

TRINIDAD AND TOBAGO.

Port-of-Spain Streets Management.

No. 11.—1900.

12th March.

AN ORDINANCE to regulate the management of the
Streets of the Town of Port-of-Spain.

[L.S.]

HUBERT E. H. JERNINGHAM,

GOVERNOR.

6th April, 1900.

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative
Council thereof as follows :—

Short Title.

1. This Ordinance may be cited as "The Port-of-Spain Streets Management Ordinance, 1900."

Interpretation.

2. In the construction of this Ordinance the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say :—

(a.) The expressions "The Town Commissioners," the "Chief Commissioner," the "Town Clerk and Treasurer"; the "Town Superintendent" shall have the respective meanings assigned to them in the Port-of-Spain Ordinance, 1898.

No. 11. *Port-of-Spain Streets Management.* 1900.

- (b.) The word "Street" shall be construed to extend to and include any highway and any public bridge, and any road, lane, alley, square, footway or public passage or place, and any drain at the side of or across any street within the town of Port-of-Spain.
- (c.) The expression "The Town" shall mean the town of Port-of-Spain as defined by the Port-of-Spain Ordinance, 1898.
- (d.) "Owner" means the person for the time being receiving the rents and profits of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands and premises were let.
- (e.) "Lands" and "Premises" include messuages, buildings, lands, easements and hereditaments of any tenure.
- (f.) "Person" includes Company and Corporation.

3. Any person who lays out or forms or commences to lay out or form any street in the town without having previously notified the Town Commissioners of his intention so to do and without obtaining the sanction of the Town Commissioners to the laying out and formation of such street shall be guilty of an offence and be liable on summary conviction before a Magistrate to a penalty not exceeding £50 besides being bound if required by the Town Commissioners to restore the lands in or through which such street is laid out or formed to the state in which they were previous to the laying out or formation thereof.

New streets.
Penalty for
laying out new
streets with-
out having
obtained the
previous sanc-
tion of the
Commissioners

The Town Commissioners may refuse such sanction until satisfied on the certificate of the Director of Public Works that the provisions of "The Port-of-Spain Building Ordinances 1868 and 1877" have been complied with.

No. 11. *Port-of-Spain Streets Management.* 1900.

PART I.

REGULATION OF STREETS.

Streets vested in Town Commissioners.

4. All streets being or which at any time become repairable by the Town Commissioners, and the pavements, stones and other materials thereof shall vest in and be under the management and control of the Town Commissioners.

No street or pavement to be broken up or opened without the Commissioners' consent.

5. No person shall break up or open the pavement, surface or soil of any street in the Town for laying wires, or erecting posts, poles, hoardings or barricades, or for any other purpose whatsoever, without the previous consent of the Commissioners, and every person or company offending against this enactment shall be liable to a penalty not exceeding Five Pounds, and any wires, posts, poles, hoardings or barricades so laid or erected, without such consent as aforesaid, may be removed by the Town Commissioners at the cost of the person so offending.

The above section does not apply to the Director of Public Works, while acting in discharge of any statutory duty.

Provided that this Section shall not apply to the Director of Public Works or anyone authorized by him while discharging any duty imposed upon him by any Ordinance or other law.

Restoration of pavement or street.

6. Any damage done by the breaking up or opening of the pavement surface or soil of any street as aforesaid shall be made good by the person or company interested on such operation or may at the option of the Commissioners be made good by them at the expense of such person or company and such expense may be recovered in a summary manner.

Power of Commissioners to order the removal of posts or poles in any street of the Town.

7. Where, in the opinion of the Town Commissioners, it is necessary or expedient on public grounds, or for any public purpose, that any post or pole erected in any street of the Town should be removed from its present position, it shall be lawful for the Town Commissioners to give notice to that effect to the person by whom such posts or poles were 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

No. 11. *Port-of-Spain Streets Management.* 1900.

service of such notice; and if such person shall refuse or neglect to comply with such notice, such person shall be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding Five Pounds for each day during which the posts or poles so required to be removed shall remain unremoved.

