

MUNICIPAL ORDINANCE (S.S. CAP. 133)

- **MUNICIPAL (SELANGOR)(AMENDMENT)
ENACTMENT 9/1959 (BI)**
- **MUNICIPAL (SELANGOR)(AMENDMENT)
ENACTMENT 3/1960 (BI)**
- **MUNICIPAL (SELANGOR)(AMENDMENT)
ENACTMENT 15/1960 (BI)**

amended by 25/38, 30/39, 45/40; 52/40; 31/41; 9/41, 30/46, 36/48

Title of Government Council altered to High Commission in Nominated Council

Hud. En. 3/58 Act 7/167

" 12/59

" 14/59

" 1/60

" 9/60

" 7/1/67

CHAPTER 133.

MUNICIPAL.

" 3/60
" 15/60

M. 1/1/63

Am. Act. 48/65

" 1/68

1/19/58
1/2/60
1/1/60

FM Ord. 30/49, 53/50, 57/51

65/50
O 20/51
O 26/54
O 27/55
O 45/56
O 82/57
1/1/58

Murray,
No. 135
Ordinances
Nos. 8 of 1913,
22 of 1914,
28 of 1915,
9 of 1916,
10 of 1918,
22 of 1919,
18 of 1920,
27 of 1920,
29 of 1920,
14 of 1921,
26 of 1921,
17 of 1922,
37 of 1922,
28 of 1923,
13 of 1925,
17 of 1925,
8 of 1927,
20 of 1927,
1 of 1929,
11 of 1931,
14 of 1934,
19 of 1935,
25/37
23/38

To amend and consolidate the law with regard to Municipalities.

[1st June, 1913.]

Part I.

PRELIMINARY.

1. This Ordinance may be cited as the Municipal Ordinance.

2.—(1) Any by-law, rule, regulation, budget, assessment-list, scheme, licence, contract, permission or document made or granted under any previous Municipal Ordinance shall continue in force as if it had been made or granted under this Ordinance so far as the same ~~are~~ applicable to the provisions hereof.

(2) Any officer or servant appointed, any body elected or constituted and any office established under any previous Municipal Ordinance or under the Jirrikisha Ordinance, 1900, or the Hackney Carriage Ordinance, 1879, shall, except where hereinafter otherwise expressly provided, continue and be deemed to have been appointed, elected, constituted or established, as the case may be, under this Ordinance.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 5 of the Interpretation Ordinance (Chapter 2) with regard to the effect of repeals.

3. In this Ordinance and in any rules or by-laws made thereunder, unless there is something repugnant in the subject or context—

"President" means the officer for the time being lawfully performing the duties of the office of President of the Commissioners and includes a Deputy President;

Short title.

Continuance of by-laws and officers.

his induction

Interpretation.

Subs. O. 4/58

"Health Officer" means the officer for the time being performing the duties of Health Officer to the Municipality and includes Assistant Health Officer;

"Street" includes any road, square, footway or passage, whether a thoroughfare or not, over which the public have a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more houses, whether the public have a right of way thereover or not; and all channels, drains and ditches at the side of any street shall be deemed to be part of such street;

"Public street" means any street over which the public have a right of way which is or has been usually repaired or maintained by the Commissioners or which has been conveyed to them or has become vested in them under this Ordinance or under other the Municipal Ordinance for the time being in force or in any other manner;

"Footway" includes five-foot-ways and verandahs at the sides of streets;

"Arcade" includes verandah;

"Premises" includes messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

"Building" includes any house, hut, shed or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, staging, gate, post, pillar, paling, frame, boarding, slip, dock, wharf, pier, jetty, landing-stage or bridge, or any structure connected with the foregoing;

"House" includes dwelling-house, warehouse, office, counting-house, shop, school, and any other building in which persons are employed;

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"A place of public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church, chapel, mosque, temple or other place where public worship is or religious ceremonies are performed, not being merely a dwelling-house so used, or as a theatre, public hall, public concert room, public ballroom, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto by ticket or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose;

"Sky-sign" means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things, or any erection of a like nature, or any visible object which floats or is kept in position by wire or other flexible attachment, displayed for the purposes of trade or professional advertisement, in such a position as to be conspicuously visible against the sky above the general level of the roofs of surrounding buildings from any street or public place;

"Annual value", as used of a house or building or land or tenement, not being a wharf, pier, jetty or landing-stage, means the gross amount at which the same can reasonably be expected to let ~~in average years~~, the landlord paying the expenses of repair, insurance, maintenance or upkeep and all public rates and taxes; and, as used of a wharf, pier, jetty or landing stage, means the gross amount at which the same can reasonably be expected to let ~~in average years~~, the tenant paying the expenses of repair and maintenance or upkeep.

from year to year and

from year to year and

Provided that in estimating the annual value of any premises in or upon which there is any machinery used for the following purposes or any of them:—

- (a) the making of any article or part of an article; or

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“Owner” means the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or as receiver or who would receive the same if such premises were let to a tenant, and shall, for the purposes of sections 145 and 148 and of Part XIV., include a mortgagee not in possession;

“Occupier” means the person in occupation of the premises in respect of which the word is used or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

“Horse” includes pony;

“Dairy” includes any cowshed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

“Trade refuse” means the refuse of any trade, manufacture or business or of any building materials;

“Garden refuse” means the refuse from garden and agricultural operations;

“Stable refuse” means the dung or urine of horses, cattle, sheep, goats or swine, and the sweepings or refuse or drainage from any stables, or cattle-sheds or places for keeping sheep, goats, swine or poultry;

“Nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or which is or is likely to be injurious or dangerous to health or property;

“The Commissioners” means the ~~Municipal Commissioners of their respective Municipalities appointed under section 6;~~

“Port” means a port within the meaning of the Merchant Shipping Ordinance (*Chapter 150*);

“Secretary” means the Secretary to any Municipality.

“State Authority” 442

subs by F.M. 30/50

Subs: C. 45/56

L.V. 298, 299

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ABI

MUNICIPAL.

Part II.

CONSTITUTION AND ORGANIZATION OF MUNICIPALITIES.

4.—(1) From and after the first day of June, 1913, the Municipalities then constituted and existing in the Colony shall be subject to the provisions hereof.

Existing Municipalities continued.
L.N. 299/57
Creation of new Municipalities.
045/56

(2) The ~~Governor in Council~~ may, by notification in the *Gazette*, create a Municipality by such name as he thinks fit in any local area outside the limits of any existing Municipality and by the same or any subsequent notification may apply and extend to such Municipality all or any of the provisions of this Ordinance, and thereupon the several provisions of this Ordinance or such of them as are for the time being specified in any such notification as aforesaid shall apply and extend to and may be enforced within any such local area.

(3) The Municipalities existing at the said date shall, subject to any order of the ~~Governor in Council~~ under section 5, remain constituted as heretofore in respect of the limits of the Municipality and the places within such limits exempt from the operation of the Municipal Ordinance.

State Authority
L.N. 298/57
11-5
267/56
L.N. 298/57

5.—(1) The ~~Governor in Council~~ may, by notification in the *Gazette*, define for the purposes of this Ordinance the limits of any Municipality and divide each Municipality into districts, and may in like manner alter or vary such limits or districts.

State Authority
L.N. 298/57
Council may declare limits and districts of Municipalities.

(2) The ~~Governor in Council~~ may, by notification in the *Gazette*, exempt from the operation of this Ordinance any place or places within the Municipal limits in such notification to be specified.

Exemptions may be made.
State Authority
L.N. 298/57

(3) Such exemption shall not exempt any person residing within any such place from the operation of so much of Part VII as relates to taxes.

State Authority
L.N. 298/57
Municipal Commissioners.

6.—(1) The Municipal affairs of every Municipality shall be administered by such number of Commissioners as is in each case determined by the ~~Governor in Council~~ but so that such number in each case shall not be less than five.

sub. by Ed. 30/27

Commissioners to be appointed by the Governor.

(2) Such Commissioners shall be appointed by the Governor and so that the majority of the Commissioners in every Municipality shall be ratepayers of their respective Municipalities holding no office of emolument under the Government or the Municipality.

sub. 30/29

Commissioners to be a corporation.

(3) Such Commissioners shall be styled the Municipal Commissioners of the Town of Singapore or of George Town or of the Town and Fort of Malacca or of other their Municipality, as the case may be, and shall by such name be a body corporate and shall have perpetual succession and a common seal and power, subject to this Ordinance, to acquire, hold and sell property, and may by such name sue and be sued.

sub. by Ed. 30/29

(4) For the purposes of this section a person shall be deemed to be a ratepayer when he has paid or is liable for rates solely or jointly with another or other persons.

(5) No person who is—

- (a) unable to speak and read the English language;
- (b) an officer in His Majesty's Navy, Army or Air Force on full pay or in active employment;

or

(c) a regular minister of a religious body;

shall hold office as a Commissioner.

sub. by Ed. 33/50

Commissioner to make a declaration.

7.—(1) A Commissioner shall not act in the office of Commissioner until he has made and subscribed before a Magistrate a declaration in form A in Schedule A.

(2) Such declaration shall be free from stamp duty.

Disqualifications of Commissioners.

8.—(1) No person shall be qualified to be or continue to be a Commissioner who has been sentenced to imprisonment for any offence or who is or becomes bankrupt or who, without the written permission of the Governor, is concerned or interested in any contract or work made with or done for the Commissioners or who without such permission as aforesaid becomes so concerned or interested.

Repealed by Ed. 33/50

Disqualified Commissioner shall vacate office.

(2) Any Commissioner so sentenced as aforesaid or being or becoming bankrupt or so concerned or interested as aforesaid shall *ipso facto* cease to be a Commissioner.

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(3) Any Commissioner who, without the permission in writing of the Governor, becomes concerned or interested in any contract or work made with or done for the Commissioners shall be liable to a fine not exceeding five hundred dollars.

Penalty for a Commissioner being concerned or interested in contracts with Commissioners.

(4) If any Commissioner without some sufficient cause to be allowed by the Commissioners and entered among the proceedings of the Commissioners--

(a) fails to attend three consecutive ordinary meetings of the Commissioners, or

(b) fails during a period of three consecutive months to attend at least one meeting of any Standing Committee to which he may be appointed,

Repealed by F11 52/20

the Commissioners may by ordinary resolution, declare his seat to be vacant, and thereupon he shall cease to be a Commissioner. [Substituted by Ordinance 1 of 1929, S. 2.]

(5) For the purposes of this section a person shall not be deemed to be concerned or interested in any contract or work made with or done for the Commissioners merely by reason of his being a shareholder in or a director (other than the chairman or managing director) of a joint stock company which has a contract with or executes work for the Commissioners, and the provisions

(6) If he is a director, he shall not vote in respect of any such contract or work or in respect of any matter in which his company is directly interested nor be present whilst any such contract or work or matter is being discussed by the Commissioners.

9. No Commissioner, so long as he is a Commissioner, nor Deputy President shall be summoned to serve on any jury whatsoever.

Commissioner and Deputy President exempt from service on jury.

10. The Governor may at any time permit a Commissioner to resign his office.

Resignation of Commissioner.

11.—(1) In case of a vacancy in the office of Commissioner the President shall immediately notify the Governor.

Vacancy in the office of Commissioner.

(2) Such vacancy shall forthwith be filled by the Governor.

Repealed by FH 23/50

(3) The person appointed to supply such vacancy shall vacate his office at the date on which the person whose place he fills would have gone out of office if he had continued to be a Commissioner.

subs. by FH 23/50

Act not invalidated by deficiency in number of Commissioners.

12. Nothing done under this Ordinance shall be deemed to be invalid by reason only that the number of Commissioners is less than the number determined by the ~~Governor in Council~~ *H. C. in Municipal Co.*

President of Commissioners to be allowed salary.

