

Bhubaneswar Municipal Corporation Offensive & Dangerous Trades Regulations, 2006

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Rule

BHUBANESWAR-MUNICIPAL-CORPORATION-OFFENSIVE-DANGEROUS TRADES REGULATIONS, 2006

- Published on 3 August 2006
- Commenced on 3 August 2006
- [This is the version of this document from 3 August 2006.]
- [Note: The original publication document is not available and this content could not be verified.]

Bhubaneswar Municipal Corporation Offensive & Dangerous Trades Regulations, 2006 Published vide Notification No. O.G.E. No. 1094 dated 3.8.2006 In exercise of the powers conferred by Section 657, read with Section 24 (vii) and Section 659 of the Orissa Municipal Corporation Act, 2003 (Orissa Act 11 of 2003) having been approved and confirmed by Government, the Corporation do hereby make the following regulations, namely :-

1. Short Title & Commencement.

(a) These regulations may be called the Bhubaneswar Municipal Corporation Offensive & Dangerous Trades Regulations, 2006. (b) They shall come into force on the date of their publication in the official gazette of the State.

2. Definitions.

(1) In these regulations, unless the context otherwise requires, - (a) "Act" means the Orissa Municipal Corporation Act, 2003; (b) "Corporation" means the Bhubaneswar Municipal Corporation constituted under the provisions of the Act; (c) "Section" means Section of the Act; (d) "Premises" means the premises as defined in clause 62 of Section 2 of the Act. (2) The words and expressions used but not defined shall have the meaning as respectively assigned to them in the Act and Rules.

3. Premises not to be used for storing certain articles, except under licence.

- No person shall use or permit to be used any premises for storing any of the articles mentioned in column(2) of the schedule attached hereto in exercise of the quantity mentioned in the Corresponding entry in column (3) thereof except in accordance with licence granted under these regulations.

4. Application for Licence.

- Any person desiring to obtain a licence under these regulations shall apply to the Commissioner or any Officer authorised by him on this behalf (hereinafter referred to as "the Authorised Officer") in the Form annexed to these regulations for grant of Licence-(1)Every application under Clause (1) shall be accompanied by such fees as per details in Schedule attached hereto.(2)Where the applicant is the owner of any premises and any other person is allowed by such power to use the premises for storage of any such articles, the applicant shall furnish to the Commissioner whenever required the name of the person using the premises for such purpose.

5. Grant of Licence.

(1)After receipt of the applications, the Commissioner or the Authorised Official may,after such inquiry as he may deem fit, issue the licence.(2)Every licence issued under the provisions of the Act, Rules and the Regulations made thereunder shall be subject to the following conditions, namely :-The licensee shall-(a)permit the Commissioner or the authorised Officer to inspect the licensed premises at all reasonable times and without notice.(b)always keep the licence issued to him at the licensed premises and shall on demand produce it for inspection to the Commissioner or the authorised Officer.(c)provide such adequate fire extinguishing measures and appliances as may be determined by the Fire Officer, Bhubaneswar in case of a fire.(d)get the licensed premises cleaned from time to time as often as may be necessary to prevent accumulation of filth & garbage;(e)at all times adopt and maintain in good order the licensed premises and all appliances that the Commissioner or the Authorized Officer may require from time to time for the purpose of minimizing danger to life and property or preventing nuisance, annoyance or inconvenience to the neighbourhood or to, the public from the use of the premises for the purpose.(f)Provide suitable means of ventilation and lighting for such premises and shall cause the same to be maintained in good order.The Licensee shall not-(a)do or permit to be done in the licensed premises any negligent act likely to cause fire or otherwise endanger public safety.(b)transfer the licence to any other persons without the prior permission of the Commissioner or the Authorised Officer.(c)store in such premises any of the materials or articles mentioned in the Regulation in excess of the quantity allowed by licence.(d)permit any part of building on such premises to be used for the purpose of human habitation.(3)Where the licence is for the storage of more than one article in the same premises, of which some articles are intended for human or animal consumption, while others are hazardous/poisonous materials likely to contaminate the articles intended for human or animal consumption, the licensee shall make separate storage arrangements to the satisfaction of the Commissioner or the Authorized Officer.(4)A notice board with the name of the licensee and the fact that he is licensed for storing, packing, pressing, cleaning, preparing or manufacturing hazardous

inflammable material or materials clearly written thereon, shall be displayed in a conspicuous place of the licensed premises.

6. Period of Validity and Renewal of Licence.

(1) Every licence granted under these regulations shall cease to be valid on 31st March of the year in which it is issued. (2) The licence issued under sub-clause (1) may be renewed within one month of its expiry and if the licensee renews his licence after the said period of one month, he shall be liable to pay a charge of five per cent of the licence fees for every subsequent month of delay.

7. Revocation and Suspension of Licence.

- If the licensee fails to comply with any of the aforesaid conditions of the licence the Commissioner or the Authorised Officer, may after giving an opportunity to the licensee of being heard in the matter, revoke or suspend the licence.

8. Illegal Encroachments.

- In case of illegal encroachments for trade of such articles, by erecting temporary construction and such construction, if demolished by the Corporation, then the cost of demolition/ removal shall be borne by the encroacher and in case of reconstructions/re-encroachments in the area, if any, the penalty shall be charged in double.

9. Penalty.

- Whoever, contravenes any provisions of these regulations shall be punished. (a) With fine which may extend up to Rs. 200 or (b) In the case of continuous contravention, with an additional fine which may extend to Rs. 30 for every day. (c) With another Rs. 20 as fine if contravention continues even after receipt of a notice from the Commissioner or the Authorised Officer to discontinue such breach. Form [See regulation 4(1)] Form of Application for granting Licence/Renewal of Licence To The Municipal Commissioner, Bhubaneswar Municipal Corporation. Sir, I am to request you to grant me licence to use the premises for storing in excess of the quantity of any articles specified in part of Schedule, the bye laws for packing, processing, cleaning, preparing or manufacturing by any process whatever inflammable materials, the particulars in which are given below :

1. Name of the applicant :

2. Age :

3. Fathers name:

4. Present address :

5. Permanent address :

6. Purpose for which licence is required

7. Description of the premises/place in respect of which license is required :

(a)Holding No.:(i)Name of street/locality :(ii)Other particulars for identifying the place :(b)Plot No.
: Khata No. :Revenue Mouza:

8. Is the applicant the owner / lessee / tenant of the place / premises proposed to be utilized for carrying on the trade ? : Yes/No

9. Plinth areas proposed to be utilized for the trade / operation :

10. Working hours :

11. Number of workers proposed to be engaged :

12. Whether or not the place or premises proposed to be used for or carrying on the trade or operation for keeping any Articles referred to is a residential building : Yes/No

13. Period for which licence is required :

14. License fees paid vide M.R. No....., dated

I hereby declare that all the above information given by me/ us is true to the best of my / our knowledge and belief.Yours faithfullySignature of applicant with seal