

TRINIDAD AND TOBAGO.

No. 44.—1917.

I ASSENT,

[L.S.]



J. R. CHANCELLOR,
Governor.

24th December, 1917

AN ORDINANCE relating to streets and buildings in certain Boroughs, suburbs, towns and villages in the Colony.

[24th December, 1917.]

BE 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 Streets and Buildings Ordinance, 1917. Short Title.

2. In this Ordinance, unless the context otherwise requires:— Interpretation.

“Scheduled locality” means any of the localities named and defined in Schedule I to this Ordinance or in any such proclamation as is provided for in Section 3 of this Ordinance;

“Director of Public Works” includes any officer authorised in writing by the Director of Public Works;



“ The Authority ” means in the case of the Boroughs of San Fernando and Arima, the Borough Council or any officer of such Council authorised in writing under the hand of the Town Clerk, and in all other cases the Director of Public Works ;

“ Street ” includes any highway and any public bridge and any road, lane, footway, square, court, alley or passage whether a thoroughfare or not, but shall not include a private road leading to a dwelling house ;

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

“ Domestic building ” means an out-building appurtenant to a dwelling house, or a shop or any other building not being a public building or a warehouse building ;

“ Warehouse building ” means a warehouse, factory, foundry and every other building not being a dwelling house or a domestic or public building ;

“ Habitable room ” means a room constructed or adapted to be inhabited ;

“ 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.

Application
of Ordinance.

3.—(1.) This Ordinance shall apply to the suburbs of the City of Port-of-Spain and to the boroughs, towns or villages, as the case may be, of San Fernando, Arima, Princes Town, St. Joseph and Tunapuna and Couva, in the Island of Trinidad and to the Town of Scarborough in the Island of Tobago as the same are respectively defined in Schedule I to this Ordinance.

(2.) The Governor in Executive Council may, by proclamation in the *Royal Gazette*, direct the provisions of this Ordinance to apply to any other town or village to be named and defined by boundaries in any such proclamation.

(3.) The Governor in Executive Council may, by proclamation in the *Royal Gazette*, alter amend or revoke any of the boundaries set out in Schedule I to this Ordinance or in any such proclamation as aforesaid.

(4.) A copy of the *Royal Gazette* purporting to contain any such proclamation as aforesaid shall be *prima facie* evidence of the due making and tenor of such proclamation.

4. From and after the commencement of this Ordinance a new street shall not be laid out or constructed in any part of a scheduled locality otherwise than subject to and in accordance with the regulations set out in Schedule II to this Ordinance, or any other regulations made under the powers conferred by this Ordinance in substitution for or in addition to such regulations.

Laying out
and construction
of new
streets.

5.—(1.) From and after the commencement of this Ordinance it shall not be lawful to add to or alter any building or to erect a new building otherwise than subject to and in accordance with the regulations set out in Schedule III to this Ordinance, or any other regulations made under the powers conferred by this Ordinance in substitution for or in addition to such regulations.

Alteration to
or erection of
buildings.

(2.) A building shall be deemed to be new whenever the external walls have not been carried higher than the footings previously to the seventeenth day of December, 1917.

(3.) Whenever any old building has been taken down to an extent exceeding one half of such building, measured in cubic feet, the rebuilding thereof shall be deemed to be the erection of a new building, and every portion of such old building not in conformity with the regulations hereinbefore in this section referred to shall be forthwith taken down.

6.—(1.) The Governor in Executive Council may add to, amend, alter or revoke the regulations mentioned in the

Regulations.

two last preceding sections and may also make such other and further regulations as are necessary for the purpose of carrying out the provisions of this Ordinance.

(2.) All such regulations shall be published in the *Royal Gazette*.

Ruinous
buildings.

7.—(1.) If any building of any kind or any part thereof whatsoever is in such a decayed or ruinous state as to be likely to cause injury or damage to the inmates, the general public or neighbouring property, it shall be lawful for the Authority to serve a notice upon the owner or occupier thereof requiring him either to pull down and remove such building or part thereof, or to take such steps as in the opinion of the Authority may be necessary to render such building safe, within a time to be specified in such notice.

(2.) If such order is not complied with within the time specified, the Authority may cause the building to be shored up or otherwise secured and a proper hoarding or fence to be put up for the protection of passengers at the expense of the party upon whom such notice is served.

(3.) The Authority may also make complaint of the aforesaid failure to comply with the notice before a Magistrate, and it shall be lawful for such Magistrate to order the owner to take down, repair or otherwise secure to the satisfaction of the Authority such building or any part thereof within a time to be fixed in such order.