Repealed by FH 53/50

13. (1) The Governor shall appoint a Commissioner to be the President of the Commissioners and may remove such person from office and appoint another in his stead.

(2) In the Municipalities of Singapore and George Town, no appointment of a Government Officer as President or Deputy President of the Commissioners shall be made except after consultation between the Governor and the Commissioners.

(3) The Commissioner for the time being performing the duties of President shall receive such salary or allowance out of the Municipal Fund as is fixed by the ~~Governor in Council~~ *H. C. in Municipal Co.* after consultation with the Commissioners.

H. C. in Municipal Co. 1/48

Deputy in absence of President.

(4) The Governor may, in the event of the absence of the President from duty through illness or in the event of his absence on leave, appoint an officer of the Municipality or such other person as he deems fit to be Deputy President and may remove such officer or other person from such office and appoint another officer or person in his stead.

(5) The Deputy President shall, by virtue of his appointment, have all the powers of the President under this Ordinance or under any by-laws made thereunder except the powers of a Commissioner.

(6) The Governor may appoint as a Commissioner in place of the President during his absence the Deputy President or any person qualified to be a Commissioner.

One-third of the Commissioners to retire annually.

14. (1) On the thirty-first day of December in every year one-third of the Commissioners who have been longest in office shall retire.

(2) If the number of Commissioners is not divisible by three, the proportion to go out of office in each year

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Repealed by Ord. 5150

shall be regulated by the Commissioners so that, as nearly as may be, one-third shall go out of office in each year.

(3) The Commissioners to retire in each year shall be determined on such day in the first week in the month of November immediately preceding their retirement as is appointed by the President for that purpose.

(4) Any retiring Commissioner may be re-appointed.

15.—(1) The common seal of the Commissioners shall be in the custody of the President and shall not be affixed to any instrument except in the presence of the President and one Commissioner and the Secretary, nor until such Commissioner and the Secretary have signed their names to such instrument in token of their presence. *[Substituted by Ordinance 11 of 1932, S. 2.]*

Common Seal.

(2) Section 13 of the Registration of Deeds Ordinance (*Chapter 121*) shall not apply to any instrument purporting to have been executed under subsection (1).

Officers and Servants.

16.—(1) The ~~President~~ shall, once in every year before or at the time of the submission to the Governor of the Municipal Budget under section 47, submit to the Commissioners for their approval a list of the offices which he thinks necessary for the purpose of this Ordinance with the salaries and allowances, if any, proposed to be attached to such offices respectively.

0.45/56
Appointment and removal of officers.

(2) Subject to the provisions of subsection (4), such list shall, when approved by the Commissioners, continue in force until a new list is approved in like manner.

(3) The ~~President~~ may at any time submit to the Commissioners for their approval any alterations and additions in and to such list, and such alterations and additions when approved shall have the same force as if they had been included in such list.

0.45/56

(4) All offices in such list or such amended list carrying a commencing salary of ~~three~~ ^{five} hundred dollars a month or over shall be subject to confirmation by the Governor.

(K. 1/64)
1. v. 100, 26
1. v. 1/6

0-45/56

x ^{Secretary}
 (5) The ~~President~~ may appoint such persons as he thinks fit to the offices shown on the list so approved as aforesaid and may remove such persons from office and appoint others in their stead, provided that the appointment and removal of persons to or from an office carrying a commencing salary of ~~two hundred~~ ^{three hundred} dollars a month and over shall be subject to the approval of the Commissioners.

three hundred and fifty

[Substituted by Ordinance 59 of 1935, S. 2.]

Rules for maintaining good conduct.

17.—(1) The Commissioners may from time to time make, and when made, amend, add to or rescind, rules for the purpose of maintaining good conduct and discipline among municipal officers and servants, and may impose any one or more of the following punishments upon any such officer or servant who, in the opinion of the President, is guilty of misconduct or breach of duty in the exercise of his official functions but does not merit dismissal:—

- (a) remove him to an office of lower rank;
- (b) require him to serve in his original office at a reduced salary, either permanently or for a stated period; or
- (c) deduct a portion of salary due, or about to become due, to him.

(2) The Commissioners may suspend from duty any municipal officer or servant who is accused of misconduct or breach of duty in the exercise of his official functions, and if such officer or servant while so suspended is removed from office there shall be paid to him in respect of the period of his suspension such portion only of the salary of his office not being less than one-half as the Commissioners may think fit.

[Substituted by Ordinance 59 of 1935, S. 2.]

Commissioners to grant leave to and make arrangements for absent officers and servants.

18.—(1) Subject to such regulations as are made in that behalf by the Commissioners, the ^{Secretary} ~~President~~ may grant such leave of absence to municipal officers and servants as he thinks fit.

(2) He shall in such case make due provision for the performance of the duties of the officer or servant so absent, and may direct the payment of such portion as he thinks proper of the salary of such officer or servant on leave to the person so appointed to perform his duties.

0-45/56

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(3) In exceptional cases where the Commissioners deem it necessary to make special provision in order to enable any municipal officer or servant to take leave of absence, the salary or allowance of the person performing the duties of such officer or servant while absent on leave may, except so far as the same is provided out of the salary or allowance of the officer or servant so absent, be payable out of the Municipal Fund.

d/o 45/56

~~(4) The Governor may grant leave of absence to the President for such period and upon such terms as the Governor after consultation with the Commissioners determines.~~

*Provisionally
leave of
absence.*

(nd: 20/59)

20. (1) ~~The Governor in Council~~ The Commissioners, with the approval of the ~~Governor in Council~~, may make rules for the establishment of a Superannuation and Provident Fund for the provision of payments or other allowances on death, superannuation, resignation, retirement or discharge to persons who have been in the employment of the Municipality, and the contribution of moneys out of the Municipal Fund for such Superannuation or Provident Fund.

Superannuation and Provident Fund.

*1/4. Contingent Fund
Investment Fund & Co.*

*1/4
0.60/56
L. 298/58*

(2) No payments or other allowances on death, superannuation, resignation, retirement or discharge made or granted to persons out of a Superannuation and Provident Fund nor the rights of any contributor acquired thereunder shall be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever.

*subs
Act. 48/65*

43/64

~~(3)~~ ⁽³⁾ All moneys paid out of a Superannuation and Provident Fund on the death of any person shall be deemed to be impressed with a trust in favour of the objects entitled thereto under the will or intestacy of such deceased person, but shall not be deemed to form part of his or her estate or be subject to his or her debts.

~~(4)~~ ⁽⁴⁾ Any person may by a memorandum under his or her hand appoint a trustee or trustees of the monies payable on his or her death out of a Superannuation and Provident Fund and may make provision for the appointment of a new trustee or new trustees of such monies and for the investment thereof.

(6) (5) If at the time of the death of any person or at any time afterwards there is no trustee of such monies or it is expedient to appoint a new trustee or new trustees then and in any such case a trustee or trustees or a new trustee or trustees may be appointed by the High Court or a Judge thereof.

(7) (6) The receipt of a trustee or trustees duly appointed or in default of any such appointment and of written notice thereof to the Commissioners the receipt of the legal personal representative of a deceased person shall be a discharge to the Commissioners for any monies payable on his death out of a Superannuation and Provident Fund.

20A > 20A > 19. E. 2. 58.

Secretary Contracts.

21.--(1) The ~~President~~ *Secretary* may on behalf of the Commissioners make such contracts as are necessary for carrying into execution any work or duty authorized in a municipal budget previously sanctioned to the extent of the sum provided for the said work or duty in such budget, and the Commissioners may from time to time by resolution decide that certain municipal officers, other than the ~~President~~, may, with his approval, make on behalf of the Commissioners any such contract as aforesaid which involves the expenditure by the Commissioners of not more than ~~one~~ thousand dollars. Every such contract which involves the expenditure by the Commissioners of more than five hundred dollars shall be reduced to writing and be signed by the officer making it. [Amended by Ordinance 1 of 1929, S. 3.]

(2) Every such contract which involves the expenditure by the Commissioners of more than five thousand dollars shall specify--

- (a) the work or duty to be done;
- (b) the materials to be used;
- (c) the price to be paid for such work, duty or materials;
- (d) the time or times within which the work or duty is to be done or the materials are to be furnished; and
- (e) the damages for breaches of the contract by the contractor;

an

President may make contracts for works provided for in the budget.

O. 45/56

Secretary
O. 45/56

Secretary
O. 45/56

Mode of executing contracts exceeding five thousand dollars. Contract what to specify.

MUNICIPAL.

and shall be sealed with the common seal of the Commissioners. [Substituted by Ordinance 1 of 1929, S. 3.]

(3) Every such contract which involves the expenditure by the Commissioners of more than one thousand dollars shall be reported to the Commissioners at the meeting next after it is made. [Substituted by Ordinance 1 of 1929, S. 3.]

Contracts exceeding one thousand dollars to be reported.

(4) Notwithstanding anything in this section a contract in writing made in Great Britain on behalf of the Commissioners by a person who is for the time being duly authorized by deed under the common seal of the Commissioners to act as their agent for the purpose of making contracts shall, if such contract has previously or afterwards been approved by the Commissioners, be valid and binding on them in the same manner as though such contract was sealed with their common seal.

Proviso.

22. The ^{Secretary}~~President~~ shall not make any contract on behalf of the Commissioners enduring for a longer period than the time elapsing between the making of such contract and the end of the budget year without the previous consent of the Commissioners or of a committee appointed under section 42.

0.45/26
When consent of Commissioners necessary.

23. Before any contract is entered into which involves an expenditure by the Commissioners of more than one thousand dollars for the execution of any work or duty or for the supply of materials or for any other thing necessary for the purposes of this Ordinance, tenders shall be called for in such manner as the Commissioners or the President may generally or in any particular case direct. [Substituted by Ordinance 1 of 1929, S. 4.]

When tenders to be called for
/ *two*
0.65/53

24.-(1) No officer or servant appointed under this Ordinance shall in any wise be concerned or interested directly or indirectly by himself or his partner in any contract or work made with or executed for the Commissioners.

Ord. 65/53
Officers and servants not to be interested in contracts.

(2) Any officer or servant who is so concerned shall be incapable of holding any office or employment under this Ordinance, and shall be liable to a fine not exceeding two hundred and fifty dollars. *five hundred only*

Penalty
Ord. 65/53

Exception.

(3) No person shall be liable to such incapacity or fine merely by reason of being a shareholder in a joint stock company which has a contract with or executes work for the Commissioners.

Part III.

MUNICIPAL PROPERTY AND FUND.

Public streets, sewers and bridges vested in the Commissioners.

State Authority
L.N. 298/59

State Authority
to

1/48
660/50
L.N. 298/59

25.—(1) All public streets, public sewers, public canals and public bridges within any Municipality, except such, or such part thereof, as are specially exempted by an order of the ~~Governor in Council~~ and the pavements, stones and other materials thereof, and also all erections, materials, implements and other things provided for the same shall be vested in the Commissioners for the purposes of this Ordinance.

(2) The ~~Governor in Council~~ may, after consultation with the Commissioners, declare that any unnavigable river or stream within the limits of the Municipality outside the limits of any port, together with such means of access thereto and along the same as are set forth in the declaration, is required for the purposes of this Ordinance, and thereupon the river or stream specified in the declaration and the land forming the said means of access shall become vested in the Commissioners and shall be maintained and cleaned by them.

(3) The Commissioners shall make full compensation to the owner of any land for any damage which such owner sustains by reason of any such declaration as in subsection (2) mentioned and, if any dispute arises touching the amount of compensation, the same shall be ascertained in manner hereinafter provided.

Municipal Fund.

