

The [Name of Local Government] (Regulation of the Trade of gas filled balloons) Bye-Laws, 2018

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The [Name of Local Government] (Regulation of the trade of gas filled balloons) Bye-Laws, 2018

Preamble

WHEREAS, it is expedient to control the incidents occurring due to loose and free usage of hydrogen gas or helium in the balloons or any other substance that causes the balloons to rise or float in the air and its associated hazards, and to regulate such trade and activities connected thereto;

AND WHEREAS, the circumstances exist which render it necessary to take immediate steps to frame the [Name of Local Government] (Regulation of the Trade of gas filled balloons) Bye-Laws, 2018;

AND WHEREAS under Section 145 read with Part-II of the Seventh Schedule and Eighth Schedule of the Punjab Local Government Act, 2013 (XVIII of 2013) [Name of Local Government] may, and if required by the Government shall, make bye-laws not inconsistent with the Act and the rules to give effect to the provisions of the Act.

NOW, THEREFORE, in exercise of the aforesaid powers and all other enabling provisions in this behalf, House of the [Name of Local Government] through resolution No. _____- dated _____ has approved the following bye-laws which are hereby notified.

Mayor/Chairman
[Name of Local Government]

Dated:

1. Short title, extent and commencement.- (1) These Bye-laws may be called "The [Name of Local Government] (Regulation of the Trade of gas filled balloons) Bye-Laws, 2018".

(2) These Bye-laws shall extend to the whole area of the [Name of Local Government].

(3) These bye-laws shall come into force from the date these are published in the official Gazette.

2. Definitions. - (1) In these bye-laws, unless there is anything repugnant in the subject or context the following terms and expressions shall have the meanings hereby assigned to them:

- (a) **"Act"** means the Punjab Local Government Act, 2013 (XVIII of 2013);
- (b) **"Balloon"** means a balloon filled with hydrogen gas or helium or any other substance that causes the balloons to rise or float in the air;
- (c) **"Government"** means Government of the Punjab;
- (d) **"Handcart"** means a cart containing the cylinder/container of hydrogen gas or helium or any other substance that causes the balloons to rise or float in the air and used for selling of balloons;
- (e) **"License"** means permission of the [Name of Local Government] to carry on the trade of balloons in accordance with the provisions of these bye-laws;
- (f) **"Licensee"** means a person who has a license under these bye-laws;
- (g) **"Local Government"** means [Name of Local Government]
- (h) **"Municipal Officer (Regulation)"** Municipal Officer/District Officer (Regulation) of the [Name of Local Government];
- (i) **"Premises"** means any shop, house, hut, out-house, shed or enclosure built by any material, used for storing, keeping cylinders/containers of hydrogen gas or helium or any other substance that causes the balloons to rise or float in the air and also used for selling of balloons;
- (j) **"Trade"** means a business of storing, keeping or selling the balloons filled with hydrogen gas or helium or any other substance that causes the balloons to rise or float in the air in a premises or through Handcart.

(2) Words and expressions used herein but not defined in these bye-laws shall have the same meanings as are assigned to them in the Act.

3. Prohibitions. - No person shall carry on the trade of storing, keeping or selling the balloons filled with hydrogen gas or helium or any other substance that causes the balloons to rise or float in the air in a premises or through Handcart, without having license from the Local Government under these bye-laws.

4. Application for grant of license. - (1) If a person intends to carry on the trade of balloons anywhere in the territorial limits of the Local Government, he shall apply to the Municipal Officer (Regulation) for grant of a license in this behalf.

(2) No application for grant of license shall be entertained unless submitted on prescribed **Form-I** and accompanied by the following documents:

- (a) Copy of CNIC of the applicant;
- (b) Passport size recent photograph; and
- (c) Description of the premises.

(3) On receipt of an application, the Municipal Officer (Regulation) himself or through an Inspector authorized by the Local Government in this behalf may cause inspection of the premises or handcart within seven days.

(4) The Municipal Officer (Regulation) shall within seven days after the receipt of inspection report of the Inspector, either grant license on **Form-II** for a financial year ending 30th of June or refuse the license with reason(s) to be communicated to the applicant in writing on **Form-III**.