Fencing of
lands.

8. The Authority may, by written notice to the owner of any land adjoining any street or road, require such owner to fence such land to its 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 its satisfaction.

Encroachment
upon streets.

9.—(1.) Any person who encroaches on any street or on any part thereof by :—

- (a.) Erecting thereon any structure of any kind whatsoever ; or
- (b.) Erecting, planting, or digging thereon, any fence, hedge, ditch, arch, bridge or drain ; or
- (c.) In any other manner whatsoever ;

is liable to the punishment in this Ordinance provided for acting in contravention of the provisions thereof.

(2.) It shall be lawful for the Authority to remove every such obstruction or to cause such structure, fence, hedge, ditch, arch, bridge, drain or other encroachment, to be taken down or filled up or opened at the expense of the party offending.

10.—(1.) At all reasonable times during the progress of any building affected by this Ordinance, or any regulation made thereunder, it shall be lawful for the Authority to enter and inspect such building. Power of entry and inspection.

(2.) Any person refusing to permit the Authority to enter and inspect such building or refusing or neglecting to afford such authority all reasonable assistance in such inspection, is liable to the punishment in this Ordinance provided for acting in contravention of the provisions thereof.

11. Any person who acts in contravention of any of the provisions of this Ordinance or of the regulations under it, or who shall fail to comply with any notice or order made by virtue of this Ordinance or of any regulations made thereunder, is liable to a penalty not exceeding £10, and in the case of a continuing offence to a further penalty not exceeding £1 for every day during which such offence continues after written notice thereof from the Authority, and in default of payment to imprisonment for a term not exceeding three months, with or without hard labour. Penalties.

12. All penalties charges and expenses made payable under the provisions of this Ordinance or of any regulation made thereunder and all proceedings taken to enforce any order under this Ordinance or any regulations made thereunder may be taken, recovered or enforced before a Magistrate in the manner provided by the Summary Conviction Offences (Procedure) Ordinance, No. 1. Procedure.

13. Service of any notice under this Ordinance or any 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 Service of Notices.

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 relates.

Repeal

14. The Port-of-Spain Suburban Building Ordinance (No. 221), the San Fernando and Princes Town Building Ordinance (No. 222) and the Scarborough Building Ordinance, 1913, are hereby repealed.

Passed in Council this Fourteenth day of December in the year of Our Lord one thousand nine hundred and seventeen.

HARRY L. KNAGGS,
Clerk of the Council.

SCHEDULE I.

- Suburbs of (a.) The Suburbs of Port of-Spain comprise the area which is bounded:—
Port-of-Spain.
- On the East—by a line, commencing from the sea, parallel with the ridge of the Laventille Hills and passing through the Governor's Pool on the Eastern Main Road, and continuing along the ridge of the said hills as far as Laventille Church, thence continuing in due North and South direction until it reaches the ridge of the Belmont Hills, thence along the ridge of the said hills until it strikes a point lying due South of the centre of the junction of the Fond des Amandes and Ariapita Roads, from the latter mentioned point continuing due North to the said junction of the Fond des Amandes and Ariapita Roads.
- On the North—by a line drawn in a westerly direction from the centre of the junction of the Fond des Amandes and Ariapita Roads to the centre of the South abutment of the second bridge on the Saddle road over the Maraval river.
- On the West—by a line drawn through the centre of the above mentioned abutment to the centre of the junction of the Fort George road with the Western Main road and continuing in that line to the sea.
- On the South—by the Sea.
- But save and except the area contained within the city of Port-of-Spain as the same is from time to time defined in or under the provisions of the Port-of-Spain Corporation Ordinance, 1914.
- San Fernando. (b.) The Borough of San Fernando comprises the area described in Section 3 of the Municipal Corporations (San Fernando Amendment) Ordinance, 1912.

(c.) The Borough of Arima comprises the area which is bounded :—

Arima.

On the North—by a straight due east line from the branch of the Mauxiquita Ravine (shewn on the plan of the said Borough deposited in the office of the Engineer in Charge of Surveys in Port-of-Spain) crossing the eastern boundary of the Calvary land at a point 243 feet and 6 inches south of its northern extremity and extending to the Arima River; thence following the right bank of the Arima River downwards until met by the Eastern boundary.

On the South—by the boundary line between Mr. de Gannes' land and the Railway Reserve produced in a westerly direction to meet the Mauxica River and from the north-eastern corner of Mr. de Gannes' land by a straight line bearing East 11 degrees 31 minutes North to a point about 188 feet to the eastward of the Cucurite or Tumpuna Road.

