

*Local Sanitary Rates.***No. 18 of 1892.****An Ordinance to make provision for the imposition of a Sanitary Rate in certain Localities.**

Preamble.

WHEREAS it is expedient to make provision for the levying of a sanitary rate in certain localities: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and commencement of Ordinance.

1 This Ordinance may be cited for all purposes as "The Small Towns Sanitary Ordinance, 1892," and shall come into operation on such day as the Governor may, by Proclamation in the *Government Gazette*, appoint.*

Governor may bring any town or village by Proclamation under the operation of this Ordinance.

2 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose published in the *Government Gazette*, to bring any town or village mentioned in the schedule hereto under the operation of this Ordinance, and to define the limits of such town or village for the purposes of this Ordinance, and such Proclamation to amend, alter, or revoke as and whenever the Governor shall, with the like advice, determine.

Legislative Council may by resolution bring any town or village under the operation of this Ordinance.

3 It shall be lawful for the Legislative Council of the island of Ceylon, by means of a resolution duly passed at any public session of the said Council, to bring any other town or village under the operation of this Ordinance, and to define the limits of such town or village for the purposes of this Ordinance.

Governor, with advice of Executive Council, may by resolution exclude any town or village from operation of this Ordinance.

4 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose published in the *Government Gazette*, to exclude, from and after a date to be named in such Proclamation, any town or village whether mentioned in the schedule hereunto annexed or added thereto by any resolution of the Legislative Council, from the operation of this Ordinance.

Moneys levied under this Ordinance to form a fund to be vested in the provincial board of health.

5 All moneys levied in any town or village for the purposes and under the authority of this Ordinance shall form a fund, which shall be and the same is hereby vested in the board of health as formed and constituted under the provisions of section 2 of the Ordinance No. 8 of 1866 for the province wherein such town or village is situated, and such board shall apply the same to the sanitation and conservancy of such town or village and to the maintenance of the public health therein, and the payment of all expenses incurred in levying such fund and in and about the carrying out of the provisions of this Ordinance.

* Proclaimed the 1st day of March, 1893.

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6 In the month of January in every year a true account of all moneys received and paid by virtue of this Ordinance during the preceding year ending the thirty-first day of December, and a statement of the sums levied and expended under this Ordinance, shall be made in writing by such board of health, and a copy or duplicate of such account and statement shall be forwarded to the Colonial Secretary to be laid before the Governor in Executive Council; and an abstract thereof shall be published in the *Government Gazette* for general information before the first of March following.

Annual accounts to be prepared and submitted to Government and an abstract published in the *Government Gazette*.

7 It shall be lawful for the board of health of any province, and it is hereby authorized, subject to the provisions hereinafter contained, once a year, if it shall think necessary, to make and assess, with the sanction of the Governor and Executive Council, any rate or rates on the annual value of all houses and buildings of every description, and all lands and tenements whatsoever within any town or village brought under the operation of this Ordinance, and situated within the province for which such board of health is constituted. Such rate or rates to endure for any period not exceeding twelve months.

Government agent may assess rates on property.

Provided that such rate shall not exceed the sum of four per centum per annum on such annual value. Provided also that all buildings appropriated to religious or educational purposes or in charge of military sentries shall be exempted from the payment of such rates. Provided also that it shall be lawful for such board of health to exempt from payment, on the ground of poverty, the owner of any house, land, or building rateable under this Ordinance.

Such rate not to exceed four per cent. per annum.

8 (1) In any town or village in which a police force shall be established, the valuation of lands, houses, and tenements which shall have been made, and shall hereafter from time to time be made for the purposes of police assessment tax under the Ordinances No. 16 of 1865 and No. 7 of 1866, shall be taken as the valuation for the purposes of assessment under this Ordinance.

Value of police assessment to be adopted in any town in which a police force is established.

(2) In any town or village in which a police force is not established, the valuation of houses, buildings, lands, and tenements in which such assessment rate shall be levied shall be made in manner provided in the Ordinances No. 16 of 1865 and No. 7 of 1866, for the purpose of creating a fund for the maintenance of a police force in any town.

