

7th sch. amended by
R.C. 1942 - p. 615

Amended }
No 35 of 1941
No 32 of 1943
No 9 of 1945
No 33 of 1946
No 57 of 1946

CHAPTER 39. No. 7.

SAN FERNANDO CORPORATION.

AN ORDINANCE RELATING TO THE BOROUGH OF SAN FERNANDO,
AND TO MAKE PROVISIONS FOR THE GOOD GOVERNMENT OF
THE BOROUGH.

Ordinances
No. 40—1935.
,, 14—1937.
,, 3—1932,
s. 3.
,, 24—1940.
Commencement.

[16th June, 1936.]

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the San Fernando Short title.
Corporation Ordinance.

2. In this Ordinance—

Interpreta-
tion.

“borough” means the town of San Fernando as defined
by this Ordinance, together with any extensions thereof,
subject to such modifications to its constitution as are
effected by this Ordinance;

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“continuing offence”—where the beginning of the
execution of any work is an offence in respect whereof
the offender is liable under this Ordinance, or under any
bye-law, rule, or regulation, to a penalty, the existence of
the work during its continuance in such a form and state
as to be in contravention of the Ordinance or of the bye-
law, rule, or regulation shall be deemed to be a continuing
offence, but a penalty shall not be incurred in respect
thereof after the expiration of one year from the day
when the offence was committed or the bye-law, rule, or
regulation was broken;

“corporate land” means land belonging to or held
in trust for the Corporation;

“corporate office” means the office of Mayor, Deputy Mayor, Alderman or Councillor;

“Corporation” means the Mayor, Aldermen, and Burgesses of the Borough of San Fernando;

“Council” means the Council of the Corporation;

“Former Council” means the San Fernando Borough Council constituted by the Municipal Corporations Ordinance (Cap. 230 of the 1925 Revised Laws);

“house,” in reference to ~~the rate to be imposed and~~ the qualification of burgesses under this Ordinance, shall include any dwelling-house, warehouse, stable, counting house, store, manufactory, shop, workshop, shed, or other building used in carrying on any trade or business, and any lands appurtenant to or occupied with the same, and not rated separately;

“officer” includes the Town Clerk, the Town Engineer, and every other person appointed by the Council or employed by the Corporation at a fixed salary, but shall not include labourers or persons in casual employment;

“owner” means the person in possession of or in receipt either of the whole or of any part of the rents or profits of any land or tenement, whether in his own right or as a trustee or personal representative of any other person, or in the occupation of such land or tenement other than as a tenant from year to year, or for any less term, or as a tenant at will;

“person” includes any body politic or corporate, municipal or civil, aggregate or sole, as well as an individual;

“premises” includes messuages, buildings, lands, easements, and hereditaments of any tenure;

“reputed owner” of any building or of any vacant lot of land means the person entered as the owner of such building or of such vacant lot of land in the House Rate Book for the time being in force, or in any register of ownership kept by the Corporation;

“statutory increase” means any increase surcharge or percentage added to any rate, charge, or sum of money whatsoever payable to the Corporation under this Ordinance or any other Ordinance for the time being in force in the Colony, by reason of the non-payment of any such

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rate, charge, or sum of money at or within the time after the lapse of which such increase surcharge or percentage is expressed to become payable;

“street” includes any highway, and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not;

“Town Clerk” means the person for the time being holding the office of Town Clerk and Treasurer under the Corporation, and any person acting as Town Clerk and Treasurer;

“Town Engineer” means the person for the time being holding the office of Town Engineer under the Corporation, and any other person for the time being performing the duties of the Town Engineer with the authority of the Council and also includes the Assistant Town Engineer;

“valuation” means the sum fixed by the Council or by any Commissioner appointed by the Council as the annual rateable value of any rateable hereditament.

3. (1) All powers, authorities, interests, rights, immunities, and privileges vested in the Former Council shall be deemed to be vested in the Corporation, and all property, real and personal, belonging to the Former Council is hereby declared to be vested in the Corporation.

Vesting of powers, rights and property of Former Council in the Corporation.

(2) Every Ordinance giving power or authority to or imposing any duty or liability upon or otherwise relating to the Former Council or providing any forms of proceedings relating to the Former Council shall unless the context otherwise requires and so far as applicable, be read and have effect as if in such Ordinance the Council were substituted for the Former Council.

Ordinance to be read as if Council substituted for Former Council.

4. (1) Any reference in any Ordinance, or in any rule, regulation, or bye-law made under any Ordinance or in any document of whatever kind, public or private, to the Former Council of the borough of San Fernando shall be deemed to refer to the Council of the Corporation as constituted by this Ordinance.

References to Former Council to be deemed to refer to the Council.

(2) Any reference in this or any other Ordinance or law to the powers, duties, liabilities, or property of the Council is to be construed as a reference to the powers, duties, liabilities, or property of the Corporation acting by the Council.

PART II.

CONSTITUTION AND GOVERNMENT OF THE BOROUGH.

The Borough
and Corpora-
tion of San
Fernando.

5. (1) The town of San Fernando shall continue to be a borough, and the burgesses thereof shall be a corporate body bearing the name of "The Mayor, Aldermen, and burgesses of San Fernando" and by such name shall have perpetual succession.

The Council.

(2) The Corporation shall be capable of acting by the Council and the Council shall have and exercise all powers vested in the Corporation.

Seal.

(3) The Corporation shall have and use a common seal to be approved and from time to time altered by the Council and such seal shall be judicially noticed.

Constitution
of the Council.

6. (1) The Council shall consist of the Mayor, Aldermen, and Councillors; there shall be three Aldermen and nine Councillors.

Casual
vacancy of
Councillors to
be filled by
election.

(2) Any casual vacancy among the Councillors occasioned by the election of one or more Councillors as Aldermen shall be filled by election in the manner directed by this Ordinance.

Extent of the
borough.

7. (1) For the purposes of this Ordinance the metes and bounds of the borough of San Fernando shall be as set forth in the First Schedule hereto, and shall include all the lands and buildings within the said boundaries.

1st Schedule.

Power to
extend the
limits.

(2) The Council may, by resolution, subject to confirmation by the Governor in Council, extend the limits of the borough:

Provided that, not less than one month's notice of the intention to bring forward such a resolution, shall be given by advertisement in the *Royal Gazette*, and in one local newspaper circulating in the borough.

Extension to
be published.

(3) The Council shall, as soon as convenient, after the incorporation of any area in the borough under the powers conferred by this Ordinance, cause a notice to be inserted in the *Royal Gazette* and in one local newspaper circulating in the borough, describing the area so incorporated, and setting forth the fact of the approval of the Governor in Council to such incorporation.

(4) For all purposes relating to the qualification of burgesses and Councillors, any area incorporated in the borough under the powers conferred by this section, shall be deemed to have formed part of the borough during the whole of the twelve months immediately preceding the date of such incorporation.

Extension to be deemed to have formed part of the borough for preceding twelve months.

(5) Save as otherwise expressly provided by this Ordinance, all statutory enactments, bye-laws, rules and regulations, in force and applicable to the borough at the date of any extension of the limits thereof under the powers conferred by this section, shall extend and apply to the area so added to the borough.

Enactments and bye-laws applicable to borough to extend to added area.

Burgesses.

8. (1) A person shall not be deemed to be a burgess for any of the purposes of this Ordinance unless he is enrolled as a burgess.

Who are entitled to be burgesses.

(2) A person shall not be entitled to be enrolled as a burgess unless he is of full age and a British subject by birth or naturalization, or, being any other person, has actually resided in the Colony for a continuous period of not less than five years immediately preceding the 15th of June in any year, and also possesses either the two qualifications (a) and (b) hereunder, or alternatively, the qualification (c) hereunder:—

(a) is, on the 15th of June in any year, and has been during the whole of the preceding twelve months, in occupation of any house within the borough assessed in the House Rate Book for the year at an annual rateable value of not less than sixty dollars or any portion of such qualifying property for which he shall have really and *bonâ fide* paid during such preceding twelve months not less than sixty dollars rent, or has, during the same twelve months, occupied as owner any qualifying property assessed in the House Rate Book at an annual rateable value of not less than forty-eight dollars;

Amnd. by Sec. 2 of 33/46

(b) has, during the same twelve months, resided within the borough or within ten miles thereof, such ten miles to be measured along the nearest public road or way by land or water;

Amnd. by Sec. 2 of 33/46

(c) is, on the 31st of May, and has been, during the whole of the preceding twelve months, in occupation as a lodger

of lodgings in the borough, and as such lodger has paid during the period above named not less than sixty dollars for rent only of such lodgings, or not less than three hundred dollars for rent and board combined, and also resided in such lodgings during the whole of such period.

(3) For the purposes of this section, the term "lodgings" shall mean any room or rooms, whether furnished or unfurnished, separately occupied in a dwelling-house.

Qualification
of joint
owners.

9. Where the qualifying property or any part thereof is jointly occupied by more persons than one, each of such occupiers shall be entitled in respect of such property or part thereof jointly occupied if the annual rateable value at which the property is rated to the house tax or the yearly rent *bonâ fide* paid by such occupiers for one year at the least in respect of the property shall be an amount which, when divided by the number of occupiers, shall give a *bonâ fide* rent of not less than sixty dollars for each of such occupiers.

Property may
be owned in
succession.

10. (1) The qualifying property need not be, during the whole of the twelve months constituting the period of qualification, the same property, but may be different properties in the borough.

(2) Where a person succeeds to qualifying property by descent, marriage settlement, or devise, then, for the purposes of qualification, the occupancy of the property by a predecessor in title and the rating of the predecessor in respect thereof shall be equivalent to the occupancy and rating of the successor, and rating in the name of the predecessor shall, until a new rate is made after the date of succession, be equivalent to rating in the name of the successor, and the successor shall not be required to prove his own residence, occupancy, or rating before the succession.

Qualification
of women.
Ord. 14-1937,
s. 2.

11. For all purposes connected with and having reference to the right to vote at elections, the qualifications and elections of Aldermen and Councillors and the election of the Mayor and Deputy Mayor, words in this Ordinance importing the masculine gender include women, whether married or single.

Mayor, Deputy Mayor, Aldermen, and Councillors.

12. (1) A person shall not be qualified to be elected or to be or to continue to be a Councillor unless—

Qualification
of a
Councillor.
Ord. 14-1937,
s. 3.

(a) he is entitled to be enrolled and is actually enrolled on the burgess roll of the borough; and

(b) he is a British subject by birth or naturalization; and

(c) he is possessed as absolute owner or as a tenant for life or of some other estate of freehold of or in real property assessed to the house rate at an annual rateable value of not less than one hundred and ^{twenty} forty-four dollars or is the actual tenant of a house assessed to the house rate at an annual rateable value of not less than ^{two} hundred and forty dollars and as such tenant has *bonâ fide* paid within the preceding twelve months at least one year's rent in respect of such house; or

^{Twenty} (d) he is in receipt of an income of ^{seven} ~~nine~~ hundred and sixty dollars per annum.

Amend. by
Sec. 3 of 33/46

(2) A person shall be disqualified for being elected and for being a Councillor—

Disqualifi-
cation.

(a) if and while he holds any office or place of profit, other than that of Mayor or Deputy Mayor, in the gift or disposal of the Corporation; or

(b) if he does not speak the English language; or

(c) if and while he is a minister of religion; the term minister of religion in this section means any clergyman, minister, priest, or other person who exercises spiritual functions or performs the offices of religion for or in respect of any Christian or other church, community, or body within the Colony; or

Repealed &
Replaced by
Sec. 4 of 33/46

(d) if and while he is an undischarged bankrupt; or

(e) if he has been convicted of treason or felony, or if within the previous ten years he has been convicted of any offence involving dishonesty; or

(f) if, being a person possessed of professional qualification, he is disqualified to exercise the practice of his profession on account of any act involving dishonesty, and during the period he is so disqualified; or

(g) if and while he has, directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Corporation.

Proviso as to exemptions.

(3) Provided that a person shall not be disqualified by reason of his being interested—

(a) in any sale, purchase, or lease of land to or from the Corporation; or

(b) in any newspaper in which any notice or advertisement relating to the affairs of the Corporation is inserted; or

(c) in any company which contracts with the Corporation for lighting the borough or any part thereof or insuring against fire any property of the Corporation in any part of the borough; or

(d) in any agreement with the Corporation for the loan of money or any security for the payment of money; or

(e) in any contract with the Corporation as a director or shareholder in any company incorporated by or under any Act of Parliament or by Royal Charter, or by or under any Ordinance, but he shall not take part in any discussion of or, vote on, any question in which such company is interested, at any meeting of the Council or of any committee thereof.

Proviso as to exemption.

(4) Provided also that a person shall not be disqualified by reason of his receiving, as a medical practitioner, from the Corporation as the local authority of an urban sanitary district, fees for the notification of cases of infectious diseases under the Public Health Ordinance.

One-third part of Council to go out of office annually.

13. (1) On the 1st of November in each year one-third of the whole number of Councillors shall go out of office, and those who shall so go out of office shall be the Councillors of the borough who shall have been longest in office without being re-elected: Provided that any Councillor so going out of office shall be capable of being re-elected if then qualified as herein provided.

(2) The term of office of a Councillor shall be three years.

Number, qualification and term of office of Alderman.

14. (1) The Aldermen shall be fit persons elected by the Council.

(2) The number of Aldermen shall be three.

(3) A person shall not be qualified to be elected or to be an Alderman unless he is a Councillor or qualified to be a Councillor.

(4) If a Councillor is elected to and accepts the office of Alderman he vacates his office as Councillor.

(5) The term of office of an Alderman shall be three years.

(6) On the ordinary day of election of an Alderman in every year, one Alderman shall go out of office and his office shall be filled by election; and the Alderman who shall go out of office shall be the one who has been longest in office without being re-elected.

15. (1) The ordinary day for the election of Aldermen shall be the 3rd of November. At the meeting of the Council held for that purpose, the first business shall be the laying by the Town Clerk of a return of the new Councillors elected on the preceding 1st of November who have subscribed the declaration of acceptance of office and are in attendance at the meeting; after which the election of Aldermen shall be the only other business to be transacted. Election of Aldermen.

(2) In the election of Aldermen the following shall apply:—

(a) a person entitled to vote may vote for any number of persons not exceeding the number of vacancies by filling in, signing, and personally delivering to the chairman of the meeting a voting paper containing the surnames and other names and the place of abode and description of the persons for whom he votes;

(b) the chairman, as soon as all the voting papers have been handed to him, shall openly produce and read them or cause them to be read, and, after declaring the result of the election, shall deliver them to the Town Clerk to be kept for twelve months in a sealed envelope; and at the end of that time, the Town Clerk shall destroy them;

(c) the outgoing Alderman shall not vote;

(d) in case of an equality of votes, the chairman, though an outgoing Alderman, shall have a casting vote;

(e) the person who shall have the greatest number of votes shall be declared to be, and shall thereupon be elected Alderman of the borough.

Qualification
and term of
office of
Mayor.
Ord. 14-1937,
s. 4.

16. (1) The Mayor shall be a fit and proper person elected from among the Aldermen and Councillors, and such Mayor shall continue in office for one whole year, and until his successor has accepted office and made and subscribed the required declaration: Provided that no person shall serve as Mayor for more than three years in succession.

Mayor's
expenses to
be defrayed.

(2) For the purpose of defraying the reasonable travelling and other expenses incidental to his office, the Mayor shall be paid out of the ordinary revenues of the Corporation the sum of forty dollars per month.

Mayor to be
Justice of the
Peace.

17. (1) The Mayor shall, by virtue of his office, be a Justice of the Peace for the borough, and shall, unless disqualified to be Mayor, continue to be a Justice during the year next after he ceases to be Mayor.

(2) The disqualification above referred to shall not include disqualification due to ineligibility for re-election as Mayor by reason of any person having served as Mayor for three successive years.

Election of
Mayor and
Deputy
Mayor.

18. On the 9th of November in every year the Council shall elect out of their own body of Aldermen and Councillors, an Alderman or Councillor to be the Mayor of the borough, and another Alderman or Councillor to be the Deputy Mayor.

Deputy
Mayor.

19. (1) The Council may appoint any Alderman or Councillor to be the Deputy Mayor to hold office during the term of office of the Mayor; and in the absence or illness of the Mayor, such Deputy Mayor shall be deemed to have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under and by virtue of this Ordinance and any other law; and all things done, exercised, or suffered by the Deputy Mayor as aforesaid shall be as valid and effectual in all respects as if they had been done, exercised, or suffered by the Mayor; but such Deputy Mayor shall not, unless he is a Justice of the Peace, act as a Justice or in any judicial capacity.

On death, etc.,
of Mayor, the
Deputy
Mayor
succeeds.

(2) In the event of the death, resignation, or disqualification from any cause of the Mayor, the Deputy Mayor shall forthwith succeed to the office of Mayor, and shall continue

in such office until the time when the Mayor whom he succeeds would have gone out of office, and he shall then go out of office.

(3) In the event of the death, resignation or disqualification from any cause of the Deputy Mayor, the Council may appoint any other Alderman or Councillor to be the Deputy Mayor, to hold office for such term, not exceeding the term of office of the then Mayor, as the Council may, by resolution, determine.

On death, etc., of Deputy Mayor, another Alderman or Councillor to be appointed.

(4) If the Mayor is dead or is absent or otherwise incapable of acting in the exercise of his powers and duties under this or any other Ordinance for the time being in force, and the Deputy Mayor is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith elect an Alderman or Councillor to execute those powers and duties in place of the Mayor for such term as the Council may, by resolution, determine.

Alderman or Councillor to be appointed if Mayor and Deputy Mayor are both incapable of acting.

20. In the election of the Mayor and of the Deputy Mayor which shall be by motion, duly seconded, a candidate for election shall not preside.

Candidate not to preside at the election.

Supplemental and exceptional provisions.

21. (1) Every qualified person elected to a corporate office, unless exempt under this section or otherwise by law, either shall accept the office by making and subscribing the declaration required by this Ordinance within five days after notice of election, or shall, in lieu thereof, be liable to pay to the Corporation a fine of four hundred and eighty dollars.

Penalty on refusal to accept office.

(2) The persons exempt under this section are:—

(a) any person disabled by unsoundness of mind, or by deafness, blindness, or other permanent infirmity of body; and

(b) any person who, being above the age of sixty-five years, or having within five years before the day of his election, either served in any corporate office or paid the fine for non-acceptance thereof, or having served in a corporate office or in different corporate offices for an aggregate period of six years, claims exemption within five days after notice of his election; and

Ord. 14-1937, s. 5.

(c) any officer in the public service of the Colony who obtains, within five days after notice of his election, a certificate of exemption from the Governor on the ground that the public duties of such office do not allow of his accepting such office.

Recovery of fine.

22. A fine payable under the last preceding section shall be recovered with full costs of suit by action in the Supreme Court in the name of the Corporation.

Declaration of acceptance of office.

2nd Schedule.

23. A person elected to a corporate office shall not act in such office until he has made and subscribed a declaration before two members of the Council or the Town Clerk in the form set forth in the Second Schedule hereto.

Fine on resignation, etc.

24. (1) A person elected to a corporate office may, at any time by writing signed by him and delivered to the Town Clerk, resign the office on payment of the fine provided for non-acceptance of office: Provided that an officer of the public service who obtains from the Governor a certificate of exemption from serving such corporate office, or who resigns a corporate office by direction of the Governor shall not be liable to pay any such fine.

On resignation office to be declared vacant.

(2) In any such case the Council shall, unless the office so resigned be that of Mayor, forthwith declare the office to be vacant, and signify the same by notice in writing signed by two members of the Council and countersigned by the Town Clerk and affixed in some conspicuous place near the outer door of the Town Hall, and the office shall thereupon become vacant.

Resignation without liability to pay fine.

Ord. 14-1937,
s. 6.

(3) Provided always that any person elected to a corporate office whose state of health, as certified by a member of the Medical Board, is such as to make his resignation necessary, or whose business or employment requires his residence at a distance from San Fernando which is so considerable as to render it difficult for him to attend meetings of the Council, who obtains the permission of the Council to resign his seat pursuant to a resolution carried by not less than three-fourths of the members present at a meeting attended by not less than two-thirds of the whole Council, shall not be liable to pay any such fine; nor shall any person holding a

corporate office who resigns such office at any time be liable to pay any such fine if he has previously served in any corporate office for six years and any period of such service falls within five years of the date of such resignation.

25. A person ceasing to hold a corporate office shall, unless disqualified to hold the office, and subject to the expressed provisions of this Ordinance, be re-eligible. Re-eligibility.

26. (1) If a person elected to a corporate office—

(a) refuses or neglects to take and subscribe the declaration of acceptance of office prescribed by this Ordinance, or

(b) is continuously absent from the Colony for more than thirty days without the leave of the Council or is absent from three consecutive ordinary meetings of the Council without the leave of the Council, or

(c) is not in the Colony at the date of his election and continues to be out of the Colony for a period of more than three months from the date of such election, or

(d) is declared bankrupt, or compounds by deed with his creditors, or makes an arrangement or composition with his creditors under the Bankruptcy Ordinance by deed or otherwise; or

(e) is convicted of treason or felony, or of any offence involving dishonesty, or

(f) ceases to be enrolled on the burgess roll,

he shall immediately become disqualified and shall cease to hold the office.

(2) In any such event the Council shall forthwith declare the office to be vacant, and signify the same by notice in writing signed by two members of the Council and countersigned by the Town Clerk, and affixed in some conspicuous place near the outer door of the Town Hall, and the office shall thereupon become vacant.

(3) Where a person becomes disqualified by refusal or neglect to take and subscribe the prescribed declaration of acceptance of office, or by absence after having taken and subscribed such declaration of acceptance of office, he shall be liable to the same fine as for non-acceptance of office; but

Disqualifica-
tions for
holding
corporate
office.

Ord. 14-1937,
s. 7.

disqualification due to absence shall, as regards subsequent elections, cease on his return.

(4) Where a person becomes disqualified through having been out of the Colony at the date of his election, and not having returned to the Colony within three months after such election, the disqualification, as regards subsequent elections, shall cease on his return, and he shall not be liable to any penalty for non-acceptance of office.

(5) Where a person becomes disqualified by being declared bankrupt, or compounding or making an arrangement or composition as aforesaid, the disqualification as regards subsequent elections shall, in the case of bankruptcy, cease on his obtaining his order of discharge, and shall in the case of compounding or composition as aforesaid, cease on payment of his debts in full, and shall, in the case of an arrangement as aforesaid, cease on his obtaining his certificate of discharge.

Person elected to a corporate office may declare that he is not qualified.

27. If any person elected to a corporate office declares on oath before the Mayor that he is not qualified to subscribe the declaration of acceptance of office, or, after having subscribed such declaration of acceptance of office, that he has ceased to be qualified or has become disqualified to hold such office, the Council shall in any such case forthwith declare the office to be vacant and signify the same by notice in writing signed by two members of the Council and countersigned by the Town Clerk, and affixed in some conspicuous place near the outer door of the Town Hall, and the office shall thereupon become vacant.

Filling of casual vacancy.

28. (1) On a casual vacancy in any corporate office, other than that of Mayor, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy; and the person elected shall hold the office until the time when the person in whose place he is elected would have gone out of office, and he shall then go out of office.

(2) In case of more than one casual vacancy in the office of Councillor being filled at the same election, the Councillor elected by the smallest number of votes shall be deemed to be elected in the place of him who would regularly have first gone out of office, and the Councillor elected by the next smallest number of votes shall be deemed to be elected in the place of

him who would regularly have next gone out of office, and so with respect to the others; and if there has not been a contested election, or if any doubt arises, the order of rotation shall be determined by the Council.

(3) Non-acceptance of office by a person elected creates a casual vacancy.

(4) The election to fill a casual vacancy shall be held within thirty days after notice in writing of the occurrence of such vacancy has been given to the Mayor or the Town Clerk by two burgesses.

29. If any difficulty arises as regards the election of any person to any corporate office, and there is no provision in this Ordinance for holding another election, the Council may order a new election to be held and may give such directions as may be necessary for the purpose of holding the election.

New election in certain cases.

30. Every person qualified to a corporate office after he shall have made and subscribed the declaration by this Ordinance required in respect of his qualifying property shall, once in every three months, if required in writing so to do by any two members of the Council, make and subscribe a declaration that he is qualified to the amount mentioned in the declaration originally made and subscribed by him.

Renewal of declaration.

31. (1) If any person acts in a corporate office without having made and subscribed to the declaration by this Ordinance required, or without being qualified at the time of making the declaration, or after ceasing to be qualified, or after becoming disqualified, he shall for each offence be liable to a fine not exceeding four hundred and eighty dollars, which shall, at any time, on a resolution of the Council, be recoverable with full costs of suit by action in the Supreme Court by the Town Clerk in the name of the Corporation.

Penalty on unqualified person acting in office.

(2) A person being in fact enrolled in the burgess roll shall not be liable to a fine for acting in a corporate office on the ground only that he was not entitled to be enrolled therein.

Validity of acts of corporate officer notwithstanding disqualification, etc.

32. The acts and proceedings of a person in possession of a corporate office and acting therein shall, notwithstanding

his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Validity of election notwithstanding want of qualification of returning officer.

33. An election of a person to a corporate office shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person before whom the election was held, if that person was then in actual possession of or acting in the office giving the right to preside at the election.

Officers of the Corporation.

Appointment of Town Clerk.

34. (1) The Council may from time to time appoint a fit and proper person, not being a member of the Council, to be the Town Clerk and Treasurer of the borough, who shall hold his office during good behaviour. It shall be lawful for the Council to remove any such Town Clerk and Treasurer from office for any such misconduct as would warrant removal from any office held during good behaviour.

(2) The officer holding the office of Town Clerk and Treasurer at the commencement of this Ordinance appointed under the Former Council shall continue to hold such office during good behaviour and shall be deemed to be the Town Clerk and Treasurer appointed under this Ordinance.

(3) Any person hereafter appointed by the Council to the office of Town Clerk and Treasurer shall retire from such office immediately upon attaining the age of sixty years, but the Council may, upon the application of such person, in their discretion, extend his period of service beyond such age limit from year to year but not for more than five years.

Duties of Town Clerk.

35. (1) The Town Clerk shall have charge and custody of, and be responsible for, the charters, deeds, records and documents of the borough, and they shall be kept as the Council may direct.

(2) The Town Clerk shall, in books to be kept by him, for that purpose, enter true accounts of all moneys received by him and paid on behalf of the Corporation, and the several matters for which such moneys shall have been received and paid, and the said books shall, at all times, be open to inspection by the Mayor, Aldermen and Councillors, or any of them.

(3) The Town Clerk shall attend all meetings of the Council, and shall draw up the minutes of such meetings, and shall cause the same to be printed and bound and kept in annual volumes or otherwise as the Council may direct.

(4) He shall also, whenever required, attend meetings of any committee of the Council, and draw up the minutes of the reports thereof, as the case may be.

36. (1) The Council may appoint a fit person, not being a member of the Council, to be the Assistant Town Clerk of the borough, who shall hold office during the pleasure of the Council.

Assistant
Town Clerk.

(2) In case of the illness, absence, resignation, or death of the Town Clerk, the Assistant Town Clerk shall act as Town Clerk, and if there be no Assistant Town Clerk, the Council shall forthwith appoint a fit and proper person, not being a member of the Council, to act as Town Clerk, and pending such appointment by the Council the Mayor may appoint a fit and proper person, not being a member of the Council, to act as Town Clerk, and all things required and authorised by law to be done by or to the Town Clerk, shall be done by or to the Assistant Town Clerk or the person so appointed.

Power to
appoint per-
son to act as
Town Clerk.

37. A vacancy in the office of Town Clerk shall be filled within three months after its occurrence.

Vacancy in
office of
Town Clerk.

38. (1) The Council may appoint a Town Engineer, and may appoint and employ, on such terms and conditions as they may think fit, an Assistant Town Engineer and such other officers and servants as they may deem necessary for the efficient discharge of their duties under this Ordinance, and such officers shall hold their offices during the pleasure of the Council.

Power to
appoint Town
Engineer and
other officers.

(2) The officer holding the office of Town Superintendent under the Former Council shall hold his office as Town Engineer from and after the commencement of this Ordinance.

(3) In case of a vacancy in any such office by death or otherwise, the Council may appoint another fit person in place of the person so making such vacancy.

Officers may be required to give security.

39. The Council may require any officer appointed by them to give such security as they may think proper for the due execution of the duties of his office.

Officers of Corporation to continue in office.

40. All officers holding office under the Former Council at the commencement of this Ordinance shall continue to hold their respective offices by the same tenure and upon the same terms as heretofore and shall be deemed to be officers of the Corporation appointed under this Ordinance.

Accountability of officers.

41. (1) Every officer appointed by the Council shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner as the Council may direct, deliver to the Council or as they may direct, a true account in writing of all matters committed to his charge, and of his receipts and payments with vouchers, and a list of persons from whom money is due for the purposes of this Ordinance in connection with his office, showing the amount due from each.

(2) Every such officer shall pay all moneys due from him to the Town Clerk, or as the Council may direct.

(3) If any officer—

(a) refuses or wilfully neglects to deliver any account or list which he ought to deliver, or any voucher relating thereto, or to make any payment which he ought to make, or

(b) after three days' notice in writing signed by the Town Clerk or by two members of the Council given or left at his last known place of abode, refuses or wilfully neglects to deliver to the Council, or as they may direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the Council, or as they may direct,

a Magistrate or Justice shall, upon complaint made on behalf of the Corporation by any person authorised in writing by the Council, issue a warrant under his hand to bring such officer before a Magistrate, and, upon such officer appearing or not being found, it shall be lawful for the Magistrate to hear and determine the matter in a summary manner.

