

SIXTH SCHEDULE **[See Section 195]**

ANIMALS

1. PROHIBITION OF PICKETING OR TETHERING IN STREETS.

No animal shall be picketed to tether in such streets or places as may be specified by the concerned Local Government and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

2. PROHIBITION AGAINST KEEPING AND MAINTAINING CATTLE.

(1) Notwithstanding anything to contrary contained in any other law or any agreement, instrument, custom or usage or decree, judgment or order of any Court or other authority, a concerned Local Government may declare any part of its Local Area as a prohibited zone.

(2) At any time after declaration under sub-paragraph (1) has been made, the Local Government may, by general or special notice, prohibit the keeping and maintaining the cattle by any person in the prohibited zone.

(3) No person shall, after the expiry of the period fixed under sub-paragraph (2), keep or maintain cattle in any part of the prohibited zone:

Provided that the prohibition shall not apply to -

- (i) cattle kept bona fide for sacrificial purpose;*
- (ii) cattle kept for drawing carts or use in mills, with the permission of the Local Government and subject to such conditions as it may impose;*
- (iii) cattle under treatment in any veterinary hospital;*
- (iv) cattle brought to a cattle market demarcated by the Local Government for the purpose of sale; and*
- (v) cattle brought to a slaughter-house or kept by butchers for the purpose of slaughter within the area demarcated by the Local Government.*

(4) Persons affected by the prohibition order under sub-paragraph (2) to meet their genuine needs may be allowed to keep and maintain their cattle at the places earmarked as "cattle colonies" by the Local Government on such terms and conditions as it may impose.

3. DANGEROUS ANIMALS.

A concerned Council may, by bye-laws, define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous and such bye-laws, among other matters, may provide for the detention, destruction or disposal otherwise of such animals.

4. DISPOSAL OF CARCASSES.

Whenever an animal in the charge of a person dies, otherwise than by being slaughtered for sale or consumption or for some other religious purpose such person shall either-

- (a) convey the carcasses within twenty-four hours to a place, if any, fixed by the concerned Local Government for the disposal of the dead bodies of animals or to a place beyond the limits of its Local Area, not being a place within two kilometers of such limits; or
- (b) give notice of the death to the Local Government whereupon the Local Government shall cause the carcass to be disposed of and charge such fees from the person concerned as the bye-laws may provide.

5. ANIMAL HUSBANDRY.

(1) A concerned Local Government may provide for the establishment, maintenance and management of veterinary hospitals and dispensaries and by bye-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A Council may, by bye-laws, define contagious diseases among animals and provide for measures that shall be adopted for prevention of the spread of such diseases including the compulsory inoculation of animals, and the subjection to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers of any such disease.

6. ANIMAL FARMS.

A concerned Local Government may establish, maintain and manage cattle farms and poultry farms, and such farms shall be managed and administered in such manner as the bye-laws may provide.

7. REGISTRATION OF THE SALE OF CATTLE.

A concerned Local Government may, by bye-laws, require that sale of such of the animals as may be specified shall be registered with the concerned Local Government in such manner and subject to the payment of such fees as the bye-laws may provide.

8. CATTLE SHOWS, ZOO, ETC.

(1) A concerned Local Government shall not hold cattle shows and fairs within the limits of its Local Area, but may hold baker mandies for sale of cattle meant for slaughter and charge such fee per cattle head sold as the bye-laws may provide:

Provided that where urban Local Council was holding cattle shows and fairs before 17th January, 1980 within the limits of its Local Area the successor Local Government may continue holding such cattle shows and fairs and charge such fees from the people attending such shows or fairs, as the bye-laws may provide.

(2) A Local Government may, with the previous approval of the Government maintain or contribute towards the maintenance of zoological gardens.

9. REGISTRATION AND CONTROL OF DOGS.

(1) A Local Council may make bye-laws to provide for the registration of all dogs kept within such area or areas within its Local Area as may be specified.

(2) Such bye-laws shall:-

- (a) require the registration, by the concerned Local Government of all dogs kept within the area or areas specified or any part thereof;
- (b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority of the concerned Local Government and fix the fee payable for the issue thereof;

- (c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and
 - (d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week and may provide for such other matters as the concerned Local Government thinks fit.
- (3) A Local Government may -
- (a) cause to be destroyed, or to be confined for such period as it may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;
 - (b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners if any may be destroyed, and cause them to be destroyed accordingly; and
 - ²²⁰ [(c) require the owner or person in-charge of any dog-
 - (i) to restrain it so that it is not set at large in any street without being muzzled, leashed or chained; and
 - (ii) to provide immediate information, if the dog belonging to him has been bitten by any animal suffering or reasonably suspected to be suffering from rabies or any other infectious disease.]
- (4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this paragraph.

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ANIMAL TRESPASS

10. POWER TO SEIZE.

(1) A cultivator, tenant, occupier, vendee or mortgagee of any land or crop or produce or any part thereof or any person who has advanced cash for the cultivation of crop may seize or cause to be seized any animal trespassing on such land and doing damage thereto, or any crop or produce thereon, to send them or cause them to be sent within twenty-four hours to a pound established under this Ordinance.

(2) Persons in charge of public roads, pleasure grounds, plantations, canals, drainage works, embankments and the like, and the officers of police, may seize or cause to be seized any animals doing damage thereto, and shall send them or cause them to be sent, within twenty-four hours of the seizure, to the nearest animal pound.

11. POUNDS.

A concerned Local Government may establish such number of animal pounds as may be necessary and may fix, from time to time the location of the animal pounds, the rate of feeding, watering and accommodating the impounded animals.

12. POUND KEEPERS.

The Local Government may appoint pound-keepers on whole-time or part-time basis on such terms and conditions as may be fixed.

13. REGISTERS AND RETURNS.

(1) A pound-keeper shall keep such registers and furnish such returns as may be required by the concerned Local Government.

(2) When animals are brought to the pounds, the pound-keeper shall enter in the register the number and description of animals, the day and hour or which they were so brought, the name and residence of the seizer and that of the owner, if known, and shall give the seizer or his agent a copy of such entry.

14. POSSESSION AND FEEDING.

The pound-keeper shall take charge of, feed and water the animals until they are disposed of as hereinafter provided.

15. FINES FOR IMPOUNDED ANIMALS.

For every animal impounded under this Ordinance, the pound-keeper shall levy a fine in accordance with the scale fixed by the concerned Local Government and the fines so charged shall form part of and be credited to the Local fund.

16. DELIVERY OR SALE OF ANIMALS.

(1) If the owner of an impounded animal or his agent appears and claims the animal, the pound-keeper shall deliver it to him on payment of the fine and charges incurred in respect of such animal under proper receipt to be recorded by the owner or his agent in the register.

(2) If the animal is not claimed within seven days of impounding, the pound-keepers shall inform the officer in charge of the Police Station who shall thereupon display at a conspicuous place in his office a notice stating the number and description of animals and places of seizure and impounding. A similar notice shall be displayed at a conspicuous place in the office of the concerned Local Government.

(3) If the animal is not claimed within seven days of the notice it shall be sold by the Local Government by open auction after giving sufficient publicity in all the Local Area.