Valuation of property to be made in manner provided in Ordinances No. 16 of 1865 and No. 7 of 1866, in any town in which no police force is established.

9 The assessment rate imposed under this Ordinance shall be paid and recovered in the same manner and at such times as the police tax is directed to be paid and recovered under the Ordinances No. 16 of 1865, No. 7 of 1866, and No. 6 of 1873, and shall be subject in all respects to the provisions of the said last mentioned Ordinances relating to the payment and recovery of such police tax. The government agent shall collect and recover the assessment rate payable under this Ordinance, and shall pay such rate over to the board of health of the province.

Assessment rate under this Ordinance to be paid and recovered in the same manner as police assessment tax.

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Government agent to be *ex-officio* chairman and treasurer.

When *ex-officio* chairman absent, members to appoint their own chairman.

Powers of board to be vested in the majority.

Quorum.

Chairman to have a casting vote.

Power of the board as to existing huts.

10 For the purposes of this Ordinance the government agent of the province shall be *ex-officio* chairman and treasurer of the board of health of his province, and shall, when present, preside at any meeting thereof. If the *ex-officio* chairman is absent at any meeting, the members present shall appoint their own chairman to preside at such meeting.

11 All acts whatsoever authorized or required by virtue of this Ordinance to be done by any board of health of the province may and shall be decided upon and done by the majority of members present at any duly convened meeting thereof, such members being not less than three in number when such board consists of more than four members, and not less than two in number when such board consists of less than four members: Provided that when the votes of the members present in regard to any question shall be equally divided, the chairman shall, besides his vote as a member, have a casting vote.

12 Whenever the board of health of the province is satisfied that any huts, sheds, or buildings, whether used as dwellings, or stables, or for any other purposes, and whether existing at the time when this Ordinance comes into operation or subsequently erected, are by reason of the manner in which they are crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of such huts, sheds, or buildings requiring the owners or occupiers thereof, or at its option, the owner of the land on which such huts, sheds, or buildings are constructed, within such reasonable time as may be fixed by the board for that purpose, to execute such operations as the board may deem necessary for the avoidance of such risk. And in case such owners or occupiers shall refuse or neglect to execute such operations within the time appointed, any person appointed by the board in that behalf may cause the said huts, sheds, or buildings to be taken down, or such operations to be performed in respect thereof as the board may deem necessary to prevent such risk. If such huts, sheds, or buildings be pulled down, the said person shall cause the materials of each hut, shed, or building to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut, shed, or building, or if the owner be unknown, or the title disputed, shall be held in deposit by the board until the person interested therein shall obtain the order of a competent court for the payment of the same.

Proviso.

Provided always that in case any huts, sheds, or buildings existing at the time when this Ordinance comes into operation should be pulled down under this section by order of the board, or in pursuance of its notice, compensation shall further be made to the owner thereof.

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13 If in any street any house, building, or wall or anything affixed thereon, be deemed by the board of health of the province to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building or to the neighbouring houses or buildings, or to the occupiers thereof, or to passengers, it shall immediately, if it appears to be necessary, cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice and complete such work with due diligence, the board shall cause all or so much of such house, building, wall, or thing as it shall think necessary to be taken down, repaired, or otherwise secured; and all the expenses incurred by the board shall be paid by the owner or occupier of the premises, and shall be recoverable from such owner or occupier.

Houses in a ruinous and dangerous state.

14 If any such house, building, or wall, or any part of the same be pulled down by virtue of the powers aforesaid, the board of health of the province may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore any overplus arising from such sale to the owner of such house, building, or wall.

Sale of materials of ruinous houses.

Provided always that in case no demand for such overplus as aforesaid shall within twelve months be made by any person entitled to call for the same, the board shall be at liberty to pay the amount of such overplus to the credit of the fund created by section 5 of the Ordinance, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus. The board, although it sells such materials for the purposes aforesaid, shall have a right to recover so much of the said expenses as may remain due after the application of the proceeds of such sale.

Proviso.