26. All moneys received by the Commissioners by virtue of this or any other Ordinance shall constitute a fund which shall be called the Municipal Fund and shall, together with all property which becomes vested in the Commissioners, be under the direction and control of the Commissioners, subject to this Ordinance.

Fund to be banked.

27.—(1) All moneys received by the Commissioners in respect of the Municipal Fund shall be lodged with one or more of such banks as are for the time being employed by the Government for the deposit of public moneys, if there is such bank in the Settlement in

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which the Municipality is situate and shall be credited to an account intituled "The Municipal Fund."

(2) All orders or cheques against the said fund shall be signed by the President and countersigned by the Secretary or such other officer as is appointed by the Commissioners for that purpose.

How the fund shall be drawn against.

As Treasurer
C. 15/13

(3) The bank may pay all cheques drawn against the said fund which are so signed and countersigned.

(4) Any such moneys may be invested in any securities of the ~~Government of the Colony or of the Federated Malay States, or such other securities as may be approved by the Governor in Council.~~

L.N. 298/59
Account Executive
H. C. S. Municipal Co.

28.—(1) The property of and in all the lamps, lamp-irons, lamp posts, posts, chains, poles and rails in, about or belonging to all public streets and public bridges within any Municipality and of and in all iron, timber, stone, bricks and other materials and furniture and things belonging thereto, except when the same is otherwise regulated by contract with the Commissioners, shall be and the same is hereby vested in the Commissioners and may be used, sold and disposed of by them subject to this Ordinance as they deem necessary, and the money arising from such sale shall be applied towards the purposes of this Ordinance.

Property in lumps, etc.

(2) All other immoveable and moveable property and choses in action vested in the Municipal Commissioners on the first day of June, 1913, together with all their rights, powers, authorities and privileges in so far as they are consistent with this Ordinance shall be vested in the Commissioners for the purposes of this Ordinance.

Other property.

(3) The debts, liabilities and obligations of the Municipal Commissioners on the said date and in particular the liability for all municipal loans shall be deemed to be transferred from them to the Commissioners for the purposes of this Ordinance.

Liabilities of Municipal Commissioners.

Part IV.

MUNICIPAL PURPOSES.

29. The Commissioners are authorized to expend the Municipal Fund for the following purposes:—

Purposes for which Municipal Fund may be expended.

(a) construction, maintenance, alteration, cleansing and watering of streets, back-lanes.

piers, bridges, causeways, culverts and the like; regulation of buildings; removal of undue projections; naming streets and numbering houses; planting trees in public streets and places; control, supervision and removal of dangerous places, buildings and practices; regulation of traffic; and prevention and removal of obstructions in public streets or places;

aquariums, walks, recreation or pleasure grounds
Ord. 1577

(b) construction, maintenance, supervision and control of public parks and gardens;

public parks, aquariums
Ord. 1577

(c) leasing, laying-out, planting, improving, equipping and maintaining lands for the purpose of being used as ~~public walks, or recreation or pleasure grounds~~; erecting thereon any pavilion, recreation or refreshment rooms or other buildings; supporting or contributing to the support of ~~public walks or recreation or pleasure grounds~~ provided by any person whomsoever; and, with the sanction of the ~~Governor in Council~~, acquiring any land, with or without buildings, for the purpose of or in connection with the establishment of such ~~public walks or recreation or pleasure grounds~~; [Added by Ordinance 11 of 1932, S. 3.]

maintaining of etc
State Authority Ord. 1577
H. H. in Council Co.
1/1/34
public parks, aquariums, walks, recreation or pleasure grounds or gardens or for the
Ord. 1577

(d) construction, maintenance, supervision and control of public markets, slaughter-houses and dairies, and supervision and control of all articles of food and drink;

(e) construction, maintenance, supervision and control of waterworks, public baths, bathing-places, washhouses and washing places, drinking-fountains, tanks and wells;

5, 26

State Authority
H. H. in Council Co.
1/1/34
Ord. 1577

(f) construction or purchase with the sanction of the ~~Governor in Council~~ and maintenance of works and means for providing a supply of artificial light and gas for public and private purposes, lighting public streets, places and buildings, the distribution of gas and electrical and mechanical energy, and extinguishing and preventing fires; [Amended by Ordinance 59 of 1935, S. 3.]

Ord. 1577

(f)

MUNICIPAL.

(g) acquisition or construction with the sanction of the ~~Governor in Council~~ and maintenance, supervision and control of public tramways;

*Authority
H.C. in
Municipal Cor
and bullethead
Oct. 21*

(h) establishment, maintenance, regulation and control of public transport services;

(i) construction, maintenance and supervision of sewers, drains, latrines, privies, water closets, sinks, urinals, drainage works and other works for the removal and disposal of night-soil and refuse; removal of sewage, night-soil and refuse; control, supervision and removal of dangerous and offensive trades; scavenging and removal of excessive or obnoxious vegetation; reclamation of unhealthy localities and other sanitary measures of a like nature; and generally abatement of nuisances;

*arrange
and disposal
Oct 25
39*

(j) provision of hospital accommodation for persons suffering from contagious and infectious disease;

(k) acquisition and maintenance of quarantine stations;

*and the establishment & maintenance of animal
infermario
and safety*

(l) all matters necessary for or conducive to the public safety, health or convenience;

(m) institution and maintenance of public libraries;

*9. 2/20
(202)*

(n) acquisition of land and construction, purchase and maintenance of all buildings, machinery or works required in order to give effect to the purposes of this Ordinance;

and safety

(o) contribution with the previous sanction in writing of the ~~Governor in Council~~ to the cost incurred on the occasion of any public ceremony or for the erection and maintenance of any public memorial or for purposes of public recreation or entertainment or for any charitable or philanthropic purpose in the Municipality; [Amended by Ordinance 1 of 1929, S. 5.]

*148
1/28
2. v. 198, 89
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(p) payment of salaries authorized under this Ordinance; payment of any contribution

authorized under this Ordinance to a Superannuation and Provident Fund; and payment of reasonable rewards to persons for services rendered in connection with accidents within the Municipality;

7/21/55

(64)
(7)

Liquor
recreation
grounds
Ord.

Public
etc.

Maintenance
State Ave
Public
walks, grounds
etc.

State Authority
Self-Ext

L. H. ... Co.

1/48
060/56

L. N. 298/57

Sec. 20

Ord. 16/51
Pg. 19/58

Ord. 12/59

EM 20/55

Commissioners
omitting to
carry out
duties.

State Authority
Self-Ext

L. H. ... Co.

State

L. H. ...

1/48
060/56

L. N. 298/57

(p) payment of an allowance, annual or otherwise, to any municipal officer or workman who has been permanently incapacitated from duty through injuries arising out of or in consequence of the discharge of his duty; provided that such payment to an officer holding a permanent office shall only be made with the previous sanction of the ~~Governor in Council~~.

(r) payment, with the previous sanction of the ~~Governor in Council~~ in special cases of gratuities to deserving municipal officers or workmen prior to, on, or after their retirement or to their widows or children on their deaths; [Substituted by Ordinance 11 of 1932, S. 3.]

(s) exercise of all powers and performance of all duties which under or by virtue of this Ordinance or any other enactment are or may be or become vested in or delegated to the Commissioners;

30.—(1) If at any time it appears to the ~~Governor in Council~~ that the Commissioners are omitting to fulfil any duty or carry out any work imposed upon them by this Ordinance, the ~~Governor in Council~~ may, by notice to the Commissioners specifying the nature and particulars of such omission, inform them that, unless within fifteen days they show cause to the satisfaction of the ~~Governor in Council~~ against such appointment, the ~~Governor in Council~~ will appoint a special officer to inquire and report to him the facts of the case and to recommend what steps, if any, such officer thinks necessary for the purpose of fulfilling such duty or carrying out such work and, in default of cause being so shown, he may make an appointment accordingly.

(2) Any inquiry made under this section shall be conducted in public.

MUNICIPAL.

31.—(1) On receipt of the officer's report, if it appears that the Commissioners have omitted to fulfil such duty or carry out such work as aforesaid, the ~~Governor~~ ^{State Authority} may submit the same to the ~~Legislative Council~~ ^{Legislative Assembly} and may, with the approval of the ~~Legislative Council~~ ^{Legislative Assembly} signified by a resolution thereof, forward such report to the Commissioners and order them within a time to be specified in such order to fulfil such duty or carry out such work and to raise the funds necessary for such duty or work.

~~Governor~~ may order work to be carried out.
L.N. 298/58
Legislative Assembly
L.N. 298/58

(2) If the Commissioners fail within such time to comply with such order, the ~~Governor in Council~~ may appoint any person to fulfil such duty or carry out such work and may fix the remuneration to be paid to such person, and may direct that such remuneration and the cost of such work shall be defrayed out of the Municipal Fund and that, if necessary, any one or more of the rates and taxes provided by this Ordinance shall be levied or increased but so as not to exceed the maximum provided by this Ordinance.

State Authority
L.N. 298/58
If Commissioners fail to comply with order, Governor may carry out the work.
L.N. 298/58

(3) In addition to such levying or increasing of rates and taxes or in lieu thereof, the ~~Governor in Council~~ may, with the approval of the Legislative Council signified by a resolution thereof, direct a loan to be raised on the security of the Municipal Fund for the purpose of fulfilling such duty or carrying out such work.

and rates loan for that purpose.
Legislative Assembly
L.N. 298/58

(4) In such case the ~~Governor in Council~~ shall notify in the *Gazette* the amount and the terms of the loan.

— do —
L.N. 298/58

(5) Any loan raised in pursuance of such notification shall be a charge upon the Municipal Fund and property in like manner as if it had been duly contracted by the Commissioners.

Such loan to be a charge on Municipal Fund.

Part V.

CONDUCT OF MUNICIPAL BUSINESS.

32.—(1) The Commissioners shall provide an office within the Municipality for the transaction of business.

Municipal Office.

(2) Such office is in this Ordinance referred to as "the Municipal Office."

Time for holding meetings.

33.—(1) The Commissioners shall meet for the transaction of business at least once in every month at such time as is prescribed.

(2) The President may, whenever he thinks fit, and shall, on a requisition made in writing by not less than three Commissioners, convene an ordinary or a special meeting at any other time.

Meetings to be open to the public unless otherwise resolved.

34. All meetings of the Commissioners shall be open to the public unless the Commissioners, by resolution at any meeting, otherwise decide.

Ordinary and special meetings.

35.—(1) A meeting of the Commissioners shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Ordinance or the rules or by-laws made thereunder to be transacted at a special meeting.

Quorum.

36.—(1) The quorum necessary for the transaction of business at a special meeting shall be one-half of the full number of Commissioners and in case the number of Commissioners shall not be divisible by two then one-half of the next lower number; provided that, when the full number of Commissioners is less than six, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting shall be such number not less than three as is prescribed.

(3) If at any ordinary or special meeting of the Commissioners a quorum is not present, the meeting shall stand adjourned to such other day as the President fixes, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted by the adjourned meeting whether there is a quorum thereat or not.

Chairman of meetings.

37.—(1) At every meeting of the Commissioners the President, if present, shall preside as chairman.

(2) If when any meeting is held the President is absent from the meeting, the members present shall elect one of their number to be chairman of the meeting.

MUNICIPAL.

38.—(1) Except as otherwise prescribed all questions coming before any meeting of the Commissioners shall be decided by a majority of the votes of the members present.

Vote of majority decisive.

(2) In case of an equality of votes the chairman at the meeting shall have a second or casting vote.

39. The resolutions passed at every meeting shall be—

Resolutions to be recorded and published.

- (a) recorded in a book kept for the purpose;
- (b) signed by the chairman of the meeting or of the next ensuing meeting;
- (c) open to inspection by the public at the Municipal Office at all reasonable times without charge; and
- (d) published in some English or Vernacular newspaper circulating in the Municipality or in such other manner as the ~~Governor in Council~~ directs.