Provided that the person auctioning the animals or the-pound-keeper or his relatives shall not bid for or purchase the impounded animals.

(4) The proceeds of the sale of the animal shall be paid to the owner if he appears within six months of the sale, after deduction of fines, feeding and other charges.

ARBORICULTURE

17. ARBORICULTURE.

A concerned Local Government shall plant trees on public streets and other public places within its Local Area and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

18. FORESTS.

A concerned Local Government may in the manner prescribed, frame and enforce plans providing for the improvement, development and exploitation of forests and maintain, plan and work forests in accordance with such plans.

19. NUISANCE PERTAINING TO TREES AND PLANTATIONS.

(1) A Council may, by bye-laws, determine the pests of trees and plants and provide for their destruction.

(2) If any land or premises within the Local Area of a concerned Local Government is grown with rank or noxious vegetation, or under-growth, the Local Government may by notice require the owner or the occupier of such land or premises to clear such vegetation or under-growth within a specified time and if he fails to do so within such time, the Local Government may have such vegetation or under-growth cleared and the cost incurred shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

(3) A concerned Local Government may, in the manner provided in the by-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of its Local Area as may be specified.

BOUNDARIES AND TREE

20. BOUNDARY WALLS, HEDGES AND FENCES.

(1) No boundary wall hedge or fence of any material or description shall be erected in such parts of a Local Area as are specified by a Local Government without the permission in writing of the concerned Local Government.

(2) A Local Government may, by notice in writing, require the owner or lessee of any land in its Local Area:-

- (a) to remove from the land any boundary wall, hedge or fence which is, in its opinion unsuitable, unsightly or otherwise objectionable; or
- (b) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice; or
- (c) to main the boundary walls, hedges or fences of such lands in good order.

Provided that, in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the concerned Local Government or which was in existence at the commencement of this Ordinance the concerned Local Government shall make compensation for any damage caused by the removal thereof.

(3) A Local Government may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

21. FELLING, LOPPING AND TRIMMING OF TREES.

(1) Where, in the opinion of a concerned Local Government the felling of any tree of mature growth standing in a private enclosure in its Local Area is necessary for any reason, the concerned Local Government may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

- (2) A Local Government may -
- (a) cause to be lopped or trimmed any tree standing on land in its Local Area which belongs to the Local Government or
 - (b) by public notice require all owners, lessees or occupiers of land in its Local Area or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

²²² **[22. DIGGING OF PUBLIC LAND.**

No person shall without the permission in writing of the concerned local government dig up the surface of any open space which is not a private property or take out earth therefrom.]

23. IMPROPER USE OF LAND.

(1) If in the opinion of a Local Government the working of a quarry in its Local Area or the removal of stone, sand, earth or other material from the soil in any place in its Local Area is dangerous, to persons residing in or frequenting the Neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the concerned Local Government may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such working or removal, from continuing or permitting the working of such quarry or the moving of such material, or required to take such steps in the matter as the Local Government may direct for the purpose of preventing danger or abating the nuisance or likely to arise therefrom.

(2) If, in any case referred to in sub-paragraph (1), the concerned Local Government is of the opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, required proper hoarding or fence to be put up for the protection of passers-by.

BUILDING AND LAND USE CONTROL.

24. SANCTION FOR BUILDINGS.

No person shall erect or re-erect a building or commence to erect or re-erect a building on any land in a Local Area except with the previous sanction of the concerned Local Government nor otherwise than in accordance with the provisions of this Ordinance and of the rules and bye-laws made under this Ordinance relating to the erection and re-erection of buildings.

Provided that a Local Government may, with the approval of the concerned Local Council, exempt any Union or a part thereof from application of any specific provisions of the building bye-laws or any matter provided for in paragraphs 25 to 34.

25. NOTICE OF NEW BUILDINGS.

(1) Whoever intends to erect or re-erect any building in a Local Area shall apply for sanction by giving notice in writing of his intention to the concerned Local Government.

(2) For the purposes of this Ordinance, person shall be deemed to erect or re-erect a building who-

- (a) makes any material alteration or enlargement of any building, or
- (b) converts into a place for human habitation any building not originally constructed for that purpose, or
- (c) converts into more than one place for human habitation a building originally constructed as one such place, or

- (d) converts two or more places of human habitation into one such place or into greater number of such places, or
- (e) converts a building or a site or land meant for one particular use or in one particular zoning area into any other use or a use meant for another zoning area, or
- (f) converts into a stable, cattle-shed or cow-house any building originally constructed for human habitation, or
- (g) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene, or
- (h) make any alteration to any building which increases or diminishes the height of, or areas converted by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Ordinance.

26. CONDITIONS OF VALID NOTICE.

(1) A person giving the notice required by paragraph 25 shall specify the purpose for which it is intended to use the building to which such notice relates.

(2) Where a plan to re-lay a street has been approved by a concerned Local Government, a person who intends to erect or re-erect a building or commences to erect or re-erect a building shall adopt the approved building or street line and for this purpose any space required to be left vacant shall vest in the Local Government.

(3) No notice shall be valid until it is made in the manner prescribed in the bye-laws made under this Ordinance alongwith plans and other information which may be required therein have been furnished to the satisfaction of the concerned Local Government along with the notice.

27. POWER OF ²²³[LOCAL GOVERNMENT] TO SANCTION OR REFUSE.

(1) The concerned Local Government may for reasons to be recorded in writing, either refuse to sanction the erection or re-erection, as the case may be, or the building, or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely.

- (a) the free passage or way to be left in front of the building;
- (b) the space to be left about the building;
- (c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the stories of which the building may consist;
- (d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for wastes;
- (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure;
- (f) the line of frontage with neighboring buildings if the building abuts on a street;
- (g) the means to be provided for egress from the building in case of fire;
- (h) the materials and method of construction to be used for external and party walls for rooms, floors fire-places and chimneys;

- (i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and
- (j) any other matter affecting the ventilation sanitation safety or environmental aspects of the buildings and its relationship to the surrounding buildings or areas; and the person erecting or re-erecting the building shall obey all such written directions in every particular.

(2) A concerned Local Government may refuse to sanction the erection or re-erection of any building, either on grounds sufficient in the opinion of the concerned Local Government affecting the particular building, or in pursuance of a notified general scheme or plan of the concerned Local Government, restricting the erection or re-erection of buildings within specified limits or for any other public purpose.

(3) The concerned Local Government before sanctioning the erection or re-erection of a building on land which is under the management of the Federal or Provincial Government or any agency thereof, shall ascertain in writing within thirty days of application whether there is any objection on the part of the concerned Government to such erection or re-erection.

(4) The concerned Local Government may refuse to sanction the erection or re-erection of any building-

- (a) when the land on which it is proposed to erect or re-erect the building is held on a lease from the Federal or Provincial government if, the erection or re-erection constitutes a breach of the terms of the lease, or
- (b) when the land on which it is proposed to erect or re-erect the building is not held on a lease from the Government, if the right to build on such land is in dispute between the person applying for sanction and the Government.

(5) If the concerned Local Government decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given.