(4) If it shall appear to the Magistrate that any sums of money are due by such officer to the Corporation, and the

officer does not forthwith, or within such time as the Magistrate shall allow, pay over the same to the Corporation, the Magistrate shall cause such sums to be levied by distress and sale of the goods of the officer.

(5) If,

(a) sufficient goods are not found to satisfy the moneys in the last preceding subsection mentioned, and the charges of the distress, or

(b) it shall appear to the Magistrate that the officer has been guilty of any neglect or refusal in subsection (3) hereof specified,

the Magistrate shall commit the officer to prison, there to remain without bail, until he has paid to or compounded with the Corporation for any moneys found to be due as aforesaid, or until he has purged himself of the neglect or refusal hereinbefore mentioned.

(6) No person committed to prison for want of sufficient distress only, shall be detained therein for a longer period than three months.

(7) Nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

42. The Council may appoint and employ, at such remuneration as they may think reasonable and on such terms and conditions as they may think fit, such officers and other servants as they may deem necessary for the efficient discharge of any duties imposed upon the Corporation by the Public Health Ordinance or any other Ordinance, and all such officers and servants shall be subject to all the provisions of this Ordinance affecting officers and servants of the Corporation, and shall hold their offices during the pleasure of the Council.

Power to appoint officers under the Public Health and other Ordinances.

43. The Council may from time to time appoint some fit and proper person, not holding a corporate office, to be and be called the bailiff of the borough, who shall hold his office during pleasure, and shall take an oath before the Mayor to discharge the duties of bailiff faithfully and to the best of his judgment and ability; and such bailiff shall give security for

Bailiff to be appointed.

the due and faithful discharge of the duties of his office as the Council may think proper; and such bailiff shall have power to appoint in writing under his hand one or more fit and proper person or persons to be his assistant or assistants in his said office; and the Council shall allow to such bailiff such salary or other remuneration as the Council shall think reasonable.

Salaries.

44. The Council shall order to be paid to the Town Clerk and to every other officer and servant to be employed by the Council such salary or allowance as the Council shall think reasonable.

Regulations for the good government of officers and servants.

45. The Council may make regulations—

(a) for the discipline of the officers and servants of the Corporation, their duties and obligations;

(b) for the granting of leave of absence to such officers and servants;

(c) for the keeping and management of accounts;

(d) for the custody of moneys; and

(e) generally for the good government of such officers and servants.

Borough constables.

Appointment of constables.

46. The Commissioner of Police may appoint such persons to be borough constables as may from time to time be nominated by the Council, and may, on the application of the Council, permit such persons to bear the title of sergeant or corporal as the case may be, and to wear the badge of their ranks and a uniform to be approved by the Commissioner of Police.

Council to make provision for pay of constables.

47. No borough constable shall be appointed unless provision is made to the satisfaction of the Commissioner of Police by the Council for the payment of the salary and allowances of such constable.

Power to make regulations as to duties of constables.

Ord. 14-1937,
s. 8.

48. (1) The Council may make such regulations as they deem expedient for regulating the duties of borough constables, for preventing neglect or abuse on the part of such constables, and for rendering such constables efficient in the discharge of

their duties; and such regulations when approved of and sanctioned by the Governor in Council shall forthwith be transmitted by the Town Clerk to the Commissioner of Police: Provided that the Commissioner of Police may at any time command any borough constable to perform and discharge within the limits of the borough, such duties as members of the Police Force may be required to perform and discharge.

(2) Any borough constable who, after due inquiry by the Mayor or by any committee of the Council, is found guilty of neglect of duty, breach of discipline, insubordination or misconduct or wilful breach of any of such regulations, shall be liable to any of the following punishments:—

Offences by
borough
constables.

(a) a fine not exceeding twenty-four dollars, which may, at the discretion of the Mayor, be deducted from his pay by such instalments as may be ordered;

(b) suspension by the Council from duty without pay or at such reduced pay as the Council may direct, for such period not exceeding three months as the Council may order;

(c) reduction of salary by any amount not exceeding one quarter of his full pay for such period not exceeding one year as the Council may order.

49. Any regulations made under the last preceding section may prescribe and provide for the granting of rewards and gratuities to such borough constables as the Council may think deserving of reward or gratuity; and the sum so granted may be paid out of the general funds and moneys of the Corporation by the Town Clerk upon the order of the Council: Provided that in no case shall any reward or gratuity exceed the sum of fifteen dollars.

Rewards to
constables.

50. It shall be lawful for the Council to regulate the salary and allowances of borough constables, and, in case of the imposition on any such constable of any fine or penalty, the Council may direct the amount thereof to be paid and satisfied out of the pay or allowances coming to such constable by the deduction of not more than half of the amount which may be due on any day of payment until the whole be paid.

Fine or
penalty to be
deducted
from pay of
constables.

Borough constables to have powers of Police.

51. All borough constables appointed under this Ordinance shall have in addition to the special powers hereby vested in them, all the powers, authorities, privileges, immunities, and liabilities which any member of the Police Force now has and may hereafter have, and every act done by or to any borough constable in the execution of his duty as such shall have the same effect and be attended with the same liabilities and other consequences and shall be punishable in the same manner as if done by or to a member of the Police Force in the execution of his duty as such.

Power to dismiss constables.

52. The Commissioner of Police may at any time suspend or dismiss any borough constable. When any such constable is so dismissed, all powers and privileges vested in him by virtue of this Ordinance shall forthwith cease and determine, and immediately upon such suspension or dismissal, notice thereof in writing shall be given to the Town Clerk.

Offenders may be arrested without warrant.

53. (1) It shall be lawful for any borough constable to arrest without warrant all persons, whose names and addresses are unknown to him, found by him committing any offence against this Ordinance or against any bye-law or regulation made under this Ordinance.

(2) A person so arrested may be taken to some Police Station in the borough and the constable on duty at such station shall, on receiving a warrant signed by the borough constable who made the arrest and purporting to show that the person arrested was liable to arrest under this Ordinance, detain such person at the station until he can be conveniently taken before some Magistrate or Justice to be dealt with according to law: Provided that—

(a) no person so arrested shall be detained longer than is reasonably necessary for bringing him before a Magistrate or Justice or more than forty-eight hours at the utmost; and

(b) no action shall lie against any constable for anything done by him under a warrant according to this section;

(c) the warrant mentioned in this section may be according to the form in the Third Schedule hereto.

3rd Schedule.

Power to bail.

54. (1) Where any person is brought under this Ordinance without a warrant to a Police Station in the borough at any

time by day or night at which a Magistrate or Justice is not actually sitting for the public administration of justice at the place used for that purpose in the borough, the constable on duty at such station may, if he thinks fit, take bail from that person by recognizance to any amount not exceeding forty-eight dollars, conditioned for his appearance for examination within two days before a Magistrate or Justice at some time and place therein specified.

(2) Such constable shall enter in a book kept for that purpose the name, residence, and occupation of the person entering into the recognizance and of his surety or sureties, if any, with the condition of the recognizance and the sums acknowledged.

(3) Such constable shall lay the book before the Magistrate or Justice present at the time when and the place where the recognizor is required to appear.

(4) If the recognizor does not appear at the time and place required or within one hour afterwards, the Magistrate or Justice may, by endorsement on such recognizance, declare the same to be forfeited and may issue his warrant for the imprisonment of the defendant and his sureties or surety, if any, for any term not exceeding six months unless the amount mentioned in such recognizance be sooner paid.

(5) Whether the recognizor does or does not appear, the Magistrate or Justice may, if he thinks fit, enlarge the recognizance to such further time as he appoints.

55. Informations and complaints in respect of any offences against the provisions of this Ordinance, or any bye-laws, rules, or regulations made by the Council under this Ordinance or any other Ordinance, may be laid and made by any borough constable in his own name, and such constable may also conduct the proceedings before the Magistrate in all cases in which he is the complainant under the powers conferred by this section.

Borough constable may lay informations and conduct proceedings.

PART III.

ELECTIONS.

56. The Town Clerk shall, on or before the 31st of July in each year, make out a list, to be called the burgess list, of all persons who are entitled to be enrolled as burgesses for the

Town Clerk to make up burgess list.

year in respect of qualifying property within the borough and shall sign such list.

Lodger
qualification.

57. (1) Any person claiming to possess a lodger qualification may by notice in writing addressed to the Town Clerk claim to have his name entered in the burgess list as a burgess.

(2) Every such claim shall be sent to the Town Clerk on some day between the 1st and 15th of July in any year, and no such claim shall be received after the 15th of July in any year.

4th Schedule.

(3) Every such claim shall be in the form A in the Fourth Schedule hereto or in such other form as the Council may from time to time prescribe.

Burgesses
with lodger
qualification
to be entered
in a separate
list.

58. If the Town Clerk, or any committee appointed by the Council for that purpose, is satisfied that the applicant possesses a lodger qualification, the Town Clerk shall cause his name to be entered in a separate list under the heading of "Burgesses for the borough qualified in respect of Lodger qualification" and such list may, if the Council so direct, be added to the list of burgesses qualified for the borough in respect of the occupation of property as tenants or owners.

Burgess list to
be published.

59. (1) The burgess list including the list of burgesses qualified in respect of the occupation of lodgings, shall be published by affixing a copy thereof on or near the outer door of the Town Hall or in some other conspicuous place therein for a period of two weeks from the 1st of August in each year.

4th Schedule.

(2) The burgess list may be in the forms B and C in the Fourth Schedule, or in such other form as the Council may from time to time prescribe.

Claims by
persons
omitted
from list.

60. (1) Every person whose name is not in the burgess list published in accordance with the last preceding section, and who claims to be entitled to have his name entered in such burgess list, shall, not later than the 15th of August, give notice in writing to the Town Clerk of his claim.

4th Schedule.

(2) The notice shall be in the form D in the Fourth Schedule.

61. Every person whose name is in the burgess list may object to any other person as not being entitled to have his name retained therein. Objections.

62. (1) Every person so objecting (hereinafter referred to as an "objector") shall, within fifteen days after the date of the first publication of the list, deliver to the Town Clerk and also to the person objected to (hereinafter referred to as the "respondent"), or shall leave at the premises in respect of which the respondent shall appear to be inserted in the burgess list, notice thereof in writing. Objector to give notice.

(2) The notice shall be in the form E in the Fourth Schedule. 4th Schedule.

63. The Town Clerk shall make two separate lists of the claimants and respondents, and shall cause copies thereof in the forms F and G in the Fourth Schedule to be affixed in some conspicuous place near the outer door of the Town Hall and in some other public place or places within the borough between the 24th and 31st of August in each year, both days inclusive. Lists of claimants and respondents.
4th Schedule.

64. The Town Clerk shall also keep a copy of each of such lists open to public inspection, without any fee, at all reasonable hours between the 24th and 31st of August and shall deliver a copy of any such list to any person requiring it on payment of the sum of twenty-four cents for each such list. List to be open to public inspection.

65. The Governor shall, in each year, not later than the 1st of August, name a barrister (hereinafter referred to as the Revising Barrister) to hold a Court for the purpose of revising the burgess list. Revising Barrister and Court.

66. (1) Such Court shall be an open Court and shall be held on some day to be appointed by the Mayor between the 1st and 7th of September, both days inclusive. Sittings of the Court.

(2) The Town Clerk shall give three clear days' notice of the holding of the Court by affixing a notice thereof in some conspicuous place near the outer door of the Town Hall and in some other public place or places within the borough.

Lists to be produced in Court.

67. The Town Clerk shall, at the opening of the Court, produce the burgess list and a copy of the lists of claimants and respondents and also all books in his custody containing the names of all persons rated to the house rate in and for the borough for the current year, and shall answer upon oath all such questions as shall be put to him.

Procedure of Court in revising list.

68. (1) The Court shall insert in the burgess list the name of every claimant who has duly claimed to have his name entered therein and is proved to the satisfaction of the Court to be so entitled.

(2) The Court shall expunge from the list the name of every person proved to the Court to be dead.

(3) Subject as aforesaid, the Court shall retain on the list the name of every person to whom objection has not duly been taken.

(4) The Court shall also retain the name of every respondent unless the objector appears in support of his objection.

(5) Where the objector so appears, the Court shall require proof of the respondent's qualification, and, if it is not proved to the satisfaction of the Court, shall expunge his name from the list.

The Court may call for evidence.

69. (1) The Court may require the Town Clerk or other person having the custody of any book containing any rate made in any year to produce the same to the Court for inspection.

(2) The Court may examine on oath the Town Clerk or other person having the custody of any rate book, and any claimant, objector, respondent, or witness.

Claims and objections to be determined in open Court.

70. (1) The Court shall, on the hearing, in open Court, determine the validity of all claims and objections.

Revising Barrister to sign list.

(2) The Revising Barrister shall, in open Court, write his initials against all names inserted or expunged and against any part of the lists in which a mistake has been corrected or an omission supplied, and shall sign his name at the foot of every page so revised.

71. The Revising Barrister may adjourn the Court from time to time, but so that no adjourned Court be held after the 15th of September in any year. Adjournment of Court.

72. When the burgess list has been revised and signed by the Revising Barrister, he shall deliver it to the Town Clerk, and a written or printed copy thereof shall be prepared and signed by the Town Clerk, and shall be the burgess roll of the borough for the year. Burgess roll.

73. The burgess roll shall be completed on or before the 1st of October in each year and shall come into operation on the 1st of November in that year, and shall continue in operation for twelve months beginning on that day. Burgess roll to operate for 12 months.

74. Every person enrolled on the burgess roll shall be deemed to be enrolled as a burgess, and every person not enrolled on the burgess roll shall be deemed to be not enrolled as a burgess. Burgess roll to be conclusive evidence.

75. The Town Clerk shall cause the burgess roll and the lists of claimants and respondents to be printed, and shall deliver copies thereof to any person on payment of twenty-four cents for each copy of any of such lists or roll, and the proceeds of such sale shall be received by him on behalf of the Corporation. Printing and sale of burgess roll and other documents.

Election of Councillors.

76. On the 1st of November in each year the burgesses of the borough shall elect, from the persons qualified to be Councillors of the borough, three Councillors or such number of them as shall be needed to supply the places of those who shall go out of office. Election of Councillors.

77. (1) The Mayor, if not otherwise disqualified, shall be returning officer at the elections of Councillors. Returning officers at elections.

(2) Where more than one polling station is appointed at an election the Mayor shall appoint an Alderman or a Councillor other than a retiring Councillor^A to be returning officer at each such station, other than the one over which he presides, and he shall give notice in at least one newspaper circulating in the borough of the situation of each such polling station. Mayor to preside.
Ord. 14-1937, s. 9.
Amel by S. 2 of 57/1946

Λ " or some fit and proper person "

(3) If the Mayor is dead or is absent or otherwise incapable of acting in the execution of his powers and duties as to elections under this Part of this Ordinance, and if the Deputy Mayor (if any) is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith choose an Alderman or a Councillor other than a retiring Councillor to execute those powers and duties in place of the Mayor.

Notice of elections.

78. Twenty-one days at least before the date fixed for the election of any Councillors, the Town Clerk shall prepare and sign a notice thereof, and shall publish the same by affixing a copy thereof in some conspicuous place near the outer door of the Town Hall, and shall in such notice name the latest day not being less than fifteen clear days before the date so fixed as aforesaid, on which the nomination of candidates for seats to be filled by election will be received by the Town Clerk, or in his absence by the Assistant Town Clerk.

Objection to nomination.

79. (1) Any burgess may within two days after the publication of the list of candidates nominated, by notice in writing to the Town Clerk, object to the nomination of any candidate on the ground that such candidate is not qualified under section 12, such objection shall specify in what respect the candidate is not qualified.

Service of notice.

(2) Notice of any such objection shall also be served by the objector upon the candidate to whom he objects, such service may be either personal or may be effected by leaving a copy of the objection addressed to the candidate by name, at the candidate's place of abode as set forth in the nomination paper.

Mayor to decide validity of objections.

80. (1) The Mayor shall attend at the Town Hall, on a day to be fixed by him, not later than seven days after the last day for sending in nominations, for a sufficient time between the hours of ten o'clock in the morning and four o'clock in the afternoon, and shall decide upon the validity of the nominations to which objections have been sent in.

Repealed and replaced by sec. 3 of 35/41 Legal assessor.

(2) The Mayor may, if he thinks fit, appoint a barrister as legal assessor in connection with any objection.

Decision final in disallowing objection.

(3) The decision of the Mayor on each objection shall be given in writing, and shall, if disallowing the objection,

be final, but if allowing the objection shall be subject to reversal on petition questioning the election or return.

81. The Town Clerk shall, not later than two days after the decision of the Mayor allowing any objections, prepare an amended list of the persons validly nominated, and shall publish the same by affixing a copy thereof in some conspicuous place near the outer door of the Town Hall, and by inserting a copy thereof in at least one newspaper circulating in the borough.

Publication of amended list.

82. No person, if he be a candidate for election, shall be returning officer at an election of Councillors.

Candidate not to be returning officer.

Miscellaneous provisions.

83. (1) If an election is not held on the appointed day or within the appointed time it may be held on the day next after that day or the expiration of that time.

New election to be held in case of omission to hold election or election void.

(2) If an election is not held on the appointed day or within the appointed time, or on the day next after that day or the expiration of that time, or becomes void, the Corporation shall not thereby become dissolved or be disabled from electing, but the Council may, by resolution, fix a new day of election, and may give all such directions as may be necessary for holding such election: Provided that if the Council refuse or fail to fix a day of election, the Supreme Court may, by *mandamus*, order the election to be held on a day to be appointed by the Court.

(3) Thereupon public notice of the election shall, by such person as the Court directs, be fixed on the outer door of the Town Hall or in some conspicuous place therein, and shall be kept so fixed for at least six days before the day appointed for the election; and in all other respects the election shall be conducted as directed in this Ordinance respecting ordinary elections.

84. (1) If a burgess list is not made or revised in due time, the corresponding part of the burgess roll in operation before the time appointed for the revision shall be the burgess list until a burgess list has been revised and become part of the burgess roll.

Burgess roll to be in operation until revision of new roll.

(2) If a burgess roll is not made in due time, the burgess roll in force before the time appointed for the revision shall continue in force until the new burgess roll is made.

Offences in relation to lists and elections.

85. (1) If the Revising Barrister neglects or refuses to revise a burgess list, he shall, for every such offence, be liable to a fine not exceeding four hundred and eighty dollars, to be recoverable by action in the Supreme Court, with full costs of suit, by any person who will sue for the same.

(2) If the Town Clerk—

(a) neglects or refuses to prepare, print, or publish a burgess list, or a list of claimants and respondents as required by this Ordinance, or

(b) neglects or refuses to allow any such list to be inspected by any person having a right thereto,

he shall, for every such neglect or refusal, be liable to a fine not exceeding two hundred and forty dollars recoverable by action in the Supreme Court, with full costs of suit, by any person who will sue for the same.

(3) An action under this section shall not lie after three months from the neglect or refusal.

(4) A moiety of any fine recovered under this section shall be paid to the plaintiff, and the rest to the Town Clerk for the use of the Corporation.

PART IV.

MEETINGS AND PROCEEDINGS OF THE COUNCIL—APPOINTMENT OF COMMITTEES.

Procedure at meetings.

86. The following rules with respect to the meetings and proceedings of the Council shall be observed:—

Regular meetings.

(a) the Council shall hold fortnightly meetings for the transaction of general business;

(b) the fortnightly meetings shall be held at such hour and on such days as the Council may from time to time determine;

Special meeting.

(c) the Mayor may at any time call a special meeting of the Council;

(d) if the Mayor refuses to call a meeting after a requisition for that purpose signed by three members of the Council has been presented to him, any three members of the Council may forthwith on that refusal call a meeting; if the Mayor (without so refusing) does not, within three days after such presentation, call a meeting, any three members of the Council may, on the expiration of those three days, call a meeting;

Special meeting by requisition.

(e) two clear days at least before any ordinary meeting of the Council, a summons to attend such meeting, specifying the business proposed to be transacted thereat and signed by the Town Clerk, shall be left at the usual place of business or abode of each member of the Council;

Summons to attend.

(f) want of service of the summons on any member of the Council shall not affect the validity of a meeting;

(g) except by leave of the Council, no business shall be transacted at a meeting other than that specified in the summons relating thereto;

Business meetings.

(h) the Mayor shall be *ex officio* chairman of the Council and shall unless disqualified preside at all meetings of the Council at which he is present; in case of his absence, the Deputy Mayor shall preside, and in case of the absence of the Deputy Mayor, the members present and constituting a quorum, shall elect a chairman from among their number;

Chairman.

(i) at any meeting of the Council, three members shall form a quorum for the transaction of business;

Quorum.

(j) all acts of the Council, and all questions coming or arising before the Council, shall, unless otherwise prescribed by this or any other Ordinance, be done and decided by the majority of such members of the Council as are present and vote at a meeting held in pursuance of this Ordinance, the whole number present at the meeting not being less than three members: Provided that, except with the unanimous consent of the members present, not being less than nine in number, no motion passed within the preceding six months, and no motion to the same effect as any motion which has been negatived by the Council within the preceding six months, shall be considered at any meeting of the Council; and no such motion shall be passed except upon the vote of a majority of at least six of the members present and voting thereon;

Matters to be decided by majority.

Chairman's
casting vote.

(k) in case of an equality of votes, the chairman of the meeting shall have a second or casting vote;

Standing
orders.

(l) subject to the foregoing provisions, the Council may make such standing orders as they may think proper for the regulation and conduct of the proceedings of their meetings and the meetings of their committees, and may by such standing orders provide that the minutes of the proceedings of any meeting shall, when copies thereof shall have been circulated to members, be taken as read, and may also provide for the postponement of the confirmation of the minutes of the proceedings of any meeting: Provided that a motion to suspend the standing orders of the Council or any of them may be made at any meeting of the Council without notice, and shall be voted upon without debate, but shall not be carried unless supported by at least two-thirds of the members present and voting.

Appointment
of
committees.

87. (1) The Council may appoint out of their own body such and so many committees, either of a general or a special nature, and consisting of such number of persons as they shall think fit, for any purposes which, in the opinion of the Council, would be better regulated and managed by means of such committee.

(2) The quorum of every committee shall be fixed by the Council at the time of appointment of such committee.

(3) Every committee of the Council shall, unless otherwise expressly authorised by the terms of its reference, submit its proceedings and recommendations to the Council for approval.

(4) The proceedings and recommendations of every committee of the Council shall be submitted to the Council in the form either of minutes of the proceedings at the meetings of such committee, or of a formal report signed by the chairman of such committee.

(5) Any recommendations in any such report when adopted by a majority of the members present, shall become and be deemed to be resolutions of the Council.

Delegation of
powers of the
Council to
committees.

88. The Council may delegate to any committee or committees appointed by them any of the powers or duties vested in or

imposed upon the Corporation by this or any other Ordinance for the time being in force, and may, if the Council think fit, direct that the acts and proceedings of such committee or committees need not be submitted to the Council for approval. In every such case the acts done and the proceedings taken by the committee or committees in relation to the powers and duties so delegated to such committee or committees shall be done and instituted in the name of the Corporation and shall be as valid and binding on all parties as if such acts had been done and such proceedings taken by the Council.

89. The reasonable travelling expenses of every committee incurred for the purpose of inspecting premises and places in connection with the matters referred to such committees shall be paid out of the ordinary revenue of the Corporation.

Travelling expenses of committees.

90. No act or proceedings of the Council or of any committee shall be invalidated by reason of any vacancy or vacancies in their body, or by any defect in the mode of appointment of such committee.

No act to be questioned on account of vacancy.

91. A minute of the proceedings at a meeting of the Council or of a committee signed by the chairman, or by a member of the Council or committee describing himself as or appearing to be chairman of the meeting at which such minute is signed shall be received in evidence without further proof.

Minutes signed by chairman to be evidence.

92. Until the contrary is proved, every meeting of the Council or of a committee in respect of the proceedings whereof a minute has been so made, and every meeting of a committee the proceedings whereof are embodied in a report signed by the chairman of such committee and received by the Council, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified, and, where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute or in the report, as the case may be.

Due constitution of Council and committees.

93. A member of the Council shall not vote or take part in any matter before the Council or a committee in which he has directly or indirectly, by himself or his partner, any pecuniary interest.

Pecuniary interest.

PART V.

HOUSE RATE.

Interpreta-
tion.

94. In this Part of this Ordinance—

“rateable hereditament” means any dwelling-house, warehouse, store, shop, counting-house, manufactory, factory, workshop, stable, shed, and any other building whatsoever in the borough and the lands on which the same respectively are built, erected or standing, together with any other lands appurtenant to or occupied with the same respectively, and includes every vacant parcel of land in the borough, not appurtenant to, or occupied with any house, warehouse, store, shop, counting-house, manufactory, factory, workshop, stable, shed, or any other buildings, but shall not include—

(a) buildings occupied solely as churches, chapels, and places of public worship of any religious denomination;

(b) school-houses, offices, and playgrounds of any school established under the Education Ordinance; or

(c) hospitals, whether public or private, asylums, almshouses, and institutions for the relief of the poor, whether occupied for such purposes by public officers or private persons.

“premises” includes rateable hereditament as defined above.

“Annual rateable value” added by Sec. 4 of 35-1941

*Amel. by Sec. 4
of 35/41*

Annual house
rate to be
levied.

95. There shall be raised, levied, and collected by and paid to the Corporation upon and in respect of every rateable hereditament an annual rate or tax of seven and a half per centum of the annual rateable value of such hereditament as determined by the Council in accordance with the provisions of this Part of this Ordinance.

Power to
increase rate

96. The Council may, by resolution, prescribe that, in respect of any specified year or years, the rate or tax to be levied and paid under this Part of this Ordinance shall be at a higher rate than seven and a half per centum:

Provided that the rate so leviable shall in no case exceed ten per centum of the annual rateable value of any hereditament liable to such rate.

97. For the purpose of ascertaining the annual rateable value of the rateable hereditaments within the borough which may be subject to the payment of the said rate and the names of the several owners and occupiers thereof, the Council shall appoint yearly and every year some fit and proper person, not being a Councillor, Alderman, or auditor to the Corporation to be Commissioner to ascertain and assess the annual rateable value of such rateable hereditaments, and to take the names of the owners, occupiers, or tenants thereof, and such Commissioner shall receive such remuneration as the Council may fix.

Commissioner of Assessment to be appointed.

Repealed & Replaced by Sec. 8 of 35/41

98. (1) The annual rateable value of all rateable hereditaments on which such rate shall be payable, and the amount of such rate shall be ascertained and fixed by the said Commissioner, and shall be so ascertained and fixed by him on or before the 31st of March in each year; and it shall be lawful for any such Commissioner to enter upon such premises for the purpose of inspecting the same, and for ascertaining full particulars thereof, and, after reasonable notice to the occupier, to enter any such premises for the purpose of inspecting the same and ascertaining the number and size of the internal divisions thereof, and to require any person who may be the owner or occupier thereof or in receipt of the rent of any premises actually rented or hired out, and also any person renting or hiring any such premises, or any part thereof, and the attorney or agent of any such person, to make a declaration in writing before him of the annual rateable value of any such rateable hereditaments which declaration may be in the form following, that is to say:—

When rate is to be ascertained.

Declaration to be made of annual rateable value by owner or occupier.

[Month and Date.]

I, A. B. of do hereby declare that the rent payable by [or to] me in respect of the house or land [or of the upper or lower part of the house] No. in Street [or Square] in the borough of San Fernando rented by me (from C. D.) or let by me to E. F. [as the case may be] is at the rate of per month; [and if the declaration is made by the owner he must say] and that the names of my tenants (or other occupiers of the house or land) are and that I receive from [respective names of tenants] per month (or by the year).

Form of declaration.

(2) Any such person who shall refuse or neglect to make such declaration, or who shall make any false or untrue declaration, or any person who shall unlawfully obstruct the Commissioner, shall be liable to a fine of ninety-six dollars to be recovered on the complaint of the Town Clerk.

Penalty.

Where no
declaration
made or
unfair
declaration
made.

99. In all cases where no such declaration shall be made, or where the Commissioner shall be of opinion that the rent mentioned in such declaration is not the fair annual rateable value of the rateable hereditament mentioned in such declaration, and also in all cases where any rateable hereditament shall not be actually rented, it shall be lawful for the Commissioner, and he is hereby required, to assess according to the best of his judgment and ability, the annual rateable value of such rateable hereditament on which the rate shall be payable; and notice in writing of the annual rateable value so assessed shall be given by the Commissioner to the owner or person in possession of such rateable hereditament, or his agent or attorney.

*Repeated a
Replaced by
Sec 5 of 35/41*

Mode of
fixing annual
rateable
value.

100. (1) In determining the annual rateable value of any rateable hereditament for the purpose of this Ordinance, the Commissioner shall, whether such hereditament be actually rented or not, consider in every case what amount of annual rent a tenant may reasonably be expected to pay for such hereditament, having regard to the purpose for which such hereditament is actually used, or in case it is not actually used or occupied, the purpose or purposes for which it is reasonably suitable.

(2) Where any rateable hereditament is leased or rented to a tenant who is under obligation to pay rates in respect thereof, or premiums of insurance against any loss or damage by fire, or otherwise in respect thereof, or who is under any obligation to pay any land rent which his landlord is liable to pay to the owner of the site of such rateable hereditament, then the annual rateable value of such hereditament shall be the amount of the valuation thereof ascertained in accordance with subsection (1) of this section, with the addition of a sum equal to the rate computed on such valuation, and the amount of the premium payable in respect of such insurance and the land rent which the landlord is liable to pay to the owner of the site.

Return of
persons
coming into
possession of
premises.

101. (1) Every person who comes into possession, whether in his own right, or as trustee for any other person or persons, or as personal representative of any person deceased, or committee of any other person, of any rateable hereditaments within the borough shall, within one month next after he

comes into possession, send to the Town Clerk a return according to such form as may from time to time be prescribed by the Council, describing such rateable hereditaments, in the manner indicated in such form, and stating the title under which such possession has been acquired.