State of P. B. by H.C. 12

40. In cases of emergency the ~~President~~ may direct the execution of any work or the doing of any act which the Commissioners are empowered to execute or do and which he is not by this Ordinance or any by-laws made thereunder expressly empowered to do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the Municipal Fund:

Extra-ordinary powers of President in case of emergency

045/36

Provided that—

- (a) he shall not act under this section in contravention of any order of the Commissioners passed at a meeting; and
- (b) where he acts under this section he shall report his proceedings to the next following meeting of the Commissioners.

41.—(1) The President shall submit reports on all matters of municipal finance and work, at such intervals and for such periods in such form and with such particulars as the ~~Governor in Council~~ directs.

Reports.

State of P. B. by H.C. 12

(2) Such reports shall be forwarded forthwith to the ~~Governor in Council~~ and shall be published in the Gazette.

11/43

Committees.

42.—(1) The Commissioners may appoint from among their own number such and so many committees either of a general or special nature and consisting of such number of persons as they think fit for any purposes which in the opinion of the Commissioners would be better regulated and managed by means of such committees.

Proceedings to be written and open to inspection of Commissioners.

(2) The proceedings of every such committee shall be recorded in writing and shall be open to the inspection of the Commissioners or any of them at any time.

(3) The meetings of any committee, not being a committee of the whole body of Commissioners, may be either public or private at the discretion of such committee.

Commissioners not to vote where pecuniarily interested.

43.—(1) A Commissioner shall not vote or ^{be present at} ~~take part~~ in the discussion of any matter before the Commissioners or a committee in which he has directly or indirectly by himself or by his partner any pecuniary interest.

(2) A Commissioner shall not be deemed to have a pecuniary interest in any matter in which he is interested merely by reason of being a shareholder in a joint stock company which is interested in such matter.

Vacancy not to invalidate acts.

44. No act or proceeding of any committee shall be questioned on account of any vacancy in their body.

Minutes of proceedings signed by President receivable in evidence.

45.—(1) A minute of proceedings at a meeting of the Commissioners or of a committee signed at the same or at the next ensuing meeting by the President or by a Commissioner describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of the Commissioners or of a committee in respect of the proceedings whereof a minute has been so made 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 minutes.

MUNICIPAL.

Municipal Budget.

46.—(1) The President shall in every year prepare a Budget containing—

Budget of revenue and expenditure and of taxes to be prepared:

- (a) an estimate of the available municipal revenue for the next ensuing year;
- (b) an estimate of all balances, if any, exclusive of moneys raised by loan, which will be available for ordinary expenditure at the commencement of the next ensuing year;
- (c) an estimate of ordinary expenditure as approved by him for the next ensuing year;
- (d) an estimate of the balances, if any, from loans and the proposed expenditure therefrom during the next ensuing year;
- (e) proposals as to the amount of rates and taxes necessary to be levied or loans, if any, to be raised for the purpose of meeting such expenditure in the next ensuing year.

(2) Such Budget shall be printed and published in the Gazette and circulated among the Commissioners on or before the twentieth day of October in every year.

and to be published and circulated.

47.—(1) The President shall lay such Budget before the Commissioners at a special meeting to be called on or before the tenth day of November in every year.

Budget to be laid before the Commissioners.

(2) It shall be in the discretion of the Commissioners to pass or modify all or any of the items entered in such Budget or to refer it to a committee for consideration or to reject any item in the Budget or to add any item thereto; provided that no such modification, rejection or addition is inconsistent with this Ordinance.

Powers of Commission in respect of Budget.

(3) After the Budget has been passed by the Commissioners, a Summary of the Budget, divided into such heads of expenditure and prepared in such form as may be required by the ~~Governor in Council~~ shall be forwarded to the Governor not later than the first week in December to be considered by him in Council, and the ~~Governor in Council~~ may reduce or reject any item of expenditure therein appearing.

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11/4/11
11/4/11

(4) The Summary of the Budget as approved by the ~~Governor in Council~~ and the Budget made to agree with the Summary as so approved shall be published in the Gazette and the Commissioners shall be bound thereby.

No payments to be made unless authorized by the Budget.

48.—(1) No payment of any sum shall be made out of the Municipal Fund unless the expenditure of the same is covered by an item entered in the Budget and a sufficient balance of such item is still available.

State Authority
H. H. ...
Council
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C. G. ...
L. v. 298, 39
- to -
L. v. 298, 39

(2) The Commissioners, where the special sanction of the ~~Governor in Council~~ has been obtained for that purpose, may expend sums not exceeding in the whole ten thousand dollars in any one year beyond the items entered in the Budget.

(3) Particulars of every such expenditure shall be sent forthwith to the Colonial Secretary and to the Auditor or Auditors of municipal accounts, and any such sums shall be included in the Supplemental Budget next following such special sanction.

Supplemental Budget to be submitted by President whenever necessary;

49.—(1) The President may at any time prepare a Supplemental Budget and lay it before the Commissioners at a special meeting called for that purpose and the same shall thereupon be dealt with in like manner as though it was an ordinary Budget.

and to be published and circulated.

(2) Every Supplemental Budget shall be printed and published in the *Gazette* and circulated among the Commissioners at least seven days prior to the meeting of the Commissioners before which it is laid.

Revised Estimate
L. v. 298, 39
H. H. ...
Council
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C. G. ...

(3) A revised Estimate of the Revenue shall be submitted to the ~~Governor in Council~~ with every Supplemental Budget showing the sources out of which any additional expenditure entailed by it may be met.

(4) If the additional expenditure is to be met by savings on other items in the original Budget, such items shall be reduced accordingly for the purpose of expenditure during the remainder of the year.

(5) No provision shall be made in any Supplemental Budget for any new work not provided for in the Annual Budget unless it is of an urgent nature.

Transfer of moneys.

50. The Commissioners may transfer all or any part of moneys assigned to one item of expenditure to another item under the same head of expenditure in the Summary of the Budget approved by the ~~Governor in Council~~ provided that no such transfer shall be inconsistent with the provisions of this Ordinance.

State Authority
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Council
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C. G. ...

* Examined by Colonial Secy. in 20 for as it applies to Rural Boards.
S 290/9.5.41

MUNICIPAL.

Municipal Annual Report.

51.—(1) The President shall, as soon as may be after the first day of January in each year, prepare a detailed report of the administration during the previous year.

Annual administration report.

(2) Such report shall be forwarded to the Commissioners and shall also be forwarded not later than the thirtieth day of April in every year to the Governor.

Report to be submitted to Commissioners and to Governor and copies to be kept for sale.

(3) Copies thereof shall be kept for sale at the Municipal Office.

Article 1 thirty

2-2-98 59

Audit of Accounts.

52.—(1) The Governor shall nominate in every year one or more persons to be Auditors of municipal accounts who shall maintain and keep a continuous audit of the said accounts during that year.

Appointment of Auditors.

(2) Subject to this Ordinance such audit shall be conducted in the manner prescribed by the Governor in Council.

Article 1 thirty
2-1-98 4

53.—(1) For the purpose of any audit and examination of accounts under this Ordinance the Auditor or Auditors may, by summons in writing, require the production before him or them of all books, deeds, contracts, accounts, vouchers and other documents and papers which he or they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers to appear before him or them at any such audit and examination or adjournment thereof and to make and sign a declaration with respect to the same.

Powers of Auditors.

(2) Any such person who neglects or refuses to produce any such books, deeds, contracts, accounts, vouchers, documents or papers or to make or sign such declaration shall be liable for every neglect or refusal to a fine not exceeding ^{one} hundred dollars and to a further fine not exceeding ^{five} dollars for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

Oct 6 5/57
Nov. 24/59
Jul 5 3/60
Aug: 19/60

54.—(1) The Auditor or Auditors shall submit a monthly report of his or their audit to the Commissioners, and shall also submit to the Commissioners on or before the thirtieth day of June in the following year a final report of such audit, and shall send a duplicate of every such report to the Governor.

Auditors to submit report to Commissioners and Governor.

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Sect. 3/60

MUNICIPAL.

Such report or observations

(2) ~~Every such report~~ shall state whether or not the expenditure is in accordance with the Budget and shall draw attention to every item of expenditure which is not authorized by or in accordance with the Budget.

(3) Any ratepayer may attend at any time before the Auditor and make any objection to the accounts.

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President to submit annual statement of accounts to Governor.

55.--(1) The President shall, not later than the thirtieth day of June in every year, forward to the ~~Governor~~ ^{State Authority} a statement of accounts showing the revenue and expenditure on account of the Municipal Fund in the previous year, signed by the President and certified by the Auditor or Auditors to be correct.

L.N. 298/59

(2) The ~~Governor~~ ^{State Authority} shall cause the said statement to be published in the *Gazette*.

Auditors may be remunerated.

State Authority

56. The Auditor or Auditors may receive out of the Municipal Fund such remuneration as the ~~Governor in Council~~ determines.

Municipal Statistics.

Power to call for statistics.

57. The ~~Governor in Council~~ may at all times call for such statistics or other information connected with the working revenue and expenditure of the Municipality as he deems fit, and the Commissioners shall forthwith comply with such requisition.

Amended
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Part VI.

BY-LAWS.

By-laws.

58.--(1) The Commissioners at a special meeting may make by-laws for or with respect to--

- (a) the time, place and general conduct of their meetings and adjournments thereof and the manner in which notice of meetings is to be given;
- (b) the person or persons to be primarily responsible for the current executive administration and their powers, that is to say, what portion of the executive authority shall be exercised by the President, by committees, by individual members, and by officers or servants of the Commissioners;
- (c) the form in which all estimates, budgets, statements and returns, incidental to the business

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MUNICIPAL.

- of the Commissioners, shall be drawn up, and generally the form in which municipal accounts shall be kept;
- (d) the due performance of their several duties by all municipal officers and servants;
 - (e) the classification and valuation of buildings, lands and tenements for assessment purposes;
 - (f) the collection and levy of rates and taxes;
 - (g) the level, width and construction of new streets, and the repairing, cleaning, watering and lighting of streets, roads, canals and bridges, and the planting and preservation of trees;
 - (h) the conservancy and improvement of the town;
 - (i) the regulation, restriction or prevention of the exhibition of advertisements *(including the licensing etc.)*
 - (j) the regulation of buildings and building operations;
 - (k) the prohibition of the erection of a building of a particular class, design or appearance in particular districts, localities or streets or portions of streets within the municipal limits;
 - (l) the regulation within municipal limits of the landing and temporary storage of goods upon the public quays, wharves and streets, adjacent to any port, or any waterway connected therewith, and the fixing of fees to be charged in respect of such temporary storage;
 - (m) the granting of licences for the carrying and maintenance of telegraphic wires or cables or wires for the conveyance of electricity along or across or under the public streets, and the fixing and levying of annual or other fees therefor;
 - (n) the maintenance, regulation, distribution and use of a sufficient water supply within the municipal limits;
 - (o) the establishment and regulation of public baths and wash-houses and for prescribing the fees to be paid for the use thereof;
 - (p) the establishment and regulation of markets;

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*McC. Sheep,
 etc.
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 P. 4. 505767
 P. 4. 24 7/18*

(q) the establishment, regulation and management of any ~~park, public walk or recreation or pleasure ground~~, including by-laws for or with respect to all or any of the following purposes:—

*public park etc
Ord 20/38*

— do — 20/38

*public park, aquarium,
walk, etc - Ord 30/39*

*public park, aquarium
etc - Ord 30/39*

— do —

*public park, aquarium
etc - Ord 30/39*

*subs
Ord 25/40*

(i) to provide for the removal from such ~~park, public walk or recreation or pleasure ground~~ of any person infringing any such by-law;

(ii) to close to the public, on such days as the Commissioners may think fit, any ~~park or recreation or pleasure ground~~, and to grant the use of any ~~park or recreation or pleasure ground~~, either gratuitously or for payment, to any person, society or charity, or to make use of the same for any purpose;

(iii) to provide that admission to any ~~park or recreation or pleasure ground~~, or to any part thereof, on the days when the same shall be closed to the public, shall be either with or without payment as may be directed by the Commissioners, or, with the consent of the Commissioners, by the person, society or charity to whom the use of the ~~park or recreation or pleasure ground~~ or any part thereof may be granted;

(iv) to provide for charges being made for the use of any apparatus for games, entertainment or recreation, or to let the right of providing any such apparatus to any person;

(v) to let any pavilion or building or any part thereof to any person;

(vi) to maintain, control and manage refreshment rooms in any such ~~park or recreation or pleasure ground~~, or to let them to any person;

[Added by Ordinance 11 of 1932, S. 4.]