(6) Where the concerned Local Government neglects or omits, for forty five days after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this paragraph, and such person thereafter by a written communication sent by registered post to the concerned Local Government calls the attention of the concerned Local Government to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the concerned Local Government shall be deemed to have given sanction to the erection or re-erection, as the case may be unconditionally to the extent that it does not contravene the provisions of the building bye-laws and any notified general scheme for the area:

Provided that in any case to which the provisions of sub- paragraph (3) apply, the period of forty five days herein specified shall be reckoned from the date on which the concerned Local Government has received the report referred to in that sub paragraph.

(7) The concerned Local Government may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction of a site plan at any time before construction has been commenced or made.

(8) Noting in this paragraph shall apply to any work, addition or alteration which the concerned council may, by bye-laws, declare to be exempt.

28. COMPENSATION.

(1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the Local Government of sanction to the erection of any building or in respect of any direction issued by it under sub-paragraph (1) of paragraph 27.

(2) The concerned Local Government shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street:

Provided that the concerned Local Government shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

29. LAPSE OF SANCTION.

Every sanction for the erection or re-erection of a building given or deemed to have been given by the concerned Local Government as herein before provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun unless the concerned Local Government on application made therefore has allowed an extension of that period.

30. PERIOD FOR COMPLETION OF BUILDING.

A concerned Local Government, when sanctioning the erection or re-erection of a building as herein before provided, shall specify a reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the concerned Local Government on application made therefore as allowed an extension of that period:

Provided that not more than two such extensions shall be allowed by the concerned Local Government in any case.

31. ILLEGAL ERECTION AND RE-ERECTION.

²²⁴ [No person shall begin, continue or complete] the erection or re-erection of a building-

- (a) without having given a valid notice as required by Paragraphs 25 and 26 or before the building has been sanctioned or is deemed to have been sanctioned, or
- (b) without complying with any direction made under sub-paragraph (1) of paragraph 27, or
- (c) when sanction has been refused, or has ceased to be available, or has been suspended by the concerned Local Government.

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32. POWER TO STOP ERECTION OR RE-ERECTION OR TO DEMOLISH.

A Local Government may at any time, by notice in writing, direct the owner, lessee or occupier of any land in its Local Area to stop the erection or re-erection of a building in any case in which the concerned Local government considers that such erection or re-erection is an offence under paragraph 31, and may in any such case or in any other case in which the concerned Local Government considers that the erection or re-erection of a building is an offence under paragraph 31 within twelve months of the completion of such erection or re-erection in like manner direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected:

Provided that the concerned Local Government may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable.

33. COMPLETION OF BUILDING OR ALTERATION OF BUILDINGS.

(1) Every person who has erected or re-erected a building shall, within thirty days of the completion of the building, report such completion to the concerned Local Government.

(2) The concerned Local Government may cause to be inspected any building of which construction has begun or which has been erected or re-erected in violation or contravention of any provision of this Ordinance, rules or the bye-laws or of the master plan or site development scheme, if any. The Local Government may require the alteration of the building so as to be in compliance therewith, and where such alteration is not possible, it may require the building or any part thereof to be demolished, or on the application of the owner of such building compound the offence on payment of such composition fee as may be deemed reasonable.

(3) If a building is required to be demolished under the provisions of sub-paragraph (2) and such requirement is not complied with, within the specified period, the Local Government may have the building demolished through its own agency and the cost so incurred shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance.

34. REGULATION OF BUILDINGS.

(1) Except with the prior sanction of concerned Local Government, no building shall be put to a use other than shown in the building plan according to which it was erected or re-erected:

Provided that the Local Government shall not sanction any change in the use of a building which may be in violation or contravention of the master plan or site development scheme, if any.

(2) If any building or anything fixed thereon be deemed by the concerned Local Government to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passers-by, the Local Government may, by notice, require the owner or occupier of such building to demolish it or to take such action in regard to the building as may be specified in the notice, and if there is default, the Local Government may take necessary action and the cost so incurred shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance.

(3) If a building is so ill constructed, or dilapidated or in dangerous condition or otherwise unfit for human habitation, the concerned Local Government may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the Local Government.

(4) If the building is in dangerous condition and declared unfit for human habitation, the concerned Local Government may for the purpose of demolition eject the owner or occupier from such building with such necessary force as may be required or in the manner laid down in Paragraph 47.

(5) Where it appears to concerned Local Government that any block of buildings is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of such officials of the concerned Local Government as prescribed in the bye-laws

The committee shall make a report in writing to the concerned Local Government on the sanitary condition of the block, and if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise to endanger the public health it shall clearly indicate on a plan verified by a senior technical professional of the concerned Local Government the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

If, upon receipt of such report, the concerned Local Government is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners, thereof to remove them:

Provided that the concerned Local Government shall make compensation to the owners for any buildings so removed which may have been erected under proper authority:

Provided, further, that the concerned Local Government may, if it considers it equitable in the circumstances so to do, pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.

For the purposes of this sub-paragraph "buildings" includes enclosure walls and fences appertaining to buildings.

(6) Where it appears to a Local Government that any building or part of a building which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice. ²²⁶[XXX]

35. PROJECTIONS AND OBSTRUCTIONS.

(1) No owner or occupier of any building in a Local Area shall, without the permission in writing of the concerned Local Government add to or place against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.

(2) The concerned Local Government may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Ordinance the concerned Local Government shall make compensation for any damage caused by the removal or alteration.

36. UNAUTHORIZED BUILDINGS OVER DRAINS, ETC.

A Local Government may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any structure over any public sewer, drain, culvert, water-course or water-pipe in its Local Area to pull down or otherwise deal with the same as it thinks fit.

37. DRAINAGE AND SEWER CONNECTIONS.

(1) A Local Government may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as the concerned Local Government thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

(2) For the purpose of efficiently draining any building or land in its Local Area, the concerned Local Government may, by notice in writing, require the owner or lessee of the building or land.-

- (a) to pave, with such materials and in such manner as it thinks fit, any Courtyard, ally or passage between two or more buildings, or
- (b) to keep any such paving in proper repair.

38. POWER TO ATTACH BRACKETS FOR LAMPS.

A Local Government may attach to the outside of any building, or to any tree in its Local Area, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

39. POWER TO MAKE BYE-LAWS.

A Local Council may make bye-laws prescribing.

- (a) the manner in which notice of the intention to erect or re-erect a building in its Local Area shall be given to the Local Government and the information and plans to be furnished with the notice;
- (b) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in its Local Area or any part thereof;
- (c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;
- (d) the fees payable on provision by the concerned Local Government of plans or specifications of the type of buildings which may be erected in the ²²⁷[Local Area] or any part thereof;
- (e) the circumstances in which a mosque, temple or church or other sacred building may be erected or re-erected; and
- (f) any other matters which the concerned Local Government may consider necessary including any specific exemption from the application of the bye-laws.

BURIAL PLACES AND CREMATION

40. POWER TO CALL FOR INFORMATION REGARDING BURIAL AND BURNING GROUND.

(1) A concerned Local Government may, by notice in writing, require the owner or person in charge of any burial or burning ground within its area to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

(2) No place which has not been used as a burial or burning ground before the commencement of this Ordinance shall be so used without the permission in writing of the concerned Local Government.