(2) If any owner or person who is required by this section to make a return of rateable hereditaments fails or neglects to make any such return as hereinbefore mentioned and required, and in such form as may from time to time be prescribed by the Council, or makes a return thereof which is in any respect defective or incomplete, or is wilfully untrue in any particular, every such owner or person shall be liable to a fine of forty-eight dollars.

Penalty for failure to make returns or making incomplete or false returns.

102. The rate so assessed by the Commissioner, shall be copied by the Commissioner into a book to be called the "House Rate Book" according to the alphabetical order of the names of the several streets, squares, lands, and other places in the borough, and the Commissioner shall also enter in such book the number or other mark by which every rateable hereditament so rated shall be known, together with the amount of every such rate, and the names of the several persons by whom such rate is payable, and if there is more than one occupier or tenant of such rateable hereditament, the names of every such occupier or tenant and the amount of the monthly, annual, or other rent or consideration payable by every such occupier or tenant; and the Commissioner shall deliver such book so completed to the Town Clerk on or before the 31st of March in every year to be laid before the Council for approval.

House Rate Book completed to be delivered to Town Clerk.

Repealed & replaced by Sec. 583 5/4

103. (1) As soon as may be after such House Rate Book has been laid before the Council, notice of the completion thereof shall be published once a week at the least for two consecutive weeks in one local daily newspaper circulating in the borough, and once at least in the *Royal Gazette*, and every person claiming to be either the owner or the occupier of any premises included in the House Rate Book, or the agent of any such owner or occupier, shall, at any time during the fourteen days following the first publication of the notice of completion of the House Rate Book, be at liberty to inspect such House Rate Book and to make extracts therefrom without charge.

Public notice of completion of House Rate Book.

11

4th Schedule. (2) The notice may be according to the form H in the Fourth Schedule, with such additions or alterations as the Council may from time to time prescribe.

Notice to be served on owner specifying value so assessed. **104.** The Commissioner shall, on or before the 31st of March in each year, cause a notice signed by him, specifying the annual rateable value of each rateable hereditament, and the amount of rate payable in respect thereof, and the time when and where such rate is to be paid, to be served on the owner or person in possession or occupation of such rateable hereditament, or his agent or attorney, or to be left on the premises with some person actually residing therein, or if no person shall be found in such premises, then to be attached to the door of the house, if any, or some conspicuous part of such premises.

R. + R. by Sec. 5
3/5/41

Objection to valuation. **105.** (1) The owner of any rateable hereditament who is dissatisfied with any valuation of his premises made by the Commissioner may, at any time not later than fourteen days next after the service of the notice of such valuation, give notice in writing to the Town Clerk of his objection thereto.

Consideration of objection. (2) The Council shall consider every such objection, and may either confirm the valuation objected to, or may reduce or increase such valuation and make such other amendments in relation thereto as the Council may think proper. Notice in writing of the decision of the Council on every such objection shall be given to the objector.

Valuation by the Council. **106.** The Council may of its own motion reconsider the valuation made by the Commissioner in respect of any particular hereditament and diminish or increase the same: Provided that such valuation shall not be increased unless the owner of the hereditament shall have been given at least seven days' notice of the Council's intention to reconsider such valuation and that he be given an opportunity of being heard by the Council.

Appeal from Council's decision on objections to assessment. **107.** (1) The decision of the Council in respect of any valuation made by the Council shall be final and binding on all parties and for all purposes, unless the owner who has objected to such decision shall, within seven days next after the decision shall have been communicated to him, lodge a

notice of appeal against such decision with the Magistrate, and at the same time serve on the Town Clerk a copy of such notice of appeal.

(2) The Magistrate shall appoint a day for the hearing of such appeal, not later than fourteen days after the lodging of the notice of appeal with him, and he shall forthwith give notice in writing to the Town Clerk and to the appellant of the day so appointed: Provided that the Magistrate may if he thinks fit, in the interest of justice, postpone or adjourn the hearing of any appeal for such time not being later than the 31st of May and upon such terms, if any, as he shall think fit.

Magistrate to appoint day of hearing.

(3) On any such appeal the Magistrate shall have power to summon and compel the attendance of witnesses, to examine witnesses on oath and to administer such oath, to require the production by either party of any book or books containing entries relating to the rent charged or paid in respect of the hereditaments to which the appeal relates, and if necessary to enter and inspect such hereditaments, and the Magistrate may either confirm such valuation or, subject to the provisions of section 100, alter or amend the same as he may think fit, and the decision of the Magistrate shall be final and binding on all parties.

Magistrate may summon witnesses and inspect premises and adjudicate.

(4) Upon any such appeal the Magistrate may order the party against whom the same is decided to pay to the other party such costs as he may think proper.

Costs.

(5) Any variation of the rate resulting from the decision of the Council or the Magistrate shall be entered in the House Rate Book by the Town Clerk.

Amendment of House Rate Book.

107A - 107J added by S. 15 of 35/1941

See 104D and. by Sec. 289/1945

108. The annual rate or tax to be paid in respect of every rateable hereditament under this Part of this Ordinance shall be borne and paid by the owner of such hereditament, but the amount of such rate may be collected from and paid by the tenant or occupier of such hereditament or any part thereof, and such tenant or occupier may deduct the amount so paid from the rent payable by him in respect of such hereditament: Provided that nothing herein contained shall affect any contract between landlord and tenant with respect to the payment of such rate.

Incidence of rate.

Rates to be a charge on premises and recoverable by action or distress.

109. (1) Any rates due under this Part of this Ordinance, together with any statutory increase which may have accrued under the provisions of this Ordinance, shall, until paid, be a charge on the rateable hereditament in respect whereof such rate is due and payable; and, without prejudice to such charge, and to the power of sale conferred by the Rates and Charges Recovery Ordinance, the amount of such rates, together with the statutory increase (if any), may be recovered from the owner for the time being of such rateable hereditament by action in any court of competent jurisdiction or by distress on any goods and chattels (including any moveable tenement standing on land forming part of the rateable hereditament) which may be found in or upon such rateable hereditament.

(2) Where the rateable hereditament consists of a moveable tenement and the land on which it stands, and such tenement is removed before the rate due in respect of such rateable hereditament is paid, such rate shall remain charged on the land on which such tenement stood, and may, without prejudice to such charge and to the statutory power of sale for the enforcement thereof, be recovered from the owner of such land by action in any court of competent jurisdiction.

Subsec. (1) replaced by 25/1941 Sec. 6

When rate payable.

110. (1) The amount of rate assessed on all rateable hereditaments shall be paid to the Town Clerk for the use of the Corporation on or before the 1st of July in each and every year except the payments in lieu of rates on Government property.

Amnd. by S. 6 of 35/41

Return of defaulters.

(2) In case any person shall make default in the payment of such rate the Town Clerk shall at the first meeting of the Council in the month of August in each year lay before the Council a return specifying the names of all persons in default on the 31st of July.

Surcharge and power of sale.

(3) Any rate remaining unpaid on the 31st of July shall be surcharged and increased by six per centum, and if on the 31st of July in the following year the said rate still remains unpaid it shall be further increased by an additional six per centum. If any part of the rate and surcharge remain unpaid for a period of two years the Town Clerk shall forthwith thereafter cause the hereditament in respect of which the amount is due to be sold in accordance with the provisions of the Rates and Charges Recovery Ordinance.

Subsecs. (2) + (3) repealed and replaced by S. 2 of 32/43

(4) Whenever before the 26th of February, 1932, any rate on houses and lands due to the Council was increased by a sum equal to ten per centum of such rate, such increased rate shall be deemed to have been a valid charge to all intents and purposes as though such increased rate had been authorised and imposed by law and to the same extent and for the same purposes as the original rate due to the said Council, and any such increased rate already recovered by the said Council shall be deemed to have been legally and properly recovered. All distress, sale or other process, act, matter or thing done for the purpose of obtaining payment of such increased rate shall be deemed to have been validly done, and the acts of all persons in the *bonâ fide* discharge of their duties in the recovery of such increased rate are hereby declared to have been and to be good valid and effectual to all intents and purposes.

Validation of increased rates previously collected. Ord. 3-1932, s. 3.

111. Where a warrant for the recovery of any rates and charges under this Part of this Ordinance has been delivered to the bailiff, such bailiff shall within three months after such delivery to him, return the same to the Town Clerk with a note on the back of such warrant or attached thereto signed by such bailiff stating his proceedings in respect of the several sums of arrears under such warrant in case he has made any distress by virtue thereof, or that there are no goods or chattels on which such distress might be made. In case such bailiff shall neglect to make such return in respect of every sum of arrears on such warrant, within the time specified, or shall make any false return thereon, he shall, for every such offence, forfeit and pay the sum of twenty-four dollars over and above the amount of every such arrears of rates and costs for which no return or a false return has been made, and every such penalty together with every such arrears of rates and costs shall and may be recovered from such bailiff in an action of debt in the Supreme Court at the suit of the Corporation for the use of the Corporation.

Return of warrants by bailiff, and liability of bailiff for neglect of duty.

112. (1) For the purpose of assessing the annual contribution to house rates to be paid by the Government in respect of premises belonging to His Majesty situate within the borough and occupied for public purposes by the Government, all such premises shall be deemed, for the purposes of such assessment, to have been on the 1st of January, 1935, of the annual rateable

Payment of annual sum by Government in lieu of rates.

value of eighteen thousand two hundred and forty dollars and an annual contribution shall be payable accordingly to the Council by the Treasurer on the warrant of the Governor in respect of all such premises collectively based on such annual rateable value and computed at such rate as those premises would have been liable to pay if they were not occupied for public purposes by the Government; and all such other and further premises belonging to His Majesty and occupied for public purposes from time to time within the limits of the borough shall, for the purposes of this Ordinance, be assessed at such annual rateable value as the Council, with the consent of the Governor, shall determine, and a contribution to house rates based on such annual rateable value and computed at the rate imposed by this Part of this Ordinance shall be made from the time when each of such premises was first occupied by the Government for public purposes, and shall be paid by the Treasurer to the Council on the warrant of the Governor.

(2) It shall be lawful for the Governor, by like warrant, to authorise in addition the payment of such further sum by way of and in lieu of rates in respect of any land or house at present rented or leased, or hereafter to be rented or leased, by the Government for the public service of the Colony as would have been payable if the same had remained in the occupation of any private person, to the intent that the sum to be levied and collected in respect of house rates in the borough shall not be subject to diminution by reason of any such land or house being or having been so rented or leased.

(3) Provided that should notice be given to the Council by the Colonial Secretary during the months of January, February or March in any year that any of the said premises belonging to His Majesty have ceased to be occupied for public purposes by the Government, then the amount payable by the Government by way of house rates under the provisions of subsection (1) of this section shall be diminished by the amount of rates which would be payable on such premises if the same were in the occupation of some private person.

(4) The amount of the rateable value of the premises referred to in subsections (1) and (2) hereof may be varied from time to time by mutual agreement between the Colonial Secretary and the Council.

PART VI.

FINANCIAL MATTERS.

113. (1) The accounts of the Corporation with all the vouchers and papers relating thereto, shall, in the months of January and July in every year be submitted by the Town Clerk to such auditor as the Mayor may, from time to time, with the approval of the Governor in Council, appoint, for the purpose of being examined and audited from the 1st of July to the 31st of December inclusive of the preceding year and from the 1st of January to the 30th of June inclusive of the current year respectively. If the said accounts shall be found correct, the auditor shall sign the same, and the Town Clerk shall, at the next meeting of the Council after such accounts shall have been so examined, lay the same before the Council and thereupon the Town Clerk shall cause a full abstract thereof to be made out in writing to be open to the inspection of all burgesses, and shall cause a copy thereof to be published in any newspaper circulating in the borough, and shall also deliver a copy of such abstract to every person applying for the same on payment of twelve cents for every copy.

Accounts of the Corporation to be audited.

(2) It shall be lawful for the Council, from time to time as may be found expedient, to pay out from their revenue to any auditor duly appointed, such sum as the Council deem advisable for examining, auditing, and reporting on the accounts of the Corporation, and for supplying any certificate or any other document in connection therewith.

Remuneration of auditor.

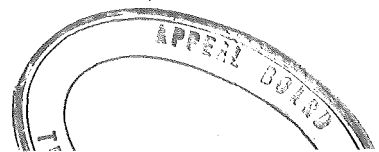
Application of Corporation funds.

114. (1) The funds or moneys belonging or payable to and collected by the Corporation under and by virtue of this or any other Ordinance shall be applicable towards the payment of—

Application of funds.

Ord. 24-1940, s. 2.

- (a) the salaries and other remuneration of the Town Clerk and the other officers of the Corporation;
- (b) expenses of elections;
- (c) the fees payable to the Revising Barrister appointed to revise the burgess list;
- (d) the pensions and gratuities granted under any Ordinance applicable to the Corporation;



(e) the expenses of prosecuting offenders against this or any other Ordinance and any bye-laws, rules, or regulations made by the Corporation;

(f) the expenses of forming and laying out, repairing, draining, cleaning, and lighting the streets, footways, squares and other public places vested in the Corporation;

(g) the expenses incurred in the maintenance and management of markets, slaughterhouses, and cemeteries under the control of the Corporation;

(h) the expenses incurred in the maintenance and preservation of all corporate property;

(i) the expenses of auditing the accounts of the Corporation as required under this Ordinance;

(j) any sums payable by the Corporation under any judgment of any court of law;

(k) the expenses generally of and incidental to the carrying out of the provisions of this Ordinance and of all works and matters incidental thereto, and the expenses generally of and incidental to the carrying out of the provisions of the Public Health Ordinance, or any other Ordinance imposing duties on the Corporation entailing expenditure; and

(l) any other sums which have been specifically voted by the Council and the payment of which is approved by resolution of the Legislative Council.

**Application of
surplus funds.**

(2) In case such funds and moneys shall be more than sufficient for the purposes aforesaid, the surplus thereof, with the consent of the Governor in Council, shall be applied, under the direction of the Council, towards the establishing and maintenance, or towards the acquisition of lands or buildings for any one or more of the following purposes—

(a) a library or other public institution for the diffusion of knowledge;

(b) any public institution caring for the health of the infants of the borough;

(c) the erection and maintenance of monuments and foundations;

(d) the maintenance of a tuberculosis dispensary;

(e) and generally for the improvement and embellishment of the borough and for the benefit of the inhabitants thereof.

115. (1) All moneys of the Corporation shall be paid into some bank or banks appointed by resolution of the Council.

Moneys to be paid into approved banks.

(2) The Town Clerk shall, every day, as far as practicable, pay into such bank or banks all moneys received by him before the closing hour of such bank or banks, save and except such sum as he may be authorised by a resolution of the Council to retain in his hand to meet immediate payments.

116. The Council may, by resolution, make regulations as to all or any of the following matters:—

Management of accounts.

(a) as to the title of any account with any bank into which the moneys of the Corporation may be paid in pursuance of a resolution of the Council; the custody of the pass book and paid cheques; and generally as to all matters necessary for the proper keeping of the accounts; and

(b) authorising the transfer from such account of any sum to a deposit account or the re-transfer of any sum from such deposit account to the current account.

117. Cheques against the banking account required by this Ordinance to be kept shall be signed by the Town Clerk and countersigned by the Mayor.

Signature for cheques.

118. The Town Clerk shall pay no money on account of the Corporation save only upon the order in writing of the Council signed by two members thereof.

Orders for payment.

119. Receipts for moneys paid to the Corporation may be signed for the Town Clerk by the officer appointed by the Council to receive such moneys.

Signature for receipts.

120. The Council shall cause proper and sufficient accounts to be kept in such manner as may be prescribed by resolution, of the revenue from the rates, charges and other sums payable to the Corporation and of all expenditure; and the Council shall also cause separate accounts to be kept in respect of Waterworks under Part XI of this Ordinance.

Waterworks accounts.

121. (1) All matters of a financial nature relating to the affairs of the Corporation and all vouchers for the payment of any moneys due by the Corporation except petty disbursements not exceeding a sum to be fixed by resolution of the

All payments to be submitted to and approved by the Council.

Council shall be submitted to the Council at their regular meeting.

(2) All payments out of the corporate funds shall be made by the Town Clerk and no such payments except petty disbursements herein mentioned shall be made by the Town Clerk except upon vouchers submitted to and approved by the Council at such meeting:

Provided that in cases of urgency it shall be lawful for moneys to be paid out on vouchers signed by the Mayor and one other member of the Council, but such vouchers shall be laid before the Council at their next regular meeting.

Temporary departmental advances.

Temporary advances from one fund to another.

122. It shall be lawful for the Council, from time to time, and on such terms as they may think fit, to advance temporarily from the moneys forming part of any of their separate funds, such sum or sums as may be required for works or services properly chargeable against any other of such funds: Provided all such advances shall be repaid before the end of the financial year in which they are made.

Borrowing powers.

Power to borrow subject to sanction of Legislative Council.

123. (1) The Corporation may, with the sanction of the Governor and Legislative Council from time to time, borrow such sum or sums of money as they shall deem necessary for the execution of any permanent works, or of any works which they are authorised to execute under this Ordinance or any other Ordinance for the time being in force, or for the repayment of any loans or any part thereof, or for any other purpose whatsoever, whether of the same nature as those above specified or not.

Particulars to be given on application for leave to borrow.

(2) Every application for the sanction of the Governor and Legislative Council to the raising of any loan shall state the amount proposed to be borrowed and the rate of interest proposed to be paid in respect of such loan, the purposes to which the proposed loan is intended to be applied, the period within which it is proposed that such loan should be repaid, the method of repayment of such loan, whether by equal annual instalments of principal, or of the principal and interest combined on the annuity system or otherwise; the security,

if any, to be given for the repayment of the proposed loan, and where no security is intended to be given, the provision intended to be made for the repayment of the loan and interest thereon from the ordinary revenue of the Corporation.

124. The Governor and Legislative Council may, on the application of the Council, sanction the application of any loan funds or any part thereof to purposes other than those to which such funds are allocated under any Ordinance, or by the terms of any sanction given by the Governor and Legislative Council under this Ordinance.

Power to alter allocation of funds.

125. The Council may, with the sanction of the Governor in Council, borrow as temporary advances, such sum or sums of money as they may think proper for defraying expenses included in the approved estimates payable out of the ordinary revenue of the Corporation, and they may, with the like sanction, enter into arrangements with the manager of any bank with which they have a current account, for allowing the Council to overdraw their account to such extent as may, in each case be specified in such sanction:

Temporary advances.

Provided always, that every such advance shall be repaid before the expiration of the financial year in which the same shall have been made to the Corporation.

Proviso for re-payment within the year.

126. It shall be lawful for the Corporation to apply such portion of their ordinary revenue as may be required to give effect to the terms and conditions of any sanction given by the Governor and Legislative Council or Governor in Council as the case may be under this Ordinance in or towards the payment of the principal of any loan, or the interest thereon, or of both principal and interest.

Power to apply ordinary revenue in or towards repayment of loan.

PART VII.

ACQUISITION AND ALIENATION OF BOROUGH PROPERTY.

127. The Corporation may, with the approval of the Governor in Council, purchase or otherwise acquire, or may take on lease any land for such purposes, and on such terms and conditions as the Governor in Council may approve, and the same may be

Power to acquire land with approval of the Governor.
Ord. 14-1937, s. 10.

conveyed or leased to and held by the Corporation accordingly: Provided that for the purpose of acquiring any lands required for public purposes the Corporation may follow the same procedure as prescribed under the Land Acquisition Ordinance, for the compulsory acquisition of lands, and the Mayor shall have the same powers as the Director of Works and Transport under that Ordinance.

Power to sell
or lease.

128. The Corporation may, with the consent of the Governor under the Public Seal of the Colony, but not otherwise sell and alienate any land vested in them and demise any such land for any term exceeding ten years from the time when such lease shall be made; and it shall be lawful for the Corporation, without such consent, to lease or demise any such land for any term not exceeding ten years provided the full rental value in respect of the same be reserved year by year on such lease or demise, and no premium be payable in respect of the same.

PART VIII.

STREETS AND BUILDINGS.

Interpreta-
tion.

Ord. 14-1937,
s. 11.

129. In this Part of this Ordinance, and the bye-laws, rules, and regulations made for the purpose of this Part,—

“commercial building” means a shop, warehouse, factory, foundry, workshop, depot, power-house, every building constructed or used or adapted to be used for a commercial or industrial purpose, and every other building not being a domestic or public building;

“domestic building” means a dwelling-house and any out-building appurtenant to a dwelling-house, whether attached thereto or not;

“dwelling-house” means a dwelling used or constructed or adapted to be used wholly or principally for human habitation;

“inhabited” applied to a room means a room in which some person passes the night, or which is used as a living room, including a room with regard to which (until the contrary is proved) there is a presumption that some person passes the night therein, or that it is used as a living room;

“ public building ” means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a church or chapel or other place of public worship, or as a hospital, workhouse, college, school (not being merely a dwelling-house so used), theatre, public hall, public concert room, public ball room, public lecture room, or public exhibition room, or as a public place of assembly for the persons admitted thereto by tickets or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any public purpose;

“ streets repairable by the Council ” means streets in the borough which were in existence at the commencement of the Municipal Corporations Ordinance, No. 10 of 1853, streets which have been made or formally taken over by the Former Council, and streets in the borough which have at any time been laid out and constructed in conformity with the requirements of any Ordinance for the time being in force relating to new streets;

“ vehicle ” includes carriages, hackney carriages, motor cars, motor cabs, motor vans, motor lorries, motor omnibuses, motor trailers, motor cycles, bicycles, tricycles, wagons, carts, vans, hand carts, sledges, trucks, barrows, and any detached wheels of any carriages, wagons, carts, and other machines for the portage or haulage of goods or persons.

130. All streets which are now or which may at any time hereafter be repairable by the Council and the pavements, stones, and other materials thereof, and the whole sub-soil of such streets, shall vest absolutely in the Corporation. Streets vested in Corporation.

131. The Council shall cause all such streets to be levelled, paved, metalled, flagged, altered, or repaired as occasion may require, and they may cause the soil of such street to be raised, lowered, or altered as they may think fit, and may place and keep in repair fences and posts for the safety of foot passengers. Maintenance and repair of streets.

132. (1) No person shall break up or open the surface, pavement, or soil of any street in the borough repairable by the Council or lay any pipe or wire or any other matter or thing whatsoever in or under any such street or any part of the Breaking up of pavement or soil in any street or erection of structure in any street prohibited.

sub-soil thereof for any purpose whatsoever, or place or erect any pole, post, hoarding, or barricade or other structure in any such street without the previous consent of the Council; and every person offending against this section shall be liable to a fine of ninety-six dollars, and to a further fine of ten dollars for every day that any wire, pipe, pole, post, hoarding, or barricade, or any other matter or thing shall remain so laid or erected after written notice of the offence from the Council:

Provided that this section shall not apply to the Director of Works and Transport or any one authorised by him while discharging any duty imposed upon him by any Ordinance or other law.

Council may
grant
permission.

(2) The Council may, by resolution or by agreement under the common seal of the Corporation for such consideration as they may think proper, allow any person, for such purposes as shall be specified in such resolution or agreement, to break up or open the surface or soil of any street vested in the Corporation or to lay any pipe or wire or any other matter or thing whatsoever in or under any such street, and at any depth in the sub-soil thereof, or to place or erect any pole, post, hoarding, barricade or other structure in any such street upon such terms and conditions as the Council shall in each case think proper.

Restoration of
pavement.

133. Any damage done by the breaking up or opening of the pavement, surface, or soil of any street shall be made good by the person interested in such operation, or may, at the option of the Council, be made good by them at the expense of such person, and such expense may be recovered in any Court of competent jurisdiction by action in the name of the Corporation.

Encroaching
upon streets.

134. (1) Any person who encroaches on any street or on any part thereof—

(a) by erecting thereon or thereover any structure of any kind whatsoever or any signboard, or

(b) by erecting, planting, or digging thereon any fence, hedge, ditch, arch, bridge, or drain, or

(c) in any other manner whatsoever,

shall be liable for every such offence to a fine of ninety-six dollars.

(2) It shall be lawful for the Town Engineer to remove every such obstruction or to cause such building or other structure, hedge, ditch, arch, bridge, or drain or other encroachment to be removed, taken down, or filled up or opened at the cost of the person so offending.

135. It shall be lawful for the Council to remove any bridge or other structure erected or standing over the side drains of any street. Bridge over side drains.

136. (1) The Council may, by written notice to the owner of any land adjoining any street, require such owner, within a time to be specified in such notice, to cause such land to be properly fenced to their satisfaction, and, where the fence of any such land is allowed to be or to remain out of repair, to require such fence to be repaired to their satisfaction. Fencing lands adjoining street.

(2) The owner who makes default in complying with the requirements of any such notice shall be liable to a fine of twenty-four dollars, and to a further fine of one dollar for every day that the default continues after written notice thereof from the Council. Penalty for non-compliance with notice.

137. (1) The owner of any lot of land in the borough shall, whenever required by the Council, cause such land to be enclosed on every side with a sufficient fence to the satisfaction of the Council. Enclosure of land.

(2) The owner of any lot of land in the borough on which one or more houses have been erected shall, whenever required by the Council, cause the site of every such house, with the land appurtenant thereto, to be enclosed with a sufficient fence to the satisfaction of the Council. Enclosure of house with appurtenant land.

(3) Any person who fails or neglects to comply with any requisition of the Council under this section within the time therein prescribed shall be liable to a fine of twenty-four dollars and to a further fine of one dollar for every day during which such non-compliance continues after notice thereof in writing from the Council. Penalty.

(4) Where the fence erected by the owner of any land in compliance with a notice served on him by the Council under this section divides the land of such owner from the land of an Incidence of expense of erection of fence.

adjoining owner, one-half of the cost of such dividing fence shall be borne by such adjoining owner, and shall be a debt due by him to the owner on whom the notice was served by the Council and who has erected such fence, and may be recovered in a summary manner by complaint before a Magistrate.

Taking over streets and widening or other improvements effected by the Council.

Ord. 14-1937,
s. 12.

138. (1) It shall be lawful for the Council, with the approval or by direction of the Central Board of Health to take over any existing street which is not repairable by the Council for the purpose of widening or effecting improvements to the drainage or surface of such street and for such purposes to acquire compulsorily, in the manner provided by section 127, any land or buildings abutting on such street.

(2) For the purpose of defraying all or any part of the expenses incurred or paid or to be incurred or paid by the Council in exercising the powers contained in subsection (1) of this section, the Council may with the approval or by direction of the Central Board of Health levy a rate within any part of the borough affected by such improvements to be called "The Streets Improvement Rate" in the same manner as is provided for the levying of a General Health Rate by section 171 of the Public Health Ordinance.

Fountains, statues, and monuments.

139. The Council may authorise the erection in any street or public place within the borough of any fountain, statue, or monument, and may maintain the same, as also any fountain, statue, or monument erected within the borough before the commencement of this Ordinance; and they may at any time remove any fountain, statue, or monument erected in the borough.

Council may plant trees in streets.

140. The Council may, if they think fit, plant and maintain trees in any street vested in the Corporation, or in any square under their control, and may, as they think fit, cut down, trim, or remove such trees or any of them, and may erect guards for the protection of any trees.

Council may maintain or cut down trees.

141. The Council may also continue to maintain, trim, and remove, as they shall think fit, all or any of the existing trees in any street vested in the Corporation, or in any square under their control.

142. (1) Where any tree or the branches thereof or any brushwood or hedge overhang any street, it shall be lawful for the Town Engineer to serve a notice on the owner or occupier of the lands whereon such tree, or brushwood, or hedge is planted or standing, requiring such owner or occupier to cut off or remove such overhanging branches, brushwood, or hedge within a time to be specified in such notice.

Overhanging trees.

(2) Where any tree standing on any lands, abutting on any street is, in the opinion of the Town Engineer, dangerous to passengers along such street, it shall be lawful for the Town Engineer to serve a notice on the owner or occupier of the lands whereon such tree is planted or standing, requiring such owner or occupier to cut down or trim such tree within a time to be specified in such notice.

Dangerous trees.

(3) If any such owner or occupier shall refuse or neglect to comply with any notice served upon him under this section, within the time therein specified, it shall be lawful for the Council, or any person authorised by them in writing, to cut down or trim such tree, or to cut off and remove such branches, brushwood, or hedge, and for that purpose, if necessary, to enter into and upon the lands whereon such tree, brushwood, or hedge is planted or standing; and the expenses incurred by the Council in cutting down such tree or in cutting and removing such branches, brushwood, or hedge may be recovered summarily from such owner or occupier.

Failure to comply with notice.

143. (1) It shall be lawful for the Council to make bye-laws for all or any of the following purposes, that is to say:—

Bye-laws dealing with the use of streets.

(a) for declaring and limiting the use by the public of any street, both or either as to the time of such public use, or as to the character of the traffic on such street;

(b) for the control, management, construction and repair of streets, and for the prevention and removal of any obstruction or projection thereon, for the prevention of the use thereof other than as a means of passage, and otherwise for the general management thereof;

(c) for prohibiting the use upon any street of any vehicle, and for regulating and declaring the manner in and the conditions under which the same may be used or driven over a street;

(d) generally for the purpose of carrying out the provisions of this Part of this Ordinance and for authorising the persons named in such bye-laws to carry out, supervise or control the carrying out of such bye-laws, and for providing for the manner in which and the persons from whom the expenses of carrying out the provisions of such bye-laws are to be recovered.

Penalties.

(2) There may be imposed in respect of any breach of any of such bye-laws a penalty not exceeding forty-eight dollars, or, in case of a continuing offence, a penalty not exceeding five dollars for each day during which such offence continues.

Approval of
bye-laws by
Legislative
Council.

(3) Bye-laws made under this section, shall have no force or effect until they have been approved by the Legislative Council.