8. When any person authorised by any special Ordinance to erect any posts or poles on any streets vested in and under the control of the Town Commissioners, intends to erect any post or pole in any such street, such person shall make application in writing to the Town Commissioners, 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 post or pole is 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 Town Commissioners, and every post or pole so erected shall be erected at such particular part or place in the street as the Town Superintendent shall approve of, and under his superintendance. 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 Executive Council, (a copy of which shall at the same time be delivered to the Town Commissioners), 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.

Procedure in cases where any person authorized by Ordinance to erect poles is desirous of erecting any pole in any street.

If any person shall erect any post or pole without the previous consent of the Town Commissioners, at any part or place in any street not approved of by the Town Superintendent, such person shall be liable to a penalty not exceeding Ten Pounds, and to a further penalty of Five Pounds for each day during which any such post or pole shall be left standing.

Penalty for erecting pole or post without the previous consent of the Commissioners.

No. 11. *Port-of-Spain Streets Management.* 1900.

ENCROACHMENT ON STREETS.

Encroachment upon streets, and penalty.

9. If any person shall encroach upon any street or any part thereof by

- (a.) building thereon, or any part thereof, any house or other structure,
- (b.) erecting, planting or digging thereon, any fence, hedge, ditch, arch, bridge, or drain, or
- (c.) in any other manner whatsoever,

Every such person shall be guilty of an offence under this Ordinance, and upon conviction thereof before any Justice of the Peace shall forfeit and pay for every such offence any sum not exceeding Twenty Pounds, and in default shall be imprisoned for any term not exceeding six months.

Power of Town Superintendent to remove encroachments, &c., at the cost of the offender.

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

Overhanging branches of trees. Power to order owner or occupier of the land whereon the trees are planted to cut off such branches and, in default, Town Superintendent to have power to cut them at the expense of such owner.

10. Where any tree or the branches thereof, or any brushwood or hedge shall overhang any street, it shall be lawful for the Town Commissioners to serve a notice on the owner or occupier of the lands whereon such tree, brushwood, or hedge is planted requiring such owner or occupier to cut off and remove such branches, brushwood or hedge, and if such owner or occupier shall refuse or neglect to comply with such notice, it shall be lawful for the Town Superintendent and any other person duly authorized by him 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 Town Superintendent in cutting and removing such branches, brushwood or hedge may be recovered from such owner or occupier.

No. 11. *Port-of-Spain Streets Management.* 1900.

11. It shall be lawful for the Town Commissioners, on the report of the Town Superintendent that it is desirable for the public safety or for the execution of works or repairs in any street, drain, bridge or any part thereof respectively, to order that the traffic on any street or any part thereof shall immediately cease, and that such street or any part thereof shall be closed during such period of time as the Town Commissioners may deem requisite, and notice of such order shall be given and published in one local newspaper and shall be publicly posted in or near the street to which such order relates.

Power of Commissioners in certain cases to stop the traffic in any street or any part thereof.

PART II.

PAVING OF FOOTWAYS.

12. 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 Superintendent shall approve. Before commencing such paving such owner shall give notice in writing to the Town Superintendent 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 Town Commissioners upon the certificate of the Town Superintendent that the work has been executed to his satisfaction and that the expenses incurred for the same are fair and reasonable.

The owner of any premises abutting on any street may, upon giving due notice to the Town Superintendent, pave the footway abutting on his premises, and half the cost of such pavement will be paid by the Commissioners.

13. Whenever any footway or any part thereof in any street in the town is not, in the opinion of the Town Commissioners, properly paved, or requires to be repaved, it shall be lawful for the Town Commissioners 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 Town Commissioners in executing such paving or repaving works shall be borne by the owners of the premises fronting, adjoining or abutting on such footway according to the frontage of their

Power of Commissioners to pave or repave any footways, and to charge half of the cost on the owners of the premises fronting or abutting on such footways.