(3) No new burial or burning place shall be established within the Local Area of a Local Government except under a licence granted by the Local Government and in conformity with the condition of such licence.

(4) A burial or burning place which is not administered by a Local Government shall be registered with the concerned Local Government and shall be subject to regulation, supervision and inspection by it in such manner as the bye-laws may provide.

(5) The Government may, by notification in the official Gazette, declare that any burial or burning place which is open to public for burial or burning shall vest in a Local Government and thereupon such burial or burning shall vest in the Local Government and it shall take all measures necessary for the proper maintenance and administration thereof.

(6) A concerned Local Government may provide suitable places for the burial or burning of the dead, and shall take necessary measures for the proper maintenance and administration of such burial and burning places:-

- (a) where a Local Government after making or causing to be made a Local inquiry, is of opinion that any burial or burning ground in its Local Area has become offensive, to, or dangerous to, the health of, persons living in the neighbourhood, it may, by notice in writing, require the owner or person in charge of such ground to close the same from such as may be specified in the notice;
 - (b) where such notice is issued, the concerned Local Government may provide at its expense or, if the community concerned is willing to provide a new burial or burning ground shall provide a grant to be made towards the cost of the same.
- (7) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this paragraph is for the time being in force.

CULTURE

41. CULTURE.

A concerned Local Government may.

- (a) establish and maintain information centres for the furtherance or civic education and dissemination of information on such matters as community development and other matters of public interest;
- (b) provide and maintain public halls and community centres;
- (c) celebrate national occasions;
- (d) encourage national and regional languages;
- (e) promote physical culture and encourage public games and sports and organize rallies and tournaments;
- (f) provide, promote or subsidise facilities for the recreation of the public.

42. LIBRARIES.

A concerned Local Government may establish and maintain such libraries, reading rooms and circulation libraries as may be necessary for the use of the public.

43. FAIRS AND SHOWS.

A concerned Local Government may make such arrangements on the occasion of any fairs, shows or public festivals within its Local Area as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs shows and festivals.

DANGEROUS ARTICLES AND OFFENSIVE TRADES

44. DANGEROUS AND OFFENSIVE ARTICLES AND TRADES.

- (1) The articles and trades specified in the Annex shall be deemed to be dangerous or offensive for the purpose of this paragraph.
- (2) Except under and in conformity with the conditions of a licence granted by the concerned Local Government-
 - (a) no person shall carry on any dangerous or offensive trade;

- (b) no premises shall be used or suffered to be used for any dangerous or offensive trade; and
 - (c) no person shall store or keep in any premises:-
 - (i) any dangerous or offensive articles for domestic use; or
 - (ii) any dangerous or offensive articles in excess of such limits and quantity as may be fixed by bye-laws.
- (3) Notwithstanding the grant of a licence under sub-paragraph (2), the concerned Local Government may, for reasons to be recorded, and after notice to the person affected, pass an order for the prohibition, closure or removal of any offensive and dangerous trade or article if such action is deemed expedient or necessary to implement the order.

DRAINAGE AND SEWERAGE

45. DRAINAGE.

- (1) The concerned Local Government shall provide an adequate system of public drains in its Local Area and all such drains shall be constructed, maintained, kept cleared and emptied with due regard to the health and convenience of the public.
- (2) Every owner or occupier of any land or building within the Local Area of the concerned Local Government may, with its previous permission, and subject to such terms and conditions, including the payment of fees, as it may impose, cause his drains to be emptied into public drains.
- (3) All private drains shall be subject to control, regulation and inspection by the concerned Local Government.
- (4) Subject to the provisions of any other law for the time being in force, the concerned Local Government may by notice direct a commercial or industrial concern to provide for the disposal of its waste or effluent in the manner specified, and failure on the part of owner, tenant or occupier thereof to comply with such directions, shall be a municipal offence.
- (5) The concerned Local Government may, by notice, require the owner of any building, land or an industrial concern within its Local Area-
- a) to construct such drains within the building or land or the street adjoining such building or land and to take such other measures for treatment and disposal of effluent as may be specified in the notice;
 - (b) to remove, alter or improve any such drains; and
 - (c) to take other steps for the effective drainage of the building or land as may be specified.
- (6) in case of failure of owner to comply with the requirements of notice under sub-paragraph (5), the concerned Local Government may itself cause such requirements to be carried out, and the cost so incurred shall be deemed to be a tax levied on the owner of the building or land, as the case may be under this Ordinance.

46. DRAINAGE AND SEWERAGE SCHEMES FOR COMMERCIAL AND INDUSTRIAL AREA.

- (1) The concerned Local Government may, by notice, require the owners, tenants and occupiers of commercial and industrial concerns in any area or areas within its Local Area to have at their own cost prepared a scheme for the adequate and safe drainage and disposal of their wastes and effluent of the quality permitted under the rule or the bye-laws and submit it to the Local Government within the time specified in the notice:

Provided that the time limit may be extended by the Local Government for a maximum period of three months at the request of the owners, tenants or occupiers of the commercial and the industrial units concerned.

(2) The drainage, sewerage and disposal scheme as approved by the Local Government with modifications, if any, shall be executed and implemented by the owners, tenants or occupiers of the commercial or industrial units at their expense in such manner and within such time as may be specified by the Local Government.

(3) In case of the failure of the owners, tenants or occupiers of the commercial or industrial concerns to comply with the provisions of sub-paragraphs (1) and (2), the concerned Local Government may itself prepare the drainage, sewerage and disposal scheme and execute and implement it at its own expense, and the cost so incurred shall, under this Ordinance, be deemed to be a tax levied on the owners, tenants or occupiers of the industrial and commercial units concerned.

ENCROACHMENTS

47. ENCROACHMENT AND SUBSISTING LEASE AND LICENCES.

(1) No person shall make an encroachment movable or immovable on an open space or land vested in or managed, maintained or controlled by a Local Government, or on over or under a street, road, graveyard, within its Local Area or a drain.

(2) The Local Government may, after such notice as may be considered reasonable remove the encroachment mentioned in sub-paragraph (1) with such force as may be necessary.

(3) A person who trespasses into or is in wrongful occupation of a building or property which is vested in or is managed maintained or controlled by a Local Government may, in addition to any other penalty to which he may be liable under the Ordinance or any other law for the time being in force, after such notice as may be considered reasonable by the Local Government, be ejected from such building or property by the Local Government with such force as may be necessary.

(4) Any person aggrieved by notice issued under sub-paragraph (3) may, within seven days, of the service of notice, appeal to such authority as may be prescribed in the bye-laws and its decision thereon shall be final.

(5) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed or ejection carried out under this paragraph.

(6) The cost of removal of encroachment or ejection under this paragraph shall be payable to the Local Government by the encroacher or wrongful occupier, and if the cost is not paid on demand, the Local Government may cause it to be recovered as arrears of land revenue or cause the materials or articles used by the encroacher or the wrongful occupier for encroachment or wrongful occupation to be sold in auction and if the proceeds of the sale are not sufficient to cover the cost the balance shall be recoverable as arrears of land revenue but if such proceeds exceed the cost of the excess shall be paid to the encroacher or the wrongful occupier.