Closing of
street.

144. It shall be lawful for the Mayor, from time to time—

(a) when a street or any part thereof has become or is likely to become dangerous; or

(b) during the execution of any works or repairs in any street,

to order that the traffic, by vehicles or passengers, or both, on such street, or on any part thereof, shall cease, and that such street or any part thereof shall be closed to traffic during such time as the Mayor may deem requisite for public safety, or for the proper and efficient performance of such works or repairs. Notice of such order shall be publicly posted in or near the street to which such order relates.

Penalty for
obstructing
street or
using same in
contravention
of bye-law.

145. (1) Every person who shall prevent or obstruct or attempt to obstruct the use of any street, or any person who shall without reasonable excuse encroach on or use or attempt to use any street in contravention of this Part of this Ordinance or any bye-law or regulation made thereunder shall be liable to a fine of forty-eight dollars.

Seizing
animal or
vehicle on
street.

(2) It shall be lawful for the Mayor or any person authorised by him or any constable to seize and detain any animal or vehicle being used upon any street in contravention of this Part of this Ordinance or any bye-law made thereunder.

146. (1) Whenever it appears to the Council that expenses have been incurred in repairing a street by reason of the damage caused by excessive weight carried over or along the same, or by excessive traffic thereon, such extra expenditure so incurred may be recovered by the Council from the person responsible for such damage by summary action in the Petty Civil Court without limit of amount.

Excessive traffic.

(2) If the Council agree with any person liable for damages in respect of the carriage of excessive weight or traffic to accept a fixed sum for and in respect of such damage, and such person shall pay such sum, then and in such case such person shall not be subject to any proceedings under this section.

Sanitary conveniences.

147. The Council may, if they think fit, provide and maintain in proper and convenient situations, sanitary conveniences in any street, square, or public place vested in the Corporation, and may employ and pay attendants and make reasonable charges for the use of any sanitary convenience (other than a urinal) so provided.

Sanitary conveniences.

148. The Council may make bye-laws with respect to the management of any sanitary conveniences provided by them and as to the proper conduct of persons using the same.

Bye-laws.

149. The expression "sanitary conveniences" in the last two sections includes urinals, water closets, earth closets, privies, ashpits, and every similar convenience.

Definition of sanitary conveniences.

New streets.

150. (1) A new street shall not be laid out or constructed in any part of the borough otherwise than subject to and in accordance with the bye-laws set out in the Fifth Schedule hereto, or any other bye-laws made under the powers conferred by this Ordinance in substitution for or in addition to such bye-laws.

Every new street to conform to bye-laws. 5th Schedule.

(2) Subject to the approval of the Legislative Council, to be expressed by resolution, the Council may vary or revoke any of the bye-laws in this section referred to, and may make all such other and further bye-laws as may be necessary for

Power to make new bye-laws in substitution for or in addition to, bye-laws in Schedule.

the carrying out of this Part of this Ordinance, and may attach a penalty not exceeding ninety-six dollars to the breach of any bye-laws made under the provisions of this Part of this Ordinance, and may attach a continuing penalty not exceeding ten dollars for every day during which such breach may continue after written notice thereof from the Council.

Power to vary position and direction and to fix beginning and end of new streets.

151. (1) The Council may, on the deposit of the plans and section of any new street in pursuance of any bye-laws for the time being in force relating to the laying out and construction of new streets, by order, vary the intended position, direction or termination, or level of any such new street so far as it is necessary for the purpose of securing a more direct, easier or more convenient means of communication with any other street, or intended street, or for the purpose of securing, at either end of the new street an adequate opening, or of securing compliance with any enactment or bye-law in force in the borough for the regulation of streets and buildings.

(2) The Council may also, by their order, fix the points at which the new street shall be deemed to commence or end; and the limits of the new street as determined by points so fixed shall have effect for the purposes of this Ordinance and of any bye-laws relating to new streets made by the Council under this or any other Ordinance.

(3) When an order has been made by the Council under this section, a person shall not lay out or construct a new street otherwise than in compliance with such order.

Penalty.

(4) If any person acts in contravention of the provisions of this section, he shall, for every such offence, be liable to a fine of forty-eight dollars, and, in the case of a continuing offence, to a further fine of five dollars for every day during which such offence continues.

Naming of streets and numbering of buildings and lots.

Naming of streets and numbering of houses.

152. The Council shall name all streets in the borough and may rename any existing street therein; and they shall number all new buildings and may re-number existing ones, and may also, whenever they shall deem it expedient to do so, number and re-number any vacant lots of land in the borough.

153. The Council may cause the name of any new street to be painted on some conspicuous part of any building or erection in such street, or they may cause street name-plates bearing the names of any streets named by them to be affixed on a conspicuous part of any building in such streets, and may also affix on a conspicuous part of any building a number-plate bearing the number of such building.

Painting up street names, and affixing of number-plates.

154. The Council shall, as soon as possible after they have named or re-named any street or numbered or re-numbered any building or vacant lot of land, cause to be published in the *Royal Gazette* and in at least one local newspaper circulating in the borough, the resolution relating to the naming and re-naming of such streets, and numbering or re-numbering of such houses or vacant lots, and shall also cause one sealed copy of every resolution to be deposited in the offices of the Registrar General, the Sub-Intendant of Crown Lands, the Registrar of the Supreme Court, the Colonial Secretary, and the Town Clerk.

Publication of resolution relating to naming or numbering.

155. In any court of law and for all purposes. the production of any one of such sealed copies or of a copy of the *Royal Gazette* containing a notice of such resolution shall be conclusive evidence that the name or number of any street, building, or vacant lot of land has been altered as specified in such resolution; and the several premises therein mentioned shall be entered in the House Rate Book by the numbers and names therein specified as the proper numbers and names by which to identify the same after the re-naming or re-numbering; and in the construction of all legal assurances or documents posterior in date to any such resolution, the description of any premises according to the altered designation specified in such resolution shall until the contrary be proved be taken to apply to and comprise the same premises as were intended and included under the designation referred to in such resolution as that under which such premises were known before the date of such resolution.

Evidence.

156. Every person who destroys, pulls down, or defaces any number-plate or any street name-plate put up by the Council, or puts up any number-plate or street name-plate different from the number-plate or street name-plate put up

Penalty for removal of, or defacing, number or name-plates.

by the Council, shall, for every such offence, be liable to a fine of ten dollars; and in every such case it shall be lawful for the Council to pull down or remove any such number-plate or name-plate.

Erection and removal of poles.

Application to
erect poles.

157. When any person authorised by any special Ordinance to erect any posts or poles on any streets vested in or under the control of the Corporation intends to erect any posts or poles in any street, such person shall make application in writing to the Corporation, stating the circumstances which render necessary the erection of such posts or poles, and the purpose for which they are intended, and specifying the name of the street and the particular part thereof in which such posts or poles are to be erected, and the day on which the work is proposed to be commenced (not being less than seven days from the date of the application); and such person shall not erect any such post or pole except with the consent of the Council, and every post or pole so erected shall be erected at such particular part or place in the street as the Town Engineer shall approve of and under his superintendence: Provided that where such consent is refused or withheld, it shall be lawful for such person, within ten days of such refusal, to appeal therefrom by memorial addressed to the Governor in Council (a copy of which shall at the same time be delivered to the Corporation), and the Governor may make such order in the matter as to him may seem just, and his decision shall be conclusive and binding on all parties.

Erecting pole
without
previous
consent of
Council.

158. If any person shall erect any post or pole without the previous consent of the Council in any street in the borough not approved by the Town Engineer, such person shall be liable to a fine of forty-eight dollars, and to a further fine of five dollars for each day during which any such post or pole shall be left standing.

Council may
order removal
of poles.

159. Where, in the opinion of the Council, it is necessary or expedient on public grounds, or for any purpose, that any post or pole erected in any street of the borough should be removed from its present position, it shall be lawful for the Council to give notice to that effect to the person by whom such post or pole was erected, and in such notice to require

such person to remove such post or pole within a fixed time to be specified in such notice, not being less than seven days from the date of the service of such notice; and if such person shall refuse or neglect to comply with such notice, he shall be liable to a fine of forty-eight dollars, and to a further fine of five dollars, for each day during which the posts or poles so required to be removed shall remain unremoved.

Obstruction of drains.

160. If any person shall impede the free flow of water in, or dam or fill up or otherwise obstruct— Obstruction of drains.

(a) any ditch, drain or watercourse in or adjoining any street; or

(b) any ditch, drain or watercourse from any street which shall be connected with any ditch, drain, or watercourse being in or upon any land; or

(c) any ditch, drain, or watercourse on any land into or through which water of any ditch, drain, or watercourse in the last preceding subsection mentioned shall flow; or

(d) any ditch, drain, or watercourse under any street,

shall for every such offence be liable to a fine of forty-eight dollars.

Footways.

161. It shall be lawful for the owner of any premises to pave the footway of any street on which such premises shall abut with such materials and in such manner as the Town Engineer shall approve. Before commencing such paving such owner shall give notice in writing to the Town Engineer of his intention to pave such footway, specifying in such notice the extent of footway proposed to be paved and the day on which it is proposed to commence the work, not being less than ten days from the date of such notice; and one-half of the expenses incurred in such paving shall be paid to such owner by the Council upon the certificate of the Town Engineer that the work has been executed to his satisfaction and that the expenses incurred for the same are fair and reasonable. Owner of premises may pave footway.

162. Whenever any footway or any part thereof in any street in the borough is not, in the opinion of the Council, properly Council may pave or repave footway.

paved, or requires to be repaved, it shall be lawful for the Council to pave or repave the same with such materials and in such manner as they shall think fit, and one-half of the expenses incurred by the Council in executing such paving or repaving work shall be paid by the owners of the premises fronting, adjoining, or abutting on such footway according to the frontage of their respective premises and in such proportion as shall be settled by the Town Engineer and approved by the Council, and until payment, shall be a charge on the said several premises to the extent of the apportioned share of such expenses in respect of each of such premises respectively:

Provided always that after any such footway shall have been paved or repaved under the provisions of this section, the owner or occupier of the premises fronting or adjoining, or abutting, on such footway shall not be again chargeable with any other repavement thereof.

Engineer to
notify owner
of intention
to pave.

163. (1) Before commencing with any work under the last preceding section, the Town Engineer shall, by notice addressed to the respective owners or occupiers of the premises fronting, adjoining, or abutting on such footway or parts of footway as it is intended to pave or repave, notify them of the intention of the Council to pave or repave the same, and shall prepare an estimate of the probable cost of the paving or repaving works, such estimate to be kept in the office of the Town Engineer and to be open at all reasonable hours of the day for the inspection of all persons interested during the period of time specified in such notice.

Apportion-
ment of
cost of work.

(2) When the paving works contained in the estimate of the Town Engineer have been completed and the expenses thereof ascertained, the Town Engineer shall prepare a statement of the total cost of the paving works so completed, and shall make an apportionment of one-half of such expenses among the premises liable to be charged therewith under this Ordinance; and this statement and apportionment shall be submitted to the Council, who may approve the same, with or without modification or addition, as they may think fit, and such statement and apportionment when so approved, with or without modification or addition, as the case may be, shall be conclusive and binding on all parties and the sum appearing in such apportionment as payable by the owner of each of the premises mentioned as fronting, adjoining, or

abutting on the footway or portion of the footway included in such statement and apportionment shall be payable by each such owner by three equal yearly instalments (the first of such instalments to be paid one year from the date of the service on such owner of the notice of such apportionment) together with interest at the rate not exceeding five per centum per annum until the whole apportioned sum is paid; and any such instalment with interest thereon, or any part thereof respectively, may, without prejudice to the power of sale conferred by the Rates and Charges Recovery Ordinance, be recovered by action in any court of competent jurisdiction from the present or any future owner, or from any tenant or occupier, for the time being, of such premises.

(3) Any tenant or occupier paying any such instalment and interest may deduct the amount so paid by him from the rent payable by him in respect of such premises, or recover the same from the owner for the time being as money paid at the request of such owner.

Owner liable for the cost.

(4) The notice of apportionment to be served on the owner under this section may be according to the form in the Sixth Schedule hereto.

6th Schedule.

164. Every person desirous of having an entrance for vehicles across any footway so as to afford access to any premises from a street repairable by the Council shall give notice in writing of such desire to the Corporation, and the Council upon being satisfied of the necessity for such an entrance and upon deposit by such person of the estimated cost of the work, shall execute the same at the cost of such person.

Crossings for vehicles over footways.

Sec. 164A added by S. 7 of 35/41

164A

Signboards.

165. (1) It shall not be lawful for any person to retain, erect, fix, or hang to, on, or along any building any sign except at the height of not less than ten feet from the footway abutting on such building, and so that the same shall not project more than twelve inches over such footway measured at right angles to the front wall of such building.

Sec. 164A repealed by S. 3 of 32/43 Certain signs prohibited.

(2) It shall not be lawful for any person to retain, erect, fix, or hang to, on, or along any balcony, verandah, hood, or roof of any building any sign except under a licence from the Council.

Licence for erecting of certain signs.

(3) In granting a licence under this section, the Council may prescribe the size of any such sign, its situation, the extent, if any, to which it may project beyond the edge of any such balcony, verandah, hood, or roof, and the measures to be taken by the licensee for maintaining the same in good order and condition and securely fixed to the satisfaction of the Council.

When licence
to be void.

166. Any such licence granted by the Council under the last preceding section shall become void if—

(a) any addition is made to any sign except for the purpose of making it more secure under the direction of the Town Engineer; or

(b) any change is made in any sign or any part thereof; or

(c) any sign or any part thereof shall fall either through accident, decay, or any other cause; or

(d) any addition or alteration is made to the building on, over, or to which any sign is placed or attached, if such addition or alteration involves the disturbance of the sign or any part thereof; or

(e) the building over, on, or to which the sign is placed or attached becomes unoccupied.

Awnings.

167. It shall not be lawful for any person to hang or allow to project over any street any blind, shade or awning.

Length of
awnings.

168. It shall not be lawful for any person to hang or allow to project over any footway any blind, shade, or awning at a less height than ten feet from such footway or to use any blind, shade, or awning for purposes of advertisement: Provided that this enactment shall not preclude any person in occupation of the building to which any such blind, shade, or awning is hung or fixed from having his name and address, or the name of his firm and company, and the name of the trade or business carried on in such premises, printed or painted on such blind, shade or awning.

No advertise-
ment on
footways.

169. It shall not be lawful for any person to write, paint, stencil, or otherwise mark, or cause to be written, painted, stencilled, or otherwise marked any advertisement, matter, or thing on any footway or street.

170. It shall not be lawful for any person to fix, hang, or expose any merchandise so that the same may project or hang over any part of any footway or street. Hanging goods over footways.

171. If any sign is erected or retained contrary to the provisions of sections 165 and 166, or after the licence for the erection, maintenance, or retention thereof shall have expired or become void, it shall be lawful for the Council to cause the same to be removed and taken away after giving twenty-four hours' notice in writing to the owner or occupier of the premises of the Council's intention so to do, and the expenses of and incidental to such removal, if unpaid, shall be recovered in a summary manner as a fine in addition to the penalty incurred for the breach of the provisions hereof. Signs contrary to the Ordinance may be removed.

172. In sections 165 to 171 both inclusive,—

Interpretation.

“sign” means any sign, signboard, frame, glass or metal plate, transparency or other contrivance or thing employed wholly or in part for the purpose of an advertisement or announcement;

“footway” means the space between any line of buildings and the inner edge of the side drain of a street;

“street” means the space between the side drains of a roadway and includes the side drains.

173. Any person offending against the provisions of sections 165 to 171 both inclusive shall, for every such offence, be liable to a fine of twenty-four dollars, and to a further fine of five dollars for every day during which he shall continue such offence after service upon him of a notice by the Council in writing requiring him to remove any signboard, matter, or thing, erected or retained contrary to the provisions of this Ordinance. Penalty.

Alterations of buildings.

174. (1) Every addition to or alteration of any building, and any other work made or done for any purpose in or upon any building (except that of necessary repair not affecting the construction of any external or party wall), shall, so far as regards such alterations or additions, or such other work, be subject to the provisions of this Part of this Ordinance and of

Additions to and alterations of buildings.

7th Schedule. the regulations in the Seventh Schedule hereto, or of any other building regulations made under any powers conferred by this Ordinance.

(2) It shall not be lawful (except with the consent of the Council) to make any alterations to any building in such a manner that, when so altered, it will, by reason of such alterations, not be in conformity with the provisions of this Ordinance or of any regulations herein contained or made under any powers conferred by this Ordinance.

Penalty. (3) Every person who shall act in contravention of this section shall be liable to a fine of ninety-six dollars.

New buildings.

New building to conform to regulations. 7th Schedule. 175. (1) A new building shall not be constructed in any part of the borough otherwise than subject to and in accordance with the regulations set out in the Seventh Schedule hereto, or any other regulations made under the powers conferred by this Ordinance in substitution for or in addition to such regulations.

Power to make regulations. (2) Subject to the approval of the Legislative Council, to be expressed by resolution, the Council may vary or revoke any of the regulations in the Seventh Schedule, and may make all such other and further regulations as may be necessary for the carrying out of this Part of this Ordinance, and may attach a penalty not exceeding ninety-six dollars to the breach of any regulation made under this Part of this Ordinance, and may attach a continuing penalty not exceeding twenty-four dollars for every day during which such breach shall continue, and may vary and annul any such regulations.

"New building" extended definition of. 7th Schedule. 176. For the purposes of this Part of this Ordinance and of the regulations in the said Seventh Schedule, and of any regulations made in addition to or in substitution for such regulations, each of the following operations, shall be deemed to be the erection of a new building, namely:—

(a) the re-erection wholly or partially of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground adjoining the lowest storey of the building, and of any frame building

so far pulled down or burnt down as to leave only the framework of the lowest storey;

(b) the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;

(c) the reconversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;

(d) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only;

(e) the roofing or covering over of an open space between walls or buildings.

177. (1) It shall not be lawful to let or occupy, or suffer to be occupied (except by caretakers not exceeding two in number), any new building unless the Town Engineer shall have certified in writing that such building complies in every respect with the provisions of this Part of this Ordinance and of all regulations made by the Council with respect to new buildings.

Certificate of compliance with building regulations.

(2) Every person who shall act in contravention of this section shall be liable to a fine of ninety-six dollars.

Penalty.

178. (1) It shall not be lawful for any person to pull down or remove any building from the site on which it stands unless he shall, not more than fourteen days and not less than two days before such removal, have given notice in writing to the Town Clerk of his intention to pull down or remove such building.

No building to be removed except after notice to the Corporation.

(2) The notice to be given under this section may be according to the form A in the Eighth Schedule hereto, or in such form as may from time to time be prescribed by the Council.

8th Schedule.

(3) Any person who shall pull down or remove any building from its site, and any owner of any building who shall cause, permit, or suffer any building to be removed from such site, without having first given the notice prescribed by this section shall be liable to a fine of forty-eight dollars.

Penalty for removing or pulling down building without notice.

(4) Every building pulled down or removed in contravention of this section shall be deemed to have been pulled down or removed by the owner thereof.

Owner of vacant land to notify the Corporation of removal of house therefrom.

179. (1) The owner of the land from which any house shall have been removed shall, within seven days after such removal, notify the Town Clerk thereof.

(2) The notice to be given by such owner shall be according to form B in the Eighth Schedule.

(3) Every owner of any land who shall fail or neglect to give such notice within the time prescribed by this section shall, for every such offence, be liable to a fine of twenty-four dollars.

Payment of rates before removal of house.

180. (1) It shall not be lawful for any person to remove any building from the site from which it stands unless and until all rates and charges due to the Corporation in respect of the rateable hereditament whereof such building forms part shall have been paid.

(2) Every person who shall act in contravention of this section shall be liable to a fine of twenty-four dollars.

(3) Where any such building is re-erected on some other site, the Council may in assessing the same for the current house rate year take into account the rates paid by the owner of such building before its removal from its original site.

Buildings.

Restrictions on the alteration or erection of certain buildings.
Ord. 14-1937,
s. 15.

181. (1) It shall not be lawful for any person to convert or alter an existing building for a different purpose to that for which it was originally erected, or to erect a new building, without having first obtained the written permission of the Council.

(2) The Council may, in their discretion, refuse permission for or prohibit the conversion or alteration of an existing building, or the erection of a new building, intended to be used as a public or commercial building in any particular part of the borough, if it should appear to the Council that the building is of a type or intended for a purpose not suitable to that part

of the borough, or the Council may grant such permission upon such conditions as the Council may consider necessary to impose.

(3) The Council may, in their discretion, refuse permission for or prohibit the conversion or alteration of an existing building, or the erection of a new building, intended as a barrack for the letting out of rooms therein.

(4) No building shall be constructed over any drain, ravine, or storm water channel, unless specifically agreed to by the Council, and upon such conditions as the Council may consider necessary to impose.

(5) Where any person deems himself aggrieved by any refusal or prohibition on the part of the Council under this section, such person may, within ten days of his being notified of the Council's decision, appeal therefrom by memorial addressed to the Governor in Council (a copy of which shall at the same time be delivered to the Town Clerk), and the Governor may make such order in the matter as to him may seem just, and his decision shall be conclusive and binding on all parties.

Public buildings.

182. Every person who shall erect a public building shall cause the same to be erected and maintained with such precautions for the safety of the public as, having regard to the special purpose for which such building is intended to be used, shall be prescribed or approved by the Council.

Precautions
for safety of
the public.

183. The Town Engineer and any other person authorised in that behalf by the Council, may at all reasonable times during the construction and after the completion of any public building, and at all times during which any building shall be used as a public building, enter and inspect the same for the purpose of ascertaining whether such building is in conformity with the provisions of this Ordinance or of any regulations made by the Council with regard to public buildings.

Engineer may
enter and
inspect.

184. (1) No public building shall be used as such unless and until the Council, by notice in writing addressed to the owner thereof, shall have declared their approval of the construction thereof, and of its suitability for the purpose for which it is proposed to be used.

Public
building not
to be used
until
approved.

(2) After the Council shall have declared their approval, no work affecting or likely to affect such building shall be done to, in, or on such building without the approval of the Council.

Conversion into a public building of building erected for other purposes.

185. Where it is proposed to convert or alter any building erected for a purpose other than a public purpose into a public building, such conversion or alteration shall be carried out, and such building shall be constructed in such manner as shall be approved by the Town Engineer; and the provisions of this Part of this Ordinance, and of any regulations made by the Council applicable to public buildings shall apply to such alteration or construction as if it were the construction of a public building.

Council may require alterations necessary for safety of the public.

186. (1) Whenever it appears to the Council that any place in the borough used as a public building is not so constructed or maintained as to afford necessary protection to all persons who may resort thereto, the Council may, by notice in writing, require the owner of such place, within a reasonable time to be specified in such notice to make such alterations therein or thereto as shall be approved by the Council.

Penalty.

(2) In case such owner fails to comply with the requirements of such notice within the prescribed time, he shall be liable to a fine of ninety-six dollars and to a further fine of ten dollars for every day after the first day after the expiration of such reasonable time aforesaid during which such default continues.

Owner may be required to show cause why building should not cease to be used as a public building.

(3) The Council may, in lieu of such notice, or concurrently therewith or at any time thereafter and without prejudice to the recovery of penalties for the non-compliance therewith, by notice in writing served upon the owner of such place, require such owner on or before the date to be specified in such notice, by statement in writing under his hand addressed to the Corporation, to show cause why such building should not cease to be used as a public building, or require such person, on such date and at such time and place as shall be specified in such notice, to attend personally, or by an agent duly authorised in writing in that behalf before the Council and show sufficient cause why such building should not cease to be used as a public building.

(4) If such owner shall fail to show sufficient cause why such building should not cease to be used as a public building, the Council may, by order addressed to the owner thereof, prohibit the use of such place as a public building. Failure to show cause.

(5) Every person who after notice of a prohibition order issued by the Council under this section, uses, or allows, or suffers such building to be used as a public building, shall be liable to a fine of ninety-six dollars for every day during which he allows or suffers the same to be used, or during which he used the same, as the case may be, after such notice of prohibition. Penalty.

187. (1) Where any person deems himself aggrieved by any order or requirement of the Council under this Part of this Ordinance or under any regulations relating to new buildings for the time being in force, such person may, within seven days after the service of such order or requirement, appeal to the Magistrate, and such Magistrate may confirm or vary such order or requirement, and may make such order in the matter as to him may seem proper. Appeal to the Magistrate by person aggrieved.

(2) If such order is not complied with, the person on whom it is made shall be liable, for every such offence, to a fine of ninety-six dollars and to a further fine of ten dollars for every day during which such non-compliance shall continue.

188. Where any person deems himself aggrieved by an order, determination, or conviction of the Magistrate under this Part of this Ordinance, such person may appeal therefrom to the Full Court, subject to the conditions following:— Appeal to Full Court.

(a) the appellant shall, within ten days from the date of the order, determination, or conviction, give notice to the other party and to the Magistrate of his intention to appeal, and along with such notice he shall give a statement in writing of his grounds of appeal;

(b) within seven clear days after giving such notice as aforesaid, the appellant shall enter into a recognizance before a Magistrate or Justice with a surety or sureties in the sum of one hundred and forty-four dollars at least, conditioned to appear and prosecute such appeal at the next sitting of the Full Court, and to abide the order of

and pay such costs as shall be awarded by such Court at such sitting or any adjournment thereof:

Provided that in the event of any appeal by the Corporation it shall not be necessary for the Corporation to enter into any recognizance whatsoever;

(c) the Clerk of the Peace shall forthwith cause to be served upon the respondent or his solicitor a copy certified under his hand of the notice of appeal, and shall notify the appellant and the respondent or their solicitors respectively of the day on which the appeal will in the ordinary course of business be on the list for hearing before the Full Court:

Provided always, that the appellant shall not be heard in support of such appeal unless such notice and statement have been given and such recognizance entered into as aforesaid, nor, on the hearing of the appeal, shall he go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

Verandahs, balconies, sunshades, etc.

Verandahs
projecting
over street.

Ord.14-1937,
s. 16.

189. No person shall put up any verandah, balcony, sunshade, weather frame, or the like, so as to project over the footway of any street, except with the permission of the Council, and in the event of such permission being given, then under and subject to such terms and conditions as shall be therein prescribed:

Provided that in no case shall any such verandah, balcony, sunshade, weather frame, or the like projection, be supported on pillars resting on the footway.

Doors not to
open over
public
thoroughfare.

190. It shall not be lawful for any person to make any door, window, or gate in such manner as to open over a public thoroughfare, nor to project any door-step or landing into or across any public footpath, nor to extend or affix any sunshade, signboard, lamp grating, gutter, or other unauthorised projection on any building in such manner as shall cause obstruction, danger, or annoyance in any street or to passengers thereon, or so as to cause encroachment on or over any street: Provided that in case of theatres and other public buildings, the doors may, with the consent of the Council, be made to open outwards

over a public thoroughfare: Provided further that with respect to all buildings, the mouldings, cornices, or other architectural embellishments and eaves-gutters may project over a street to an extent not exceeding eighteen inches.

Dangerous buildings.

191. (1) Whenever any structure abutting on any street in the borough shall be deemed by the Town Engineer to be dangerous to passengers along such street, the Town Engineer shall give notice in writing to the owner of such structure requiring him forthwith to take down, secure, or repair the same, as the case may require, within a time to be specified in such notice.

Dangerous building—notice to owner.

(2) Where any structure in the borough shall be deemed by the Town Engineer to be ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation, or to be from any cause whatever in a structural condition dangerous or prejudicial to the property in, or the inhabitants of the neighbourhood, the Town Engineer may give notice in writing to the owner of such structure requiring him forthwith to take down, secure, repair, or rebuild the same or any part thereof, or to fence in the ground on which such structure stands, or otherwise to put the same in a state of good repair, as the case may require, to the satisfaction of the Town Engineer, within a time to be specified in such notice.

Structure ruinous or dilapidated.

(3) Whenever it shall be made known to the Council that any internal part of any building, including any wall, partition, or ceiling of any building is in a state dangerous or prejudicial to any occupier of such building, or of any neighbouring building, the Council shall cause the same to be surveyed and examined by the Town Engineer, and if the Town Engineer is satisfied upon such survey and examination, that such structure is in a state dangerous or prejudicial to any such occupier as aforesaid, he shall serve a notice in writing upon the owner of such structure requiring him forthwith to have the same shored up, taken down, secured, repaired, or rebuilt, as the case may require, to the satisfaction of the Town Engineer within a time to be specified in such notice.

Structure dangerous or prejudicial to occupier.

(4) If the owner shall fail within the time specified in such notice served upon him under either of the three pre-

Failure to comply with notice.

ceding subsections, to comply with the requirements of such notice, the Council or any person authorised by them in writing may make complaint thereof before the Magistrate, and it shall be lawful for such Magistrate to order the owner to carry out the requirements of such notice within a time to be fixed by him in such order.

Penalty.

(5) If such order is not complied with within the time therein prescribed, the person on whom such order is made shall be liable to a fine of ninety-six dollars and to a further fine of ten dollars for every day during the continuance of such non-compliance, and the Council may, without prejudice to their right to recover such penalties, with all convenient speed enter upon the structure or on the ground upon which it stands and execute the order.

Sale of structure or part thereof.

(6) When the order directs the taking down of a neglected structure or any part thereof, the Council, in executing the order, may remove the materials to a convenient place, and (unless the expenses incurred by the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same or any part thereof as and if they in their discretion shall think fit.

Expenses to be paid from proceeds of sale.

