

## No. 26 of 1890.

### An Ordinance to amend "The Municipal Councils' Ordinance, 1887."

(See No. 7 of 1887.)

Preamble.

**W**HEREAS it is expedient to amend "The Municipal Councils' Ordinance, 1887," hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Section 3 amended.

**1** For the definition of "market" in section 3 of the principal Ordinance the following shall be substituted, namely:

Public market.

"Public market" means any place which has heretofore been a public market under Ordinance 17 of 1865, or which may hereafter be declared to be a public market by the chairman with the concurrence of the standing committee.

Private market.

"Private market" means any place (not being a public market) ordinarily used for the sale of animals, or of meat, fish, fruit, vegetables, or other perishable articles of food for human consumption.

Amendment of section 11.

**2** In section 11 of the principal Ordinance, for sub-section (c) the following shall be substituted, namely: "(c) Reside within the municipality;" and there shall be inserted between sub-section (d) and sub-section (e) the words "He must also."

Resignation of nominated members.

**3** In section 36 of the principal Ordinance the words "or a nominated" shall be inserted after the word "elected."

*Municipal Councils.*

**4** After section 40 of the principal Ordinance the following section shall be added and numbered 40 (a), namely :

Period of office of nominated councillors.

The councillors nominated by the Governor under section 10 or section 24 shall cease to hold office on the thirty-first day of December of the year in which a general election of councillors is held as provided in sections 39 and 40, provided that they or any of them may be re-nominated by the Governor.

**5** To section 46 of the principal Ordinance the following sub-section shall be added :

Section 46 amended.

(f) Contributing, with the previous sanction in writing of the Governor in Executive Council, towards the cost incurred on the occasion of any public ceremony or for purposes of public recreation or entertainment in the municipality.

**6** After section 55 of the principal Ordinance the following section shall be added and numbered 55 (a), namely :

Governor may appoint additional municipal magistrate.

It shall be lawful for the Governor, as occasion may require, to appoint the police magistrate, or any additional police magistrate having jurisdiction in any municipal town, wherein the chairman receives a salary out of the municipal fund under section 48, to be an additional municipal magistrate for such town, and all and every the powers and jurisdiction vested in a municipal magistrate under section 55 shall be exercised by the additional municipal magistrate so appointed as aforesaid.

**7** In the principal Ordinance as amended by this Ordinance, wherever the term "municipal magistrate" is used, it shall be taken to include the additional municipal magistrate appointed by the Governor under section 6.

Term "municipal magistrate" to include additional municipal magistrate.

**8** In section 130 of the principal Ordinance the following words shall be added at the end of the second proviso, namely :

Section 130 amended.

or in his absence by the municipal magistrate.

**9** To section 141 of the principal Ordinance the following proviso shall be added :

Section 141 amended,

Provided that no objection shall be entertained by any court of requests or district court unless the same is made within three months from the date of service of the notice of assessment prescribed by section 133, and after the lapse of two months from the date on which the objector furnishes a statement in writing of the specific grounds on which his objection is founded to the chairman and to the person, if any, whose property has not been assessed.

Objection when to be taken to assessment.

**10** In section 148 of the principal Ordinance, for the word "sixty" shall be substituted the word "thirty."

Section 148 amended by substituting "thirty" for "sixty."

*Municipal Councils.*

Section 149 amended with reference to schedule E.

11 In section 149 of the principal Ordinance the words "with such variations as the circumstances require" shall be inserted immediately after the words "in the form contained in the schedule E hereunto annexed."

Contracts for tramways.

12 After section 160 of the principal Ordinance, the following section shall be added and numbered 160 (a), namely :

The municipal council, with the sanction of the Governor in Executive Council, may, subject to the provisions of the Ordinance No. 5 of 1873, enter into an agreement or contract with any person or persons, corporation or company, for the purpose of granting to such person or persons, corporation or company, the right to construct, maintain, and use a tramway or tramways within the municipality, upon the terms, for the consideration, and subject to the conditions and in the manner mentioned in such agreement, so far as the same shall not be inconsistent with the provisions of the said Ordinance No. 5 of 1873.

Section 164 amended.

13 In section 164 of the principal Ordinance the words "or lease" shall be inserted after the word "sell," and the words "or the rent under such lease" shall be inserted after the word "sale."

Section 212 amended.

14 For section 212 of the principal Ordinance the following shall be substituted, namely :

Any person bathing or washing animals or clothes in any public place not set apart for that purpose liable to a fine not exceeding fifty rupees.

(1) The municipal council may set apart suitable public places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable public places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants of the municipality.

(2) The chairman may by public notice prohibit bathing or washing animals or clothes in any public place not so set apart, or at times or by persons other than those specified, and all other acts which may render water in public places foul or unfit for use, or may cause inconvenience or annoyance to persons using the bathing or washing places. Such notice shall be published in the English, Sinhalese, and Tamil languages in the *Government Gazette* and in two at least of the local newspapers.

(3) Any person who bathes, washes, or does any act contrary to such prohibition as aforesaid, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

Section 233 amended.

15 In section 233 of the principal Ordinance the word "chairman" shall be substituted for the words "municipal council."

Sections 234 and 235 repealed.

16 Sections 234 and 235 shall be and the same are hereby repealed.

Section 236 amended.

17 In section 236 the following words shall be inserted at the end of the proviso: "anything in section 233 to the contrary notwithstanding."

**18** In section 238 the words "without a license or" shall be omitted.

Section 238 amended.

**19** In section 239 the words "any unlicensed private market" shall be substituted for the word "such."

Section 239 amended.

**20** In sections 237, 240, 242, and 243, the term "market" shall be taken to mean a private market.

Interpretation of "market" in sections 237, 240, 242, and 243.

**21** In section 266 of the principal Ordinance, for the words "one-twentieth" shall be substituted the words "one-fiftieth."

Section 266 amended by "one-fiftieth" being substituted for "one-twentieth."

**22** In schedule E to the principal Ordinance the words "eight clear days" shall be substituted for "five clear days."

Schedule E amended.

**23** The principal Ordinance shall, as from the commencement of this Ordinance, take effect subject to the additions, omissions, and substitutions required by this Ordinance, but nothing in this Ordinance shall affect the validity of any act done, right acquired, or liability incurred under the principal Ordinance before the commencement of this Ordinance.

Construction of principal Ordinance.

**24** This Ordinance may be cited as "The Municipal Councils' Amendment Ordinance, 1890," and this Ordinance and the principal Ordinance may be cited collectively as "The Municipal Councils' Ordinances, 1887 and 1890."

Short title.

16th December, 1890.

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