(7) In this paragraph, "encroacher" or "wrongful occupier" shall include a person who owns the materials or articles used for encroachment or wrongful occupation at the time of removal of encroachment or ejection and also any person in possession thereof on his behalf or with his permission or connivance.

ENVIRONMENTAL POLLUTION

48. ENVIRONMENTAL POLLUTION.

(1) A concerned Local Government may prepare and implement schemes for the prevention of the pollution of air by gases, dust or other substances exhausted or emitted by automobile engine, factories, brick or lime kilns, crushing machines for grain, stone, salt or other materials and such other sources of air pollution as the bye-laws may provide.

(2) A concerned Local Government may prepare and implement schemes for the prevention of the pollution of water or land from such sources and in such manner as the bye-laws may provide.

(3) A Local Government may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land in the area of the concerned Local Government or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has if the opinion of the concerned Local Government has become a sanitary or environmental hazard or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

FOOD AND MARKETS

49. PUBLIC MARKETS AND SLAUGHTER-HOUSES.

(1) A Local Government may provide and maintain within its own Local Area, public markets and public slaughter-houses, to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) The concerned Local Government may at any time, by public notice either close or relocate any public market or public slaughter-house or any part thereof.

50. USE OF PUBLIC MARKETS.

(1) No person shall, without the general or special permission for sale by such person, may be summarily removed from the market by or under the orders of the concerned Local Government by any officer or servant of the concerned Local Government authorized by it in this behalf.

(2) Any person contravening the provisions of this paragraph and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the concerned Local Government by an officer or servant of the concerned Local Government authorized by it in this behalf.

51. LEVY OF STALL AGES, RENTS AND FEES.

A Local Council may, in respect of public market and public slaughter houses:

- (a) charge for the occupation or use of any stall, shop standing, shed or pen in a public market, or public slaughter-house; or for the right to expose goods for sale in a public market; or for weighing or measuring goods sold therein; or for the right to bring in goods on vehicles or animals or for animals brought for sale or sold; or for the right to slaughter animals in any public slaughter-house; such stall ages, rents and fees as it thinks fit; including that from brokers commission agents, and other practicing their calling therein;

- (b) or direct the concerned Local Government to receive such approved rents and fees livable as aforesaid or any portion thereof for any period not exceeding one year at a time; or
- (c) put up to public auctions or dispose off by private sale, the privilege of occupying or using any stall, shops, standing, shed or pen in a public market or public slaughter house for such term and on such conditions as it may approve.

52. STALL AGES, RENTS, ETC. TO BE PUBLISHED.

A copy of the table of stall ages, rents and fees, if any, liveable in any public market or public slaughter-house, and of the bye-laws made under this Ordinance for the purpose of regulating the use of such market or slaughter-house, printed in Urdu and in such other language or languages as the Local Council may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

53. PRIVATE MARKETS AND SLAUGHTER-HOUSES.

(1) No place in a Local Area other than a public market shall be used as a market, and no place in a Local Area other than a public slaughter-house shall be used as a slaughter-house, unless such places has been licensed as a market or slaughter-house, as the case may be, by the concerned Local Government.

(2) Nothing in sub- paragraph (1) shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the concerned Local Government with the previous sanction of the Local Council may by public or special notice, impose in this behalf.

²²⁸ [XXX]

54. CONDITIONS OF GRANT OF LICENCE FOR PRIVATE MARKET OR SLAUGHTER HOUSE.

(1) A Local Government may charge such fees as approved by its Local Council for the grant of a licence to any person to open a private market or private slaughter-house and may grant such licence subject to such conditions, consistent with this Ordinance and any bye-laws made thereunder, as it thinks fit to impose.

(2) The concerned Local Government may refuse to grant any such licence for reasons to be recorded.

55. ²²⁹[PROHIBITION OF] KEEPING MARKET OR SLAUGHTER-HOUSE OPEN WITHOUT LICENCE, ETC.

(1) ²³⁰[No person shall keep] open for public use any market or slaughter-house in respect of which a licence therefore is suspended, or after the same has been cancelled. ²³¹[XXX]

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the concerned Local Government shall cause a notice of the grant, refusal, suspension or cancellation to be posted in Urdu and in such other language or languages as it thinks necessary, in some conspicuous place near by the entrance to the place to which the notice relate.

56. ²³²[PROHIBITION OF] USING UNLICENSED MARKET OR SLAUGHTER-HOUSES.

²³³[No person shall] knowing that any market or slaughter-house has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Ordinance, or that the licence granted therefore is for the time being suspended or that it has been cancelled, ²³⁴[sell or expose] for sale any article in such market, or slaughters any animal in such slaughter-house. ²³⁵[XXX]

57. PROHIBITION AND RESTRICTION OF USE OF SLAUGHTER-HOUSES.

(1) Where, in the opinion of the concerned Local Government it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter therein of any animal of any description so specified.

(2) A copy of every notice issued under sub-paragraph (1) shall be conspicuously posted in the slaughter-house to which it relates.

58. POWER TO INSPECT SLAUGHTER-HOUSE.

(1) Any servant of a Local Government authorized by order in writing in this behalf by the concerned Local Government it may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of the Ordinance enter into an inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the Locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

59. POWER TO MAKE BYE-LAWS.

A Local Government may make bye-laws consistent with this Ordinance to provide for all or any of the following matters, namely.

- (a) the days on, and the hours during, which any private market or private slaughter-houses may be kept open for use;
- (b) the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof;
- (c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;
- (d) the manner in which animals shall be stalled at a slaughter-house;
- (e) the manner in which animals may be slaughtered;
- (f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;
- (g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption.
- (h) any other matters which the concerned Local Government may consider necessary including any specific exemptions from the application of the bye-laws

60. BYE-LAWS FOR ARTICLES OF FOOD AND DRINK.

A concerned council may, by bye-laws

- (a) prohibit the manufacture, sale or preparation or the exposure for sale of any specified articles of food or drink in any place or premises not licensed by the concerned Local Government;

- (b) prohibit the import into its Local Area for sale or hawking for sale, of any specified article of food or drink by person not so licensed;
- (c) prohibit the hawking of specified articles of food and drink in such parts of its Local Area as may be specified;
- (d) regulate the time and manner of transport within its Local Area of any specified articles of food or drink;
- (e) regulate the grant and withdrawal of a licence under this paragraph and the levying of fees therefore; or
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

61. MILK SUPPLY.

(1) Except under a licence granted by the concerned Local Government and in conformity with the conditions of such licence, no person shall, unless exempted by the concerned Local Government, keep milch cattle for the sale of milk or sell milk or expose or import milk for sale or manufacture butter, ghee, or any other milk for sale or dairy product, nor shall any premises be used for such purpose.

(2) A concerned Local Government may in the manner prescribed, may frame and enforce a milk supply scheme which may among other matters provide for the establishment of milkmen's colonies, the prohibition of the keeping of milch cattle in the Local Area or any part thereof, and the adoption of used other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

²³⁶ **[62. FEEDING ANIMALS ON DIRT, ETC.**

No person shall feed or allow to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used for human consumption or allow it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the Local Government.]