(7) All expenses incurred by the Corporation under this section in relation to a structure may be deducted by the Council out of the proceeds of the sale, and the surplus, if any, shall be paid by the Council to the owner of the structure on demand and upon proof of title; or the Council may, if they think fit, pay such surplus into the Supreme Court to an account to be entitled "In the matter of the San Fernando Corporation and of the premises No. _____ the materials of which were sold under the provisions of the San Fernando Corporation Ordinance"; and the Supreme Court or any Judge thereof may, on the petition of any person entitled or claiming to be entitled to such moneys or any part thereof, make order for the payment of the same or any part thereof to the person or persons entitled thereto.

Expenses may be recovered from owners.

(8) If such structure or any part thereof is not taken down, and such materials are not sold by the Council, or if the proceeds of such sale are insufficient to defray the said expenses, the Council may recover such expenses or such insufficiency from the owner of such structure together with full costs in respect thereto in a summary manner, but without prejudice

to his right to recover the same from any lessee or other person liable to the expenses of repairs.

(9) For the purposes of this section, the expression "structure" includes any building, or any part thereof, and any wall or fence or any other structure whatsoever, and anything fixed to or projecting from any building, wall, fence, or other structure.

Definition of "structure."

Demarcation of lands.

192. (1) The owners of any lands in the borough shall, whenever required by the Council by notice in writing, cause to be prepared and delivered to the Council, within a period of fourteen days from the service of the notice, a plan of such lands showing the boundaries thereof in relation to some fixed point, and in case any portion of such lands has been leased or let in plots whereon any building or buildings have been erected, showing also the boundaries of every such plot, and the building or buildings, if any, standing on such plot, and the name of the tenant or occupier of every such plot.

Demarcation of lands appurtenant to buildings.

(2) Any owner who makes default in complying with the requirements of any notice served upon him under this section shall be liable to a fine of forty-eight dollars, and to a further fine of one dollar for every day during which such non-compliance continues after written notice thereof from the Council.

192A.

Sec. 192A added by S. 8 of 35/41

Hoardings.

193. (1) Except with the permission of the Town Engineer, who may grant such permission upon a written application and upon such terms and conditions as he may consider necessary to provide for the safety and convenience of passengers and of the occupiers of adjoining premises, no public footway or thoroughfare shall, during any building operations or otherwise, be occupied by any hoarding or scaffolding or by any building materials whatever.

Hoardings, etc., not allowed on footway or street, except by permission of Town Engineer.

(2) In all cases the ground so occupied shall be enclosed by the person obtaining such permission with a hoarding for the protection of passengers, and the side drains shall in no way be obstructed by any such hoarding, or by any building materials or any building debris.

Ground occupied by hoarding, etc., to be enclosed.

Owner, builder, notices.

Owner as well as builder to be liable for contravention of bye-laws.

194. (1) The owner as well as the builder shall each be liable for any act, matter, or thing done or omitted to be done in contravention of any of the provisions of this Ordinance or any regulations in force relating to new buildings.

(2) Provided that this enactment shall not prejudice any remedy of an owner or other person against the builder. In this section the term "builder" means the person who is employed to build or to execute any work on a building or structure; or, where no such person is so employed, the owner of the building or structure.

Authenticat-
tion of
notices.

195. All notices or orders under this Part of this Ordinance or under any regulations for the time being in force relating to new buildings shall be sufficiently authenticated if signed by the Town Engineer, or by any officer duly authorised in that behalf by the Council.

Notice served
on builder to
be binding on
owner.

196. All notices served by the Council or the Town Engineer on the builder shall be as valid and binding against the owner by whom such builder is employed as if such notice had been served on such owner.

PART IX.

MARKETS AND SLAUGHTERHOUSES.

Interpreta-
tion.

197. In this Part of this Ordinance,—

"market clerk" means the person appointed by the Council to be in charge of any market, and includes any other person for the time being performing the duties of the market clerk under authority from the Council;

"fresh meat" means fresh meat of any cattle, sheep, goat, or pig, slaughtered for sale, and includes imported fresh meat;

"lands" includes messuages, easements, and hereditaments of any tenure;

"markets" means the places mentioned in section 199, and any place appointed a market by the Council under this Ordinance for the sale of any marketable com-

modities, and includes all buildings, works, sheds, covered and open spaces, and grounds comprised within the said places;

“marketable commodities” means any fresh meat, deer, lappe, quenk, agouti, fowls, eggs, fish, turtle, ground provisions, vegetables, and fruits.

198. (1) It shall not be lawful to hold any market for the sale of any fresh meat, fish, turtle, and other commodities in any place in the borough not being a market under this Ordinance. Markets only in specified places. Ord. 14-1937, s. 17.

(2) Any person who contravenes the provisions of this section shall be liable for the first offence to a fine of twenty-four dollars, and to a further fine of ten dollars for every day on which such market shall be held.

(3) Any person attending such market and selling at the same shall be liable to a fine of ten dollars for every such offence.

(4) For the purposes of this section, the owner or occupier of any place or premises within the borough who permits or allows two or more persons to attend at any time or times to sell at such place or premises in contravention of this section shall at such time or times be deemed to be holding a market.

199. The markets already established or provided by the Council in Prince Alfred Street North and known as the “Central Market” and on the wharf known as the “Fish Market” shall be deemed to be markets and are hereby declared to be markets within the meaning of this Ordinance, and markets may be held therein on such days and during such hours as, at the time of the passing of this Ordinance, have been fixed by the Former Council for the purpose, or on such days, and during such hours, as the Council may hereafter from time to time fix by bye-laws. Existing markets.

200. (1) It shall be lawful for the Council, with the consent of the Governor in Council, to appoint any place or places within the borough to be a market or markets, and to construct market houses or other conveniences in connection therewith. Appointing places as markets.

(2) For all or any of the purposes of this section mentioned, and also for the purpose of enlarging or improving

any market, it shall be lawful for the Council to set apart and appropriate any land belonging to the Corporation which they may deem fit and proper for such purposes, or any of them, and, with the approval of the Governor in Council, to acquire or take on lease any land which they may deem necessary for such purposes or any of them.

Power to close markets.

201. It shall be lawful for the Council at any time to discontinue the use of any market or any part thereof as such, and, with the consent of the Governor, to sell or dispose of the same or any part thereof, or to use and convert the same or any part thereof, to or for any other purpose whatsoever.

Appointment of market clerk and other servants.

202. The Council may appoint a fit and proper person to be clerk of any market, and such other officers and servants as shall be necessary, and may assign reasonable remuneration to such clerk and other officers and servants, and may require such clerk and other officers and servants to give security for the due discharge of their duties, and any clerk and all other officers and servants so appointed shall hold office during the pleasure of the Council.

Resistance or obstruction.

203. Every person who unlawfully assaults, resists, or obstructs the clerk of any market, or other person authorised by the Council to receive any stallages, rents, dues, tolls, and charges payable in respect of such market, or any person employed to superintend such market or keep order therein whilst in the execution of his duty shall, for every such offence, be liable to a fine of twenty-four dollars.

Market dues.

204. (1) It shall be lawful for the Council to demand and take from every person occupying or using any stall, stand, table, shed, or place in any market, or bringing into any such market any marketable commodities or any other article or thing which the Council may permit to be sold therein, or using any weighing instrument kept in such market, such stallages, rents, dues, tolls and charges as the Council shall from time to time appoint and fix by any bye-law made in pursuance of this Part of this Ordinance.

Payment of dues.

(2) The several stallages, rents, dues, tolls, and charges payable in respect of any market, shall be paid at such times

and in such manner as the Council may prescribe to the market clerk or any other person authorised by the Council to receive the same.

(3) If any person liable for the payment of any stallage, rent, due, toll, or charge does not pay the same when required by the market clerk or the person duly authorised to receive the same, the market clerk or other person so authorised may recover the same by distress and sale of a sufficient part of any marketable commodities in the market which belong to the person liable to any such stallage, rent, due, toll, or charge; or such stallage, rent, due, toll, or charge may be recovered as a debt due to the Corporation in any court of competent jurisdiction.

Recovery
of dues.

205. (1) The Council may make such bye-laws as they may think fit for all or any of the following purposes:—

Bye-laws.

(a) for regulating the use of public markets, and directing the manner of occupying and using the several stalls, stands, tables, sheds, and places therein respectively;

(b) for prescribing the pattern and description of the scales to be used by occupiers of stalls, stands, tables, and places in the markets;

(c) for prescribing the conditions subject to which the several stalls, stands, tables, sheds, and places shall be held, occupied, or used by the persons hiring or using the same, and for imposing on such persons such duties as the Council may deem necessary for ensuring that the stalls, stands, tables, sheds, and places occupied by them and all blocks, axes, saws, and other implements or instruments and all scales used by them are properly cleaned and kept clean by them;

(d) for regulating the use of weighing instruments belonging to the Corporation and used in such markets, and preventing the use of false or defective weights, scales, or instruments by any person selling in any such markets;

(e) for regulating the sale of any marketable commodity, and for prohibiting, restricting, or controlling the introduction of fresh meat for sale in the borough;

Ord. 14-1937,
s. 18.

(f) for prescribing the areas in the vicinity of any public market within which it shall not be lawful to sell or offer for sale any marketable commodity;

(g) for preventing nuisances or obstructions in any such markets or in the immediate approaches thereof;

(h) for imposing on the occupier of any stall, stand, table, shed, or place in such markets the duty of taking such steps and using such means as may be prescribed by the Council for protecting from contamination by flies and dust any articles of food offered or exposed for sale in or on such stall, stand, table, shed, or place occupied by him;

(i) for maintaining order and preventing disturbance in any such markets by fighting or disorderly behaviour;

(j) for excluding and removing from any such markets any person suffering from any infectious or contagious disease;

(k) for prescribing the measures to be taken by vendors of marketable commodities in any such markets in order to protect such commodities from contamination by flies and dust or otherwise; and

(l) generally such other bye-laws as may be deemed necessary for the good government of such markets, and for the carrying into effect the provisions of this Part of this Ordinance.

Bye-laws to be exhibited in market and published.

(2) All bye-laws made by the Council under this section shall be printed, and a copy thereof exhibited in a conspicuous part of every public market to which such bye-laws respectively relate. Such bye-laws shall also be published in the *Royal Gazette* and in one newspaper circulating in the borough.

Licence to salesman of meat or fish.

206. (1) No person, whether owner of the fresh meat or fish or not, shall ply or act as vendor of meat or fish at any stall, table, or place in any public market without having first obtained a licence for the purpose from the Council.

(2) Every such licence shall be granted for such period, and upon payment of such fee, and upon such conditions as the Council may from time to time prescribe.

(3) Every person who shall offend against the provisions of this section shall be liable to a fine of twenty-four dollars for each day that he so offends.

Licence for sale of fresh meat and other articles within the borough.

207. (1) It shall not be lawful for any person to sell or offer or expose for sale any fresh meat, fish, or turtle within the

borough, or within half a mile from any part of the limits thereof except in a market or under and in accordance with the terms of a licence granted under this Part of this Ordinance.

(2) It shall not be lawful for any person to sell or expose for sale any marketable commodities (other than fresh meat, fish, and turtle) in any street or public place within the borough except in a market or under and in accordance with the terms of a licence granted under this Ordinance.

(3) No fish for sale within the borough shall be landed outside of the Fish Market; and all fish brought by land within the borough shall before sale be first brought to the Fish Market: Provided that this subsection shall not apply to fish imported into the Colony in vessels of not less than ten tons.

Fish to be landed at the market.

(4) Every person who shall contravene any of the provisions of this section shall be liable to a fine of twenty-four dollars for every such offence.

Penalty.

208. (1) The Council may grant to any person a licence authorising such person to sell or offer or expose for sale fresh meat, fish, or turtle in any shop or premises within the borough.

Licence for sale in shops and premises.

(2) Licences granted under this section shall be granted for such period on payment of such sums, and upon such terms and conditions as the Council may by bye-law prescribe, and shall be revocable by the Council on breach by the licensee of any of the conditions subject to which such licence shall be granted.

Condition of licence.

Amended by Sec. 3 of 9/45

(3) Any of the bye-laws made under section 205 hereof may, so far as they are applicable, be embodied in the conditions which the Council are authorised to prescribe in any licence issued under this section.

(4) Added by 9/1945, s. 3(c)

209. It shall be lawful for any Inspector appointed by the Council, to inspect any marketable commodities which he shall find in any market or licensed shop or premises, or which shall be sold or offered or exposed for sale elsewhere under any licence granted under this Part of this Ordinance, and for that purpose to enter any such shop or premises with proper assistants, and if he shall judge any such marketable commodities or any of them to be unfit for food, to cause the

Inspection for detecting unsound marketable commodities.

same to be removed and destroyed, and if any person shall prevent or attempt to prevent any such Inspector or any assistant of such Inspector from entering such shop or premises, or for making such inspection, or shall attempt the removal of any marketable commodities which such Inspector shall judge to be unfit for food and shall order to be removed and destroyed, such person shall be liable to a fine of twenty-four dollars.

Recovery of penalties.

210. (1) All penalties imposed under this Part of this Ordinance or under any bye-laws made thereunder shall be recoverable on summary conviction before a Magistrate or Justice on complaint made in the name of the Corporation or of the market clerk or of any constable, and shall be payable to the Council for the use of the Corporation.

Second offence.

(2) On a second conviction for any offence under this Part of this Ordinance or any bye-law made thereunder, it shall be lawful for the convicting Magistrate or Justice in his discretion, in addition to any penalty which he may impose, to order that the offender be not allowed to sell in any market, and to order that any licence granted to such offender under the provisions hereof be forfeited.

Slaughterhouse and detention station.

Bye-laws for slaughterhouse and detention station.

211. (1) The Council may make bye-laws with respect to the management, good government and use of the slaughterhouse and detention station on the wharf held by the Corporation under a lease from the Crown, and the feeding and the watering of animals taken there, and they may by such bye-laws fix the charges to be made for the landing, lairage, slaughtering, and when necessary, the destruction of animals therein.

Default of owners in complying with bye-laws.

(2) Where any owner makes default in complying with any bye-law made under this section imposing any duty on him with respect to any animal belonging to him, it shall be lawful for the Council without prejudice to their right to institute summary proceedings for the breach of such bye-law, to undertake the execution of such duty, and the expenses incurred for the purpose shall be a debt due from such owner to the Corporation.

(3) Where any default is made by any owner in respect of any expenses due to the Corporation under this section or any bye-law made thereunder, it shall be lawful for the Council to recover the expenses due by summary proceedings before a Magistrate, or by sale of any animal of the owner then in the slaughterhouse or the detention station.

Default in payment of expenses.

(4) Any sale under this section shall be by public auction after seven days advertisement thereof, and the Council shall apply the proceeds of such sale firstly in or towards the payment of the cost and expenses of such sale, and secondly in or towards the payment of the sums due by the owner to the Corporation and the surplus, if any, shall be paid to the person entered as the owner of the animal in the books of the Corporation.

Sale and application of proceeds thereof.

212. (1) No person shall in the borough slaughter any animal intended for the food of man elsewhere than in a public slaughterhouse provided by the Council:

All animals to be slaughtered at public slaughterhouse.

Provided that any person of the Moslem or Hindu Faith may, on a requisition signed by him, obtain a permit to be issued by the Town Clerk permitting such person to slaughter animals for religious purposes, and not for sale, at premises to be named in such permit outside the public slaughterhouse.

Exception for religious purposes.

(2) No person shall sell, or offer, or expose for sale in the borough the carcase or meat of any animal not slaughtered in a public slaughterhouse provided by a local authority.

(3) The onus of such proof as to the place where the animal was slaughtered shall rest on the defendant.

Onus of proof.

(4) The meat of any animal for sale not slaughtered in the borough shall, on arrival thereat, be forthwith taken to the slaughterhouse for inspection, and shall remain there until taken to the market.

Inspection of meat brought within the borough.

(5) For the purposes of this section the term " animal " means ox, calf, pig, sheep, and goat.

Interpretation.

(6) Every person who contravenes the provisions of this section shall be liable to a fine of forty-eight dollars for every such offence.

Penalty.

*Inspection of meat.*Appointment
of Inspectors.

213. (1) The Council may appoint fit and proper persons to be Inspectors of meat and other articles of food at such salaries and other allowances as the Council may think fit, and such Inspectors shall hold office during the pleasure of the Council.

Fee for
inspection.

(2) The Council may charge a fee not exceeding one dollar and twenty cents for the inspection of the carcass of each ox; and not exceeding twenty-four cents for that of each calf, pig, goat or sheep slaughtered outside the borough and brought into it for sale.

Such fee may be recovered in like manner as provided in this Part of this Ordinance for the recovery of market dues.

*Cold stores.*Interpreta-
tion.

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214. In this Part of this Ordinance the expression "cold stores" means any premises or places used for the keeping and preserving by a refrigerating process any fresh meat, game, fish, fruit, vegetables, or other articles intended for the food of man.

Cold stores
to be licensed.

215. It shall not be lawful for any person to use any premises or places in the borough as cold stores without having first obtained from the Council a licence for that purpose.

Council may
issue licence.

216. The Council may grant a licence for the use of any premises or places in the borough as cold stores, and such licences may be granted on such terms, and on such conditions, and upon payment of such licence fees as the Council may from time to time appoint by resolution.

Penalty for
using
unlicensed
premises.

217. Every person who shall use or permit to be used any premises or places in the borough as cold stores without having first obtained a licence for that purpose from the Council shall be liable to a fine of two hundred and forty dollars.

Licence to sell
fresh meat
and fish.

218. It shall not be lawful for any licensee of any cold stores to sell any fresh meat or fresh fish at or from such cold stores without having first obtained from the Council a licence for that purpose.

219. The Council may grant to the licensee of any cold stores a licence to sell fresh meat or fresh fish at or from such cold stores, and such licences may be granted for such term, and subject to such conditions and to the payment of such licence fees as may from time to time be appointed by resolution of the Council, such licence fees not to exceed the licence fees for the time being payable in respect of shops or premises licensed for the sale of meat under this Part of this Ordinance.

Conditions of licence to sell fresh meat and fish.

220. Every licence granted under this Part of this Ordinance for the use of any premises or places as cold stores or to sell fresh meat or fresh fish from any licensed cold stores shall be under the hand of the Town Clerk, and shall state the period during which such licence shall remain in force.

All licences to be under hand of Town Clerk.

221. Any fresh meat or fresh fish delivered from any cold stores, whether such delivery be made in pursuance of a contract of sale or otherwise (except meat or fish delivered at any premises licensed for the sale of meat or fish under this Part of this Ordinance or at any public market of the borough) shall be deemed to be sold within the meaning of this Part of this Ordinance.

Selling meat or fish, what it includes.

222. The licensee of any premises or places used as cold stores shall pay to the Council, in respect of all fresh meat or fresh fish sold from such cold stores, tolls or dues at such rates as may from time to time be appointed by resolution of the Council, but not exceeding in any case the tolls or dues payable in respect of meat sold in the public market and in premises licensed for the sale of meat under this Part of this Ordinance.

Dues payable on meat or fish sold from licensed cold stores.

223. Every person who shall sell any such fresh meat or fresh fish from any cold stores without having first obtained a licence for that purpose from the Council shall be liable for each such offence to a fine of two hundred and forty dollars.

Penalty for selling meat or fish without a licence.

224. The Council may make bye-laws for enforcing cleanliness in all cold stores in the borough, for fixing the hours during which any fresh meat or fresh fish may be delivered therefrom, for imposing on the licensee of any cold stores the obligation of making such returns as to the quantities and description of any

Bye-laws.

fresh meat or fresh fish from time to time received into such cold stores, and from time to time delivered therefrom, and the destination of any fresh meat or any fresh fish from time to time delivered therefrom as the Council may deem necessary for the purpose of this Part of this Ordinance, and, generally for more effectually carrying out the provisions of this Part of this Ordinance.

PART X.

CEMETERIES.

Licensed
burial
grounds.

225. The Paradise Cemetery licensed under Ordinance No. 2 of 1873, and the Broadway Cemetery licensed under the Burial Grounds Ordinance, shall continue to be licensed burial grounds vested in and under the control of the Corporation.

Government
may license
burial ground.

226. The Governor in Council may, on the application of the Council, set apart and license as a burial ground any parcel of land vested in the Corporation within or without the limits of the borough; and such licensed burial ground shall vest in and be under the control of the Corporation.

Bye-laws;
appointment
of keeper and
grave diggers.

227. (1) It shall be lawful for the Council to make bye-laws for the good government of the cemeteries under their control, to make charges for burials, to appoint a keeper and grave diggers and other servants necessary for the care and use of any cemetery under their control, and may pay them such allowances and wages as the Council may think fit, and may remove them or any of them at their pleasure.

Exhumation
bye-laws.

(2) The Council may make such bye-laws as they think fit with respect to the removal of any body or the remains of any body from any cemetery under their control; but such bye-laws shall not come into force unless and until they have been confirmed by the Governor in Council.

Fees and
charges.

9th Schedule.

228. The fees and charges for burials and the prices for allotments in any cemetery under the control of the Council shall be those set forth in the Ninth Schedule hereto; but the Council may, by bye-laws, vary or amend such fees and charges and prices as they shall think fit.

229. The Council may lay out any cemetery under their control in such manner as they shall think fit, and may erect and execute therein such buildings and works as to them may appear fitting and proper, and may build thereon a suitable chapel or chapels for the performance of burial services.

Laying out cemeteries and execution of works.

230. The Council may set apart and appropriate such parts of any cemetery under their control as they think fit as burial places for persons of different religious denominations.

Places for different denominations.

231. The Council may set apart such portions of any cemetery under their control as they may think fit for the purpose of granting exclusive rights of burial therein.

Place set apart for exclusive rights of burial.

232. The Council shall cause a plan of every cemetery under their control to be made upon a scale sufficiently large to show the situation of every burial place in all parts of such cemetery in which an exclusive right of burial has been or may be granted; and all such burial places shall be numbered, and such numbers shall be entered in the register, and such register shall contain the names and descriptions of the several persons to whom the exclusive right of burial in any place of burial has been granted by the Council; and no place of burial with exclusive right of burial therein shall be made in such cemetery without the same being marked out in such plan and a corresponding entry made in the register; and the said plan and register shall be kept by the keeper of such cemetery.

Plan and register of cemeteries.

233. (1) The Council may sell, subject to such conditions as they may think fit, the exclusive right of burial in any portion of any cemetery under their control, and they may sell the right of placing any monument or gravestone or tablet in such cemetery.

Power to grant exclusive right of burial.

(2) The grant of such exclusive right of burial need not be by deed but may be in such form and shall be executed in such manner as the Council may from time to time prescribe.

Form of grant.

234. (1) The keeper of every cemetery under the control of the Council shall keep a register in which shall be entered the name of every person to whom the exclusive right of

Register to be kept.

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burial in any allotment in such cemetery has been granted, the date of such grant, and also the names of the persons in whom such right, from time to time, becomes vested by nomination, bequest, or otherwise, and such other particulars as the Council may from time to time by resolution require.

Right not
assignable.

(2) The exclusive right of burial shall not be assigned, but the owner at the time of acquiring same may nominate his successor, and after notice to the Council, may cancel such nomination and appoint a new nominee.

Nominating
successor.

Vesting of
right on
death.

(3) On the death of the owner, the exclusive right shall vest in his nominee, and if there is no nominee, in his personal representative.

Personal
representative
to notify
Council.

(4) The personal representative of the person who, for the time being, is entered in the register as the owner of the exclusive right of burial in any allotment or grave space in the cemetery under the control of the Council, shall, as soon as may be after the probate of the will of such person, or in the case of intestacy, after the grant of letters of administration in respect of such person's estate, deposit with the keeper of the cemetery an office copy of such probate or grant of administration, as the case may be, and the keeper shall forthwith make an entry thereof in the register, and until such deposit, no exclusive right of burial shall be acquired under such will or by devolution of such intestacy: Provided that, pending the grant of probate of the will, if any, or of letters of administration (in case of intestacy) it shall be lawful for the Council, or such officer thereof as may be authorised by the Council in that behalf, to allow to be buried in such allotment any person shown to the satisfaction of the Council or of such officer to be a member of the family of the person for the time being entered in the register as the owner of such exclusive right of burial.

Burial where
exclusive
right of
burial has
been granted.

235. No body shall be buried in any allotment or grave space wherein the exclusive right of burial shall have been granted except upon an application signed by the person or by one of the persons in whom such right is vested (hereinafter called the owner of the allotment), or by any other person who states in such application that he is authorised by the owner of such allotment to make such application, or upon a statutory declaration by the applicant that the person to be buried is

stet.

the father, mother, husband, wife, child, brother, or sister of the owner of the allotment.

236. (1) It shall not be lawful to remove any body or the remains of any body which may have been interred in any cemetery under the control of the Council, except under a licence given by the Council for that purpose, and with such precautions and subject to such conditions as may be prescribed in such licence.

No exhumation without licence.

(2) The Council may grant a licence for the removal of any body or the remains of any body from any cemetery under their control, whether for transportation to any place outside the cemetery or from one part of the cemetery to another: Provided that every such licence shall be granted subject to the regulations for the time being in force applicable to the case.

Exhumation licences.

237. Any person who shall remove any body or the remains of any body contrary to the provisions of this Part of this Ordinance or any bye-laws made thereunder, or who shall neglect to observe the precautions or comply with the conditions prescribed in any licence for removal, shall be liable for every such offence to a fine of forty-eight dollars.

Removing body contrary to law.

238. Every person who shall wilfully destroy or injure any building, wall, or fence belonging to any cemetery under the control of the Council, or destroy or injure any tree or plant therein, or put up any bill therein or on any wall thereof, or wilfully destroy, injure, or deface any monument, tablet, inscription, or gravestone within such cemetery, or do any other wilful damage therein, shall be liable for every such offence to a fine of twenty-four dollars.

Penalty for damaging, injuring, defacing, etc.

239. Every person who shall play at any game or sport or discharge any firearms save at a military funeral, in any cemetery under the control of the Council or who shall unlawfully disturb any persons assembled in such cemetery for the purpose of burying any body therein, or who shall commit any nuisance within such cemetery shall be liable, for every such offence, to a fine of twenty-four dollars.

Disturbances and nuisances.

Power to sell,
etc., lands not
wanted.

240. It shall be lawful for the Council, with the consent of the Governor in Council, to sell, lease, or let any portion or portions of the lands forming any cemetery under their control in which no interment shall have taken place and which it may appear to the Council may be properly sold, leased, or let.

PART XI.

WATERWORKS.

Interpreta-
tion.

241. In this Part of this Ordinance and the bye-laws and regulations made for the purposes of this Part,—

“district” means the district defined by this Part of this Ordinance for supplying which the waterworks are constructed or authorised;

“domestic supply or use” means water from the waterworks supplied or used in any premises for drinking, washing, cooking, or subject as in sections 267 and 268 especially provided for baths, water-closets or any other purpose of domestic life;

“Engineer” includes, besides the Town Engineer and the Assistant Town Engineer, the Director of Works and Transport;

“meter” means any appliance used to measure, ascertain, or regulate the amount of water taken or used from the waterworks by means of any service, as well as any orifice, or gauge, or other appliance used in estimating the flow of the water in or from any part of the waterworks;

“non-domestic supply or use” means water from the waterworks supplied or used for the purpose of or in the carrying on of any trade or manufacture, or for cattle, horses, or other animals, for washing vehicles, or for watering fields or gardens cultivated or occupied as a means of pecuniary profit, or for private fountains, or for any ornamental purpose, or for the supply of ponds or tanks or for laundries or public wash-houses or public baths, public garages, petrol filling stations, or for vessels, ships, or boats, or for other purposes authorised by the Council, not being for domestic supply, and includes the water used or consumed by any person resident in or occupying any premises where a non-domestic supply is given;

“owner” means the holder of any premises as owner thereof, or under lease, licence or otherwise, or the immediate landlord of any tenement, or the agent of any such owner or landlord who is absent or under disability, or if there is no such agent, the occupier thereof;

“premises” include a house, store, warehouse, shop, and every other building, a yard, whether open or enclosed, and every other piece or parcel of land;

“public standpipe” means any fountain, standpipe, dipper, valve, tap, or other appliance used or intended to be used for or in connection with the supply of water to the public from the waterworks, and erected or hereafter to be erected by the Council on public land;

“service” means all pipes, valves, cisterns, cocks, fittings, and other appliances (excepting any meter hereinbefore defined) by or through which water flows, or is intended to flow from the waterworks, or which are or may be used for the purpose of supplying any premises from the waterworks, and which service is the property of the owner or occupier of such premises;

“waterworks” means all reservoirs, dams, weirs, tanks, cisterns, tunnels, filterbeds, conduits, aqueducts, pipes, standpipes, sluices, valves, pumps, engines and other machinery, and all other buildings, structures or appliances used or constructed or to be used or constructed for the storage, conveyance, supply, measurement, or regulation of water which are or shall be so used or have been constructed by or on behalf of the Former Council and of the Corporation, but does not include a service as herein defined;

“watercourse” means any lake, pond, spring, river, stream, reservoir, aqueduct, or pipe from, through, to, along, or by which water is conducted or supplied to the waterworks;

“wayleave” means a right to the user of land for the laying of pipes and mains, together with the right of access to and of opening such land from time to time for the inspection and renewal or repair thereof, without affecting the ownership of such land.

242. The waterworks and all lands, easements, and buildings forming part of or used in connection with the waterworks vested in the Former Council at the commencement of this

Waterworks
vested in
Corporation.

Ordinance shall continue to be vested in the Corporation, and the Council, on behalf of the Corporation, shall manage, maintain and supervise the waterworks, and generally carry into effect the provisions of this Part of this Ordinance.

The district.

243. (1) In and for the purposes of this Part of this Ordinance “ District.” “ the district ” means the borough of San Fernando as defined under this Ordinance, and such extensions and alterations as may from time to time be approved by the Governor in Council.

(2) The district may be extended or varied by the Council with the approval of the Governor in Council.

(3) A plan showing any such extension or variation shall be deposited with the Sub-Intendant of Crown Lands.