(5) The license shall be non-transferable and shall stand terminated automatically on the death of the licensee and the lawful successor(s) shall seek fresh permission to carry on the trade from the Local Government.

5. Fee for License. - (1) Fee for new license and renewal fee shall be levied and collected by the Local Government under sections 115 and 117 of the Act, and the procedure laid down in the Punjab Local Governments (Taxation) Rules, 2016.

(2) The prescribed fee shall be collected and deposited in the local fund of the Local Government before issuance of license.

(3) In case license fee under section 115 of the Act and the Punjab Local Governments (Taxation), Rules 2016, is not levied by [Name of Local Government], it may issue the license without charging any fee for the intervening period till the time such license fee is notified.

6. Notice to person carrying on unlicensed Trade.- (1) Any person who was, on the date of notification of these bye-laws carrying on this trade in any part of a local area, shall be bound to immediately apply for a license for carrying on such trade in that part after receiving a notice under the

prescribed **Form-IV** in this behalf from the Local Government to do so. In case of non-compliance, the premises shall be sealed by the Municipal Officer (Regulation).

(2) If a handcart is used for the trade without a license as required under these bye-laws, it shall be forfeited by the Municipal Officer (Regulation).

7. General conditions for license.- The licensee shall:

- i. not sell the balloon of more than 12 inches size;
- ii. not sell or keep balloons made of any material other than latex rubber;
- iii. not sell or keep the balloons which are made of electrically conductive material or a non-biodegradable material;
- iv. display the License No. at a conspicuous place, as the case may be, in the premises or on the handcart;
- v. display a warning statement for the consumer about the risk if the balloon comes in contact with electrical power lines or flame in the premises or on the handcart;
- vi. not in any case use or allow to be used licensed premises or the handcart for any other purpose than the one for which license has been issued;
- vii. use the balloons having the mark of the manufacture;
- viii. ensure that the balloons are hand tied;
- ix. keep the first aid box, fire extinguishers etc. and list of emergency contact numbers in the premises;
- x. keep the record of purchase of balloons;
- xi. get the license renewed in the month of July each year;
- xii. intimate the Local Government on closing of the trade or any change in the premises/location;
- xiii. observe the prescribed terms and conditions under these bye-laws in letter and spirit; and
- xiv. any other condition which the Local Government may deem appropriate to specify.

8. Inspection of the licensed premises or handcart and renewal of license. - (1) The Municipal Officer (Regulation) or an Inspector authorized by the Local Government in this behalf, may inspect any premises, where the trade is being carried on. The Inspecting Officer shall, during the course of inspection, especially ensure that:

- (a) the license is properly displayed; and
- (b) all terms and conditions required under these bye-laws are being followed by the licensee in letter and spirit;

(2) The Municipal Officer (Regulation) shall conduct inspection on regular basis of the licensees to ensure the compliance of general conditions of license and in particular safety measures observed by the Licensee.

(3) The Municipal Officer (Regulation) shall maintain the record of inspections in the prescribed **Form-V**.

(4) The license shall be renewed annually after receiving a satisfactory inspection report.

9. Survey and maintenance of record. - The Municipal Officer (Regulation) or an Inspector, authorized by the Local Government in this behalf shall cause the survey to be conducted at the beginning of each financial year to have complete list and particulars of all business of storing, keeping or selling the balloons filled with hydrogen gas or helium or any other substance that causes the balloons to rise or float in the air in a premises or through Handcart and maintain a complete record thereof.

10. Power of entry and sealing the premises. - The Municipal Officer (Regulation) or an Inspector, authorized by the Local Government in this behalf, may at any time enter into any place, premises, or shop being used for storing, keeping or selling the balloons filled with hydrogen gas or helium or any other substance that causes the balloons to rise or float in the air, within the jurisdiction of the Local Government and, in case, of serious threat to the safety or danger to the life, may seal the premises.

11. Cancellation of license.- (1) The Local Government may cancel the license in case of violation of any provision of these bye-laws by the licensee.