63. POWERS OF ENTRY AND SEIZURE.

(1) An officer or servant of a Local Government authorized by it in writing in this behalf:-

- (a) may at any time enter into any market, building, shop, stall or other place in the Local Area for the purpose of inspecting, and may inspect, any animals, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;
- (b) may seize any such animal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(2) Any article seized under sub-paragraph (1) which is of a perishable nature may forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub-paragraph (1) shall, if it is not destroyed under sub-paragraph (2), be taken before a competent Court who shall give orders as to its disposal.

²³⁷ [XXX]

Explanation I. If any such article, having been exposed or stored in or brought to, any place mentioned in sub-paragraph (1) for sale as ask (pure) ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this paragraph, to be an article which is not what it is represented to be.

Explanation II. Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation III. The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health:

Provided that --

- (a) *such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight of measure of the food or drink or conceal the inferior quality thereof, or*
- (b) *In the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or*
- (c) *the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added, or*
- (d) *such owner or person has purchased that article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.*

LEASE AND LICENCES FOR LAND AND BUILDINGS

64. LEASE AND LICENCES FOR LAND AND BUILDINGS.

(1) A Local Government may grant a licence or lease in respect of any land, open space, building or property vested in it or managed, maintained or controlled by it on such terms and conditions as may be provided in bye-laws.

(2) Notwithstanding anything contained in any other law or a subsisting lease or licence, the concerned Local Government may, after giving a reasonable notice to the person concerned, vary the terms and conditions of any lease or licence of land or buildings or any other property owned, managed, maintained or controlled by it, in such manner and to such extent, as it may deem fit, and may also cancel the lease or licence if the varied terms and conditions are not for acceptable to the lessee or the licensee.

(3) If, on the cancellation of any lease or licence under sub-paragraph (2) or on the expiry of the period of any lease or licence or on the determination or cancellation of a lease or licence on the breach of any of the terms and conditions thereof in respect of land or building or any property of which a Local Government is the lessor or licensor, any lessee or licensee holds on or continues in possession of such land, building or property or if in any case such land or building or property is required for any public purpose, the lessee or licensee on being required to hand over vacant

(4) possession within a specified time refuses or fails to vacate that land or building or property, the Local Government or an officer authorised by it in this behalf may enter upon and take possession of such land, building or other property, and may also demolish and remove the structures, if any, erected or built thereon.

(4) The cost of demolition and removal of structure under sub-paragraph (3) shall be payable to the Local Government by the lessee or licence, as the case may be, and if the cost is not paid on demand, the Local Government may cause the material of the structures demolished and removed to be sold in auction, and if the proceeds of the sale are not sufficient to cover the cost, the balance shall be recoverable as arrears of land revenue, but if such proceeds exceed the cost, the excess shall be paid to the lessee or the licensee as the case may be.

(5) In sub-paragraphs (3) and (4) the lessee and the licensee shall be deemed to include a person who owns the structure at the time of removal or demolition and also any person in possession thereof on his account or with his permission or connivance.

(6) For the purpose of eviction of lessee or licensee under the provisions of this paragraph, an officer authorised by a Local Government in this behalf may use or cause to be used such force as may be necessary and may seek Magisterial or Police assistance.

(7) If any sum is payable by the lessee or licensee as rent or fee in respect of any land, building or other property on the day of recovery of possession thereof, the same shall be recoverable from him as arrears of land revenue.

LICENCING: GENERAL PROVISIONS

65. POWER TO VARY LICENCE.

If a Local Government is satisfied that any place used under a licence granted by it under this Ordinance is a nuisance or is likely to be dangerous to life, health or property, the concerned Local Government may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as will, in the opinion of the concerned Local Government, render it no longer a nuisance or dangerous.

²³⁸ **66. CARRYING ON TRADE, ETC., WITHOUT LICENCE OR IN CONTRAVENTION OF PARAGRAPH 65.**

No person shall carry on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, or , after receiving a notice under paragraph 65, use or allow to be used any building or place in contravention thereof.]

OPEN SPACES

67. GARDENS.

(1) A concerned Local Government may lay-out and maintain within its Local area such public gardens as may be necessary for the recreation and convenience of the public and such public gardens shall be maintained and administered in such manner as the bye-laws, may provide.

(2) For every public garden there shall be framed and enforced, in the manner prescribed, a garden development plan, which shall provide for the development and improvement of the garden.

68. OPEN SPACES.

A concerned Local Government may provide and maintain within is Local Area such open spaces as may be necessary for the convenience of the public and such spaces shall be grasses, hedged, planted and equipped with such amenities and in such manner as the bye-laws may provide.

PLANNING

69. SPATIAL PLAN.

A concerned Local Government may shall draw up spatial (master) plan for its Local Area which shall, among other matters, provide for:-

- (a) a survey of the its Local Area including its history, statistics, public service and other particulars;
- (b) development, expansion and improvement of any area within the Local Area;
- (c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the Local Area; and
- (d) such other matters as the concerned Local Government may require to be included in the plan.

70. SITE DEVELOPMENT SCHEMES.

(1) Where a plan has been drawn up under paragraph 69 and such plan has been approved, no owner of land exceeding such areas as may be specified in this behalf in the plan so approved shall develop the site or erect or re-erect a building on any plot of land covered by the plan, except in conformity with the provisions of a site development scheme sanctioned for the area in the manner prescribed.

(2) Where a Plan has not been drawn up under paragraph 69, no owner of land shall develop the site or erect or re-erect any building on any plot or land except in conformity with the provisions of the site development scheme sanctioned by the concerned Local Government.

(3) An owner of land who desires to develop a plot or a piece of land belonging to him for which no sanctioned site development scheme exists, or where the proposed development is not in conformity with the existing development scheme, he may apply to the concerned Local Government for sanction of his development scheme and the Local Government may, on such terms and conditions and or; payment of such fees or charges as may be laid down by it in its bye-laws, sanction the same:

Provided further that the concerned Local Government may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction any time before construction in pursuance of the scheme has been commenced or made.

- (4) Among other matters, the site development scheme shall provide for.
- (a) the division of the site into plots;
 - (b) provision for streets, drains and open spaces;
 - (c) reservation of land for public utility services to be transferred to the concerned Local Government;
 - (d) provisions for acquisition of land by the Local Government, if any;
 - (e) the works that shall be executed at the cost of the owners of the site or sties; and
 - (f) the period during which the area shall be developed.

(5) The land reserved for public utility services in the Site Development Scheme shall be transferred, free of cost, by the owner or the owners to the Local Government before the sanction of the scheme. Such land shall not be converted or used for any purpose other than that shown in the same scheme.

71. EXECUTION OF SITE DEVELOPMENT SCHEMES.

(1) The execution of site development scheme shall be subject to the inspection and control of the concerned Local Government and the Local Government may from time to time give such directions with regard to the execution of the scheme as may be deemed necessary.