15 Whenever it shall appear to the board of health of the province that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof or of the neighbourhood, and the inhabitants shall consist of more than one family, the board shall cause proceedings to be taken before the police court to abate such overcrowding, and the said court shall thereupon make such order as it may think fit, and each of the persons permitting such overcrowding shall be liable to a penalty not exceeding ten rupees for each day after the date of such order during which such overcrowding shall continue.

Overcrowding of houses.

16 It shall be lawful for the board of health of the province at any time between sunrise and sunset by any person appointed by the same (on giving six hours' notice) to enter into and inspect all houses and buildings, and by an

Power of board to inspect and limewash houses.

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order in writing to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleaned for sanitary reasons ; and if the owner or occupier of such house or building neglect to comply with such direction within two days from the time when the order shall have been served upon him, the board may cause the same to be done, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable from the owner or occupier.

Penalty for making unauthorized drains into public sewers.

17 Whoever, without the written consent of the board of health of the province thus obtained, makes or causes to be made any drain into any of the public sewers or drains shall be liable to a penalty not exceeding fifty rupees, and the board may cause such drain to be demolished, altered, re-made, or otherwise dealt with as it may think fit ; and all the expense incurred thereby shall be paid by the person making such drain, and shall be recoverable from such person.

Building over sewers, &c., not to be erected without consent of board.

18 No building shall be newly erected over any public sewer, drain, culvert, gutter, or water-course without the written consent of the board of health of the province : and if any building be so erected, the board may cause the same to be pulled down or otherwise dealt with as it may think fit ; and the expenses thereby incurred shall be paid by the person offending, and be recoverable from such person.

Board may order or cause additional latrines to be constructed.

19 In case the board of health of the province shall be of opinion that any latrine or latrines or additional latrine or latrines shall be necessary to be attached to or provided for any house, or building, or land, the owner of such house, or building, or land shall, within fourteen days after notice in this behalf by the board, cause such latrine or latrines to be constructed in accordance with the requisition of such notice ; and in case the requisitions of such notice shall not have been complied with to the satisfaction of the board by such owner within the period aforesaid, the board shall be at liberty to cause such latrine or latrines to be constructed : and the expense incurred in such construction shall be payable by such owner, and shall be recoverable from such owner.

Board may cause persons employing large numbers of men to provide and maintain latrine or latrines, &c.

20 It shall be lawful for the board of health of the province to compel any person employing large bodies of workmen or labourers to provide and maintain such latrine or latrines as may to it seem fit, and to cause the same to be kept in proper order and to be daily cleaned. And should such person neglect to provide and maintain such latrine or latrines, or to keep the same clean and in proper order, the board may construct and cause such latrine or latrines to be kept in good order and cleaned ; and the expense incurred by the board in respect thereof shall be paid by the person aforesaid, and shall be recoverable from such person.

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21 The owner or occupier of any house, or building, or land having a latrine on his premises, shall have such latrine shut out by a sufficient roof and wall, or fence, from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful for any owner or occupier to keep any latrine open with a door or trap-door opening on to any street. Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine of five rupees a day for each day of default or breach: Provided that the board may in its discretion permit the continuance for such time as it may think fit of any such latrine open with a door or trap-door opening on to any street, where such latrine already exists and does not create a nuisance.

Neglect to enclose private latrine.

22 All drains, latrines, and cesspools within the town or village shall be under the survey and the control of the board of health of the province, and shall be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, latrine, or cesspool belongs neglects, during eight days after notice in writing for that purpose, to alter, repair, and put the same in good order in the manner required by the board, the board may cause such drain, or latrine, or cesspool to be altered, repaired, and put in good order in the manner required; and the expense incurred by the board in respect thereof shall be paid by the owner, and shall be recoverable from him.

If owners neglect to keep drains, &c., in good order, board may cause the same to be done and charge the owner with the expenses.

23 If any such drain, or latrine, or cesspool be constructed after this Ordinance comes into operation, contrary to the direction and regulations of the board of health of the province, or contrary to the provisions of this Ordinance, or if any person, without the consent of the board, constructs any new drain, or latrine, or cesspool, or constructs, rebuilds, or unstops any drain, or latrine, or cesspool, which has been ordered by the board to be demolished or stopped up, or not to be made, every person so doing shall be liable to a fine not exceeding fifty rupees; and the board may cause such amendment or alteration to be made in any such drain, or latrine, or cesspool as it may think fit, and the expenses thereof shall be paid by the person by whom such drain, or latrine, or cesspool was improperly constructed, rebuilt, or unstopped, and shall be recoverable from him.