Engineer of waterworks.

244. The Town Engineer shall be Engineer of waterworks and the Director of Works and Transport shall be consulting Engineer free of charge for his services save in respect of travelling expenses.

Alterations and extensions of works.

245. (1) The Council may alter or extend the waterworks or may construct additional waterworks for increasing and improving the water supply of the district, or any part thereof, and may provide funds for such works by loan or otherwise.

Plans and estimates.

(2) Provided that, before such works are undertaken, the Council shall submit plans and estimates to and shall obtain the approval of, the Governor in Council to such plans and estimates, and to the provisions necessary to be made to obtain funds for such works. And the Governor in Council may alter, amend, or modify such plans and estimates and such provisions for obtaining funds as he shall deem fit and proper before issuing his approval as aforesaid.

Special contract with owner.

(3) Provided also that in any case where the annual charges payable by the Council by reason of the construction of additional waterworks in any portion of the district in which there is no supply or only a partial supply shall exceed the additional annual revenue receivable from the general district and service rates in respect of premises in such portion

of the district, the Council may make special contracts with the owner or owners of such premises in respect of payment of the cost of laying, maintaining, and repairing such additional waterworks upon such terms and conditions as the Council may deem fit.

246. All moneys contracted to be paid by any owner or owners under any contract entered into by virtue of the last preceding section shall be a charge upon the premises within such portion of the district. Charge on premises.

247. The Council may acquire by private contract subject to the approval of the Governor, or under the provisions of the Land Acquisition Ordinance, any land, or water, or water rights, wayleave and easements, that may be required for the purpose of carrying out the provisions of this Part of this Ordinance. Acquiring land.

248. The Council may erect and maintain and keep supplied with water, in such places in the district as the Council may deem necessary, public standpipes for the public use of the inhabitants of the district with power from time to time to limit the supply of water thereto to such hours as the Council may deem necessary, and may from time to time remove the same whenever the Council shall deem fit. Public standpipes.

249. The Council may, upon the application of the owner of any place or places of public resort within the district, and subject to such terms and conditions and at such charge as the Council may deem proper, erect and maintain in such place or places and for such periods of time as the Council may think fit, one or more standpipes for the use of all persons frequenting the same. Standpipes in places of public resort.

250. The Council shall not be compellable to lay or to provide or keep distributing mains in every street or within reach of every house in the district. Distributing mains.

251. (1) No person or persons except those resident within the district in any premises duly assessed for water rates may take or use water from the waterworks. Unlawfully taking water.

Taking water to places outside district.

(2) No person resident within the district shall take water from the waterworks and transport the same outside the district except for drinking and cooking for himself and family.

Penalty.

(3) Any person who contravenes the provisions of this section shall be liable to a fine of twenty-four dollars.

Supply of water.

Conditions as to supply of premises.

252. The Council may, upon the application of the owner of any premises within the district to which water will flow from the mains of the waterworks, and upon such deposit by such owner as the Council may deem reasonable in respect of the estimated expenses of the work, cause a service for the supply of such premises to be laid on such premises from the main of the waterworks; so much of such service as is not laid under the soil of a public street shall be deemed the property of the owner of the premises and be constructed at his cost.

Cost of laying service.

253. The cost of laying any pipe shall be paid by the person requiring the same to be laid, and any wayleave and any other permission to lay the same along or through any land intervening between the mains and such premises shall be obtained by and at the expense of such person.

Ownership and cost of services.

254. (1) The parts of all services not laid under the soil of a public street shall be maintained by and at the cost of the owner of the premises.

Liability for repairs.

(2) The Council may, from time to time, effect repairs to the service in any premises at the request of the owner or occupier thereof and at the cost of the owner or occupier who shall be required first to deposit the estimated cost of such work.

Right of entry and inspection.

(3) The Engineer may, at all reasonable times, enter any premises to inspect and examine the services therein, and may make such excavations and remove such materials as he may deem necessary for the purpose of such inspection and examination, afterwards making good the same, but without being liable to make compensation in respect of the same and may require the owner, by reasonable notice in writing, to effect such repairs as may seem to him necessary

in order to prevent any waste or leakage of water from such service, or otherwise to provide such appliances and do such works as he may deem necessary in order to maintain such service in a state of efficiency; and should such owner neglect such repairs and not do such work to the satisfaction of the Engineer, the Council may proceed at the cost of the owner to effect and do the same.

(4) The cost of any such service and repairs as in the two preceding sections and this section mentioned may be recovered in the manner herein provided with respect to the water supply rate and in addition thereto shall be deemed a charge upon the premises. Recovery of cost of installation.

(5) No alteration or addition to any service shall be made without the consent of the Council or without the execution thereof being subject to their inspection and control. Alteration of service.

255. The Council shall in each case determine the arrangement of services, the size, quality and pattern of all pipes, taps, and other fittings to be used for services, or in connection therewith, as well as the position of the pipes, taps, and other fittings and all other matters connected with the construction, extension, alteration, modification, or repair to any service. Construction of services.

256. Whenever, in the opinion of the Council, the conditions under which any service is used or likely to be used are such as to make a cistern or tank in connection therewith necessary or desirable in the interest of the general district water supply, the owner or the occupier of the premises on which the said service is situated shall provide and connect to the service a cistern or tank of such capacity and construction, and situated in such position and at such elevation as the Council may direct, and the said cistern or tank shall be provided with such ball valve and other fittings as the Council may prescribe. Addition of tank or cistern.

257. All water supplied by the Council to any premises within the district shall, except where otherwise expressly stated, be deemed to be supplied for domestic use only, and the water from any service save as excepted in section 267 shall not be used outside of the premises so served. Supply to be for domestic use only.

258. (1) The Council may, on the written application of the owner of any premises within the district supplied with water Water for non-domestic use.

by them, permit such water to be used for other than domestic use upon such conditions as they may think fit, and in every such case the Council shall, at the cost of the owner or the occupier, fix a meter for measuring the quantity of the water used.

Exceptions.

(2) Provided that where water supplied to any premises is used for the purpose of a bath not exceeding one hundred gallons in capacity, or for a garden tap, or for watering stock or for washing vehicles, it shall not be necessary for the owner to have a meter fixed or to obtain the permission of the Council for such use of the water supplied.

Unauthorised use of water for non-domestic purposes.

259. The occupier of any premises supplied with water from the waterworks who uses or suffers or allows to be used any such water for other than domestic use, without having previously obtained the permission of the Council to do so, shall be liable to a fine of twenty-four dollars, and to a further fine of five dollars for every day that he shall continue so to use such water after notice of the offence from the Council.

Suspension of supply.

260. The Council may, without prejudice to the payment of water rate, meter rent, or other sums due or to become due in respect of any water supply, or to any other remedy under the provisions of this Part of this Ordinance or under any bye-law or regulation, diminish, withhold, suspend, or divert the supply of water through the waterworks either wholly or in part whenever it may be expedient or necessary for the purpose of conserving the water supply or for extending, altering, or repairing the waterworks, or for the purpose of connecting or repairing water services or public standpipes, or in case of fire.

Water rates.

Fixing general district water rate.

261. The Council shall, on or before the 31st of July in every year, fix a general district water rate to be levied and collected on the annual rateable value of all premises within the district.

Return of premises in Water Rate Book.

262. The Council shall on or before the 31st of August in each year prepare a return in a book to be called the Water Rate Book of all premises in respect of which the general district water rate is payable, setting forth the names of the owner or

reputed owner of each of such premises, the percentage of the said rate, and the total sum payable in respect of each premises. The said return shall also contain a statement of the water supply rate payable in respect of premises provided with services, calculated in accordance with the rate set forth in section 266, and the charges imposed as directed by section 267. On completion of the entries for each year, such return shall be signed by the Mayor and laid before the Council for adoption.

Water Rate Book to be adopted.

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263. The general district water rate in respect of all premises in the district whether supplied with water by means of services on such premises or not, shall be based on the assessment of such premises in the House Rate Book of the borough delivered to the Town Clerk in the month of March previous.

Water rate based on house rate. Ord. 14-1937, s. 19. R. & R. by Sec 12 3/25/41

264. No premises omitted from any cause whatever to be entered in any Water Rate Book shall, by reason of such omission, be relieved from liability for any rates or charges payable in respect thereof under this Part of this Ordinance, and the Council may at any time cause such omitted premises to be entered in such Water Rate Book, and may levy and collect the rates and charges to which the same are liable.

Omission to enter premises not to affect its liability to water rates or charges.

265. (1) Where premises chargeable to the general district water rate as a separate entirety are not so valued in the said rate book, the Council may make a just valuation of such premises according to the best of their skill and judgment.

Valuation as separate premises where not so entered in House Rate Book.

(2) If any premises become liable for—

- (a) the general district water rate; or
- (b) for water supply rates; or

Fixing rate on premises between assessments.

(c) for an increase of the same at a period intermediate between two successive assessments;

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then such general district water rate or water supply rate or the increment thereof shall be calculated—

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(i) for the period during which the premises become liable for such general district water rate; or

(ii) for the time the service or other appliance giving rise to a claim for water supply rate was in use on such premises; or

(iii) for the period during which the increase took place.

Power to assess separately tenement assessed as one property and *vice versa*.

(3) The Council may in their discretion, alter and amend any valuation in the said House Rate Book where any premises ~~valued and assessed in such House Rate Book as one property~~ ought, in the opinion of the Council for the purposes of this Part of this Ordinance, to be assessed separately, or where any premises separately assessed in such House Rate Book ought, in the opinion of the Council, to be assessed as one property.

Rate on adjoining premises under same ownership.

(4) Where a service is laid in any premises and the water from such service is, with the consent of the Council, used in the said premises and adjoining premises under the same ownership and occupation but separately assessed, the water supply rate shall be calculated on the aggregate of the annual rateable values of both premises so served.

Rate to be charged for services on premises rated over forty-eight dollars.

266. (1) For the domestic supply of water the Council shall levy a water supply rate not exceeding two per centum per annum upon the annual rateable value of all premises supplied with services.

(2) The Council shall not be bound to supply any service to any premises rated at less than forty-eight dollars annually.

Bye-laws regulating the use of water.

267. (1) At the rate mentioned in the last preceding section the number of taps proportionately provided and the charges and other directions and restrictions in respect of the use of water in any premises shall be according to the bye-laws set out in the Tenth Schedule hereto.

10th Schedule.

(2) The Council may, with the approval of the Governor in Council, amend, revoke, or vary the bye-laws in the said Schedule or enact other bye-laws in lieu thereof.

Control of garden and field taps.

268. (1) The Council may prohibit the use of taps in a garden or field or for irrigating purposes or may cause them to be removed or disconnected from the waterworks or may declare the supply to any premises provided with such to be a non-domestic supply as defined in this Part of this Ordinance and to be rated accordingly.

Baths.

(2) In any premises the capacity of the bath or baths shall not exceed in the aggregate one hundred gallons, except with the leave of the Council, and upon such terms and conditions as the Council may prescribe.

Meters and metered supply.

269. (1) The Council may fix meters for measuring the consumption of water and may call upon the owner or occupier of the premises to enter into an agreement with the Council to pay quarterly to the Council subject to the deduction in the next section mentioned, for the quantity of water consumed in or upon such premises at a prescribed price per thousand gallons, and to pay quarterly in advance to the Council a rent for the use of the meter; such meter shall be the property of and be kept in repair by the Corporation.

Mode of payment for metered supply.

(2) The Council may levy, for a supply of water not for domestic use, such rates and charges as they may in their discretion deem fit.

Rates for non-domestic supply.

(3) Provided that in no case, except where water is supplied to shipping, shall a greater charge be made than sixty cents per thousand gallons of water so supplied.

(4) For the supply of water to shipping, the Council shall charge only such rates as shall be approved by the Governor in Council.

270. From the quarterly payment in the last preceding section, the general district water rate payable on the premises shall be deducted: Provided that not less than the general district water rate shall be paid.

Payment of general district water rate.

271. All premises occupied for public purposes by the Government within the borough, and all premises so occupied outside the limits of the borough but within the waterworks district, shall be assessed at such annual rateable value as the Council, with the consent of the Governor may from time to time determine, and a contribution to water rates shall be made by the Government in respect of all such premises based on such annual rateable value, and computed at the rates imposed by this Part of this Ordinance. Such contribution shall be paid to the Council by the Treasurer on the warrant of the Governor.

Contribution by Government in lieu of rates.

272. (1) The Council shall, at the close of each quarter make a return showing the amount of water consumed by the owner of every premises receiving a metered supply, and of the value thereof, and the rent of any meter furnished by the

Return of metered supplies.

Council to such owner; and every such owner shall at the same time be served with an account showing the quantity of water consumed, and its value, and the rent of the meter furnished as aforesaid; and such owner shall pay to the Corporation the amount of such account within one month from the date of the service of the account.

(2) In default of payment of the account within one month from the date of the service thereof on the owner, the Council may cut off the water supply of any premises, the owner of which has made such default.

Rent of
meter.

273. The Council, whenever a meter is fixed, may charge as rent for such meter such sum as they may, by bye-laws, prescribe to be paid as the rent thereof, and such rent shall be paid quarterly in advance and be recoverable with and as part of the charges made for the water supplied under the last preceding section.

Minimum
rate where a
meter is
fixed.

274. Whenever a meter is fixed in any premises for the purpose of measuring the quantity of water supplied thereto, the rates chargeable shall in no case be less than the amount of the general district and service rates calculated on the valuation of the premises so supplied with water, and in calculating the value of the water so supplied, a greater charge shall not be made than sixty cents per thousand gallons of water consumed.

Reading of
meters.

275. (1) Meters shall be read between the hours of seven o'clock in the morning and five o'clock in the evening at such reasonable times as the Council may direct, not less frequently than three times a quarter. Whenever a meter is read, a memorandum of the reading and of the preceding reading shall be left with the occupier of the premises supplied through it.

Calculating
consumption.

(2) For the purpose of calculating the quarterly consumption, the difference between two readings of the meter shall be taken. The first reading may be that observed on any day not more than ten days before or after the calendar date of the commencement of the quarter, or, in the case of a newly fixed meter, the first reading of the meter; the second reading may be taken on any day, not more than ten days

earlier or later than the calendar termination of the quarter, or if the meter is removed or the supply closed during the quarter, then the last reading shall be taken; and the difference between the two readings shall be taken as the quarter's water consumption. If two or more meters have been in use during the quarter, then the quarter's consumption shall be the sum of the quantities indicated by the several meters.

(3) Provided always, that the reading used as the last reading of any quarter shall be used as the first reading of the ensuing quarter.

(4) If a meter is found to be out of order, or if it be removed for repair or alteration, the fact shall be noted on the memorandum mentioned in subsection (1) of this section. On fixing a new meter or refixing the old meter, a second memorandum shall be handed to the owner of the premises. The consumption for the time that the meter was out of order, or for the time that the service was without a meter, shall be calculated according to the daily average rate of consumption that obtained during the period between any two successive readings, whilst the meter was in good order, immediately preceding the removal of the meter.

Where meter
out of order.

(5) If the consumer doubts the accuracy of the meter which measures the water supplied to the premises owned or occupied by him, then the meter will, on demand, be tested by the Council. The consumer or any person appointed by him may be present when the meter is tested. The results of the test shall be binding both on the Corporation and on the consumer, and the quantity of water indicated by the meter from the first reading of the quarter as defined in subsection (2) of this section shall be corrected according to the results of the test.

Testing
meters.

If the meter be found to indicate correctly the measurement of water passing through it, then a fee of five dollars shall be paid by the consumer for testing.

A meter shall be deemed to register correctly within the meaning of this subsection which registers within five per centum of the amount of water actually passing through it.

(6) Meters shall be maintained by the Corporation. Repairs which in the opinion of the Council are necessitated by any wilful or negligent act shall be paid for by the owner or occupier of the premises in respect of which the damaged

Liability for
repairs.

meter is fixed, and shall be forthwith recoverable from him and until recovered from him shall remain a charge upon the premises.

Removal of
meters.

(7) The Council may remove any meter for the purpose of testing the accuracy thereof, or for examination or repairs, or in order to replace it by another, and also in case of the discontinuance of the supply.

Interference
with meters.

(8) Every person who in any way interferes with or injures, or suffers to be injured any meter or any fittings in connection therewith, or alters the index to any meter or prevents any meter from duly registering the quantity of water supplied, shall (without prejudice to any other right or remedy vested in the Corporation) be liable to a fine of twenty-four dollars, and the Corporation may, in addition thereto, recover the amount of any damage by them sustained.

Liability
for rent.

(9) The rent of a meter on any premises shall continue to be payable until notice to the Corporation that such meter is no longer required, such notice to be given in writing not less than three months before the end of the current water rate year.

Meters
property of
Corporation.

276. All meters shall be the property of the Corporation and shall not be subject to distress for the rent of any premises or to be attached or taken in execution under any power of any court of law or under legal proceedings against or affecting the owner of the premises in which such meters are found.

Forms, notices, incidence of rates.

Forms of
application
for water,
etc.

277. Applications for water and notices for discontinuance of the same shall be on printed forms as prescribed by the Council who shall also prescribe and provide the forms of agreement for the supply of water otherwise than at a rateable charge. As to the prices for work done for consumers, the actual cost price of the work shall be charged to each tenant or owner plus five per centum extra for superintendence and other matters not capable of ascertainment. A schedule of prices for labour shall from time to time be fixed and adhered to by the Council. The Council shall from time to time, issue departmental instructions with respect to the duties and conduct of their officers, servants and workmen.

278. (1) All rates and charges (other than for water measured by meter which is payable quarterly), and all water supply rates, and all other annual payments payable under this Part of this Ordinance shall be due on the 1st of October in each year in respect of the year commencing on the 1st of September next preceding, and until paid shall be a charge on the premises liable for the same.

Rates due in advance.

R. & R. by S. 14 of 35/41

(2) Any rate remaining unpaid on the 31st of December in the year in which it became due shall be surcharged and increased by six per centum, and if on the 31st of December in the following year the said rate still remains unpaid, it shall be further increased by an additional six per centum. If any part of the rate and surcharge remains unpaid for a further period of seven months the Town Clerk shall forthwith thereafter cause the hereditament in respect of which the amount is due to be sold in accordance with the provisions of the Rates and Charges Recovery Ordinance.

Surcharge and power of sale.

Ord. 14-1937, s. 20.

R. & R. by S. 4 of 35/41

279. All rates and charges payable to the Corporation under this Part of this Ordinance shall be borne and paid by the owner of the premises in respect whereof such rates and charges are payable, but the amount of such rates and charges may be paid by the tenant or occupier of such premises or of any part thereof, and such tenant or occupier may deduct the amount so paid by him from the rent payable by him in respect of such premises:

Incidence of water rates and charge.

Provided that nothing herein contained shall affect any contract between landlord and tenant with respect to the payment of such rates and charges.

Savings of contracts between landlord and tenant.

280. (1) All rates, charges, or sums due and payable under and by virtue of this Part of this Ordinance, shall after the expiration of three months from the time the same became due, until paid be a charge on the premises upon and in respect whereof such rates and charges or sums are due and payable; and, without prejudice to such charge, and to the power of sale conferred by the Rates and Charges Recovery Ordinance, the amount of such rates, charges, or sums of money together with the statutory increase (if any), may be recovered by the Council from the owner for the time being of such premises by action in any Court of competent jurisdiction, or by distress

Rates and charges to be a charge on premises.

on any goods or chattels (including any moveable tenement standing on land forming part of the premises) which may be found in or upon such premises.

Exemptions
and remis-
sions.

(2) In the event of any premises being destroyed by fire or any building thereon being removed by the owner thereof or for any other cause which may prevent the person liable for payment of any rate from obtaining a normal supply of water through no fault of his own, the Council may, in its discretion, remit the whole or any part of the sums due or to become due in respect of any such rate.

Bye-laws and regulations.

Bye-laws and
regulations
relating to
water supply.

281. The Council may make bye-laws and regulations with respect to all or any of the following matters, that is to say—

(a) the materials to be used in constructing, altering, and repairing services or any part of them;

(b) the arrangement of services, the size, quality, and pattern of all pipes, taps, and other fittings and appliances to be used in constructing them and in their alteration and repair;

(c) the situation, size, and quality of all cisterns and other receptacles for water, and of all ball-cocks, syphons, overflow and waste pipes, and all other appliances in connection therewith;

(d) the number of taps to be allowed in any tenement or premises in respect of the amount paid at water rates, and the charge to be made for any taps in addition to those so allowed;

(e) the amount of rent to be paid for meters;

(f) the prices to be paid for all services and for any work of whatever kind connected therewith constructed, laid, and repaired by the Council;

(g) the suspension of the water supply;

(h) the prevention of waste and the improper use of water supplied from the waterworks;

(i) the forms of all notices required to be given or sent under this Part of this Ordinance; and the issuing and service thereof;

(j) the use at public standpipes of water taken therefrom;

(k) with respect to all such other matters not hereinbefore specifically mentioned as may conduce to the better and more effective carrying out of this Part of this Ordinance.

Offences.

282. (1) Every person who—

- (a) bathes in any part of the waterworks, or
- (b) drives any animal or permits or suffers any animal to be driven or to enter into the waterworks, or
- (c) washes any animal in, or throws any animal into, or causes or suffers any animal to be washed in or thrown into the waterworks, or
- (d) washes in or throws into the waterworks any dead animal or any part of any dead animal, or
- (e) puts or throws or causes or suffers to be put or thrown into the waterworks any rubbish, dirt, filth, or any foul, offensive, or noisome matter, whether solid or liquid, or
- (f) washes or cleanses, or suffers or causes to be washed or cleansed, in the waterworks, any cloth, wool, leather, or skin of any animal or any clothes, or
- (g) causes or suffers the water from any sink, privy, sewer, drain, engine, or boiler, or any foul or filthy water being and lying upon any land, or premises of which he is the owner or which is under his management and control or under the management and control of his servants or agents, to run or flow into the waterworks, or
- (h) constructs, alters, or extends the service in his premises, or connects up any tap on the premises with the distributory pipes of the waterworks, without the knowledge and consent of the Council, or
- (i) does or commits any other thing or act whatsoever whereby any water flowing to or from the waterworks is fouled or polluted, or the flow thereof impeded, or
- (j) wilfully or negligently injures or damages, or causes to be injured or damaged, any of the works constructed under this Part of this Ordinance,

Offences
other than
waste.

shall, for every such offence, be liable to a fine of twenty-four dollars, and to a further fine of five dollars for each day after the first day that the offence is continued.

Evidence of repeated acts.

(2) In proving interference with the due flow of the waterworks or the pollution thereof, evidence may be given of repeated acts which together cause such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

Definition of waterworks.

(3) In this section, the term "waterworks" also includes any watercourse as defined by section 241.

Entry and inspection.

Entry on lands adjacent to the waterworks.

283. (1) It shall be lawful for the Engineer and any other person authorised in writing by the Council, together with any assistants, to enter into and upon and inspect any lands or premises adjacent to or in the neighbourhood of the waterworks, or of any watercourse, and to erect without permission, and to inspect, repair, replace, or remove, any gauge or other measuring instrument and any level mark or other appliance that he or they shall deem requisite.

Interfering with instruments, etc.

(2) Any person who shall remove or tamper with any gauge or measuring instrument or any level mark or other appliance erected as aforesaid shall be liable to a fine of twenty-four dollars.

Right of entry and inspection.

284. (1) The Engineer and any other person authorised by the Council may, at all reasonable times between the hours of seven o'clock in the morning and five o'clock in the evening, enter any premises supplied with water from the waterworks in order to inspect and examine the service therein, and to ascertain if there is any waste of such water from any cause whatever, and may make such excavations and remove such materials as may be deemed necessary for the purpose of such inspection and examination, afterwards making good the same but without being liable to compensation in respect thereof.

Obstructions.

(2) If any person lawfully claiming admission to any premises in pursuance of this section is refused admission into such premises or otherwise prevented from making such examination, the person so refusing admission to any premises or otherwise preventing the examination of the service shall be liable to a fine of twenty-four dollars.

Liability for waste of water.

285. Any occupier of any premises supplied with water who causes, permits, allows, or suffers any waste of water on such

premises not due to a defective service of which the occupier shall have given notice to the Council, shall be liable to a fine of twenty-four dollars.

286. Every occupier of premises supplied with water who shall suffer any stopcock, pipe, or other work to be out of repair, without giving notice to the Council, so that the water supplied to him shall be wasted, shall, for every such offence, be liable to a fine of twenty-four dollars.

Allowing cocks, etc., to be out of repair.

287. The owner or occupier of any premises supplied with water from the waterworks who shall use such water or permit or suffer the same to be used for the purposes of any other premises save as excepted in section 267 or who shall supply or dispose of such water to any other person, shall be liable to a fine of ninety-six dollars.

Water to be used only for purposes of premises supplied therewith.

288. If any person supplied with water wrongfully does or permits to be done anything in contravention of any of the provisions of this Part of this Ordinance, or of the bye-laws in section 281 authorised, or wrongfully fails to do anything which under any of such provisions ought to be done for the prevention of the waste or contamination of water, the Engineer or Council may, without prejudice to any other remedy in respect of any such act, neglect, or default, cut off or disconnect the service to the premises of such person and cease to supply water thereto so long as the cause of injury remains or is not remedied.

Power to cut off water in case of waste.

289. If any person shall assault, molest, hinder, or obstruct the Engineer or any person authorised by such Engineer or by the Council making or attempting to make any entry or inspection hereby authorised, every such person shall, for every such offence, be liable to a fine of forty-eight dollars.

Assault and obstruction of officers.

290. The amount due to the Government by the Council as the capital debt on the waterworks was \$84,000 on the 2nd of January, 1919, and the said sum bearing interest at the rate of 4 per centum per annum was repayable by thirty equal annual instalments of the amount of \$4,847.72 each. There are now outstanding as from the 31st of December, 1934, fourteen equal annual instalments of the amount last mentioned due and payable by the Council.

Loan for waterworks.

R. by S. 15
35/41

PART VIA

Sections 289A, 289B, - 289G.

PART XII.

THE SAN FERNANDO WHARF.

San Fernando
Wharf.

291. The San Fernando Wharf and the old and new lots adjoining to the said Wharf shall continue to be vested in the Corporation and shall together constitute the San Fernando Wharf in this Part of this Ordinance referred to as the Wharf.

Tariff of
wharf dues.

11th
Schedule.

292. (1) There shall be levied and paid to the Council the several dues and sums set out in the tariff of wharf dues in the Eleventh Schedule hereto.

(2) The Council may by bye-laws alter, vary, or rescind the said tariff.

(3) The Council may make bye-laws to regulate and control the use of the Wharf and may also by bye-laws fix fees for the rental of any portion of the space reserved under section 296.

(4) Such bye-laws shall be subject to the approval of the Governor in Council, and, when so approved, shall be published in the *Royal Gazette*.

Government
goods free.

293. No dues shall be charged in respect of any goods, merchandise, and effects, the property of the Government, which may be landed on or shipped from the Wharf.

Council may
supply cranes,
etc.

294. The Council may, in their discretion, supply cranes or other mechanical contrivances for the shipping and loading of goods on the Wharf:

Liability in
relation to
such cranes.

Provided always that the Council shall not be liable for any damage to any person, animal, or goods caused by any such crane or contrivance, save when used under the control of the Council or their authorised agent.

Penalty for
removing
goods without
paying dues.

295. If any person shall remove or endeavour to remove any goods or merchandise landed on the Wharf and subject to the payment of wharf dues, or brought to, or left, or placed on such Wharf for the purpose of being shipped or water-borne

thereform, without paying the dues appointed to be paid for such goods or merchandise, every such person so offending shall, on complaint of any officer of the Corporation or of any lessee or farmer of such wharf dues, be liable to a fine of forty-eight dollars, one moiety whereof shall be paid to the person who shall sue for the same, and the other moiety to the Town Clerk for the use of the Corporation.

296. (1) It shall be lawful for the Council to rent or lease for periods not exceeding twelve months for the storage of goods and merchandise any space on that portion of the Wharf comprising one acre and twenty-two perches coloured pink on the plan or diagram prepared by George FitzGerald Esquire, Sworn Surveyor, signed by John Davidson Hobson Esquire, Mayor of San Fernando, and deposited in the Crown Lands Office on the 24th of January, 1921:

Space on wharf may be rented or leased.

Provided that the said space shall not be permitted to be used in a manner so as to obstruct a clear way of approach of a minimum width of thirty-three feet to the gate of the level crossing over the Trinidad Government Railway at the point marked " B " in the said plan.

(2) Any person who deposits or stores in the space delimited under this section any goods of a noxious, dangerous or deleterious nature, or liable to emit harmful inflammable, or explosive gases, liquors or substances shall be liable to a fine of ninety-six dollars, and, in the case of a continuing offence, to a further fine of ten dollars, for each day during which such goods remain so deposited or stored.

Penalty for storing dangerous goods.

297. It shall be lawful for the Council to rent for periods not exceeding one month to visiting amusement companies, or persons such portions of the space mentioned in section 296, not otherwise being utilised as provided under this Ordinance, and to charge such rent and make such conditions and restrictions as they may deem necessary in such case.

Space on wharf may be rented for amusement shows.

PART XIA

297 A
297 B

PART ~~XII~~ containing
Secs. 297 A + 297 B
added by Sec. 58 32/43

PART XIII.

BYE-LAWS.

Bye-laws, etc.,
for good rules
and Govern-
ment of the
borough.

298. (1) It shall be lawful for the Council to make, in addition to any bye-laws or regulations which they are authorised to make under this Ordinance, such bye-laws and regulations as to them shall seem meet for the good rule and government of the borough, and for the prevention and suppression of all such nuisances as are not already punishable in a summary manner by virtue of any Ordinance in force throughout the borough and to impose by such bye-laws or regulations such penalties not exceeding forty-eight dollars as they shall deem necessary for the prevention and suppression of any offence against such bye-laws or regulations, which penalties shall be recoverable in a summary manner before a Magistrate having jurisdiction within the borough.