(r) the construction, control, and management, by registration, licensing or otherwise, of places

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in which human food or drink is sold or prepared or stored for sale;

(s) the establishment and regulation of slaughter-houses, including by-laws for any of the following purposes:—

(i) the sanitary inspection of animals before being slaughtered and of their carcasses;

(ii) the detention for observation and treatment of animals brought for slaughter and suspected of being diseased;

(iii) the slaughtering with or without compensation of animals brought to be slaughtered which are diseased or by reason of emaciation or otherwise are in the opinion of the Health Officer or of the Veterinary Surgeon unfit for human consumption; [Substituted by Ordinance 1 of 1929, S. 6.]

*or of animals
seized consequent
upon the contravention
of any by-laws
made under para-
graph (ii) of this
sub-section
[Substituted by
Ordinance 7/167, S. 10
K.L. 10/20/17
By 10/1/45*

(iv) the disposal of the carcasses of diseased animals which are slaughtered in or die on municipal premises;

(v) the marking of the carcasses of animals slaughtered in municipal slaughter-houses to denote that such animals have been so slaughtered;

(t) the seizure and disposal of unwholesome flesh, fish, fruit, vegetables or other provisions found within the Municipality or exposed for sale therein;

(u) the prescribing of the localities within the municipal limits in which swine or poultry may be kept;

*x Cattle, sheep,
goats,
4/7/67
[Substituted by
Ordinance 10/20/17
By 10/1/45*

(v) the collection, removal and disposal of night-soil, dung, trade and garden refuse and other filth;

(w) the control and supervision, by registration, licensing or otherwise, of—

(i) privies, cesspools, septic tanks or other sewage purification plants, and dust-bins; [Substituted by Ordinance 11 of 1932, S. 4.]

(ii) wells, water-tanks and cisterns;

(iii) stables and cattle-sheds and places for keeping sheep, goats, swine or poultry;

(iv) cow houses and dairies;

(v) the sale of water, fresh provisions and milk;

(vi) theatres, wayangs, concerts and other public exhibitions and entertainments;

(vii) public houses, spirit shops, eating houses, coffee houses, bake houses or bakeries, jinrikisha depôts, coolie lines, boarding houses, lodging houses, common lodging houses, houses used for the reception of sick persons, places of public resort and entertainment wherein provisions or refreshments are sold or consumed, public washing places and public washing houses; [*Substituted by Ordinance 59 of 1935, S. 4.*]

(viii) garages and places kept or used for repairing, painting, storing, housing or parking motor vehicles, except garages or places used in connection with private dwelling houses for housing motor vehicles kept for private use only; [*Amended by Ordinance 1 of 1929, S. 6.*]

(ix) Provided that when this paragraph is applied under section 399, sub-paragraph (vii) and rules made thereunder shall be deemed to be excluded from such application; [*Added by Ordinance 59 of 1935, S. 4.*]

(x) the registration and the keeping of dogs, and the destruction of dogs kept or allowed to go abroad in public thoroughfares otherwise than under and in accordance with the conditions prescribed;

(y) the registration of all persons carrying on the trade of cow-keepers, dairymen or purveyors

Pg. En. 2/60
 Hal. En. 9/60

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of milk, and securing the cleanliness of cow-sheds and milk-shops or other places where milk is kept for sale and milk vessels and utensils used by such persons, and prescribing precautions to protect milk against infection and contamination;

- (z) the prevention and abatement of nuisances and the regulation of dangerous or unhealthy or offensive trades or occupations and prescribing the localities within the municipal limits in which such trades and occupations may be carried on;
- (aa) the maintenance, distribution and use of any artificial light, gas or energy that is supplied by the Municipality; [*Amended by Ordinance 59 of 1925, S. 4.*]
- (bb) the supervision and control of tramways ^{and trolley vehicle systems} acquired and maintained by the Municipality; *Ord. 25/51*
- (cc) the establishment, maintenance, regulation and control of public transport services and for prescribing the fees to be paid on account of the extra wear and tear of the roads used by them;
- (dd) the establishment and regulation of fire brigades and of all officers thereof;
- ~~(ee) the suppression of cruelty to animals;~~ *017/53*
- (ff) the prohibition of persons acting without licence as porters at any public landing place, and the granting of licences therefor and fixing of fees to be charged for the same and fixing the charges to be made by such persons;
- (gg) the supervision and control of lifts in buildings to which the public may have access and the levying of fees for inspections of the same; *4/04/52*
~~and~~ [*Added by Ordinance 1 of 1929, S. 6.*]
- (hh) every other purpose which is deemed by the Commissioners necessary for carrying out the several provisions of this Ordinance or for

Cap.

which they are by this Ordinance or any other enactment empowered to make by-laws; and

24/2

Fines may be prescribed for breach of by-laws.

Two hundred & fifty

Twenty five

0:6/8

Fine for breach of by-law where no fine prescribed.

Two hundred & fifty

Twenty five

By-laws require to be confirmed by Governor in Council.

24/2

1950 9.5.41

24/2

By-laws to be translated into vernacular.

24/2

in respect of any separate subject

Copy to be evidence.

President

(ii)

(2) The Commissioners may in making any by-law prescribe the fine with which the contravention thereof shall be punishable, but so that such fine shall not exceed for any one offence the sum of ~~twenty five~~ *ten* dollars or, in the case of a continuing offence, the sum of ~~ten~~ *ten* dollars for every day during which such offence is continued.

(3) Any person who contravenes any by-law for which no fine is prescribed shall be liable to a fine which shall not exceed for any one offence the sum of ~~twenty five~~ *ten* dollars or, in the case of a continuing offence the sum of ~~ten~~ *ten* dollars for every day during which such offence is continued.

(4) Every by-law, or alteration in, amendment or addition to or cancellation of or substitution for any by-law, shall be published in the *Gazette*, but shall not have effect until it is confirmed by the ~~Governor in Council~~ *State Authority* and such confirmation has been published in the *Gazette*.

(5) The ~~Commissioners~~ *Commissioners* shall, if the ~~Governor in Council~~ *State Authority* so directs at the time of the confirmation thereof, cause any by-laws to be translated into Malay, Chinese and Tamil or any one or more of them; and shall supply a copy of all by-laws for ~~the time being in force~~ *the time being in force* to any applicant on payment of a sum not exceeding twenty cents.

(6) The production of a copy of any by-law purporting to be certified by the Commissioners to be a true copy of a by-law for the time being in force shall be evidence of such by-law and of the due making and confirmation of such by-law and of its being in force.

(7) Every licence issued under any by-law shall be subject to such conditions and restrictions as the Commissioners think fit, and upon breach of any such conditions or restrictions shall be revocable at any time without compensation and without notice by the Commissioners and the ~~Health Officer~~ *Health Officer* may suspend any such licence pending the decision of the Commissioners.

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Part VII.

RATES AND TAXES.

Rates.

59.—(1) The Commissioners may, subject to the provisions hereinafter contained, from time to time so often as they think necessary make and assess—

- (a) any separate or consolidated rate or rates on the annual value of all houses, buildings, lands and tenements whatsoever within the Municipality, for the various objects set out in subsection (2) (a);
- (b) an improvement rate on the annual value of all houses, buildings, lands and tenements whatsoever within the Municipality, toward any of the purposes referred to in subsection (2) (b);
- (c) a special rate on the annual value of all houses, buildings, lands and tenements within the Municipality having access to any back-lane, formed under the Municipal Ordinance, 1896, or this Ordinance, or the Municipal Ordinance for which this is substituted, of which the levelling, paving, metalling, channelling and draining has been paid for out of the Municipal Fund, for the object mentioned in subsection (2) (c);
- (d) such rates shall not, in the case of the rates referred to in paragraph (a), exceed in the aggregate in one year ~~twenty~~ per centum of the annual value of the property rated and, in the case of the rate referred to in paragraph (b), ~~five~~ per centum of the annual value of the property rated.

Rates.

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(2) (a) The objects for which such rate or rates as may be made under subsection (1) (a) shall be made are—

Objects of rates.

- (i) the maintenance of the police;
- (ii) the maintenance, repair and lighting of the public streets and of places and buildings vested in or belonging to the Municipality;
- (iii) the supply of water to the Municipality and the cost of water works, drinking fountains, tanks and wells:

- (iv) the extinction and prevention of fire;
- (v) the providing or maintenance of a system of removal of sewage or of night-soil or both; ~~unless fees are chargeable in respect of the removal of night-soil as provided in section 230;~~
- (vi) the execution of any Ordinance making provision for the sale of food and drugs in a pure state;
- (vii) the execution of any Ordinance relating to public health;
- (viii) the execution of any Ordinance relating to the registration of births and deaths;
- (ix) the execution of any Ordinance relating to weights and measures;
- (x) the general purposes of the Ordinance.

(b) The object for which such improvement rate as may be made under subsection (1) (b) shall be made is to carry out the purposes of Part XIV and sections 145, 148 and 250 or any of them and also any of the following purposes, to wit:—

- (i) the acquisition and improvement of any area certified by the Health Officer to be insanitary or injurious to health;
- (ii) the provision of open spaces in congested areas or in the vicinity thereof;
- (iii) the provision of housing for persons likely to be dishoused under any scheme approved by the Commissioners for the improvement of any area or areas certified by the Health Officer to be insanitary or injurious to health, and the acquisition of land necessary for such housing;

(c) The object for which such special rate as may be made under subsection (1) (c) shall be made is to cover the interest on the capital expenditure charged to the Municipal Fund for levelling, paving, metalling, channelling and draining back-lanes, whether such expenditure has been incurred before or after the first day of June, 1913.

(3) Such rate or rates shall endure for any period not exceeding twelve months, and shall be payable half-yearly in advance, without demand, by the owner of such property at the Municipal Office or other prescribed

Duration and amount of rate.

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place or places in the months of January and July or within such other time in each half-year as is prescribed, and shall be assessed and levied in the prescribed manner.

x (4) Where the assessment on any house, land, building or tenement would not produce fifty cents in one year, no assessment shall be payable thereon.

(5) All buildings used exclusively as places for religious worship, all duly licensed public burial and burning grounds used exclusively for such purpose, all buildings used exclusively for public schools or for charitable purposes or for the purposes of science, literature or the fine arts and not for pecuniary profit, all buildings in charge of military sentries, and all property belonging to His Majesty whether for Imperial purposes or for the use of the Government of the Colony, unless let for profit, all municipal property vested in the Commissioners making and assessing such rate or rates, and all property in the Settlement of Singapore of the Singapore Improvement Trust shall be exempted from the payment of such rate or rates. [Amended by Ordinance 11 of 1932, S. 5.]

Exemptions.