On the East—by a due southern line from the Arima River crossing the Eastern Road exactly at the top of hill known as the Pijiguau Hill and produced to meet the southern boundary of the Borough.

On the West—by the branch of the Mauxiquita Ravine and left bank of Mauxica River as far as the western extremity of the southern boundary.

(d.) Princes Town comprises the area which is bounded :—

Princes Town.

On the North—by the boundary of the Malgretoute Estate from the iron bar at the western end to the Ciperio tranline, thence to the Glenroy Estate boundary on the North Mission Road, thence by the Glenroy Estate boundary to the entrance of the Hard Bargain Road.

On the South—by a line running in a south-easterly direction from St. John's Garden to the Lothians entrance of the Circular Road, thence in a north-easterly direction to the Broomage boundary on the Lengua Road.

On the East—by a line running in a south-easterly direction from the entrance of the Hard Bargain Road to the Craignish boundary on the Royal Road to Monkey Town, thence in a south-westerly direction to the Broomage boundary on the Lengua Road.

On the West—by a line running south from the iron bar at the western extremity of the Malgretoute Estate to St. John's Garden.

(e.) St. Joseph and Tunapuna comprise the area which is bounded :—

St. Joseph and
Tunapuna.

On the North—by a line beginning at the junction of the eastern boundary of the St. Ann's Ward with the northern boundary of the Buena Vista Estate and running east along their boundary across the St. Joseph River to the Maracas Road, thence south-east along the Maracas Road to the St. Joseph River, thence along the course of the St. Joseph River to Richmond Street in the Town of St. Joseph; thence in an easterly direction across lands of Santa Margarita Estate; thence along the northern boundary of the lands of Jessie McLeod; thence through unalienated lands of the Santa Margarita and Santa Rita Estates, in a line with the northern boundary of the Whinfield Estate to the Tunapuna River; thence north along the course of the Tunapuna River to a point west of the Tunapuna Reservoir; thence along a line running east and passing north of the Tunapuna Reservoir to the El Dorado Road.

On the South—by a line beginning on the eastern boundary of the St. Ann's Ward at a point south of the Valsayn Farm Buildings and running east across the St. Joseph River to a point on the Southern Main Road about 740 feet south of the 7th mile post; thence south along the Southern Main Road to the north-western boundary of the Curepe Estate; thence east along the northern boundary of the Curepe Estate, thence

south along the western boundary of lot 87, thence east across lot 87 in a line with the southern boundary of lots 83, 78, 75, 46, 45; thence north along the western boundary line of Streatham Lodge Estate to the Government Railway; thence east along the Government Railway to the western boundary of El Dorado Estate and Back Street.

On the East—by a line commencing from the point where the northern boundary of the district meets the El Dorado road, proceeding south along the El Dorado road to its junction with the Eastern Main road; thence east along the Eastern Main road to its junction with Back Street; thence south along Back Street and El Dorado Estate boundary to the Government Railway.

On the West—by the eastern boundary of the St. Ann's Ward.

Couva. (f.) Couva comprises the area which is bounded :—

On the North—by a line from the north-western corner of the Anglican Church land running in an easterly direction to the 27 $\frac{3}{4}$ mile post on the Southern Main Road.

On the South—by a line from the 29th mile post on the Southern Main Road running in a south-easterly direction to the Couva River.

On the East—by a line from the 27 $\frac{3}{4}$ mile post on the Southern Main Road running south along Isaac Street and thence to the Couva River.

On the West—by a line from the north-western corner of the Anglican Church land running south to the 29th mile post on the Southern Main Road.

Scarborough. (g.) The Town of Scarborough comprises the area which is delineated in the plan signed by Edward R. Smart, Esquire, Engineer in Charge of Surveys, dated the 5th day of August, 1910, and deposited in the office of the Warden of Tobago, and the Crown Lands Office, Port-of-Spain, and comprised within the boundary lines marked thereon by the letters A to O running in alphabetical order from point A to point O and from O to A, and is bounded as follows :—

The Southern boundary shall commence at the junction of the Fort Main Road and Mackay Hill Street at point marked A on plan, thence run along the south side of Mackay Hill Street to point B, thence to point C, thence along a line through Sans Souci to the Windward Main Road at point D, thence to point E and thence along the centre of the ravine to the sea at point F.