No. 11. *Port-of Spain Streets Management.* 1900.

respective premises and in such proportion as is settled by the Town Superintendent and approved by the Town Commissioners, and, until payment, shall be a charge on the said several premises having priority to all other charges and encumbrances to the extent of the apportioned share of such expenses payable in respect of each of such premises respectively.

Provided 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.

Procedure in cases where any work is done under this section.

Before commencing any work under this section the Town Commissioners shall by notice addressed to the respective owners or occupiers of the premises fronting, adjoining or abutting on such footways, or parts of footway as it is intended to pave or repave, notify them of the intention of the Town Commissioners to pave or repave the same and cause an estimate of the probable cost thereof to be made, such estimate to be kept in the office of the Town Superintendent and to be open at all reasonable hours of the day for the inspection of all persons interested therein during the period of time specified in such notice.

Apportionment of one-half the cost among the owners of the premises abutting on the footways paved or repaved under this section.

When the paving works contained in the estimate of the Town Superintendent have been completed and the expenses thereof ascertained, the Town Superintendent 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 Town Commissioners, who may by resolution approve the same with or without modification or addition as they 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,

No. 11. *Port-of Spain Streets Management.* 1900

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 date of the service, on such owner, of the notice of such apportionment) together with interest at a rate not exceeding 6 per centum per annum until the whole apportioned sum is paid; and any such instalment with interest thereon, or any part thereof respectively, may be recovered either in a summary manner 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.

The notice of apportionment to be served on the owner under this Section may be according to the Form in Schedule II. to this Ordinance.

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.

Tenant or Occupier paying any part of the apportioned cost may deduct amount so paid from his rent.

For the enforcement of any charge under this Section, the Town Commissioners shall have the same powers and remedies, under the Conveyancing and Law of Property Ordinance and otherwise, as if they were Mortgagees having powers of sale and lease and of appointing a Receiver.

Mode of enforcing charge.

14. The Town Commissioners in order to secure a regular line and satisfactory width and level for the footpaths in any street whether existing at the passing of this Ordinance or not may after notice to the owner of the premises fronting, adjoining or abutting on such street, alter the line of the footpath, cut down, reduce or level up any portion thereof, widen or lessen such footpath and carry out such other operations as may be necessary or desirable for the improvement of the footpath: Provided always that when any such operations shall necessitate the removal of any wall or other

Power to alter line of footpath, and to widen or lessen footpath.

No. 11. *Port-of-Spain Streets Management.* 1900.

structure on the premises of any such owner or cause any damage thereto the Town Commissioners shall make good and repair all damages caused by such operations.

Power to make regulations prescribing the means and conditions by and under which carriages &c., shall be allowed to pass over the footways to go into and come out of adjoining premises.

15. It shall be lawful for the Town Commissioners to make such Regulations as they shall think proper, prescribing the means and conditions by and under which carriages, carts and other vehicles shall be allowed to pass over any footway to go into and come out of any premises adjoining or abutting on such footway, and to impose penalties and to provide the mode of enforcing the same for the breach of all or any of such regulations.

Regulations to be published in Royal Gazette.

All Regulations made under this Ordinance shall be published in the *Royal Gazette*.

16. It shall be lawful for the Town Commissioners to remove any bridge or other structure erected or standing over the side-drains of any street.

PART III.

DRAINAGE OF PREMISES INTO SIDE DRAINS OF STREETS.

Every building to be provided with suitable gutters and drains under the footway to carry off storm and other waters.

17. Every building or premises abutting on any street in the town shall be provided to the satisfaction of the Town Superintendent with proper and suitable gutters and drains under the footway to carry off the storm and other waters from such building and premises through such gutter or drain into the side drain of the street upon which such building or premises shall front or abut, and every such gutter or drain shall be properly covered with such materials and in such manner as the Town Superintendent shall approve.

Where there is no such gutter or drain or where the same is not properly covered, the owner of the premises may be called upon to provide such gutter or drain or to cover the same.