(2) Before cancellation of license, the licensee shall be informed in writing.

(3) No license shall be cancelled without affording an opportunity of hearing to the licensee.

12. Use of Balloons on Ceremonies.- (1) No person shall float balloons in the air at any ceremony except with prior approval of the Municipal Officer (Regulation) in writing.

(2) In any ceremony, not more than twenty five balloons, filled with hydrogen gas or helium or any other substance that causes the balloons to rise or float in the air, shall be allowed to float in the air within twenty four hours.

13. Public awareness.- The [Name of Local Government] shall make adequate arrangements of public awareness through posters, notice boards, newspapers and electronic media regarding the enforcement of these bye-laws and sensitize the public about possible hazards of the balloons filled with hydrogen gas or helium or any other substance that causes them to rise or float in the air.

14. Appeals.- Any person aggrieved by an order passed under these bye-laws may file appeal under section 143 of the Act to the Appellate Authority as prescribed under the Punjab Local Governments (Appeal) Rules, 2017.

15. Penalties.- In addition to any other action as provided in these bye-laws, the person doing an act without license or permission or not observing the conditions of the license shall be liable to punishment under sections 132 and 134 read with the Fourth Schedule (Part II) and Fifth Schedule of the Act.

16. Responsibility of Enforcement.- The Municipal Officer (Regulation) shall be responsible to enforce these bye-laws.

17. Maintenance of record of applications for grant/ renewal of licenses. – The Municipal Officer (Regulation) shall maintain the record of the applications for grant and renewal of licenses on the prescribed **Form-VI**.

18. Repeal and Saving.- (1) The [*Name of District/City District Government*] Regulation of the Trade of Gas Filled Balloons Bye-Laws, 2014 are hereby repealed.

(2) The licenses issued under the repealed bye-laws shall remain intact, till the expiry date if not inconsistent with these bye-laws.

Mayor/Chairman
[Name of Local Government]

....

FORM-I

[See bye-law 4(2)]
[Name of Local Government]

To

The Municipal Officer (Regulation)
[Name of Local Government]

Subject:- **APPLICATION FOR GRANT OF LICENSE FOR THE TRADE OF BALLOONS**

Sir,

I intend to carry on the trade of the balloons filled with hydrogen gas or helium or any other substance that causes them to rise or float in the air.

2. I may kindly be permitted and granted a license for carrying on the Trade of Balloons for one year ending 30th June _____ (Year).

3. I under-take to abide by the bye-laws applicable to this trade and the directions conveyed by the [Name of Local Government] from time to time.

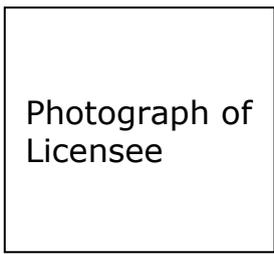
5. After the expiry of the license period, I shall myself apply for renewal of the license.

Applicant's signature _____
Applicant's Name _____
Father's Name _____
C.N.I.C No. _____
Residential Address _____
Contact No. _____
Whether using a Premises or Handcart _____

The following documents are enclosed:

- (a) Copy of CNIC of the applicant;
- (b) Passport size recent photograph;
- (c) Description of the premises, if any.

FORM-II
[See bye-law 4(4)]
[Name of Local Government]
License



From
Municipal Officer (Regulation),
[Name of Local Government]

To

(Name) _____
Address _____

Subject:- **LICENSE FOR CARRYING ON THE TRADE OF BALLOONS**

With reference to your application dated _____ for grant of license, you are hereby granted a license for carrying on the trade of balloons filled with hydrogen gas or helium or any other substance that causes them to rise or float in the air at _____ or through Handcart.

2. During the term of license you will abide by all the prescribed terms and conditions of the license and bye-laws applicable to this trade and as may be directed or conveyed by the [Name of Local Government] from time to time. Particulars of the license are as under:

Name _____
Father's/Husband's Name _____
CNIC No. _____
License No. _____
Term of license _____
License fee paid _____
Address _____
Description of the premises _____

Municipal Officer (Regulation)

[Name of Local Government]

Note: General conditions of the license are on the back of license.