The Western boundary shall commence at the sea at point F and run in a north-westerly direction along the sea coast to point G, thence along the south-western boundary of the Customs premises and the jetty to point H, thence along the sea to the west of the Customs premises to the point I, thence along the sea coast to the junction of the Plymouth Main Road at point J, thence along the eastern side of the Plymouth Main Road to point K.

The Northern boundary shall commence at point K, and run in a straight line to point L at the northern side of the first bridge on the North-side Main Road and thence along the north bank of Cook's River to the point M, thence in a south-easterly direction to meet Rose Hill Street at point N, and thence along the north side of Rose Hill Street to its junction with the Calder Hall Main Road at the point O.

The Eastern boundary shall commence at point O and run in a southerly direction along the western side of the Calder Hall Main Road, and the eastern side of the old Park and Fort Main Roads terminating at Point A.

SCHEDULE II.

REGULATIONS FOR THE LAYING OUT AND CONSTRUCTION OF
NEW STREETS.

1. Every person who shall intend to lay out a new street shall give to the Authority notice in writing of such intention, and shall, at the same time deliver to the Authority a plan of such intended street to a scale of not less than one inch to every 50 feet, shewing the points of the compass, the names of the owners of 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. The Authority shall within thirty days after the delivery of the said plan signify in writing its approval or disapproval of the proposals shewn on the said plan and the laying out of street and lots shall be done in accordance with any amendments to such plan as the authority may require. A copy of the approved plan shall be furnished by the aforesaid person for deposit in the Office of the Authority. Approval or Disapproval.

3. Every person who shall intend to construct a new street, shall, after the plan of its laying out has been approved and before beginning such construction, give notice in writing to the Authority of the date on which such construction is to be commenced, and the Authority 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 in contravention of any of the regulations 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 regulations or plan, to be amended, or to do any thing that may be required by any regulations 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 Authority of such completion. Notice before commencement.

4.—(1.) Every new street shall have a width of at least 33 feet, unless a lesser width shall in any case be consented to by the Authority, who shall determine, in each case, what proportions of such width shall be laid out as a carriage way and footway respectively. Widths.

(2.) The width shall be taken to mean the whole space dedicated to the public measured at right angles to the direction of such street.

5. Every such street with the proper side walks and drains shall be formed, levelled, drained, paved, gravelled or macadamized to the satisfaction of the Authority. Drainage levelling, &c.

6. The expense of construction shall be borne and paid by the owner: but after completion, the charge of maintenance shall be borne in the case of streets in San Fernando and Arima, by the respective Councils of the said boroughs and in other cases by the Government. Expenses of construction and maintenance.

SCHEDULE III.

REGULATIONS RELATING TO NEW BUILDINGS.

- Floor level. 1. 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 Authority.
- Walls. 2. All external or party walls shall be constructed of brick, brick-nogging, stone, concrete, concrete nogging, or such other material as the authority in its discretion may approve, and all roofs or flats and every gutter, dormer, or other erection placed on flat or roof shall be covered with slate, tiles or metal or such other incombustible material as the authority in its discretion may approve, except that doors, door-frames, windows and window-frames of such dormers and other erections may be of wood.
- Provided that the walls of any building (not being a kitchen) may be of wood unless such building is within fifteen feet of an adjoining lot not belonging to the same owner.
- Projections. 3. Every balcony, verandah or other projection shall be constructed of incombustible material to the satisfaction of the Authority, but the flooring may be of wood and the pillars, balustrades or other supports of hard-wood.
- Kitchens. 4. In every kitchen the external walls and (if it form part of any domestic building) the partitions shall be built of the materials described in Regulation 2 above, and the floor shall be constructed of or protected by some incombustible material to the satisfaction of the Authority.
- Ground floor level. 5. The level of the ground floor of every building shall be at least 6 inches higher than the highest point of the contiguous ground.
- Ground floor of dwelling houses. 6. The underside of the floor of any dwelling house shall be at least two feet above the surface of the underlying ground.
- Open space in front of dwelling house. 7. There shall be left between the face or building line of every dwelling house and the street alignment an open space of at least 4 feet, which shall be free from any erection thereon above the level of the ground, except a porch or step or other like projection from the building, or a gate, fence or wall.
- Open space in rear of dwelling house. 8. There shall be provided at the rear of every dwelling house an open space exclusively belonging to such building of an area of not less than 100 square feet, free from any erection thereon, and on each side of such dwelling house an open space not less than 3 feet wide, extending along the entire depth of such building and exclusively belonging thereto.
- Habitable rooms. 9. Every habitable room shall be in accordance with the following specification:—
- (a.) The clear superficial area shall be not less than 100 square feet and the length or width shall be not less than 6 feet:
 - (b.) The height, if the room is an attic or a room wholly or partly in the roof of the building shall be, for at least two-thirds of the area, not less than 9 feet in height:
 - (c.) The height, if the room is not an attic, or a room wholly or partly in the roof of the building, shall not in any part be less than 10 feet from the floor to the wall-plate:
 - (d.) Except where there is a ceiling, the under side of the roof shall be close-boarded.