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(6) The rates for the above-mentioned purposes shall, with the exception of the rate for the supply of water and sewage removal, be levied on all houses, lands, buildings and tenements within the Municipality.

Property assessable.

1933

(7) The rate for the supply of water shall be levied only in respect of houses, lands, buildings and tenements—

- (a) to which private water supply is furnished from or which are connected by means of communication pipes with the municipal water-works or mains;
- (b) which are situated within the area the houses, lands, buildings and tenements in which were liable to the rate for the supply of water on the first day of January, 1900; or
- (c) which are situated within six hundred and sixty feet by the shortest available means of legal access of any standpipe connected with any main:

Provided that the Commissioners may at any time exempt either wholly or partially from the rate any premises which in their opinion are not sufficiently

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supplied with water from the municipal water-works, and that any person dissatisfied with their decision may appeal to the Governor-in-Council whose decision shall be final.

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(8) The rate for removal of sewage shall be levied only in respect of houses, lands, buildings and tenements within the area or areas referred to in section 229. *(Amended by Ordinance 11 of 1932, S. 5.)*

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Deduction

(9) Where premises are held subject to the payment by the owner thereof of any rent, rent-charge, annuity or other like payment, such owner having paid the rate or rates for the time being assessed on such premises shall be entitled, notwithstanding any stipulation to the contrary, to deduct from such rent, rent-charge, annuity or other payment a sum which shall bear the same proportion to the rate or rates so paid by him as aforesaid as the amount of such rent, rent-charge, annuity or other payment bears to the annual value of the premises.

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(10) No such deduction shall be made from any rent payable to the Crown, but in that case the rent so payable to the Crown shall be deducted in ascertaining the annual value of the premises for rating purposes.

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Refund on unoccupied buildings.

60.—(1) If any building is unoccupied and no rent is payable in respect thereof during a period of not less than one month, part of a half-yearly period in respect of which a rate has been paid under the provisions of section 59, the Commissioners shall refund a part of such rate proportionate to the period during which the building has been unoccupied.

(2) No refund shall be made under this section, unless the person claiming the same shall have, within seven days from the commencement of the period in respect of which the refund is claimed, given written notice to the Secretary of such vacancy and shall have claimed payment thereof in writing not later than one month after the expiration of the half-year in respect of which the claim is made :

Provided, however, that the Commissioners may at their discretion make a refund under this section to the extent of the whole or any part thereof, although the claim therefor has not been made within the prescribed time, if they are satisfied as to the reasons for the failure to make such claim within the prescribed time, but no

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refund shall be made unless the claim therefor is received not later than six months after the expiration of the half-year in respect of which such claim is made.

(3) No refund shall be allowed in respect of any period of less than one month.

(4) No refund shall be allowed in respect of any building, unless the owner proves to the satisfaction of the Commissioners—

(a) that such building is in good repair and fit for occupation;

(b) that every reasonable effort to obtain a tenant has been made;

(c) that the rent demanded is a reasonable one;

(d) that the building has been vacant during the whole period in respect of which refund is claimed:

Provided that where a refund is claimed in respect of a period during which the building has been undergoing repairs for the purpose of rendering it fit for occupation, it shall not be necessary to prove, in respect of such claim, the matters specified in paragraphs (a), (b) and (c) of this subsection.

(5) Claims under this section shall state the dates between which the building was unoccupied and an address to which communications in reference thereto may be sent.

(6) A refund of rates under this section shall be payable on the expiration of the half-year in respect of which it became payable.

[Subsections (1)-(6) substituted by Ordinance 11 of 1932.]

(7) (a) Where part of an unbroken period of vacancy falls within one half-year and is less than one month and part within the next succeeding half-year, a claim for refund in respect of a whole unbroken period of vacancy not being less than one month may be made and allowed.

(b) Where part of an unbroken period of vacancy falls within one half-year and is not less than one month and part thereof falls within the next succeeding half-year and is less than one month, a claim for refund in respect of the part last mentioned may be made and allowed.

[Added by Ordinance 59 of 1935, S. 5.]

Assessment-
list to be
prepared.

61. The Commissioners shall cause an assessment-list of all houses, buildings, lands and tenements liable to assessment to be prepared containing—

- (a) the name of the street or division in which the property is situate;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual value on which the property is assessed;
- (e) the amount of the assessment thereon.

Notice of
assessment-
list to be
published.

62.—(1) When the assessment-list has been completed, the Commissioners shall give public notice of the same in the *Gazette* and in one or more of the newspapers circulating in the Settlement, and of the place where the list or a copy thereof may be inspected.

(2) Every person claiming to be either owner or occupier of property included in the list or the agent of any such person may inspect the list and make extracts therefrom without charge.

Notice of
time for
revision.

(3) The Commissioners shall at the same time give public notice in the *Gazette* and in one or more of the English newspapers and in one or more of the Vernacular newspapers circulating in the Settlement of a time not less than six weeks from the publication of the notice when they will proceed to revise the assessment, and in all cases in which any property is for the first time assessed or the assessment thereof is increased they shall also give notice thereof to the owner or occupier of the property.

Objections to
assessment.

(4) All objections to the assessment shall be made in writing to the President at least fourteen days before the time fixed for the revision of the assessment.

Assessment-
list to be
authenticated.

63.—(1) After the objections have been inquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit, and the revision of the assessment has been completed, the amendments made in the list shall be authenticated by the signature of not less than two Commissioners who shall at the same time certify that no valid objection has been made to the assessment contained in the list except in the cases in which amendments have been entered therein, and, subject to such amendments as are thereafter duly

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made, the amount so assessed shall be deemed to be the assessment for the whole year next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the Municipal Office and shall be open there during office hours to inspection by all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

List to be deposited and open for inspection.

64.—(1) Where owing to mistake, oversight or fraud the name of any person or any property which ought to have been inserted in or omitted from the assessment-list has been omitted from or inserted in such list or any property has been insufficiently or too highly assessed or where any building newly built or re-built becomes liable to assessment after the list has been compiled, the Commissioners may at any time amend such list accordingly.

Amendments to assessment-list.

(2) Notice shall be given to all persons interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

Provision.

(3) In the case of any building newly built or re-built only a proportional part of the assessment shall be charged from the date of the completion of such building.

(4) Any person interested in any such amendment may tender his objections to the President in writing before the time fixed in the notice or orally or in writing at that time and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

Objections to amendment.

65. It shall be in the discretion of the Commissioners either to prepare a new assessment-list every year or to adopt the assessment contained in the list for any year, with such alterations as are in particular cases deemed necessary, as the assessment for the year following, giving the same notice of the assessment as if a new assessment-list had been prepared.

New assessment-list.

66. When the name of the owner is not known, it shall be sufficient to designate him in the assessment-list and in any proceedings to recover any rate as the "owner" of the property on which the rate is assessed without further description.

Names in assessment-list.

Returns may be required for purposes of valuation.

Power to enter houses, etc.

67.—(1) In order to enable the Commissioners to assess the annual value of any houses, lands, tenements or buildings liable to assessment, the President may require the owner or occupier thereof to furnish returns of the rent thereof and give all such information as is necessary for the preparation of the assessment-list or otherwise for the purpose of such assessment, and for the like purpose the President or any person appointed by him for that purpose may, at any time between sunrise and sunset, enter and inspect and, if necessary, survey the same.

Proviso.

(2) No entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without twenty-four hours' previous notice in writing to such occupier, specifying the hour, as near as may be, of such intended entry.

Penalties for not furnishing returns, etc.

(3) Any person who—

- (a) refuses or fails to furnish such return or to give such information as aforesaid for the space of one week from the day on which he has been required so to do;
- (b) knowingly makes a false or incorrect return or gives false or incorrect information; or
- (c) hinders, obstructs or prevents the President or any person appointed by him as aforesaid from entering, inspecting or surveying any such houses, lands, buildings or tenements;

shall be liable to a fine not exceeding five hundred dollars.

Remedy of parties dissatisfied with the assessment of rateable property.

68.—(1) Any person aggrieved by the assessment of any house, land, building or tenement may appeal against such assessment to the High Court.

(2) Such appeals shall be brought in the way, as near as circumstances will admit, in which like appeals are brought before the Courts of Quarter Sessions in that part of the United Kingdom called England.

(3) No appeal shall lie against any assessment if the assessment being due is unpaid nor unless an objection has been tendered to such assessment in manner hereinbefore provided, nor unless such appeal is lodged within ten days after the accrual of the cause of complaint, which shall, in respect of any assessment, be deemed to accrue on the date of the certificate of the Commissioners

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hereinbefore mentioned, or, in case of any subsequent amendment of the assessment-list under the provisions in that behalf hereinbefore contained, at the date when such amendment is made.

69.—(1) Subject and without prejudice to the rights of the Crown, the rate shall be a first charge on the property in respect of which it is assessed and, if not paid within the prescribed time, shall be recoverable in manner hereinafter provided.

Rates to be a first charge on property.

(2) The tenant or occupier of any house, land, building or tenement, not being the owner or joint owner thereof, who to avoid the seizure or sale of his property for non-payment by the owner of the rate or rates due in respect of such house, land, building or tenement has paid the amount of rate or rates due in respect of such house, land, building or tenement and costs, may, in the absence of any special agreement to the contrary, deduct the amount so paid by him from the rent due or to become due by him on account of the said house, land, building or tenement to the owner or owners thereof.

Tenant paying rate to avoid seizure of his property may deduct it from his rent.

(3) The receipt of the President or Secretary for the amount so paid shall be deemed an acquittance in full for the like amount of rent.

(4) Any occupier of any premises who when requested by or on behalf of the Commissioners to state the name of the owner of the premises refuses or wilfully omits to disclose or wilfully mis-states the same shall, unless he shows cause to the satisfaction of the Court for his refusal or mis-statement, be liable to a fine not exceeding fifty dollars.

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70. For the purpose of the preparation of the assessment-list of a Municipality in any Settlement the Colonial Secretary or Resident Councillor shall be deemed to be the owner of any Crown property let for profit and any sum due to the Municipality in respect of the assessment of any such property shall be recovered by the procedure laid down in Part IV of the Crown Suits Ordinance (Chapter 43) and not otherwise.

Recovery of rates on Crown property let for profit.

71.—(1) If any sum payable in respect of any rate remains unpaid at the expiration of the prescribed time, a notice shall be served upon the person or any one of

Proceedings in default.

approved by the High Settlement Executive & the words "Governments" or such other words approved by the Minister in the exercise of his powers.

with such fee as may be fixed in Schedule 1

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Proceedings for recovery of arrear.

Subs: Ord. 27/38

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Proceedings against the premises.

h. h. Proc. Ord.

Subs: Ord. 25/38

the persons, if more than one, liable to pay the same, calling on him to pay the same together ~~with a fee of fifty cents~~ for the cost of the notice within fifteen days of the service of such notice.

(2) If no person liable to pay the same can be found, such notice shall be deemed to have been duly served by the posting thereof in the Municipal Office and by fixing a copy thereof on some conspicuous part of the premises for which the rate is payable.

(3) At the expiration of the said period of fifteen days or such further period as has been allowed by the President, if any such sum or any part thereof remains due and unpaid, it shall be deemed to be an arrear and may be recovered as hereinafter provided.

72.—(1) For recovery of an arrear the Commissioners may issue a warrant of attachment and may seize by virtue thereof any personal property of any person liable to pay the same and may also seize any effects or any crops to whomsoever belonging which are found on the premises in respect of which the arrear is due and may, after the prescribed notice, sell the same by public auction in the prescribed manner.

(2) The attachment may be made by an officer deputed by the Commissioners for the purpose who shall publicly notify the attachment in the prescribed manner and shall take an inventory of the property attached.

(3) Such officer shall be deemed to be a public servant within the meaning of the Penal Code.

(4) Such officer may break open in the daytime any house or building for the purpose of effecting such attachment.

73.—(1) If the arrear cannot be recovered in the manner aforesaid, the Commissioners may, by notice of sale to be served or published in the prescribed manner, declare their intention of selling at the expiration of three months from the date of such notice of sale the premises in respect of which the arrear has accrued.

(2) If at the expiration of such period such arrear has not been paid or satisfied, the Commissioners may sell by public auction the whole of such premises or such portion thereof or such interest therein as they deem sufficient.

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(3) No premises, the property of the Imperial or Colonial Government, shall be sold under this Ordinance.

74.—(1) The proceeds of such sale shall be applied in the first place in satisfaction of the arrear together with interest thereon at the rate of six per centum per annum and costs.

A sale under sub-section 1 of section 73.
Application of proceeds.

(2) In the event of there being any surplus remaining the Commissioners shall, if they are satisfied as to the right of any person claiming such surplus, pay the amount thereof to such person or, if they are not so satisfied, shall hold the amount in trust for the person who may ultimately succeed in due course of law in establishing his title thereto.

(3) If no title is established to such surplus within a period of five years from the date of the sale, it shall be paid to the credit and form part of the Municipal Fund.

75.—(1) The purchaser at a sale held under section 73 shall be deemed to have acquired the right offered for sale free from all encumbrances created over it and from all subordinate interests derived from it except such as are expressly reserved by the Commissioners at the time of sale.

Title conferred by purchase at sale under section 73. *73(a)(b)*
and 75/80

(2) The Commissioners shall notify by an advertisement in the *Gazette* the result of the sale and the conveyance to the purchaser of the property or right offered for sale.

76. All costs of any proceeding under this Ordinance for the recovery of arrears may be recovered as if they formed part of such arrears.

Cost of proceedings for recovery of arrears.

77. If any person having any interest in any property liable to be sold under this Ordinance at any time previous to such sale tenders to the Commissioners the arrear with interest and costs, the Commissioners shall thereupon desist from all further proceedings in respect thereof.

Power to stop sale.

78.—(1) If any person whose personal property, crop or land has been attached or advertised for sale under this Ordinance disputes the propriety of the attachment or sale, he may apply to the High Court or, when the arrear does not exceed five hundred dollars, to a District Court for an order to stay the proceedings.

Application to Court.

(2) The Court, after hearing the Commissioners and making such further inquiry as is necessary, shall make such order in the premises as is just.

(3) In Malacca in the absence of a Judge from the Settlement such order may be made by the Registrar or by a Deputy Registrar of the Supreme Court.

Security to be given.

79. No application shall be entertained by the Court under section 78 unless the applicant has deposited in Court the amount of the arrear and costs or given security for the same to the satisfaction of the Court.

Notice to be given of the transfer of rateable property.

80.—(1) Whenever any rateable property within the municipal limits is sold or transferred, the purchaser or transferee shall, within three months after such sale or transfer, give notice thereof to the Commissioners in writing.

Notice of death to be given.

(2) Whenever the owner of any rateable property within the municipal limits dies, the person becoming the owner thereof by succession or otherwise shall give notice thereof in writing to the Commissioners within one year after the death of the deceased.

Form of notice.

(3) The notice to be given under this section shall be in form B or form C in Schedule 4, as the case requires.

The Commissioners may require production of deeds.

(4) On receipt of any such notice the Commissioners may require the production of the instrument of sale or transfer, if any.

Liability for rates of transferor who has not given notice.

(5) Every person who sells or transfers any rateable property within the municipal limits shall continue liable for the payment of all rates payable in respect of such property and for the performance of all other obligations imposed by this Ordinance upon the owner of such property which become payable or are to be performed at any time before notice of such transfer has been given or until the sale or transfer has been recorded in the books of the Commissioners.

(6) Nothing herein shall affect the liability of the purchaser or transferee to pay the rates in respect of such property or to perform such obligation as aforesaid or affect the right of the Commissioners to recover such rates or to enforce such obligation under this Ordinance.

Notice to be given of new buildings, etc.

(7) When any new building is erected or when any building is re-built or enlarged, or when any building

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which has been vacant is re-occupied, the owner of such building shall, within fifteen days, give notice thereof in writing to the Commissioners.

(8) The said period of fifteen days shall be reckoned from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or re-built or of the enlargement, as the case may be, and, in the case of a building which has been vacant, from the date of the re-occupation thereof.

How time to be reckoned.

(9) When any building or any portion of a building which is liable to the payment of rates is demolished or removed otherwise than by order of the Commissioners, the owner shall give notice thereof in writing to the Commissioners.

Notice to be given of demolitions and removals of buildings.

(10) Until such notice is given the owner shall continue liable to pay rates in respect of such building or portion of a building as if the same had not been demolished or removed.

(11) Any person who fails to give any notice required by this section shall be liable to a fine not exceeding ^{twelve} ten dollars.

Penalty for failing to give notice. Ord. 41/53

81. In the collection of rates under this Ordinance the rules and forms in Schedule B shall be observed.

Rules for recovery of rates.

Taxes. *Section 82 repealed on no form as it relates to motor vehicles - Ord. 49/48 Road traffic*

82.—(1) The Commissioners may levy an annual tax on all traction-engines, carriages, carts, wagons, ~~motor cars, motor lorries, motor cycles,~~ jinrikishas, bicycles, tricycles, horses and mules kept or habitually used within the Municipality at rates not exceeding those prescribed by the ~~Governor in Council~~. [Amended by Ordinance 11 of 1932, S. 7.]

Taxes on carriages, etc.

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(2) Such tax shall be payable in advance at the place specified in the schedule referred to in subsection (1) of section 87 by two equal instalments in the months of January and July or within such other time as is prescribed and shall be assessed and levied in the prescribed manner: Provided that when the instalment of tax for the then current half-year has been paid to a Municipality or Rural Board in any Settlement and the vehicle or animal in respect of which the tax has been paid is removed during that half-year to within the limits of any other Municipality or Rural Board, the

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(2) Such tax shall be payable in advance in the month of January or within such other time as is prescribed and shall be assessed and levied in the prescribed manner. [Amended by Ordinance 59 of 1935, S. 6.]

84.—(1) The taxes leviable in respect of vehicles or animals, including dogs, shall be payable by the person in whose possession or custody or control the vehicle or animal liable to the tax is on the first day of the period in respect of which the tax is payable.

Tax on vehicles and animals by whom payable.

(2) If any vehicle or animal comes into the possession, custody or control of any person during the period in respect of which any tax is payable, such person shall, on the day on which the vehicle or animal comes into his possession, custody or control, be liable to pay the prescribed tax in respect thereof unless he can show to the satisfaction of the Commissioners that such tax has already been paid.

85. The Commissioners may compound for any period not exceeding one year with livery stable-keepers and other persons keeping or using vehicles and animals for hire for a certain sum to be paid for the vehicles and animals so kept by such persons in lieu of all taxes thereon.

Commissioners may compound with livery stable-keepers and others.

86. The Commissioners shall cause to be prepared and to be open to inspection by any persons interested therein, a list of the persons liable to the payment of taxes upon vehicles not registered under Part XIII or animals not intended to be used for drawing vehicles registered under Part XIII, a description of the vehicles and animals in respect of which they are liable, and the amount of the tax assessed thereon. [Substituted by Ordinance 11 of 1932, S. 8.]

List of persons liable to taxes.

87.—(1) In order to make such list the President or any officer authorized by him shall, in the first fourteen days of January and July in each year, send to every person supposed to be liable to the payment of any such tax a schedule to be filled up with such information respecting the vehicles and animals kept by him as the President judges necessary for the assessment of the tax.

Returns may be required for the purpose of making a list.

(2) The schedule shall be filled up in writing and signed and dated and returned to the place specified therein by every person to whom it has been sent.

Returns to be signed by person to whom it is sent.

whether he is liable or not to the payment of such tax. [Amended by Ordinance 11 of 1932, S. 9.]

(3) Any person who refuses, neglects or omits duly to fill up and return such schedule within one week from the receipt thereof shall be liable to a fine not exceeding ^{twenty} ~~twenty-five~~ dollars.

(4) Any person who knowingly gives therein any incorrect or false return shall be liable to a fine not exceeding ^{or hundred} ~~fifty~~ dollars.

Power to inspect stables, etc., and to summon persons liable to the payment of taxes.

88.--(1) The President or any officer authorized by him for that purpose may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or place wherein he has reason to believe that there is any vehicle or animal liable to taxation under this Ordinance.

(2) The President or any officer authorized by him for that purpose may summon any person whom he has reason to believe to be liable to the payment of any such tax or any other person and may examine any such person as to the number and description of the vehicles and animals in respect of which such person is liable to be taxed. [Amended by Ordinance 11 of 1932, S. 10.]

Penalty for disobeying summons.

(3) Any person who on being summoned under subsection (2) fails without lawful excuse to appear in pursuance of the summons or who hinders or obstructs the President or any person so appointed as aforesaid from entering or inspecting or leaving any such stable, coach-house or place shall be liable to a fine not exceeding ^{one} ~~fifty~~ dollars.

If tax not duly paid notice to issue.

89.--(1) If the amount of any tax or taxes imposed under this Ordinance is not paid within the prescribed time, a notice shall be issued requiring the defaulter to pay the same, together with a fee of ^{one} ~~fifty cents~~ for the costs of such notice, within seven days from the date thereof. [Substituted by Ordinance 11 of 1932, S. 11.]

If tax not paid after notice distress warrant to issue.

(2) If such amount and fee are not paid within the said period of seven days, a warrant shall be issued to some collector or other officer of the Municipality named therein, directing him to levy the same and the costs of recovery by seizure and sale of all and singular the moveable property of the defaulter found within the Settlement in which the Municipality is situate. [Amended by Ordinance 1 of 1929, S. 7.]

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(3) Such warrant may be in form D in Schedule A.

Form of warrant.

(4) The person to whom any such warrant is addressed may break open in the daytime any house or building for the purpose of seizing property in pursuance of such warrant.

Power to break open house.

(5) Such fees as are prescribed by the ~~Governor~~ ^{H.C. & H. Co. 1/27} in Council shall be payable by way of costs in the case of the issue of a warrant for the recovery of the amount of any tax or taxes under this section.

Fees for issue of warrant.

90. The collector or officer charged with the execution of a warrant of distress shall make an inventory of the property seized under such warrant and shall at the same time give a notice in writing in form E in the Schedule A to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

Inventory.

91.—(1) The property seized in virtue of any such warrant shall be sold by public auction by the officer to whom such warrant is addressed or some other officer of the Municipality appointed by the Commissioners for that purpose at any time after the expiration of seven days from the day of such seizure, unless in the meantime the amount of the tax or taxes and of the costs in the said warrant mentioned is duly paid.

Property seized to be sold by auction after seven days.

(2) The surplus, if any, accruing by such sale, after deducting the amount of such tax or taxes and the costs, shall be restored to the owner of the property so sold.

(3) No officer or servant of the Municipality shall bid or purchase at any such sale either by himself or any other person.

92. If no demand is made for any surplus accruing from any sale made in pursuance of section 91 by the owner of the property sold within twelve months from the date of such sale, the amount of such surplus shall be paid to the credit of the Municipal Fund and no person thereafter shall be entitled to demand or receive the same.

Surplus arising from sale by distraint if unclaimed for twelve months to be forfeited.

General.

93. The production of the books purporting to contain any rate, tax or assessment made under this Ordinance shall, without any other evidence whatever,

Evidence of rates.

be received as *prima facie* proof of the making and validity of the rates, taxes and assessments mentioned therein.

Assessment, etc., not to be impeached for want of form.