Whenever any building or premises abutting on any street in the town are not provided with any such proper and suitable gutter or drain or such gutter or drain is not properly covered to the satisfaction of the Town Superintendent as aforesaid, it shall be lawful for the Town Superintendent to serve a notice on the owner of such building or premises requiring him within a time to be specified in such notice to provide such gutter or drain and to cover the same as the case may be.

No. 11. *Port-of-Spain Streets Management.* 1900.

Notices, orders, demands of payment and any such document required or authorized to be served under this Ordinance may be served by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises they may also be served by post by a prepaid letter, if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, demand of payment or other document was properly addressed and put into the post.

Service of
Notices, &c.

Any notice by this Ordinance required to be given to the Owner or Occupier of any premises may be addressed by the description of the "Owner" or Occupier of the premises (naming them) in respect of which the notice is given, without further name or description.

MISCELLANEOUS.

23. All powers given to the Town Commissioners under this Ordinance shall be deemed to be in addition to and not in derogation of any other powers conferred upon the said Town Commissioners by any other Ordinance or law, and such power may be exercised in the same manner as if this Ordinance had not been passed.

Saving of
other powers
conferred on
the Com-
missioners by
other Ordi-
nances.

24. This Ordinance shall not extend to prejudice or derogate from the rights or powers vested in the Director of Public Works or the Tramways Company by the Electric Lighting Ordinance No. 4 of 1887.

Ordinance not
to affect the
rights and
powers of the
Director of
Public Works
or Tramways
Company
under the
Electric Light
Ordinance 4 of
1887.

25. The enactments specified in the Schedule I. to the Ordinance are hereby repealed to the extent mentioned in such Schedule provided that such repeal shall not affect any right accrued or any liability or obligation

Enactments
repealed.

No. 11. Port-of-Spain Streets Management. 1900.

incurred before the passing of this Ordinance or any remedy or proceedings to give affect to or otherwise in respect of any such right, liability or obligation.

Passed in Council this twelfth day of March, in the Year of Our Lord One thousand nine hundred.

S. W. KNAGGS,
Clerk of the Council.

No. 11. *Port-of-Spain Streets Management.* 1900.

SCHEDULE I.

ENACTMENTS REPEALED.

TITLE AND EXTENT OF REPEAL.

No. 28 of 1868. An Ordinance for regulating the laying out of New Streets and the Construction of Buildings in the Town of Port-of-Spain. In Part : viz. sections 24, 27, 28, 29, 30, 31.

SCHEDULE II.

PORT-OF-SPAIN STREETS MANAGEMENT ORDINANCE, 1899.

SECTION II.

NOTICE OF APPORTIONMENT.

To the Owner of premises Number _____, Street in the T
of Port-of-Spain.

WHEREAS the Port-of-Spain Town Commissioners in exercise of the power vested in them by Section 13 of the Port-of-Spain Streets Management Ordinance, 1900, have caused the footway (or a portion of the footway, as the case may be) on the _____ side of the street known as _____ street, in the Town of Port-of-Spain, to be paved (or repaved, as the case may be); And Whereas the expenses incurred by the said Commissioners in such paving amount to the sum of \$ _____, one half thereof being the sum of \$ _____; And Whereas the Town Superintendent has made an Apportionment of the said sum of (the half of the total expenses incurred) among the several premises fronting, adjoining or abutting on such footway; And Whereas such apportionment (with certain modifications or additions, if there be any such) was approved by the said Commissioners at a meeting of the said Commissioners 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 Number _____, Street,

WHEREFORE Take Notice that the said sum of \$ _____ is due and payable by you to the said Commissioners 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.

No. 11. *Port-of-Spain Streets Management.* 1900.

And further Take Notice that, until payment of the said sum of \$ (the apportioned share) and interest thereon as aforesaid, the said premises shall stand and remain charged with the said sum of \$ (the apportioned share) or so much thereof as shall from time to time remain unpaid, with interest thereon at the rate above-mentioned.

Town Clerk and Treasurer,
(or, *Town Superintendent.*)

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.

Town Clerk and Treasurer,
(or, *Town Superintendent.*)