(2) If any area is developed or otherwise dealt with in contravention of the provisions of the sanctioned scheme, the Local Government may, by notice, require the owner of such area or the person who has contravened the provisions to make such alteration, in the site as may be specified in the notice, and where such alteration is not made or for any reason cannot be carried out, the Local Government may require and enforce the demolition of offending structure and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

(3) If an area for which a scheme has been sanctioned is not developed within the period provided in the scheme and further extension is not allowed by the Local Government, or if the development is not in conformity with the terms of the site development scheme, the Local Government may take over the development of the scheme and execute the necessary works and the cost so incurred shall be deemed to be a tax levied on the owner or owners under this Ordinance.

PUBLIC HEALTH AND SANITATION

72. IN SANITARY BUILDINGS AND LANDS.

(1) A concerned Local Government may, by notice, require the owners or occupier of any building or land which is in insanitary or unwholesome state:-

- (a) to clean or otherwise put in it in a proper state;
- (b) to make arrangements to the satisfaction of the Local Government, for its proper sanitation; and
- (c) to lime wash the building and to make such essential repairs as may be specified in the notice.

(2) If in the opinion of a Local Government any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in a ruinous state or for want of sufficient repairs, protection or enclosure a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the concerned Local Government may by notice in writing may, require the owner or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier thereof to remove the same, or may require him to repair, or to protect or enclose the same in such manner as it thinks necessary; and, if the danger is, in the opinion of the concerned Local Government imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

73. REMOVAL, COLLECTION AND DISPOSAL OF REFUSE.

(1) The concerned Local Government shall make adequate arrangements for the removal of refuse from all public roads and streets, public latrines, urinals, drains and all buildings and lands vested in the Local Government and for the collection and proper disposal of such refuse.

(2) The occupiers of all other buildings and lands within the Local Area of a Local Government shall be responsible for the removal of refuse from such buildings and land subject to the general control and supervision of the Local Government where relevant.

(3) The concerned Local Government shall cause public dustbins or other suitable receptacles to be provided at suitable places and where such dustbins or receptacles are provided; the concerned Local Government may, by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dustbins or receptacles.

(4) All refuse removed and collected by the staff of a Local Government or under their control and supervision and all refuse deposited in the dustbins and other receptacles provided by the Local Government shall be property of the Local Government.

(5) The concerned Local Government may, by notice issue directions at which the manner in which and the conditions subject to which, any matter referred to in this paragraph may be carried out.

74. LATRINES AND URINALS.

(1) The concerned Local Government shall provide and maintain in sufficient number and in proper situations public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be regularly and properly cleaned.

(2) A Local Government may, by notice in writing.

- (a) require any person having the control whether as owner, lessee or occupier of any land or building;
 - i) to close any cesspool appertaining to the land or building which is, in the opinion of the concerned Local Government a nuisance, or
 - ii) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle or filth or sewage accumulating on the land or in the building, or
 - iii) to prevent the water of any private latrine, urinal, sink or bath-room or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place or into any water-course or other specified water body or into any drain not intended for the purpose; or
 - iv) to collect and deposit for removal by the conservancy establishment of the concerned Local Government within such time and in such receptacle or place, situated at not more than thirty five meters from the nearest boundary of the premises, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land: or
- (b) require any person to desist from making or altering any drain leading into a public drain; or
- (c) require any person having the control of a drain to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

(3) Where any premises are without privy or urinal accommodation, or without adequate privy or urinal accommodation or the privy or urinal is on any ground objectionable, the concerned Local Government may, by notice, require the owner or occupier of such premises:-

- (a) to provide such or such additional privy or urinal accommodation as may be specified in the notice;

- (b) to make such structural or other alteration in the existing privy or urinal accommodation as may be so specified;
- (c) to remove the privy or urinal; and
- (d) where there is any underground sewerage system to substitute connected privy or connected urinal accommodation for any service privy or service-urinal accommodation.

(4) In case the owner or occupier of any building or land who has been served notice under subparagraph (3), fails to make arrangements to the satisfaction of the concerned Local authority for the matter referred to in this paragraph, the concerned Local Government may undertake such roles and the cost so incurred shall be deemed to be a tax levied under this Ordinance on the owner or occupier.

75. PRIVATE LATRINES.

A concerned Local Government may, by notice in writing,

- (a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or
- (b) where any plan for the construction of private latrines or urinals has been approved by the concerned Local Government and copies thereof may be obtained free of charge on application,
 - (i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the concerned Local Government and approved by it as conforming with such plan; or
 - ii) require any person having control of any private latrine or-urinal to re-build or alter the same in accordance with such plan; or
- (c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the concerned Local Government constitutes a nuisance, to remove the latrine or urinal; or
- (d) require any person having the control whether as owner, lessee or occupier of any land or building
 - i) to have any latrines provided for the same out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or
 - ii) to keep such latrine or urinal in proper state to the satisfaction of the concerned Local Government and shall employ such staff for the purpose as may be necessary or as may be specified by the Local Government,
- (e) require any person being the owner and having the control of any drain to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

76. INFECTIOUS DISEASES.

(1) The concerned Local Government shall adopt measures to prevent infectious diseases and to restrain infection within its Local Area.

(2) The concerned Local Government shall establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

77. MEDICAL AID AND RELIEF AND MEDICAL EDUCATION.

A concerned Local Government may take such measures as may be necessary or as may be specified by the Government for—

- (a) the provision, maintenance and management of First Aid Centres;
- (b) the provision, maintenance and management of mobile medical aid units;
- (c) the provision and encouragement of societies for the provisions of medical aid;
- (d) the payment of grants to institutions for medical relief; and
- (e) the medical inspection of school children.

78. BATHING AND WASHING PLACES.

(1) A concerned Local Government may from time to time—

- (a) set apart suitable places for use by the public for bathing;
- (b) specify the time at which and the sex of persons by whom such places may be used; and
- (c) prohibit by public notice, the use by the public for any of the said purposes of any place not so set apart.

(2) No person shall establish, maintain or run a hamam or a bath for public use except under a licence granted by the concerned Local Government, and in conformity with the conditions and terms of such licence.

PUBLIC SAFETY

79. FIRE-FIGHTING.

(1) For the prevention and extinction of fires, the concerned Local Government shall maintain a fire brigade consisting of such staff and such number of fire stations and such implements, machinery, equipment and means of communicating, intelligence as may be necessary.

(2) The concerned Local Government shall prepare fire-fighting plan and revise it at least once a year.

80. CIVIL DEFENCE.

The concerned Local Government shall be responsible for the civil defence of its Local Area, and shall in this behalf, perform such functions as may be specified by Government.

81. FLOODS.

For the fighting of floods, rescuing of people from the flood-affected areas, and affording relief to flood-stricken people, a concerned Local Government shall provide such boats, appliances and equipments as may be specified by Government.

REGISTRATION OF BIRTHS AND DEATHS

82. BIRTHS AND DEATHS.

A Union Administration shall register all births and deaths within the limits of its Local Area and information of such births and deaths shall be given by such persons or authorities, and shall be registered in such manner, as the bye-laws may provide.

SOCIAL WELFARE AND COMMUNITY DEVELOPMENT

83. SOCIAL WELFARE.

A concerned Local Government may.

- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed;
- (b) provide for the burial and burning of paupers found dead within its Local Area at its own expense;
- (c) adopt such measures as may be specified by Government for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils;
- (d) organize social service volunteers; and
- (e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in armed forces and women and children.

STREETS AND STREETS LIGHTING

84. PUBLIC STREETS.

- (1) A concerned Local Government shall provide and maintain such public streets and other means of public communications as may be necessary.
- (2) A concerned Local Government shall, in the manner prescribed, prepare and execute a road maintenance and development programme.

85. STREETS.

- (1) No new street shall be laid out except with the previous sanction of the concerned Local Government and in conformity with the terms and conditions of such sanction.
- (2) All streets other than public streets shall be maintained in such manner as the bye-laws may provide.
- (3) The concerned Local Government may, by notice, require that any street may be paved, metalled, drained, channelled, approved or lighted in such manner as may be specified and in the event of default, the Local Government may have the necessary work done through its agency and the cost so incurred shall be deemed to be a tax levied on the person concerned under this Ordinance.
- (4) Government may prescribe the manner in which a street other than a public street may be converted into a public street.

86. STREET LIGHTING AND ELECTRIFICATION.

(1) The concerned Local Government shall take such measures as may be necessary for the proper lighting of the public streets and other public places vested in the Local Government by oil, gas, electricity or such other illuminants as the Local Government may determine.

(2) The Local Government shall also provide or cause to be provided electricity in coordination with the concerned department to its Local Area for public and private purposes.

(3) A concerned Local Government may frame and enforce a street lighting and electrification schemes.

87. STREET WATERING.

The concerned Local Government shall take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff and other apparatus as may be necessary.

TRADES AND OCCUPATIONS

88. PROVISION OF WASHING PLACES.

(1) A Local Government may provide suitable places for the exercise by washer-men of their calling, and may require payment of such fees as may be prescribed by the Local Council.

(2) Where the concerned Local Government has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washer-men at any other place within that part of the Local Area:

Provided that such prohibition shall not be deemed to apply to the washing by a washer-man of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

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89. LICENCES REQUIRED FOR CARRYING ON OF CERTAIN OCCUPATION.

(1) No person of any of the following classes, namely-

- (a) butchers and vendors of poultry, game or fish;
- (b) persons keeping milch cattle or milch goats for profit;
- (c) persons keeping for profit any animals other than milch cattle or milch goats;
- (d) dairymen, butter-men and makers and vendors of ghee;
- (e) vendors of fruit or vegetables;
- (f) manufacturers of ice or ice-cream, and vendors of the same,
- (g) vendors of any medicines, drugs or articles of food or drink for human consumption (other than milch, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable water or ice or ice-cream) which are of a perishable nature;
- (h) vendors of water to be used for drinking purposes;
- (i) washer-men;

- (j) persons carrying on any trade or occupation from which offensive or unwholesome smells arise,
- (k) vendors of wheat, rice and other grain or of flour;
- (l) makers and vendors of sweetmeats; and
- (m) barbers and keepers of shaving saloons;
- (n) any other trades and occupations specified in the bye-laws, or through public notice by Local Council from time to time.

shall carry on his trade, calling or occupation in such part of a Local Area as may be designated by the Local Council unless he has applied for and obtained a licence in this behalf from the concerned Local Government.

(2) A licence granted under sub- paragraph (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the concerned Local Government unless it has reason to believe that the business which it is intended to established or maintain would be offensive or dangerous to the public.

(3) Notwithstanding anything contained in sub- paragraph (1):-

- (a) no person who was, at the commencement of this Ordinance carrying on his trade, calling or occupation in any part of a Local Area shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the concerned Local Government not less than 3 months' notice in writing of his obligation to do so, and if the concerned Local Government refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal;
- (b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale for poisons or white arsenic in any case in which he is required to take out a licence or such sale, storage or possession under any Federal or Provincial statutes.

(4) A Local Council may charge fees for the grant of licences under this paragraph.

90. CONDITIONS WHICH MAY BE ATTACHED TO LICENCES.

A licence granted to any person under paragraph 89 shall specify the part of the Local Area in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the Local Area of any specified articles intended for human consumption and may contain any other conditions which concerned Local Government thinks fit to impose in accordance with bye-laws made under this ordinance.

TRANSPORT AND TRAFFIC

91. TRAFFIC CONTROL.

(1) The concerned Local Government shall, by bye-laws, make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

(2) A concerned Local Government may, provide for parking motors on such public places as may be determined by it.

92. PUBLIC VEHICLE.

(1) No person shall keep or let for hire or drive or propel, within the limits of the Local Area of a concerned Local Government, any public vehicle, other than a motor vehicle, except under a licence granted by the Local Government, and in conformity with the conditions of such licence.

(2) No horse or other animal shall be used for drawing a public vehicle within the Local Area of a concerned Local Government except under the licence granted by the Local Government and in conformity with the conditions of such licence.

(3) The concerned Local Government shall, in such manner as bye-laws may provide and with the previous approval of Government, fix the rate of fares for the use of public vehicles, and no person plying a public vehicle shall charge a rate in excess thereof.

(4) In this paragraph, a "public vehicle" means any vehicle which ordinarily plies for hire.

93. PUBLIC FERRIES.

(1) A concerned Local Government may, by bye-laws, provide for the licensing of boats and other vessels plying for hire in a public watercourse and may specify the terms and conditions for the grant of licences and the fees to be charged therefor.

(2) Government may declare any part of the public watercourse to be a public ferry and may entrust the management thereof to a concerned Local Government which shall manage and operate the public ferry in such manner and levy such toll as may be necessary.

WATER SUPPLY

94. WATER SUPPLY.

(1) The concerned Local Government shall provide or cause to be provided to its Local Area a supply of wholesome water sufficient for public and private purposes.

(2) Where a piped water supply is provided, the concerned Local Government shall supply water to private and public premises in such manner and on payment of such charges as the bye-laws may provide.

95. PRIVATE SOURCE OF WATER SUPPLY.

(1) All private sources of water supply within the Local Area of a concerned Local Government shall be subject to control, regulation and inspection by the Local Government.

(2) No new well, water-pump or any other source of water for drinking purposes, shall be dug, constructed or provided except with the sanction of the concerned Local Government.

(3) A concerned Local Government may, by notice, require the owner or any person having the control of any private source of water supply used for drinking purposes:-

- (a) to keep the same in good order and to clean it from time to time of silt, refuse and decaying matter;
- (b) to protect the same from contamination on in such manner as the Local Government directs; and
- (c) if the water therein is proved to satisfaction of the Local Government to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

96. PUBLIC WATERCOURSES.

(1) A concerned Local Government may, with the previous sanction of the Government, declare any source of water, river, spring, tank, pond or public stream, or any part thereof within its Local Area, which is not private property, to be a public watercourse.

(2) A concerned Local Government may, in respect of any public watercourse, provide such amenities, make such arrangements for lifesaving, execute such works, and subject to the provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the bye-laws may provide.

97. TANKS, PONDS AND LOW-LYING AREAS.

A concerned Local Government may take such steps with regard to the excavation or re-excavation of tanks and ponds and the reclamation of low-lying areas as it thinks fit or, as the case may be, Government directs.