(to be printed on the back of license)

GENERAL CONDITIONS OF LICENSE

(See bye-law 7)

The licensee shall:

- i. not sell the balloon more than 12 inches size;
- ii. not sell or keep balloons made of any material other than latex rubber;
- iii. not sell or keep the balloon which are made of electrically conductive material or a non-biodegradable material;
- iv. display the License No. and period of license at a conspicuous place in the premises or on the handcart;
- v. display a warning statement for the consumer about the risk if the balloon comes in contact with electrical power lines or flame in the premises or on the handcart;
- vi. not in any case use or allow to be used licensed premises or the handcart for any other purpose than the one for which license has been issued;
- vii. use the balloon having the mark of the manufacture;
- viii. ensure that the balloons are hand tied;
- ix. keep the first aid box, fire extinguishers etc. and list of emergency contact numbers;
- x. keep the record of purchase of balloons;
- xi. get the license renewed in the month of July each year;
- xii. intimate the [Name of Local Government] on closing of the trade or any change in the premises/location; and
- xiii. observe the prescribed terms and conditions under these bye-laws.

FORM-III
[See bye-law 4(4)]

[Name of Local Government]

No. _____

Dated _____

To

(Name) _____

Address _____

Subject:- **REJECTION OF APPLICATION FOR GRANT OF LICENSE**

Reference your application dated _____ for grant of license for carrying on the Trade of Balloons filled with hydrogen gas or helium or any other substance that causes them to rise or float in the air at _____ or through Handcart within the jurisdiction of [Name of Local Government]

2. It is intimated that your application for grant of license has been rejected on the following grounds:

- (i) _____
- (ii) _____
- (iii) _____

Municipal Officer (Regulation)
[Name of Local Government]

FORM-IV

[See bye-law 6(1)]

[Name of Local Government]

Notice No. _____, Dated _____

To

(Name) _____

Address _____

Subject:- **NOTICE FOR UNLICENSED TRADE OF BALLOONS**

It has been noticed that you are carrying on the trade of balloons filled with hydrogen gas or helium or any other substance that causes them to rise or float in the air at _____ or through handcart in the jurisdiction of the Local Government without obtaining a license regulating such trade.

2. You are directed to immediately apply for the license in this behalf from the [Name of Local Government]. In case, you fail to obtain the license within a period of 15 days, the premises whereon you are undertaking the above trade would be sealed or the handcart through which you are doing trade of balloons would be forfeited and proceeding under section 132 of the PLGA, 2013 shall be initiated against you.

Municipal Officer (Regulation)

[Name of Local Government]

FORM-V

[See bye-law 8(2)]

[Name of Local Government]

**Record of Inspection of Licenses and Premises or Handcarts and
Renewal of Licenses,**

Sr.#	Name & Designation of the Inspecting Officer	Date & Time of Inspection	Name & address of the person whose premises or handcart was inspected	Licensed or unlicensed License No. in case of licensed premises or handcart	Renewed or not renewed	Findings and recommendations of the Inspecting Officer with signatures and stamp	Action taken
1	2	3	4	5	6	7	8

FORM-VI

(See bye-law 17)

[Name of Local Government]

Record of applications for grant /renewal of licenses

1.	Name of the Applicant	
2.	Father's / Husband's Name	
3.	CNIC No.	
4.	Place of trade	
5.	Total area of premises	
6.	Through Handcart	
7.	Date of application for grant /renewal of license	
8.	License No. date of issue	
9.	Date of rejection of application	
10.	No. & date of notice in case of the person carrying on unlicensed trade	
11.	Date of receipt of appeal	
12.	Proceedings & decision	
13.	Status of implementation of decision	
14.	No. & date of the recovery notice if it is to be recovered as arrears of land revenue	
15.	Reply with date submitted by the licensee	
16.	Communication of the decision of Local Government with date	
17.	Recovery status	
18.	Remarks, if any	

Mayor/Chairman

[Name of Local Government]

Dated: