

TRINIDAD AND TOBAGO.

No. 36—1915.

*Vide 47/1916**Repealed by Sec. 46 of 36/1918*

I ASSENT,

[L.S.]

S. W. KNAGGS,  
*Acting Governor.*

29th December, 1915.

AN ORDINANCE to amend the Port-of-Spain Corporation  
Ordinance, 1914.

[29th December, 1915.]

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

1. This Ordinance may be cited as the Port-of-Spain Corporation (Amendment) Ordinance, 1915, and shall be read as one with the Port-of-Spain Corporation Ordinance, 1914, which is hereinafter referred to as the Principal Ordinance. Short Title.

2. The proviso to Section 13 (4) of the Principal Ordinance is hereby repealed, and instead thereof shall be read the following:— Amendment of proviso to Section 13 (4) of the Principal Ordinance.

“ But a person shall not be so disqualified or be deemed to have any share or interest in such contract or employment by reason only of his having any share or interest in—

“(a.) any lease, sale or purchase of land or any agreement for the same;

“(b.) any agreement for the loan of money, or any security for the payment of money only ;

“(c.) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted ;

“(d.) any company which contracts with the Council for lighting or insuring against fire any part of the city ;

“(e.) any company incorporated by Act of Parliament or Royal Charter, or under the Companies Ordinance, 1913.”

Amendment of Section 48 of Principal Ordinance. **3.** Section 48 of the Principal Ordinance is amended by inserting the words “the Town Clerk or” after the word “before” in the second line thereof.

Amendment of Section 122 of the Principal Ordinance. **4.** Section 122 of the Principal Ordinance is amended by inserting at the end thereof the following words, to be numbered as a new sub-section (4) :—

(4.) Upon any appeal to the Commissioner under this section, the Commissioner may order the party against whom the same is decided to pay to the other party such costs as the Commissioner may think proper.

Amendment of Section 137 of the Principal Ordinance. **5.** Section 137 of the Principal Ordinance is amended by striking out :—

(a.) The word “March” in line 2 thereof and inserting in lieu thereof the word “December” and

(b.) The word “April” in line 5 thereof and inserting in lieu thereof the word “January.”

Amendment of Section 138 of Principal Ordinance. **6.** Section 138 of the Principal Ordinance is amended by inserting the words “forming and laying out” after the word “towards” in the fourteenth line thereof.

7. The tenth schedule of the Principal Ordinance is hereby repealed, and in lieu thereof, shall be inserted the following:—

Amendment  
of the tenth  
schedule of  
the Principal  
Ordinance.

*“Tenth Schedule.*

The area comprised within the following boundaries:—

“On the North by the premises on the northern side of Park Street between the Dry River and Abercromby Street;

“On the South by the premises on the southern side of Marine Square south, between the Dry River and Abercromby Street;

“On the East by the Dry River between Marine Square south and Park Street; and

“On the West by the premises on the western side of Abercromby Street between Marine Square south and Park Street.”

8. Section 253 (1) of the Principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:—

Amendment  
of Section  
253 (1) of the  
Principal  
Ordinance.

“(1.) It shall not be lawful for any person to sell or offer or expose for sale any marketable commodity in any street of the City within the area described in the Tenth Schedule to this Ordinance.”

9. Section 153 of the Principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:—

Amendment  
of Section  
153 of the  
Principal  
Ordinance.

“All streets which are now or which may at any time hereafter be repairable by the Corporation and the pavements, stones and other materials thereof, and the whole subsoil of such streets shall vest absolutely in the Corporation.”

10. Section 155 of the Principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:—

Amendment  
of Section  
155 of the  
Principal  
Ordinance.

“155.—(1.) No person shall break up or open the surface, pavement or soil of any street in the

City repairable by the Corporation, or lay any pipe or wire, or any other matter or thing whatsoever in or under any such street or any part of the subsoil thereof for any purpose whatsoever, or place or erect any pole, post, hoarding or barricade in any such street, without the previous consent of the Corporation; and every person offending against this enactment shall be liable to a penalty not exceeding Twenty Pounds, and to a further penalty of Five Pounds for every day that any pipe, wire, post, pole, hoarding or barricade or any other matter or thing shall remain so laid or erected after written notice of the offence from the Corporation.

“ 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.”

(2.) The Corporation may, by resolution or by agreement under their Common Seal, 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 them, 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 subsoil thereof, or to place or erect any pole, post, hoarding or barricade in any such street, upon such terms and conditions as the Corporation shall in each case think proper.”

Crossings for  
vehicle across  
footpath.

11. Section 193 of the Principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:—

“193. 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 Corporation shall give notice in writing of such desire to the Council, and the Council, upon being satisfied of the necessity for such entrance,

and upon deposit by such person of the estimated cost of the work, shall execute the same at the cost of such person."

12. Sections 195 to 203 inclusive of the Principal Ordinance are hereby repealed. Repeal.

13.—(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 a height of not less than 10 feet from the footway abutting on such building, and so that the same shall not project more than 12 inches over such footway, measured at right angles to the front wall of such building. 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 license from the Corporation. License for erection of certain signs.

(3.) In granting any license under this section, the Corporation 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 Corporation.

\* (4.) A license granted by the Corporation under this 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 City Engineer.
- (b.) Any change is made in any sign or any part thereof.
- (c.) Any sign or any part thereof shall fall either through accident, decay or any other cause.
- (d.) Any addition or alteration be 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.
- (e.) The building over, on or to which the sign is placed or attached becomes unoccupied.

- Awnings. **14.** 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. **15.** 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 10 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 or company, and the name of the trade or business carried on in such premises printed or painted on such blind, shade or awning.
- Advertising on awnings.
- Advertising on footways. **16.** 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.
- Hanging goods over footway. **17.** It shall not be lawful for any person to fix, hang or expose any merchandise so that the same shall project or hang over any part of any footway or street.
- Signs contrary to Ordinance may be removed. **18.** If any sign is erected or retained contrary to the provisions of Sections 13 to 17 inclusive of this Ordinance, or after the license for the erection, maintenance or retention thereof shall have expired or become void, it shall be lawful for the Corporation to cause the same to be removed and taken away after giving six hours notice in writing to the occupier or owner of the premises of the Corporation's intention so to do, and the expenses of and incidental to such removal shall be recovered in a summary manner as a fine in addition to the penalty incurred for breach of the provisions hereof.
- Interpretation. **19.** In Sections 13 to 18 (both inclusive) the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:—
- “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 roadway.

“Street” means the space between the side drains of any roadway, and shall include such side drains.

20. Any person offending against any of the provisions of Sections 13 to 18 (both inclusive) of this Ordinance shall for every such offence be liable to a penalty not exceeding £5, and to a further daily penalty not exceeding twenty shillings for every day during which he shall continue such offence after service on him of a notice by the Corporation in writing requiring him to remove any signboard, matter or thing erected or retained contrary to the provisions of this Ordinance. Penalty.

21. Section 256 (1) of the Principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:— Amendment of Section 256 (1) of the Principal Ordinance.

“(1.) No fresh fish for sale shall be landed on any part of the foreshore within the limits of the City except at such place or places (if any), and upon payment of such fees and upon such conditions as may from time to time be appointed and prescribed by the Corporation. Notice of any landing place appointed under this section shall be published in the *Royal Gazette* and in at least one local newspaper circulating in the City.”

22. Section 257 (3) of the Principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:— Amendment of Section 257 of the Principal Ordinance.

“(3.) The Corporation may from time to time grant to any person a license authorising such person to offer or hawk about for sale or sell fresh fish in the streets in any part of the City not comprised within the area described in the Tenth Schedule to this Ordinance, and every such license shall be granted for such period, on payment of such sums, and upon such conditions as the Corporation may from time to time prescribe.”

Amendment  
of Section  
269 (2) of the  
Principal  
Ordinance.

23. Section 269 (2) of the Principal Ordinance is hereby amended by inserting after the word "King" in the 5th line thereof, the words "and the feeding and watering of animals taken there."

Corporation  
may under-  
take feeding of  
animals at the  
Abattoir on  
default of  
owner and  
recover cost.

24.—(1.) Where any owner makes default in complying with any bye-law or regulation made under Section 269 (2) of the Principal Ordinance, imposing any duty on him with respect to any animal belonging to him, it shall be lawful for the Corporation, without prejudice to their right to institute summary proceedings for the breach of such bye-law or regulation, 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.

(2.) Where default is made by any owner in payment of any expenses due to the Corporation under Part XII of the Principal Ordinance, or under any bye-laws or regulations made thereunder, it shall be lawful for the Corporation to recover the expenses so due by summary proceedings before the Magistrate or by sale of any animal of the owner then in the Slaughter House or Detention Station.

(3.) Any sale under this section shall be by public auction, after seven days advertisement thereof, and the Corporation shall apply the proceeds of such sale in or towards the payment of the costs and expenses of such sale, and secondly in or towards 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.