Penalty for making or altering drains, &c., contrary to the orders of the board.

24 The board of health of the province or any person appointed by it for that purpose may, subject to the restrictions of this Ordinance, inspect any such drain, or latrine, or cesspool, and for that purpose at any time may enter upon any lands and buildings with such assistants and workmen as are necessary, and cause the ground to be opened, where such board or person may think fit, doing as little damage as may be; and if upon such inspection it appears that the drain, or latrine, or cesspool is not in good order and condition, or that it has been constructed after this Ordinance

Inspection of drains and latrines.

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comes into operation contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain, or latrine, or cesspool may belong, and shall be recoverable from such person; if such drain, or latrine, or cesspool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Ordinance, the board or person as aforesaid shall cause the ground to be closed and made good, as soon as may be, and the expenses of the opening, closing, and making good such drain, or latrine, or cesspool shall in that case be defrayed by the board.

Power to fill up unwholesome tanks on private premises.

25 When any private tank or low marshy ground or any waste or stagnant water, being within any private land, appears to the board of health of the province to be injurious to health or to be offensive to the neighbourhood, the board shall, by notice in writing, require the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if the said owner shall refuse or neglect to comply with such requisition during seven days from the service thereof, the board or any person appointed by it and its workmen may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid, and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable from him.

Place of deposit for filth.

26 The board of health of the province from time to time shall provide places, or may use places already provided, convenient for the deposit of the night soil, dung, and other filth, and for dust, dirt, ashes, and rubbish.

Proviso.

Provided that no such dust, dirt, ashes, rubbish, night soil, dung, and other filth shall be deposited in the neighbourhood of populous localities, nor within the limits of the town or village.

All rubbish, &c., collected to be the property of board.

27 All dirt, dust, ashes, rubbish, sewage, soil, dung, and filth collected under the authority of the board from streets, houses, latrines, sewers, and cesspools shall be the property of the board of health of the province, and the board shall have power to sell or dispose of the same as it may think proper; and the money arising from the sale thereof shall be paid to the credit of the fund created by section 5 of this Ordinance.

SCHEDULE.

Western Province.

Moratuwa, Peliyagoda, Panadure, Kotte, Wellawatta, Avisawella, Gampaha, Jaela, Minuwangoda, Udugampola, Hanwella, Nēboḍa.

Central Province.

Hatton and Dikoya, Watawala, Kotagala, Bogawantalawa, Pussellawa, Katugastota, Madulkelē, Panwila, Kadugannawa, Nawalapitiya, Kawdupelēlla, Dambulla, Nanu-oya, Lindula, Agrapatana, Talawakelē, Dimbula, Rāgala.

Northern Province.

Jaffna, Point Pedro, Valluveḷḷitturai, Kayts, Chávakachchéri, Maṇṇár, Mullaittívu.

Southern Province.

Bentota, Ambalangoḷa, Hikkaḷuwa, Doḍandúwa and Ratgama, Ahaṅgama, Weḷigama, Hakmana, Dikweḷla, Tangalla, Hambantota, Beliatta, Kaṭaluwa.

Eastern Province.

Káttáḷḷkuḍi-yiruppu, Éravúr, Cháyntamaruttu, Kalmuḷḷai, Chammánturai, Karuṅkoḍḍittívu, Pottuvil, Nintávúr.

North-Western Province.

Polgahawela, Doḍangaslanda, Nikaweraṭiya, Nárammala, Mádampé, Márávila, Kalpiṭiya, Náttanḷiya.

Province of Uva.

Banḍárawela, Haputalé, Koslanda, Haldummulla, Passara, Lunugala.

Province of Sabarugamuwa.

Balangoda, Rakwána, Kégalla, Yaṭiyantota, Dehiówiṭa.

North-Central Province.

Anurádhapura.

28th November, 1892.