(2) No such bye-laws or regulations shall be made, amended, or revised unless two-thirds of the whole number of the Council shall be present.

Bye-laws and
regulations to
be approved
by the
Governor in
Council and
published.

299. (1) Bye-laws or regulations made by the Council shall not take effect unless and until they have been approved by the Governor in Council.

(2) All bye-laws or regulations made by the Council shall, when approved by the Governor in Council be published in the *Royal Gazette* with a statement of the approval thereof by the Governor, and shall come into force on the date of the publication thereof unless some other date is therein stated on which they shall come into force.

Exceptions to
certain rules.

(3) This section shall not apply to any rule made by the Council relating to the duties or conduct of their officers and servants, or with respect to the proceedings at meetings of the Council, or of any committee thereof, and the form and order of their debates. All such rules shall have effect without being approved by the Governor in Council.

Saving
bye-laws and
regulations
in force.

300. All bye-laws, rules and regulations, made in conformity with the powers conferred on the Former Council and in force at the commencement of this Ordinance shall, so far as they are not inconsistent with the provisions of this Ordinance, continue to be in force after the commencement of this Ordinance until altered or revoked by the Council.

PART XIV.

LEGAL PROCEEDINGS.

Summary proceedings for offences, penalties, etc.

301. (1) All offences under this Ordinance or under any bye-law or regulation made under this Ordinance shall be deemed to be offences punishable on summary conviction under the Summary Courts Ordinance unless expressly stated to the contrary, and all such offences and all penalties, fines, forfeitures, costs, and expenses under this Ordinance or under any such bye-law or regulation directed to be recovered in a summary manner or the recovery of which is not otherwise provided for, may be prosecuted and recovered in the manner provided by the Summary Courts Ordinance.

Recovery of penalties.

(2) All penalties, fines, forfeitures, costs, and expenses recovered for offences under this Ordinance or under any such bye-law, or regulation shall be received by the Magistrate and paid in by him to the Town Clerk for the use of the Corporation.

Penalties to be payable to the Corporation.

(3) Any information or complaint for any offence against the provisions of this Ordinance or of any other Ordinance for the time being in force for the breach of the provisions whereof the Council may institute proceedings, or for the breach of any bye-laws or regulations made by the Council, may be made or laid in the name of the Corporation by the Town Clerk or any officer or officers of the Corporation duly authorised in that behalf by resolution of the Council, either generally or in respect of offences against the provisions of specific enactments, or of specified bye-laws and regulations; and any officer or officers of the Corporation authorised in that behalf by resolution of the Council may conduct the proceedings before a summary court in all cases in which the Corporation are either complainants or defendants.

Informations or complaints may be laid by officers duly authorised by the Council.

302. Any person who does any act in contravention of any of the provisions of this Ordinance, or of any bye-laws or regulations contained in this Ordinance or made under any power conferred by this Ordinance, or who fails, neglects, or refuses to execute any work, or to do anything which he is under obligation or required to do by virtue of any of the provisions of this Ordinance or of any such bye-laws or regulations or of any order or notice served upon him by the

Penalties for offences not otherwise provided for.

*Amended by
Sec. 1608 35/41*

Council by virtue of this Ordinance, shall, unless some other penalty is provided therefor, be liable to a fine of ^{forty-eight} ~~forty~~ dollars, and, in case of a continuing offence, to a further fine of ~~five~~ ^{one} dollars for each day that such offence is continued after written notice thereof from the Council.

Procedure in
penal actions
against
corporate
officers.

303. (1) An action to recover a fine from any person for acting in a corporate office without having made the requisite declaration, or without being qualified, or after ceasing to be qualified, or after becoming disqualified, may be brought by any burgess of the borough, but shall not lie unless the plaintiff has within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose.

(2) The Court or Judge shall, on the application of the defendant within fourteen days after he has been served with the writ of summons in the action, require the plaintiff to give security for costs.

(3) Unless judgment is given for the plaintiff, the defendant shall be entitled to costs, to be taxed as between solicitor and client.

(4) Where any such action is brought against a person on the ground of his not being qualified in respect of estate, it shall lie on him to prove that he was so qualified.

(5) A moiety of the fine recovered shall, after payment of the costs of action, be paid to the plaintiff.

Quo warranto
and
mandamus.

304. (1) An application for an information in the nature of a *quo warranto* against any person claiming to hold a corporate office shall not be made after the expiration of three months from the time when he became disqualified after election.

(2) In the case of such an application or of an application for a *mandamus* to proceed to an election of a corporate officer, the applicant shall give notice in writing of the application to the person to be affected thereby (in this section called the respondent) at any time not less than ten days before the day in the notice specified for making the application.

(3) The notice shall set forth the name and description of the applicant, and a statement of the grounds of the application.

(4) The applicant shall deliver with the notice a copy of the affidavits whereby the application will be supported.

(5) The respondent may show cause in the first instance against the application.

(6) If sufficient cause is not shown, the Court, on proof of due service of the notice, statement, and copy of affidavits used in support of the application, may, if it thinks fit, make the rule for the information or mandamus absolute.

(7) The Court may, if it thinks fit, direct that any writ of mandamus issued shall be peremptory in the first instance.

Recovery of expenses from owners.

305. (1) Where the Council have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is liable under any of the provisions of this Ordinance, or under any agreement with the Council, such expenses may be recovered, together with interest thereon at the rate of six per centum per annum computed from the date of the service of a demand for the same to the date of payment, from the owner for the time being of such premises, and, until the recovery of such expenses and interest, the same shall be a charge on the premises for or in respect of which they were incurred.

Recovery of expenses from owners.

(2) The Council may, by order, or in any agreement with such owner, declare such expenses to be payable by annual instalments within a period not exceeding five years with interest at six per centum per annum until the whole is paid; and such instalments and interest on any part thereof may, without prejudice to the power of sale vested in the Corporation by virtue of the Rates and Charges Recovery Ordinance, be recovered by action in any court of competent jurisdiction from the owner or occupier for the time being of such premises, and, if paid by or recovered from the occupier, may be deducted by him from the rent due or accruing due to the owner.

Payment by instalments.

Procedure in
case of
non-payment.

(3) Provided that if at any time any of the instalments, or the interest thereon, or any part thereof respectively shall be in arrear and unpaid for the period of three months after the time appointed for the payment thereof, the whole amount of the expenses charged on such premises which shall for the time being remain unpaid shall forthwith become payable to the Corporation, and the power of sale vested in the Corporation for the enforcement of the charge in respect of the amount of such expenses, shall forthwith become exercisable for the recovery of the outstanding instalments and interest thereon at the rate of six per centum per annum computed from the date of payment of the last instalment, or, if no instalment has been paid, from the date when the expenses charged on such premises first became due and payable by the owner.

Certified copies of documents to be evidence.

Certified
copies of
documents to
be *primâ
facie* evidence
thereof.

306. (1) Where in any legal proceedings, it becomes necessary to prove any document of the Corporation, a copy of or an extract from such document, purporting to be certified to be true by the Mayor or by the Town Clerk, shall be sufficient *primâ facie* evidence of such document.

Proof of
handwriting
not required.

(2) No proof shall be required of the handwriting or of the official position of the Mayor or Town Clerk certifying in pursuance of this section to the truth of any such copy of or extract from any document.

Fee for copy
or extract.

(3) For every certified copy of or extract from any document supplied by the Council in pursuance of this section, there shall be paid to the Corporation for every one hundred words or part thereof contained in such copy or extract the sum of forty-eight cents.

Production of
original.

(4) No officer of the Corporation shall, in any legal proceedings whatsoever, be compellable to produce any document, the contents of which can be proved by a certified copy under the provisions of this section, unless on the order of a Judge or Magistrate made for special cause.

Fee for
production of
original.

(5) Where any officer of the Corporation is required under any order of a Judge or Magistrate made for special cause in pursuance of this section to produce any original document of the Corporation, there shall be paid to the Cor-

poration for the attendance of such officer upon subpoena in court for that purpose the sum of two dollars and forty cents.

(6) For the purposes of this section "document of the Corporation" includes notices, orders, and authorities given, made, and issued by the Council, and any entry in any Rate Book, account book, register, or other book of the Corporation and any resolution or other matter recorded in any minute book of the Corporation and all orders, rules, bye-laws, regulations, warrants, lists, certificates, requisitions, letters, notices, receipts, and any other documents whatsoever in the custody of, or proceeding from the Corporation or the Council.

Definition of "document of the Corporation."

(7) The provisions of this section shall be deemed to be in addition to and not in derogation of any powers of proving documents given in any Part of this Ordinance or by any other Ordinance or law in force in the Colony.

Application of this section.

(8) Notwithstanding anything contained in this section, it shall be lawful for the Town Clerk to grant any person desiring the same for any other purpose than as evidence in legal proceedings, a certified copy of or extract from any document of the Corporation upon payment of such fee and upon such terms as may be fixed by resolution of the Council.

Certified copy or extract may be granted by Town Clerk.

307. All documents, books, notices, and writings which under the provisions of any Ordinance would have been receivable in evidence for or against the Former Council shall be admitted as evidence in all courts and elsewhere notwithstanding the enactment of this Ordinance.

Books, documents, etc., evidence for or against Former Council.

Procedure for enforcing powers of entry.

308. (1) Where any officer of the Corporation or any other person is duly authorised by the Council or by a Magistrate or Justice to enter any premises for any of the purposes of this Ordinance, such officer or person shall, on entering such premises, if required by the occupier thereof, produce to such occupier either the original or a duly authenticated copy of his authorisation or some other sufficient evidence of his being authorised as aforesaid.

Procedure for enforcing powers of entry.

Authority to be produced.

(2) The copy of the written authorisation referred to in this section shall be deemed to be duly authenticated if it purports to be signed by the Town Clerk.

Copy.

Penalty for refusing entry.

(3) Any person who refuses to permit any duly authorised officers or servants of the Corporation to enter any premises for any of the purposes for which their duly authorised officers or servants are authorised to enter premises by virtue of this Ordinance, or obstructs, hinders, or delays the duly authorised officers or servants of the Corporation in execution of any of their duties under this Ordinance or any bye-laws made thereunder (unless a different penalty is hereinbefore provided for the offence charged) shall, for every such offence be liable to a fine of forty-eight dollars.

Enforcing entry on premises.

(4) In any information or complaint preferred or made by the Corporation or by any of their officers or servants against any person who refuses to permit the duly authorised officers and servants of the Corporation to enter any premises for any of the purposes for which they are authorised to enter such premises by virtue of this Ordinance, and who obstructs, hinders or delays such officers or servants in the execution of any of their duties under this Ordinance or under any bye-laws made thereunder, the complainant may add a notice that he intends at the hearing to apply to the Magistrate for a warrant authorising him to enter such premises by force, if need be, for the purpose specified in the notice. In such cases the Magistrate may, either, in addition to the penalty provided for such offence under this Ordinance or without imposing any penalty for the offence, by warrant under his hand, authorise the duly authorised officers and servants of the Corporation to enter such premises, by force if need be, and, with such assistants as they may require, and there to execute their duties under this Ordinance.

Duration of warrant.

(5) Every such warrant shall continue in force until the purpose or purposes for which the entry is necessary have been satisfied.

12th Schedule.

(6) The warrant may be according to the form in the Twelfth Schedule hereto.

Penalty for obstructing.

(7) Any person who obstructs the execution of any such warrant, shall be liable to a fine of ninety-six dollars for every day that he so obstructs the execution thereof.

PART XV.

GENERAL PROVISIONS.

Form, authentication and service of notices, orders, and other documents.

309. (1) Notices, orders, accounts, demands, and any other documents required to be served, given, or delivered by the Council under this Ordinance or any other Ordinance for the time being in force, or under any bye-law, rule, or regulation of the Council, may be in writing or print, or partly in writing or partly in print, and if the same require authentication, shall be sufficiently authenticated by the name of the Town Clerk, or any other duly authorised officer of the Corporation being affixed thereto in print or in writing.

Form, authentication and service of notices.

(2) Service of any notice under this Ordinance, or any bye-law, rule, or regulation made thereunder, on any owner or occupier shall be effected by handing the same to him or leaving the same at his usual place of abode, or if such owner or occupier is absent from the Colony, or is unknown, or cannot be found, then by posting a copy of such notice on the premises to which it is related.

(3) Any notice, order, or document required or authorised to be served upon any body or person under this Ordinance or any bye-law, rule, or regulation made thereunder, may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

(a) in the case of the Governor in Council, the office of the Colonial Secretary;

(b) in the case of the Postmaster General, the General Post Office;

(c) in the case of the Director of Works and Transport, the office of the Director of Works and Transport;

(d) in the case of any road authority, the office of such road authority;

(e) in the case of any company having a registered office, the registered office of such company;

(f) in the case of a company having an office or offices, but no registered office, the principal office of such company; and

(g) in the case of any other person, the usual or last known place of abode of such person.

(4) Any notice, order, or document by this Ordinance required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

Misnomer or misdescription.

310. (1) No error, misnomer, or inaccurate description of any person, body corporate, or place in any notice, list, register, roll or rate book required by this Ordinance shall in any way hinder the full operation of this Ordinance with respect to that person, body corporate, or place, or affect the liability of any premises to any rate or charge payable in respect thereof.

(2) The Council may at any time correct any such errors, misnomers, or inaccurate descriptions, and make such amendments in any such notices, lists, registers, rolls, or rate books as may be necessary to correct any such errors and to make the entries therein conformable to fact, to any resolutions of the Council relating to such entries, and to the provisions of this Ordinance.

Heading replaced by Dec. 6 of 32/43

General provisions as to Rates. Charges etc

Statutory charge on premises to have priority over all encumbrances.

Charges on premises to be preferential to other encumbrances.

311. Where any rate, charge, or sum of money payable to the Corporation under this Ordinance or any other Ordinance for the time being in force, is declared to be a charge on any premises, such charge shall be deemed to be prior and preferential to all existing or future charges or encumbrances thereon, save and except charges for debts due to His Majesty and charges thereon in respect of other rates and charges or sums of money due to the Corporation.

Statutory increase.

312. (1) Every rate, charge, or sum of money due to the Corporation under and by virtue of any of the provisions of this Ordinance or any other Ordinance for the time being in force, if unpaid for a period of three months after the same shall have become due, shall be increased by a sum equal to six per centum per annum of the rate, charge, or sum so unpaid.

(2) This section shall not apply to sums due to the Corporation in respect of which interest after the date on which they become due is payable to the Corporation under this or any other Ordinance for the time being in force, nor to any rate or charge to which any other period of time is herein prescribed for the imposition of the said increase.

312A - 312E

Sec 312A added by sec. 17 of 35/41

Consents.

Sec. 312B-312E added by sec. 7 of 32/43

313. (1) In any case where the Council are authorised under this Ordinance or any other Ordinance for the time being in force or any bye-laws, rules, or regulations made by the Council to refuse their consent to the execution of any work or the doing or omitting to do any act or thing by the owner of any premises, the Council may, if they think fit, instead of refusing such consent, grant the same subject to such terms and conditions in relation to the subject matter of such consent as the Council think fit, and any breach of any such terms or conditions shall be deemed, as regards liability to penalties and other consequences, equivalent to the doing or omitting to do such act or thing without the required consent.

Power to attach conditions to consent.

(2) All consents given by the Council under this Ordinance, or any other Ordinance, for the time being in force, shall be given in writing, and, unless otherwise prescribed, shall be under the hand of the Town Clerk or the Town Engineer or any other officer of the Corporation duly authorised in that behalf.

Time.

314. (1) Where by this Ordinance, any payment, act, or proceeding is required, directed, or allowed to be made, done, or taken on a certain day, then if that happens upon a Sunday, Good Friday, Christmas Day, or any other day, declared by any other Ordinance for the time being in force, or by any proclamation by the Governor issued under any Ordinance, present or future, to be a close holiday in all public offices, the payment, act, or proceeding shall be considered as made, done or taken in due time if it be made, done or taken on the next day afterwards, not being one of the days in this section specified.

Computation of time.

(2) Where, by this Ordinance, any payment, act, or proceeding is required, directed, or allowed to be made, done, or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

Licences.

Authentica-
tion.

315. (1) All licences which the Council are or may be authorised to grant under this Ordinance or any other Ordinance for the time being in force, may, unless otherwise expressly provided be granted by and under the hand of the Town Clerk or any other officer of the Corporation duly authorised in that behalf.

Issue of
duplicate
licence.

(2) If any person to whom a licence has been granted by the Council under this Ordinance or under any other Ordinance for the time being in force, satisfies the Mayor that such licence has been lost or defaced the Mayor may, if he thinks fit, and on payment of a fee of twenty-four cents order the issue to him of a duplicate licence, and the duplicate so issued shall have the same effect as the original licence: Provided that this subsection shall not apply to any other Ordinance wherein it is expressly otherwise provided.

Execution of works on default of owner.

Execution of
works on
default of
owner.

Ord. 14-1937,
s. 21.

316. Whenever under the provisions of this Ordinance or any bye-laws, rules, or regulations made thereunder, any work of any kind is required to be executed or carried out by the owner of any premises, and default is made in the execution of such works within the prescribed time, the Council may, if they shall think fit, cause such work to be executed or carried out, and the expenses incurred by the Council in respect thereof, with six per centum added thereto, shall be a debt due to the Corporation by the owner for the time being of such premises, and until paid to the Corporation, shall be a charge on the premises in or in respect of which such work was executed.

Apportion-
ment of
expenses of
works
between
different
owners.

Apportionment of expenses between different owners.

317. Where, under any of the provisions of this Ordinance, the Council shall construct, carry out, or do any works which are for the common benefit of two or more premises belonging

to different owners, the expenses which are recoverable from the owners shall be paid by the owners of such premises in such proportions as shall be determined by the Town Engineer, and, until payment, the sum apportioned to each of such premises shall be a charge on such premises.

Miscellaneous documents.

318. All applications, notices, plans, and other documents delivered at the office of the Town Clerk or of the Town Engineer in pursuance of this Ordinance or of any other Ordinance for the time being in force, or of any bye-law, rule, or regulation made thereunder, shall, on delivery, become the property of the Corporation.

Plans, etc., deposited to become property of Corporation.

Supersession of the Council.

319. (1) On receipt of an address from the Legislative Council on a petition signed by not less than one-third in number of the burgesses on the burgess roll of the borough, the Governor in Council may, by an order published in the *Royal Gazette*, dissolve the Council:

Power of Governor to dissolve the Council and appoint Commissioners.

Provided that no order for the dissolution of the Council shall be valid, unless in and by such order a time is fixed for the election of a new Council under the provisions of this Ordinance in lieu of the Council so dissolved, not more than two years from the date of such order:

Provided further that the Governor in Council may at any time vary such order to the extent of diminishing the time fixed for the election of a new Council, and substituting an earlier date for such election; but notice of such change of date shall be given by publication in the *Royal Gazette* at least one calendar month in advance.

(2) When the Council is so dissolved, the following consequences shall ensue:—

Consequences which shall follow dissolution of Council.

(a) the Mayor, Deputy Mayor, Aldermen and Councillor shall, as from the date specified in the order, vacate their offices as such;

(b) all powers, duties and liabilities of the Council shall as from such specified date and until a new Council shall have been constituted under this Ordinance, be exercised, performed and discharged by such persons not less than

three in number as the Governor may from time to time appoint in that behalf to be designated Commissioners for the Borough of San Fernando; one of the Commissioners shall be appointed by the Governor as Chief Commissioner on whom shall devolve all the powers and duties assigned to the Mayor under this Ordinance;

(c) all property, real and personal, dues, chattels and valuable securities belonging to or vested in the Corporation, or in its occupation, control or management, shall during the period aforesaid, vest in the Commissioners aforesaid, or be in their occupation, control and management;

(d) all moneys, funds, rates, tolls, dues, charges, rents, fines, profits and advantages, claims and demands whatsoever or howsoever payable to which the said Corporation are entitled shall also be transferred to and vest in the Commissioners;

(e) all debts and claims then due or thereafter to become due from and payable by the Corporation shall be discharged and paid by the Commissioners in the same manner at the same time and subject to the same conditions as the same respectively would have been due and payable if the Council had continued to exist.

Remuneration of Commissioners.

(3) The Commissioners may in respect of their duties as such receive from the revenues of the Corporation such remuneration as the Governor in Council may from time to time prescribe.

Removal of Commissioners.

(4) A Commissioner shall be removable from office for any cause deemed sufficient by the Governor in Council.

Election of a new Council.

(5) The Councillors elected to the new Council as required by this section shall hold office for the residue of the respective periods held by the former Councillors whom they have replaced, and for the purpose of constituting the new Council the provisions of section 6 shall apply *mutatis mutandis*.

Governor's powers failing election of a new Council.

(6) If no new Council is elected or constituted, or if for any other cause there is no Council, then the same consequences shall ensue as if the Council had been dissolved under this section, and the Governor may make such orders as he would be empowered to make if he dissolved the Council under the authority of this section.

*New Schedule operative as from
16/2/46 - See Resoln 8 of 33/46*

SCHEDULES.

FIRST SCHEDULE.

Boundaries of the Borough of San Fernando.

(Section 7.)
Ord. 14-1937,
s. 22.

On the North—

By a line starting from a point on the Sea coast in the projection of the southern boundary of Vistabella Estate, and running in a more or less easterly direction along this projected line and along the southern boundary of the Vistabella Estate to a point one hundred and fifty feet from the Pointe-à-Pierre Road, thence running parallel to and one hundred and fifty feet from Pointe-à-Pierre Road, Cane Street and the Circular Road to the point where it intersects London Street:

*Repeated &
replaced by
Sec. 7 of 33/46*

On the East—

From the last mentioned point by a line running parallel to and one hundred and fifty feet from and to the east of the Circular Road till it crosses the Naparima-Mayaro Road, thence in an easterly direction along the southern side of the Naparima-Mayaro Road to a point two hundred feet from Torrance Street, thence running in a more or less southerly direction parallel to and two hundred feet from Torrance Street, Skinner Street, Jones Street, and South Street to the western boundary of Felicity Estate at a point two hundred feet south of South Street, thence in a southerly direction along the western boundary of Felicity Estate to a point two hundred feet south of its junction with the northern boundary of Les Efforts Estate:

On the South—

By a line running from the last mentioned point parallel to and two hundred feet from Rushworth Street to the western boundary of Les Efforts Estate, thence in a southerly and westerly direction along the boundaries of the Les Efforts Estate to the Sea:

On the West—

By the Sea.

(Section 23.)

SECOND SCHEDULE.**DECLARATION TO BE MADE BY PERSON ELECTED TO A CORPORATE OFFICE.**

I, _____, having been elected Mayor (Deputy Mayor, Alderman, or Councillor), for the Borough of San Fernando, do hereby declare that I take the said office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability and declare that I am qualified as follows:—

(a) I am entitled to be and I am in fact enrolled as a burgess of the borough for the year commencing the 1st of November, 19 .

(b) I am a British subject by birth (or naturalization).

(c) I am the absolute owner (or the tenant for life) of the property assessed in the House Rate Book for the current year as No. _____ at an annual rateable value of \$ _____, or

(d) I am the actual tenant of premises No. _____ Street, San Fernando, assessed in the House Rate Book at an annual rateable value of \$ _____, and I have *bond fide* paid for the same one year's rent within the preceding twelve months, or

(e) I reside at No. _____ Street, in town of San Fernando, and I am, and have been during the preceding twelve months, in receipt of an annual income of not less than nine hundred and sixty dollars.

(Section 53.)

THIRD SCHEDULE.**WARRANT.**

To the Police Constable on duty at the Police Station and to all other Constables.

Whereas *A. B.* was found by me the undersigned, a borough constable for the borough of San Fernando, under circumstances which rendered him the said *A. B.* liable to be arrested by me under the San Fernando Corporation Ordinance, and I arrested him accordingly; now these presents are to authorise and require you the constable on duty at the Police Station above mentioned and to authorise all other constables him the said *A. B.* safely to keep and detain at the said station until he may be conveniently taken before some Justice of the Peace to be dealt with according to law or until the expiration of forty-eight hours from the time when he is received into custody at such station, which ever first happens, and for so doing this shall be your warrant.

Witness my hand this _____ day of _____, 19 .

P. R.,

Constable for the Borough of San Fernando.

(Section 57.)

FOURTH SCHEDULE.**FORM A.**

Claim by person qualified in respect of the Lodger qualification to be entered in the Burgess List.

I hereby claim to have my name entered in the burgess list of the borough of San Fernando for the year 19 . I was on the _____ day of _____ last, and have been during the whole of the preceding twelve months in occupation as lodger of lodgings in the borough in premises known as No. _____ Street, and as such lodger have, during the period paid to _____ my landlord the sum of \$ _____ as rent only of such lodgings [or, as the case may be, the sum of \$ _____ for rent and board combined].

Dated this _____ day of _____, 19 .

Signature of Claimant.

FORM B.

(Section 59
(2).)

List of Burgesses of the Borough of San Fernando for the year 19 .

Christian name and surname of each person at full length.	Nature of qualification.	Number, street, square, lane, or other place in which the property for which he is qualified is situated.

(Signed) A. B.,
Town Clerk.

FORM C.

(Section 59
(2).)

Lodgers' List.

Burgesses of the borough qualified in respect of a lodger qualification for the year commencing on the 1st of November, 19 .

Christian name and surname.	No. and description of premises at which lodgings situate.

FORM D.

(Section 60
(2).)

Notice of Claim.

To the Town Clerk of the borough of San Fernando.

I hereby give you notice that I claim to have my name entered in the burgess list of the borough of San Fernando and that I am qualified as follows:—

(a) I occupy the house [or part of the house] assessed in the House Rate Book for the current year as No. ~~at the annual rateable value of \$~~ ; or

(b) I occupy part of the house No. , Street, San Fernando, assessed in the House Rate Book for the current year at \$ and for which I have really and *bond fide* paid, during the whole of the 12 months ending on the 31st of last, rent at the rate of not less than a year; or

(c) I am the owner and also the occupier of the house No. , Street, San Fernando, assessed in the House Rate Book in force at an annual rateable value of \$; or

(d) I am, and have been, during the whole of the 12 months immediately preceding last, in occupation as a lodger, of lodgings at the premises No. , for which I have paid during the same 12 months not less than \$ for rent [or, as the case may be, the sum of \$ for rent and board combined].

Signature of Claimant.

A. Key Sec 5
33/1946

(Section 62.)

FORM E.

Notice of Objection.

To the Town Clerk of the borough of San Fernando [or to the person objected to by name].

I hereby give you notice that I object to the name of _____ of No. _____ Street, being retained in the burgess list for the year commencing on the _____, 19 ____.

Dated this _____ day of _____, 19 ____.

(Signed) C. B. of _____.

[Description of property for which he is a burgess.]

(Section 63.)

FORM F.

List of Claimants.

The following persons claim to have their names inserted in the list of burgesses of the borough of San Fernando for the year commencing on the _____ day of _____, 19 ____.

Christian name and surname of claimant.	Nature of qualification.
J. T.	<p><i>Replaced by Sec. 6 of 33/46</i> Occupier of house [or part of a house], assessed at an annual rateable value of not less than \$ _____ [or for which he has paid not less than one year's rent amounting to \$ _____].</p>
L. F.	<p>Occupier as a lodger of lodgings at No. _____ Street, for which during the 12 months preceding the _____ last he has paid not less than \$ _____ for rent [or, as the case may be, the sum of \$ _____ for rent and board combined].</p>

(Section 63.)

FORM G.

List of Persons objected to.

The following persons have been objected to as not being entitled to have their names retained in the burgess list of the borough of San Fernando:—

Christian name and surname of each person objected to.	No., and situation of property for which he is on the list.	Christian name and surname of each person objecting and his place of abode and the property for which he is on the list.

FORM H.

(Section 103 (2).)

Notice of Completion of House Rate Book for the year from 1st of January to 31st of December, 19 .

Notice is hereby given, pursuant to the provisions of the San Fernando Corporation Ordinance, that the House Rate Book for the year from 1st of January to 31st of December, 19 , is now completed, and deposited in the office of the Town Clerk and will be open during the office hours thereat to the inspection of all ratepayers without payment of any fee from this date until the day of , 19 .

Deleted by See 18835/44

N.B.—Any owner who has not been served with an Assessment Notice may, at any time not later than 14 days next after the first publication of this Notice, send in to the Council an objection in writing to the annual rateable value at which his premises are assessed in the House Rate Book.

New Form Hand Forms I-Q added by S. 18 of 30/41
" " IA added by S. 8 of 9/45
" " R and Form S - do -

FIFTH SCHEDULE.

(Section 150.)

Bye-laws for the laying out and Construction of New Streets and Building Areas.

1. Every person who shall intend to lay out a new street shall give to the Council notice in writing of such intention, and shall at the same time deliver to the Council a plan of such intended street to a scale of not less than one inch to every fifty feet, showing the points of the compass, the names of the owners of the lands through which such street shall be intended to pass, the proposed width of such street, and its level in relation to the levels of the adjoining lands, and the number and area of the several building lots into which it is proposed to divide the said lands.

Notice of intention to lay out.

Plan to accompany.

2. (1) The Council shall, within thirty days after delivery of the said plan, signify in writing their approval or disapproval of the proposal shown on the said plan, and the laying out of the streets and lots shall be done in accordance with any amendments to such plan as the Council may require.

Approval or disapproval.

(2) A copy of the approved plan shall be furnished by the aforesaid person for deposit in the office of the Corporation.