Amendment  
of Section 271  
of the  
Principal  
Ordinance.

25. Section 271 of the Principal Ordinance is amended by adding the following words at the end of the section:—

"And the expenses incurred in destroying or in having the same kept apart and dealt with according to the directions of the Inspector shall be paid to the Corporation by the owner of such animal, carcase, meat, poultry, game, fish, vegetables or provisions, as the case may be."

26. Section 278 of the Principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:—

Amendment  
of Section 278  
of the  
Principal  
Ordinance.

“278.—(1.) The Corporation may sell, subject to such conditions as they 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.

(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 Corporation may from time to time prescribe.”

27. The Twelfth Schedule of the Principal Ordinance is hereby repealed.

Repeal.

28. Section 279 of the Principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:—

Amendment  
of Section 279  
of the  
Principal  
Ordinance.

“279.—(1.) The keeper of every Cemetery under the control of the Corporation shall keep a register in which shall be entered the name of every person to whom the exclusive right of 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 assignment, bequest, or otherwise, and such other particulars as the Council may from time to time by resolution prescribe.

(2.) The exclusive right of burial in any part of any Cemetery under the control of the Corporation shall be considered as the personal estate of the grantee or of any other person for the time being entitled thereto.

(3.) Every assignment of the exclusive right of burial, whether granted by the Corporation or by any of the preceding Port-of-Spain Corporations, shall be in such form and executed in such manner as the Council may from time to time by resolution prescribe; and such assignment may, if the Corporation so require, be endorsed on the original grant.

- (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 any Cemetery under the control of the Corporation 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 on 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 Corporation or such officer thereof as may be authorised by the Council in that behalf to allow to be buried in such allotment any person shewn to the satisfaction of the Corporation 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.
- (5.) Where any person claiming to be entitled to the exclusive right of burial in any allotment in the Lapeyrouse Cemetery under or by virtue of an instrument granted by any of the preceding Port-of-Spain Corporations or by assignment or devolution or otherwise is unable to produce such instrument or to furnish strict legal proof of such right being vested in him, it shall be lawful for the Corporation, if they shall think fit, to grant the exclusive right of burial in such allotment to such person upon such terms and conditions as they may think proper; Provided that no such grant shall be issued except after public notice of the intention to issue the same shall have been inserted at the cost of the

applicant in at least one local newspaper circulating in the Colony once a week at the least in each of four consecutive weeks, and no objection to the issue of such grant has within the time named in such advertisement been lodged with the Corporation; or, in case any such objection is lodged with the Corporation, unless the Corporation is satisfied, after investigation, that the objector has not shewn any sufficient cause why such grant should not be issued to the applicant."

29. Section 280 of the Principal Ordinance is hereby repealed, and the following shall be inserted in lieu thereof:—

Amendment  
of Section 280  
of the  
Principal  
Ordinance.

"280. 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 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 to make such application, or upon a statutory declaration by the applicant that the body of the person to be buried is that of the father, mother, husband, wife, child, brother, or sister of the owner of the allotment."

30. Section 281 of the Principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:—

Amendment  
of Section 281  
of the  
Principal  
Ordinance.

"281.—(1.) Every person to whom the exclusive right of burial in any allotment in any Cemetery under the control of the Corporation has been granted or in whom such right becomes otherwise vested under this Ordinance, shall, within six months from the date when such right became vested in him, cause the area included in such grant to be enclosed with a proper enclosure to be approved by the Corporation, and shall

also, where such enclosure is a wooden one, cause the same to be properly painted to the satisfaction of the Corporation.

- (2.) Every person in whom the exclusive right of burial in any allotment in the Lapeyrouse Cemetery granted by any of the preceding Port-of-Spain Corporations is now vested shall, within three months from the commencement of this Ordinance, cause such allotment to be enclosed with a proper enclosure to be approved by the Corporation, and shall also, where such enclosure is a wooden one, cause the same to be properly painted to the satisfaction of the Corporation.
- (3.) The owner for the time being of the exclusive right of burial in any allotment in any Cemetery under the control of the Corporation shall at all times keep such enclosure in good and substantial repair, and, if a wooden one, properly painted, to the satisfaction of the Corporation; and shall cause his name to be marked in a suitable manner in some place in such allotment to be approved by the Corporation.
- (4.) Every person who makes default in complying with any of the requirements of this section shall be liable to a penalty not exceeding Five Pounds, and to a further penalty not exceeding Forty Shillings for every day that such default continues after notice thereof from the Corporation.
- (5.) Where any allotment in which the exclusive right of burial has been granted by the Corporation or by any of the preceding Port-of-Spain Corporations remains unenclosed for more than six months from the time when such allotment is required to be enclosed under the provisions of this Ordinance, or where any enclosure of any such allotment is not kept in good and substantial repair and, if a wooden one, is not also kept properly painted, to the

satisfaction of the Corporation, the Corporation may after one month's notice to the owner of the allotment of their intention to do so, declare the exclusive right of burial in such allotment to be forfeited, and thereupon it shall be lawful for the Corporation to dispose of such allotment or any part thereof as they may think fit ;

