blood clotting pencil or any other substance, or
 - (b) alum or any other substance in any other form rather than as a powder or a liquid, in respect of any customer shall not be made or allowed.
25. The licensee in any licensed centre shall not use an apron which is not washed or any towel that is not one used for the first time after being washed, in respect of any customer.
26. Unless written permission of the Chairman has been obtained no other activity shall be pursued in a licensed premises other than those prescribed in the licence issued under the provisions of the By-laws in this part.
27. The appropriate time for inspection of the provisions of the By-laws in this part by the Chairman or by an Authorized Officer shall mean any occasion when service is being provided to the customers at the premises.
28. In the event of the premises issued with a license under the By-laws of this part fails to maintain it in accordance with any one of the provisions set out in By-law 10 or contravenes the provisions of any By-law of the By-laws set out in this part the Chairman shall take action to issue a notice to the said licensee demanding him to accomplish necessary conditions to restore the said premises to the prescribed position before a specified date.

29. Any licensee in receipt of a notice mentioned in By-law 28 shall act in the manner prescribed in the notice before the date specified in the notice. At any time when acceptable reasons have been forwarded in writing the Chairman shall have the power to extend the date specified in the said notice. However, the period of such extension shall not be more than four days.
30. When any licensee in receipt of a notice mentioned in By-law 29 fails to act in accordance with the manner set out in the notice before the date specified in the notice or the date extended it shall be lawful for the Chairman to cancel the licence issued to that premises.
31. Any person in the Pradeshiya Sabha area contravenes or violates any provision provided under these By-laws shall be an offence punishable with fines as described hereunder after service of a written notice by the Pradeshiya Sabha and conviction thereof by a Magistrate's Court :-
- (a) Penalty of a fine of Rupees Seven Hundred and Fifty for any one of such contravention or violation, and
- (b) An additional fine of Rupees Two Hundred and Fifty for reach day during which such contravention or violation continues.
32. In this part, unless the context otherwise requires –
- “Area of the Pradeshiya Sabha”** means the area of authority of the Mahaoya Pradeshiya Sabha ;
- “Pradeshiya Sabha”** means the Mahaoya Pradeshiya Sabha;
- “Licensee”** means any person who has obtained a licence under the provisions of by-laws of any part and includes the guardian or manager of such licensed premises or any person administering such place for the time being ;
- “Licensed premises”** means any area for which a licence has been issued under provisions of the by-laws of any part ;
- “Authorized Officer”** means any officer of the Pradeshiya Sabha authorized by the Chairman in writing for a particular function ;
- “Chairman”** means the Chairman of the Mahaoya Pradeshiya Sabha ;
- “Secretary”** means the Secretary of the Mahaoya Pradeshiya Sabha or any other officer delegated to carry out the powers, functions and duties of the Secretary;
- “apron”** means any cloth used for covering the upper part of the body of a customer obtaining service from the licensed centre.