3. Every person who shall intend to construct a new street, after the plan of its laying out has been approved and before beginning such construction shall give notice in writing to the Corporation of the date on which such construction is to be commenced, and the Council shall have the power at any time during such construction to give notice in writing specifying any matters in respect of which the laying out or construction of such street may be a contravention of any of the bye-laws under this Ordinance or not in accordance with the approved plan aforesaid, requiring such person, within a reasonable specified time, to cause anything done contrary to such bye-laws or plan to be amended, or do anything that may be required by any bye-law to be done but which has been omitted to be done. Such person shall, within the time specified, comply with such requirements, and shall, within one month of the completion of any work that may have been executed in accordance with the original notice and approved plan, or with such later requirements, give notice in writing to the Corporation of such completion.

Notice before commencement.

- Widths. 4. (1) Every new street shall have a width of at least thirty-three feet, unless a lesser width shall in any case be consented to by the Council, who shall determine, in each case, what proportions of such width shall be laid out as a carriage way or footway respectively.
- (2) The width shall be taken to mean the whole space dedicated to the public measured at right angles to the direction of each street.
- Draining, levelling. 5. (1) Every such street, with the proper side walks and drains shall be formed, levelled, drained, paved, gravelled, or macadamised to the satisfaction of the Council.
- (2) The expense of construction shall be borne and paid by the owner, but after completion, the charge of maintenance shall be borne by the Council.
- Construction and maintenance. (2) The expense of construction shall be borne and paid by the owner, but after completion, the charge of maintenance shall be borne by the Council.
- Size of lots. 6. The size of any lot shown upon a plan as aforesaid shall not be less than 5,000 square feet nor shall the ratio of its width to the depth be less than 2 is to 5.
- Drainage of area and lots. 7. The plan shall show the proposed course or direction of surface drainage of the building area and also that of each lot.
- Reserved areas for open spaces. 8. The area to be reserved for open spaces shall be in the proportion of not less than one acre to 100 building lots and shall be so situate, wholly or in parts as may be approved by the Council.
- Building lines. 9. Building lines shall be marked upon the plan so as to indicate the line in front of which no building shall be placed. Such building lines shall be placed to the satisfaction of the Council and shall not be less than 15 feet from the edge of any street.
- Construction and maintenance of private streets and drains. 10. (1) Every private street shall be maintained in good condition to the satisfaction of the Council at the cost of the owner.
- (2) Every private street shall when so required by the Council, be gravelled or macadamised at the cost of the owner.
- (3) The drains of every private street shall be kept clean and maintained in a sanitary condition to the satisfaction of the Council by and at the cost of the owner.

(Section 163.)

SIXTH SCHEDULE.

PAVING OF FOOTWAYS—NOTICE OF APPORTIONMENT OF ONE-HALF OF COST.

To the owner of premises No. _____, Street, in the borough of San Fernando.

Whereas the Mayor, Aldermen and Burgesses of San Fernando in exercise of the power vested in them by Part _____ of the San Fernando Corporation Ordinance, have caused the footway [or portion of the footway] on the _____ side of the street known as _____ Street, in the borough of San Fernando, to be paved [or repaved]; and whereas the expenses incurred by the Council in such paving amount to the sum of \$ _____ one-half thereof being the sum of \$ _____; And whereas the Town Engineer has made apportionment of the sum of \$ _____ among the several premises fronting, adjoining, or abutting on such footway; And whereas such apportionment was approved by the

Council at a meeting of the Council held on the _____ day of _____, 19 ____; And whereas in such apportionment the sum of \$ _____ is entered as representing the apportioned share payable in respect of the said premises No. _____ Street.

Wherefore take notice that the said sum of \$ _____ is due and payable by you to the Council by three equal yearly instalments, the first thereof to be paid one year from the date of the service of this notice, with interest thereon at the rate of _____ per centum per annum.

And further take notice that, until payment of the said sum of \$ _____ and interest thereon as aforesaid, the said premises shall stand and remain charged with the said sum of \$ _____ or so much thereof as shall from time to time remain unpaid, with interest thereon at the rate above mentioned.

Town Engineer.

N.B.—You are at liberty to pay the whole of the said sum of \$ _____ (the apportioned share) within one month from the date of the service of this notice, and if so paid, the same will be received without interest in full satisfaction of the above claim.

A. by R. G. 1942 p. 615

SEVENTH SCHEDULE.

(Sections 174 to 176.)

Building Regulations.

1. (1) If required by the Council the owner shall arrange for the satisfactory drainage of the sub-soil of any building site.

Drainage of sub-soil and maintenance of drains.

(2) The drains of any lot and the main drain of any area shall be kept clean and maintained in a sanitary condition to the satisfaction of the Council by and at the cost of the owner.

2. (1) Every person who shall erect a new building which is not supported on pillar trees or hardwood shall cause every wall, pier, column, or buttress thereof to be built on a foundation of cement concrete of such width as the Town Engineer may require: Provided that the width shall in every case be such that the superimposed load on the soil shall not exceed one and a half tons per superficial foot.

Foundations.

(2) The under side of the concrete foundation shall be laid at a depth below the under side of the superimposed wall of not less than two-thirds of the thickness of such wall at the base thereof, nor in any case less than nine inches deep.

Depth of foundation.

(3) The width of the foundation shall be reduced from below upwards by even steps or batter; in either case at an inclination to the horizon not flatter than two and a quarter inches vertical to three inches horizontal, to a width not less than that of the superimposed wall.

Width of foundation.

3. Every person who shall erect a new dwelling-house and every person who shall erect any other new building having enclosing walls constructed of brick, stone or cement concrete and having a timber floor, shall cause every wall of such building to have a proper damp-proof course of asphalt or cement mortar composed of one part of Portland cement and two parts of sand (such asphalt or cement mortar to be not less than three-eighths of an inch thick), or other imperishable material approved by the Town Engineer throughout the whole thickness of the wall beneath the lowest timbers and nearer to the ground, but in no case at a height of less than six inches above the surface of the ground adjoining such walls.

Provision of proper damp-proof course.

Walls.

4. (1) Every person who shall erect a new building shall cause such building to be enclosed with walls constructed—

Materials for walls.

(a) of good bricks, stone, or such other incombustible material as the Town Engineer may approve, properly bonded and solidly put together; or

(b) with a framework of timber properly and securely put together, the space between the timbers being completely filled with good bricks, stone, cement concrete, or other fire-resisting material efficiently secured thereto, and the timbers themselves being protected so as to be fire-resisting.

Timber walls in certain cases.

(2) Provided that if there shall be a clear open space of land exclusively appurtenant to the building of not less than ten feet in width on every side of such building (except on the front or on any side towards a street) the external walls may be constructed of a framework of timber, properly and securely put together and covered with wood.

Bonding materials for brick, stone, and cement walls.

(3) Walls constructed of brick or stone shall be bonded with—

(a) good mortar compounded of good lime and clean sharp sand in the proportion of not less than one part by measure of lime to three parts by measure of sand; or

(b) good cement; or

(c) good mortar compounded of not less than one part by measure of good cement to four parts by measure of clean sharp sand.

Cement.

(4) Cement shall be of slow setting quality to comply with the requirements of the last revise of the British Engineering Standards Committee, or otherwise of a brand and description approved by the Town Engineer.

(5) All sand is to be clean and sharp and free from organic or earthy matter and is to be screened, if required by the Town Engineer.

(6) The aggregate may be broken stone or brick or gravel and must be approved by the Town Engineer.

(7) No weaker mixture of concrete shall be used than that specified in the following formula:—

	Cement.	Sand.	Aggregate.
(i) For walls 6 ins. or less in thickness, floors, and slabs ...	1	2	5
(ii) For foundations, surface water drains, pavements, and walls more than 6 ins. thick	1	3	6

(8) The size of the broken stone or brick used for making concrete shall depend on the thickness of the wall or other construction in which the concrete is used, and shall be as follows:—

Walls 6 ins. thick and under ...	Of a size which will pass through a ring 2 ins. internal diameter.
Walls over 6 ins. thick, including foundations, surface water drains and pavements.	Of a size which will pass through a ring 2½ ins. internal diameter.

(9) All concrete shall be mixed on an artificial platform, and in a manner satisfactory to the Town Engineer.

5. All timber used in the framework of the walls, roofs, and floors of buildings shall be of hardwood, pitchpine, douglas fir or other wood of a description approved by the Town Engineer. Timber framed buildings.

6.—(1) The joints between the horizontal and vertical members of the framework of the walls of any building of which the sills are required to be bedded in cement mortar shall be securely put and held together with mortice and tenon joints, or any sill or wall plate may be checked into and securely bolted to the uprights as may be approved by the Town Engineer. Horizontal and vertical joints of framework to be held together by mortice and tenon joints.

(2) The braces in the framework of the walls of such building shall be of adequate size and number.

7. Every coping, cornice, fascia, window dressing, portico, verandah, balcony and balustrade, and every architectural projection and architectural decoration whatsoever, and also the eaves and cornices to any overhanging roof (except the cornices and dressings to the window fronts of shops, and joists, mouldings, handrails, and flooring of verandahs and balconies, and the eaves and cornices to detached dwelling-houses distant at least fifteen feet from any other building or from the land of any adjoining owner) shall be of brick, tile, stone, artificial stone, slate, cement, or other incombustible material approved by the Town Engineer. Architectural projections.

8. Every person who shall erect a new building shall construct the roof of such building in accordance with the following regulations:— Roofs.

(a) All roofs shall be of a design approved by the Town Engineer.

(b) The flat, gutter, and roof of every building and every turret, dormer, lantern light, skylight, or other erection placed on the flat or roof thereof shall be externally covered with slates, tiles, metal, or other incombustible materials, except wooden cornices and barge boards not exceeding twelve inches in depth, and the doors, door frames, windows, and window frames of such dormers, turrets, lantern lights, skylights, or other erections. R. & R. by
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(c) No eaves, gutters, or down fall pipes for carrying storm water from the roof of any building or from any verandah or balcony or other projection forming part of such building shall be allowed, except with the express sanction in writing of the Council.

(d) Except where a ceiling is provided, the underside of the roof of every inhabited room shall be close-boarded. Roof of inhabited room.

9. Every person who shall construct a new building shall construct the floor thereof in accordance with the following regulations:— Floors.

(a) No new building shall have the underside of the lowest floor at such a level as will render it liable to flooding, or shall be constructed so that the site thereof cannot be efficiently and properly drained to the satisfaction of the Town Engineer. Not to be liable to flooding.

(b) The level of the ground floor of every building shall be at least six inches higher than the highest point of the contiguous ground. Level of ground floor from ground.

If the level of the ground floor is less than two feet above the surface of the underlying ground, the floor shall be constructed of concrete, Materials at different levels.

In dwelling-house.

Floor to be constructed to bear maximum load.

Ord. 14-1937,
s. 28.

Ground floor of building to be of cement where food is manufactured.

Staircases.

Width of treads and height of risers.

Handrails.

In public buildings.

Height of buildings.

Open space between buildings and streets.

asphalt, masonry or other impervious material to the satisfaction of the Town Engineer, which may be boarded over if it is so desired. The floor (if built of wood) of a dwelling-house shall be at least two feet above the ground in every part.

(c) All wooden floors shall be properly grooved and tongued or otherwise jointed as to be reasonably water-tight.

(d) The floors of all buildings shall be constructed to bear safely the maximum load to be carried.

The live load on floors shall be computed as follows:—

In dwelling-houses, hotels, lodging-houses, and similar buildings, not less than seventy pounds per superficial foot;

In places of public assembly, work-shops, retail shops, and similar buildings, not less than one hundred and twenty pounds per superficial foot; in other buildings of the commercial class, not less than two hundred and twenty-four pounds per superficial foot.

10. The ground floor of every new building used or intended to be used for the manufacture, or for the storage for the purpose of sale of any articles intended for the food of man shall be constructed of cement concrete, not less than six inches in thickness or of such other impermeable material as the Town Engineer may approve.

11. (1) Every person who shall erect a new building shall construct the staircases therein according to the following regulations:—

(a) He shall cause the treads to be not less than eight inches in width measured horizontally from face of riser to face of riser, and the risers to be not more than eight and a half inches in height measured vertically from top of tread to top of tread.

(b) He shall cause every such staircase to be provided with proper and sufficient handrails securely fixed.

(2) Every building which is used for public purposes, such as entertainments, meetings, or other purposes, shall have a sufficient number of suitable staircases to the satisfaction of the Town Engineer, if above ground level.

12. No person shall, except with the permission of the Council and subject to such conditions as to the Council shall seem proper, erect any building exceeding thirty-six feet in height measured from the level of the street to the junction of the eaves and walls.

13. Every person who shall erect a new building shall leave between the face or building line and the street alignment an open space which shall be free from any erection thereon above the level of the ground. Such open space shall be at least of such depth, not being less than six feet or more than twelve feet, as the Town Engineer may prescribe for any particular locality: Provided however that the Council may permit any person erecting a new building to keep or erect a wall or fence within six feet of the street on condition that such wall or fence shall be removed by the owner of the premises at his cost and expense if and when required by the Town Engineer to do so and upon the owner failing to carry out any such requirement the Council may cause any such wall or fence to be removed and the cost of such removal shall be a charge on the premises until the same is paid and shall be recoverable by action.

14. Every person who shall erect or extend in ground area a dwelling-house shall provide an open space of not less than six feet wide extending along the entire depth of such dwelling-house and its out-buildings and exclusively belonging thereto, and shall provide at the rear of such dwelling-house and its out-buildings an open space free from any erection thereon and exclusively belonging to such dwelling-house of an area not less than 750 square feet and a minimum depth of 20 feet in the rear of such dwelling-house and its out-buildings: Provided that the Council shall have power to allow the erection or extension of a dwelling-house not in conformity with this regulation so far as the space at the rear of such dwelling-house is concerned.

Open spaces around buildings.

The word out-buildings used in this clause shall not apply to a privy or to a garage erected outside of such area to be provided at the rear of such dwelling-house.

Exception as to garage or privy at rear of building.

15. No out-building shall be erected on any part of the site of any dwelling-house which, in the opinion of the Town Engineer would interfere unduly with the free circulation of air around and about such dwelling-house.

Out-buildings not allowed in certain cases.

16. Every habitable room in any building shall be in accordance with the following specifications:—

Superficial area of habitable rooms.

(a) Every such room shall have a clear superficial area of not less than 100 square feet and shall not be less in length or width than 8 feet: Provided that this regulation shall not apply to a dressing or other room attached to such room, but not used as a sleeping room.

(b) Every such room which is an attic or a room wholly or partly in the roof of such building, shall, for at least two-thirds of the area of the room be not less than 9 feet in height.

Attic rooms.

(c) Every such room which is not an attic, or a room wholly or partly in the roof of such building shall not in any part be less than 10 feet in height measured from the floor to the wall-plate.

Other rooms.

(d) Except where there is a ceiling, the underside of the roof shall be close-boarded.

Close-boarding of ceiling.

17. If any person knowingly suffers any room not constructed in conformity with the preceding regulation to be inhabited, he shall be liable to a fine of two dollars and forty cents for every day during which such room is inhabited.

Penalty.

18. Every dwelling-house shall have, in the wall of each storey of such building which shall immediately front or abut on such open spaces as in pursuance of the regulations in that behalf shall be provided in connection with such building, a sufficient number of suitable windows or doors constructed in such a manner and placed in such a position as to afford effectual and adequate means of ventilation by direct communication with the external air.

Windows.

19. Every domestic building shall have in every habitable room one window at least opening directly into the external air or into a gallery or verandah, and the total area of such window or windows shall be equal to at least one-tenth of the floor area of the room, and every such window shall be so constructed that one half at the least may be opened so that the opening in every case shall extend to the top of the window, but a room

Ventilation of rooms in domestic building.

having no external wall, or a room constructed wholly or partly in the roof may be ventilated through the roof by a dormer window or skylight, provided that such dormer or skylight shall have a clear superficial area clear of the sash frame equal to at least one-tenth of the floor area of the room and constructed as described above.

Jalousies and lattice work to be provided.

20. (1) Every such habitable room shall, in addition to such window or door opening directly into the external air or into a gallery or verandah, be provided by means of standing jalousies or lattice work or otherwise, with apertures of an aggregate area of not less than one-twentieth of the floor area of the room, opening directly into the external air, or into a gallery or verandah which, as regards the ventilation thereof, satisfies the requirements of the regulations in force with respect to the ventilation of a habitable room, or which is otherwise adequately ventilated to the satisfaction of the Council; but this regulation shall not apply where the windows or the upper parts of the doors required in the last three preceding regulations consist of standing jalousies, or are otherwise so constructed as, in the opinion of the Town Engineer, to afford adequate and free ventilation at all times.

Additional ventilation.

(2) Every habitable room in any dwelling-house which is not provided with more than the minimum ventilating area laid down in the preceding regulations shall have also along the entire length of at least two sides of the room an open space of at least six inches below the ceiling or close-boarding. This opening may be protected by louvre boards of any width required.

Privies.

21. Every person who shall construct a privy in connection with a building shall construct the same in accordance with the following regulations:—

Depth and area of pit.

(a) He shall cause the pit of such privy to be dug not less than four feet deep, with a clear internal area of not less than sixteen square feet or such larger dimensions as the Council may prescribe.

Materials and dimensions of privy pits.

(b) He shall cause the sides of the pit to be constructed of cement concrete not less than six inches thick carried up to a height of not less than twelve inches above the ground level.

(c) Where water is reached at a less depth than four feet the sides and the bottom of the pit shall be constructed of cement concrete and the pit shall be made watertight.

Minimum dimensions of building.

(d) The minimum dimensions of the privy building shall be four feet in length by three feet in width and seven feet in height up to the wall plate.

Door and ventilation.

(e) Every privy shall have a suitable door, and shall be ventilated in the upper part of the opposite sides by means of openings not less than three square feet in aggregate area, and communicating directly with the open air.

Distances of privies from habitable buildings.

(f) Privies shall in all cases be entirely disconnected from any building or part of a building used for human habitation and shall be erected at a distance of at least fifteen feet therefrom.

Means of access.

(g) Each privy shall be constructed in such a manner and in such a position as to afford ready access to the pit of such privy for the purpose of cleansing the same and of removing filth therefrom, without such filth being carried through any dwelling-house or public building.

Pits to be mosquito and fly proof.

(h) The pit of every privy shall be effectively secured from mosquitoes and flies.

22. In every kitchen the external walls and (if it forms part of any domestic building) the partitions shall be built of bricks, brick nogging, stone concrete, concrete nogging, galvanised iron, or such other material as the Council in their discretion may approve, and the floor shall be constructed of or protected by some incombustible material to the satisfaction of the Council.

Kitchens.

23. (1) No garage, kitchen, servant's room, water closet, or other out-building shall hereafter be erected in such a position as to project beyond the line facing the street of any building without the express permission of the Council.

Outbuildings not to project beyond building line.

(2) No stable, cowshed, pigsty or any other structure for the keeping of horses, cattle, swine, or similar animal stock shall be erected and no such stock shall be kept at a lesser distance than 30 feet from any dwelling-house.

Erection of stable, cowshed or pigsty.

24. (a) A new barrack shall not consist of more than three rooms or pairs of rooms, each pair being occupied by one tenant.

Barracks.

(b) Every room in a new barrack must be provided with apertures for ventilation of an aggregate area of not less than one-tenth part of the floor area of the room opening directly into the open air, or into an open gallery or verandah, such ventilation to be in addition to doors and windows.

Ventilation

(c) All partitions between rooms or sets of rooms occupied by different tenants must be carried up to the roofs with no spaces or openings for ventilation, provided that where two or more adjoining rooms are constructed so as to be intended for occupation by one tenant, such rooms may ventilate into one another.

Partitions between rooms.

(d) Every barrack yard must be provided with a shed for cooking affording an area of not less than thirty square feet for every room or set of rooms or with a kitchen of the same area constructed according to the regulations. All walls around sheds and floor of sheds to be of incombustible material.

Kitchens.

25. Every person who shall erect a new building shall provide, in connection with such building, good and sufficient surface water drains of brick, stoneware, masonry or concrete or other approved material located, constructed, and graded to the satisfaction of the Town Engineer, delivering into the side channel of an adjacent street or into such other stream or channel as the Council may direct, and all yards, open spaces, and passages, appurtenant to or used in connection with a new building shall be drained in a similar manner.

Drainage of buildings and yards.

26. The owner of every dwelling in connection with which there is an open space, shall, wherever, in the opinion of the Council, it is necessary, raise the level of such open space with gravel or approved dry soil to such level as the Council may direct to ensure good drainage.

Raising level of ground.

27. (1) Every person who is about to erect a new building or to alter a building shall give to the Council at their office at least seven days' notice in writing of such intention together with a dimensioned plan and section and a fully detailed description of such intended building or alterations, which shall show the position, form and dimensions of the several parts of such building, and he shall also at the same time give a description in writing

Notice of intention to build.

of the materials to be used and of every latrine, kitchen, and every other appurtenance, and whether the building is to be used as a dwelling-house or otherwise.

Plan to be provided.

(2) Every person shall, whenever required by the Council, deliver to them a block plan of such building drawn to a scale not less than 50 feet to one inch, which shall show the position of the building and any additions and its appurtenances immediately adjoining, and the level of the lowest floor of such building in relation to the levels of the street or road abutting thereon and of the grounds belonging thereto, and the intended lines of drainage.

Notice of approval or disapproval.

(3) The Town Engineer shall, within fourteen days after the delivery to the Council of such notice, signify in writing approval or disapproval of the intended work.

Notice of date of commencement to be given.

(4) Every person who shall intend to execute any work to which any of these regulations may apply shall, before beginning to execute such work, deliver to the Council a notice in writing in which shall be specified the date on which such work is to be commenced, and a description of the said work.

Free access to be allowed to Town Engineer for inspection.

28. Every person who shall erect a building or shall execute any other work to which any of these regulations shall apply, shall, at all reasonable times during the execution of such work, afford the Town Engineer and his duly authorised assistants free access to such work for the purpose of inspection, and shall within fourteen days after the completion of any such work deliver to the Council notice in writing of the completion of any such work, and where such person shall, at any reasonable time during the progress or after the completion of the erection of such building or of the execution of such work receive from the Council notice in writing specifying any matters in respect of which the erection or execution may be in contravention of these regulations, and requiring such person within a reasonable time specified in such notice to cause anything done contrary to any such regulations to be amended, or to do anything which may by any such regulations be required to be done but which has been omitted to be done, such person shall, within the time specified, comply with the several requirements of such notice, and shall within a reasonable time, deliver to the Council a notice in writing of the completion of such work.

29. Any person who obtains leave to erect a building of a certain category or type to be used for certain purposes and afterwards puts the building to uses other than those for which such building was intended in contravention of the regulations shall be guilty of an offence.

EIGHTH SCHEDULE.

FORM A.

(Section 178
(2).)

Removal of House—Notice by Owner of House.

To the Town Clerk of the Borough of San Fernando.

I, the undersigned, the owner of the house now numbered and assessed as No. _____, standing on land belonging to _____, do hereby give you notice that I intend to remove [or pull down, as the case may be] the said house from its present site on or before the day of _____, 19____.

Signature of Owner of House.
Address

Dated _____

FORM B.

(Section 179
(2).)

Removal of House—Notice by Owner of land on which house stood.

To the Town Clerk of the Borough of San Fernando.

I, the undersigned, the owner of the land on which stood the house heretofore numbered and assessed as No. _____ hereby notify you that the said house was removed [or pulled down, as the case may be] from my said land on or about the day of _____, 19____.

Signature of Owner of Land.
Address

Dated _____

NINTH SCHEDULE.

Cemeteries.

(Section 228.)

For Permission to open a grave and digging one.

	\$	c.
For every person who had lived within the borough—each adult ...	4	00
For each child under 12 years	2	00
For every person outside the borough—each adult	5	00
For each child under 12 years	2	50

R + R. key
See 9 of 9/46

For Exclusive right of Burial in Perpetuity.

With the right to construct any vault or place of burial, or to erect any monument, grave-stone or tablet (including digging in first instance).

	\$	c.
For an allotment (single grave), 4 ft. × 10 ft.	16	00
For every double allotment, 8 ft. × 10 ft.	25	00
For every triple allotment, 12 ft. × 10 ft.	40	00
For every additional space of 4 ft. × 10 ft.	10	00
For digging a grave after the first	1	00
Additional sum for breaking up concrete work for each grave ...	1	00
For persons who had lived outside the borough, extra charge in respect of each allotment... ..	2	00

If the purchase of any allotment be made within five years of the payment of the fees for opening a grave the amount so paid shall be deducted from the purchase money.

TENTH SCHEDULE.

(Section 267.)

Bye-law Regulating the Use of Water.

(A) (1) One tap situated to the satisfaction of the Council for all premises supplied with service under \$96 annual rating.

(2) Two taps similarly approved for premises of \$96 annual rating and over.

(3) Three taps similarly approved for premises of \$240 annual rating and over.

(4) If any premises be provided with more taps than in this bye-law provided, then in respect of each of such additional taps there shall be an additional annual charge of 60c.

(5) For one tap situated in a garden or field or in such other position that in the opinion of the Council it will or may be used for watering or irrigating; annually \$14.40.

(B) For every fixed bath filled by means of a tap, valve, or pipe connected to the waterworks, if the contents of the bath be 100 gallons or less there shall be charged per gallon of the bath's contents 5 cents annually.

The capacity of the bath shall be the gross capacity measured to the level of the overflow. The tap or valve through which the water is supplied to the bath shall not be counted as a tap under the provisions of bye-law (A).

(C) For every water closet there shall be charged \$2.40 per annum.

(D) For every carriage or motor vehicle there shall be charged \$1.00 per annum.

(E) For each horse, mule, donkey, bull, or cow over two years of age, there shall be charged 60c. per annum.

ELEVENTH SCHEDULE.

(Section 292.)

Tariff of Wharf dues to be levied and taken on the undermentioned packages of produce and merchandise landed on or shipped from the San Fernando Wharf.

	\$	c.
For every hogshead, tierce, barrel, or bag of sugar, rate per ton ...	0	18
For every puncheon or cask of rum or molasses	0	12
For every barrel or bag of cocoa, coffee, or other colonial produce	0	2
Manjak, loose or in bags, rate per ton	0	12
For every hogshead of tobacco	0	60
For every half hogshead of tobacco	0	30
For every hogshead, puncheon, tierce, or crate of merchandise		
over four cubic feet	0	12
For every case, bale, trunk, or box under four cubic feet ...	0	6
For every barrel of merchandise (excepting flour)	0	4
For every bag or barrel of flour, oats, oilmeal, or other stock feed	0	3
Galvanized iron per ton	0	48

	\$	c.
For every case soda water of 2 dozen bottles		2
For every case soda water of 4 dozen bottles		4
For every case soda water of 6 dozen bottles		6
For every cask wine or spirituous liquors		4
For every cask wine or spirituous liquors of over 25 gallons ...		6
For every cask wine or spirituous liquors of 25 gallons and under		4
For every bag, basket, jar, firkin, demijohn half-barrel, keg, or drum		2
For every box of candles, soaps, pipes, American cheese, tin plates, half box of fish of 50 lb., Florida water, raisins, and other packages under 56 lb.		2
For every case containing carboy of acid		2
For every box of fish 100 lb., or any wet goods over 60 lb. ...		2
For every bag or tin of corn, salt, starch, pepper, half-box raisins, figs, vermicelli		1
For every bundle of iron hoops, brooms, buckets, shooks, forks, spades, and shovels		2
Sheet lead, 100 lb.		2
Piping (lead) 100 lb.		2
Fencing wire, per coil, for each cwt. or part of a cwt.		2
Earthen pots, jars, goblets, empty demijohns per dozen		2
Onions, potatoes (loose), per 100 lb.		2
Iron, iron piping, per ton		72
Iron pots and stoves, per 100 lb.		4
Grindstones and flagstones, over 24 inches		4
Grindstones and flagstones, 24 inches and under		2
Anchors, anvils, axels, per 100 lb.		2
Spokes per 100		4
Naves and felloes, per dozen		4
Dried fish and dried meat (loose) tasajo, etc., per 100 lb.		2
Draining pipes, 12 inches and under, each		2
Draining pipes, over 12 inches, each		4
Lumber (per 1,000 feet) superficial measurement	1	00
Staves (per 1,000)		24
Fencing posts and sleepers (per 1,000)		60
Coals (loose), patent fuel in blocks, per ton		12
Fuel oil per 100 Imperial gallons		24
Oil of other kinds, cask of 40 Imperial gallons		12
Tanks, capacity 400 gallons, with merchandise		48
Tanks, capacity 200 gallons, with merchandise		24
Tanks, capacity 400 gallons empty		24
Tanks, capacity 200 gallons empty		12
Machinery (loose) per ton including boilers and grating bars ...		72
Carriage and cart wheels, per pair		24
Motor cars, each	4	80
Motor lorries, each	9	60
Carriage, complete	1	00
Carts or gigs, each		48
Horses and mules, each		24
Oxen and asses, each		12
Slates, tiles, and bricks (per 1,000)		48

	\$	c.
Wood hoops, per 1,000... ..	48	
Box of kerosene and other oils including gasolene	2	
Goats, dogs, pigs, sheep, each	6	
Packages of red herring of 10 boxes	2	
Timber, the produce of the Colony, per 40 cubic feet	24	

TWELFTH SCHEDULE.

(Section 308
(6).)

WARRANT FOR ENTRY ON PREMISES.

Whereas *A. B.*, being a person authorised under the San Fernando Corporation Ordinance to enter certain premises [*here describe the premises*], has made application to me to authorise him the said *A. B.* to enter the said premises, and whereas I, *C. D.*, am satisfied by information on oath that there is reasonable ground for such entry, and there has been a refusal or failure to admit the said *A. B.* to such premises.

Now, therefore, I, the said *C. D.*, do hereby authorise the said *A. B.* to enter the said premises, by force if need be, with such assistants as he may require, and there to execute his duty under the above Ordinance.

C. D.,
Magistrate.

Dated this day of , 19 .