Provided always that the Corporation may at any time after any such forfeiture, on the application of the person in whom the exclusive right of burial was vested at the time of such forfeiture, re-grant such exclusive right of burial to such person upon such terms and conditions as the Corporation shall think fit."

**31.**—(1.) Section 315 of the Principal Ordinance is amended by adding at the end thereof the following proviso:—

Amendment  
of Section 315  
of the  
Principal  
Ordinance.

"Provided that in the case of barracks the owners thereof shall provide the prescribed receptacles for the reception of all house refuse from such barracks ; and every owner who offends against this proviso shall be liable to a penalty not exceeding 5/- for every day on which he so offends."

"(2.) For the purposes of this section the expression "Barracks" includes any building or collection of buildings divided into rooms occupied singly or in sets by persons of the poorer class, and to which there are a common yard and common conveniences."

**32.** Section 340 of the Principal Ordinance is amended by adding at the end thereof the following words:—

Amendment  
of Section 340  
of the  
Principal  
Ordinance.

"And such proportionate rate shall be due and payable on such date as may be fixed by the Corporation."

**33.** Section 424, Sub-section (2) of the Principal Ordinance is amended by striking out the words "two-thirds" in line 2 thereof, and inserting in lieu the words "one-half."

Amendment  
of Section  
424 (2) of the  
Principal  
Ordinance.

Authentica-  
tion of  
licenses  
granted by the  
Corporation.

34. All licenses which the Corporation are or may be authorised to grant under the Principal Ordinance or any other Ordinance existing or future, 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.

Duplicate  
license.

35. If any person to whom a license has been granted by the Corporation under the principal Ordinance or any other Ordinance existing or future, satisfies the Council that such license has been lost or defaced, the Council may, on payment of a fee of One Shilling, issue to him a duplicate license, and the duplicate so issued shall have the same effect as the original license.

Enclosure  
of lands.

36.—(1.) The owner of any lot of land in the City 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  
house with  
appurtenant  
lands.

(2.) The owner of any lot of land on which one or more houses may 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.

(3.) Any person who fails or neglects to comply with any requisition of the Corporation under this section within the time therein prescribed, shall be liable to a penalty not exceeding £5, and to a further penalty of 10/- for every day during which such non-compliance continues after notice thereof in writing from the Corporation.

Incidence of  
expense of  
enclosing.

37. Where the fence erected by the owner of any land in compliance with a notice served on him by the Council under the preceding section divides the land of such owner from the land of an 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.

38. The Corporation may by order prescribe the measures to be taken by vendors of marketable commodities at any market under their control for protecting such commodities from contamination by flies or dust or otherwise; Provided that no such order shall come into operation until 7 days after the same shall have been published in at least one local newspaper circulating in the City.

Protection of  
Marketable  
Commodities.

39.—(1.) It shall not be lawful for any person to remove any building from the site on 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.

Payment of  
rates on site  
before removal  
of house  
therefrom.

(2.) Every person who shall act in contravention of this section shall, on summary conviction, be liable to a penalty not exceeding Five Pounds.

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

40.—(1.) Where a structure is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood, the Commissioner on complaint by the Council may order the owner to take down or repair or rebuild such structure (hereinafter referred to as "a neglected structure") or any part thereof or to fence in the ground upon which it stands or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

Removal of  
dilapidated  
and neglected  
structures.

(2.) If the order is not obeyed the Council may with all convenient speed enter upon the neglected structure or such ground as aforesaid and execute the order.

(3.) Where 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 of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4.) All expenses incurred by the Council under this section in relation to a neglected 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 on demand to the owner of the structure; and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or the proceeds of the sale are insufficient to defray the said expenses, the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof 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.

Meaning of  
'Structure.

(5.) For the purposes of this section the expression "structure" includes any building wall or other structure and anything fixed to or projecting from any building wall or other structure.

Passed in Council this Tenth day of December, in the year of Our Lord one thousand nine hundred and fifteen.

J. M. FARFAN,  
*Acting Clerk of the Council.*