10. Every dwelling house shall have in the walls of each storey which shall immediately front or abut on such open spaces as, in pursuance of the regulation 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. Ventilation of dwelling houses.

11. Every domestic building shall have in every habitable room one window, at least, opening directly into the external air or into an unenclosed 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 least may be opened so that the opening in every case shall extend to the top of the window; but a room having no external wall or a room constructed wholly or partly in the roof may be ventilated by a dormer window or sky-light, provided that such dormer or sky-light shall have a clear superficial area equal to at least one-tenth of the area of the room and constructed as described above. Ventilation of Domestic Buildings.

12. Every such habitable room shall in addition to the doors or windows described in the last preceding regulation, 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 a gallery or verandah, which, as regards the ventilation thereof satisfies the requirements of any regulations in force with respect to the ventilation of a habitable room or which is otherwise adequately ventilated to the satisfaction of the Authority; but this regulation shall not apply where the windows or the upper parts of the doors required in the two last preceding regulations consist of standing jalousies or are otherwise so constructed as in the opinion of the Authority to afford adequate and free ventilation at all times. Ventilation through jalousies, etc.

13. Every habitable room in any building which is not provided with more than the minimum ventilating area laid down in the preceding regulations shall also have along the entire length of at least two sides an open space of at least 3 inches placed not more than 2 inches above the level of the floor: and a similar opening of at least equal length below the ceiling or close-boarding. These openings may be protected by louver boards of any width desired. Floor and ceiling ventilators.

14. Every person who shall construct a privy in connection with a building shall construct the same in accordance with the following regulations:— Privies.

- (a.) He shall cause the pit of such privy to be dug not less than 4 feet deep with a clear internal area of not less than 12 square feet.
- (b.) He shall cause the sides of the pit to be constructed of cement concrete not less than 6 inches thick carried up to a height of not less than 12 inches above the floor level.
- (c.) Where water is reached at a less depth than 4 feet, the bottom of the pit shall be constructed of cement concrete and the pit shall be made water-tight.
- (d.) The minimum dimensions of the privy building shall be 4 feet in length by 3 feet in width, and 7 feet in height up to the wall plate.
- (e.) Every privy shall have a suitable door, and shall be ventilated in the upper part of the opposite side by means of openings not less than three square feet in aggregate area, and communicating directly with the open air.
- (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 ten feet therefrom.
- (g.) Every 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 removing the contents and cleansing the same.
- (h.) The pit of every privy shall be effectively secured from mosquitoes and flies.

Drainage.

15. Every person who shall erect a new building shall provide in connection therewith good and sufficient surface drains, constructed and graded to the satisfaction of the Authority, delivering into the side channel of an adjacent street or such other channel as the Authority 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.

Filling of yards.

16. The owner of every building in connection with which there is an open space, shall, whenever in the opinion of the Authority it is necessary, raise the level of such open space with gravel or approved dry soil to such level as the Authority may direct, to ensure good drainage.

Notice of intention to build.

17.—(1.) Every person who shall intend to erect a new building or to alter a building shall give to the Authority at its office, notice in writing of such intention together with a dimensioned plan and section or a fully detailed description of such intended building, which shall show the position, form, and dimensions of the several parts of such buildings, and he shall also at the same time give a description in writing of the materials to be used and of every latrine, and every other appurtenance and whether the building is to be used as a dwelling house or otherwise.

(2.) Every such person shall, whenever required by the Authority deliver to it a block plan of such building drawn to a scale of not less than 50 feet to one inch, which shall show the position of the building and its appurtenances and of the buildings and 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.

(3.) The Authority shall, within seven days after the delivery to it of such notice, signify in writing its approval or disapproval of the intended work.

(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 Authority 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.

Access for inspection.

18. 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 Authority and his or their duly authorized assistants free access to such work for the purpose of inspection; and shall, within 14 days after the completion of any such work deliver to the Authority 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 Authority 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 by any such regulations may 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 Authority a notice in writing of the completion of such work.