94.—(1) No assessment or valuation, no charge or demand of any rate or tax under the authority of this Ordinance and no seizure or sale shall be impeached or affected by reason of any mistake in—

- (a) the name of any person liable to pay the rate or tax;
- (b) the description of any property or thing liable to such rate or tax; or
- (c) the amount of assessment or the mode of seizure and sale;

provided that the direction of this Ordinance or of any by-law made thereunder is in substance and effect complied with.

(2) No proceedings under this Ordinance for the recovery of any rates or taxes shall be quashed or set aside in any Court of Justice for want of form.

Part VIII.

STREETS, SEWERS AND BUILDINGS.

Streets.

Maintenance and repair of public streets.

95.—(1) The Commissioners shall, so far as the funds at their disposal will admit, cause all public streets within the Municipality together with the footways thereof, whether covered by arcades or not, to be maintained and repaired and may—

- (a) cause the same to be paved, metalled, flagged, channelled, drained or otherwise improved, and the surface thereof to be raised, lowered or altered as they think fit;
- (b) make and keep in repair any footways for the use of passengers in any such street; and
- (c) place on the sides of such footways or otherwise such fences and posts as are needed for the protection of foot passengers.

Boundary stones.

(2) The Commissioners may set up or affix to any buildings abutting on a public street, boundary stones or other marks to denote the width of such street.

Penalty.

(3) Any person who removes, defaces or injures any such stone or mark shall be liable to a fine not exceeding ~~one~~ ^{two} hundred dollars.

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(4) The owner and occupier of any premises in or against or to which such stone or mark is set up or affixed shall protect the same.

Owner or occupier to protect boundary stones.

(5) The expense of replacing any such stone or mark shall be paid by the occupier or, if the premises are unoccupied, by the owner, and shall be recoverable as hereinafter provided.

96.—(1) The Commissioners shall not be responsible for the maintenance or repair of any existing sea or river wall within the limits of any port and adjacent to any public street or of any sea or river wall which is constructed by the Government within such limits as aforesaid and which is or becomes adjacent to any public street.

No responsibility for sea and river walls.

(2) All such sea and river walls shall be maintained and repaired by the Government.

(3) The Government shall at all times make good any damage directly caused to the adjacent public street by the failure of the Government to maintain and repair any such sea or river wall.

97. The ^{Councillors} Commissioners, with the sanction of the ~~Mayor and Council~~ may—

Ord. 248/39 Power to make and improve streets.

- (a) lay out and make new streets and back-lanes;
- (b) build and construct bridges and tunnels;
- (c) turn, divert, discontinue or stop up any public street;
- (d) widen, open, enlarge or otherwise improve any such street; and
- (e) execute works of a reproductive nature or of such general advantage to the health, convenience or comfort of the inhabitants as to the Commissioners with such sanction as aforesaid seem desirable;

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making due compensation from the Municipal Fund to the owners and occupiers of any land, houses or buildings which are required for any such purposes or which are injuriously affected by the works.

98. In laying out or making any new streets, in addition to the land required for the carriage-ways and footways thereof, the Commissioners may, with the sanction of the ^{Mayor} ~~Governor in Council~~, also—

Power to take land adjoining new streets for building purposes.

- (a) acquire the land necessary for the houses and buildings to form the said street;

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- (b) erect any buildings upon the land so acquired or alter any existing buildings thereon; and
- (c) with the like sanction, sell and dispose of such land, houses or buildings with such stipulations and conditions as to the class and description of houses or buildings to be erected on such land as they think fit.

Commissioners may recover cost of new street.

99.—(1) When the Commissioners have laid out and made a new street, they may recover the cost of acquiring the land for, and of constructing, the said street from the owners of the premises fronting, adjoining or abutting upon such street.

(2) Such cost shall be paid by the owners according to the frontage of their respective premises in such proportions as are settled by the Commissioners or, in case of dispute, as are settled in manner hereinafter provided for the settlement of disputes respecting damages and expenses; provided that no owner shall be called upon to pay a greater sum than half of that by which his holding has been appreciated in value by reason of the new street having been constructed.

(3) In order to arrive at such appreciation in value the Commissioners shall cause a valuation to be made of the premises fronting, adjoining or abutting upon the line of such street at the time the sanction of the Governor-in-Council is given under section 97, and a further valuation made as soon as the street is completed.

(4) If the owner of any such premises is dissatisfied with either of such valuations, he may appeal to the Governor-in-Council whose decision shall be final.

(5) The amount payable to the Commissioners under this section shall, subject and without prejudice to the rights of the Crown, be a first charge on the premises in respect of which such amount is payable, and shall be recoverable by the same means and in like manner as if such amount were expenses recoverable under the provisions of section 372 and subsection (2) of section 375. [Added by Ordinance 59 of 1935, S. 7.]

100.—(1) Whenever any street or public street or part thereof is no longer required for the purposes of this Ordinance, the Commissioners may, with the

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Ord 25/38

A in sub-section
of section 97
Ord 25/38

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Ord 298-27

Subs:
Ord 25/38
(Ord 298 p 11)

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Ord. 4

8 Power to
sell streets.
Ord 25/38

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sanction of the ~~Governor in Council~~ ^{H.C. in Council}, sell, lease or exchange for other land the street or such part thereof as is not required for the purposes of this Ordinance.

(2) The proceeds of any such sale or the rent or other moneys received in respect of such lease shall be paid to the credit of the Municipal Fund. [*Amended by Ordinance 8 of 1927, S. 3.*]

(3) The power of ~~sale or leasing~~ given by this section shall not extend to any footway covered by an arcade where the soil of such footway is not vested in the Commissioners.

(4) The Crown Lands Ordinance (*Chapter 113*) shall apply to all land so sold.

101.—(1) No building shall be constructed in any new street until plans for such new street have been approved by the Commissioners.

(2) Every person who intends to make or lay out any new street shall give notice in writing thereof to the Commissioners, accompanied by a plan in duplicate, showing the intended level and construction of such street and the level of the houses to be built abutting upon it and the proposed manner of draining it, and by a statement whether such street is intended for a carriage road, a jinrikisha road or for foot traffic only, in order that the same may be approved or disapproved by the Commissioners.

~~Provided that the Commissioners shall not approve~~ the layout of any new street in the Municipality of Singapore, unless the Singapore Improvement Trust shall first have approved the same. [*Added by Ordinance 1 of 1929, S. 8.*]

(3) The Commissioners may give written directions to the person submitting a plan for a new street with regard to any of the following particulars:—

- (a) compliance with this Ordinance and any by-laws made thereunder;
- (b) the line of the new street, so as to ensure that it forms a continuous street with any existing street specified by the Commissioners;
- (c) the level of the new street;

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Notice, bearing of
Provision
Ord. 20

Apr. 29, 1929

Plans to be submitted.

Private persons making new streets.

Apr. 29, 1929

Directions by Commissioners.

- (d) the provision along the length of the new street of intersecting roads or back-lanes as the Commissioners direct;
- (e) the width of the new street; ~~which shall be at least thirty-six feet inclusive of the space occupied by the drains;~~
- (f) the width of any intersecting road or back-lane required by the Commissioners under paragraph (d), which shall be of such width not exceeding twenty feet as the Commissioners require;
- (g) ~~the~~ mode of drainage of the new street and of any intersecting roads or back-lanes;
- (h) ~~the~~ rounding of the corners of new streets;
- (i) the provision of culverts and the specification; size, and gradient of such culverts. [*Added by Ordinance 11 of 1932, S. 12.*]

(4) The person to whom any written directions are so given shall amend the plan accordingly.

Demarcation of new streets.

(5) The person whose plan has been approved by the Commissioners and each successor in title of such person, so far as the street lies in the land acquired by him, shall lay out the new street or demarcate its boundaries by such boundary stones or other marks as are considered sufficient by the Commissioners to denote the length, width and alignment of the street.

(6) If the new street has not been laid out or demarcated within the period of six calendar months from the date when the plan was approved by the Commissioners, the Commissioners may enter upon the land and demarcate the boundaries of the new street at the expense of the person whose plan has been approved or of his successor in title.

(7) Any person who removes, defaces or injures any stone or mark set to denote the length, width or alignment of such new street shall be liable to a fine not exceeding ~~one~~ hundred dollars.

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Penalties.

(8) Any person who—

- (a) makes or lays out any new street otherwise than in accordance with a plan approved by the Commissioners under this section; or
- (b) erects any building abutting on a new street which has not been laid out in accordance with a plan so approved; or

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(c) erects any building or plants any hedge in such manner that any part thereof is, without the consent in writing of the Commissioners, in any direction less than eighteen feet from the centre of the roadway of any street, not being a public street, or less than thirty-six feet from the opposite side of any road or path used or intended to be used as the means of access to two or more houses exclusive of the width of any footway which the Commissioners require;

shall be liable to a fine not exceeding ^{five} ~~two~~ hundred and ~~fifty~~ dollars, and a Police Court may, on the application of the Commissioners, make a mandatory order against the offender requiring him to execute any of the following works:—

- (i) to alter the street;
- (ii) to alter any building so built; or
- (iii) to remove any building so built or any hedge so planted.

(9) Where any new street is stated to be intended for foot traffic only, the Commissioners may impose such conditions for ensuring that the same shall not be used as a carriage or jinrikisha road as they think fit.

Commissioners may impose conditions.

(10) Where it is stated to be intended for a jinrikisha road only, they may impose such conditions for ensuring that the same shall not be used as a carriage road as they think fit.

(11) Any person who keeps open or uses such street in breach of such conditions shall be liable to a fine not exceeding one hundred dollars and to a further fine not exceeding ten dollars for any day during or on which the offence is continued or repeated.

Penalty.

(12) No person shall erect or maintain or permit to be erected or maintained any obstruction in any street, whether made before or after the first day of June, 1913, which will close or partially close such street at either end or at any other part thereof, and the Commissioners may, where any such obstruction exists, take down and remove the same.

Streets not to be closed.

(13) For the purposes of this section the continuation of an existing street or the widening or alteration of any existing street or the adapting of a road made a

Continuation or alteration of existing streets.

jinrikisha road or for foot traffic only for carriage traffic shall be deemed a new street.

Appeal to Governor in Council.

(14) If the person giving a notice under subsection (2) is dissatisfied with any requisition or disapproval by the Commissioners, he may, within seven days from the receipt of such requisition or disapproval, appeal to the Governor in Council whose determination shall be final.

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1/4
Requisition not delivered within two months.

(15) If the Commissioners do not within two calendar months from the delivery of a notice and plan under this section approve such plan or make written requisition with regard thereto, the person who has given the notice may apply to the Governor in Council and the powers vested in the Commissioners under this section shall then vest in the Governor in Council.

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L.V. 298/57

Preparation of scheme for building.

*102.—(1) The Commissioners may, as respects any land which is in process of development or appears to the Commissioners likely to be used for building purposes at an early date, prepare a scheme showing the streets, back lanes and open spaces which the Commissioners deem necessary to secure proper sanitary conditions, amenity and convenience in connection with the laying out and the use of such land and of any neighbouring lands.

Publication and service of notices.

(2) Upon the completion of the preparation of such scheme, the Commissioners shall—

- (a) publish during three consecutive weeks in the *Gazette* and in one or more of the local newspapers an advertisement stating the fact of such scheme having been prepared for a certain prescribed area and naming a place where a copy of the scheme may be seen;
- (b) serve a notice on every owner or reputed owner of any property affected by the scheme stating that such a scheme has been prepared and requiring him to signify his assent or dissent thereto within three months from the date of service.

Order confirming scheme.

(3) Upon compliance with the foregoing provisions with respect to the publication of an advertisement and the service of notices, the Commissioners shall

*But see Chapter 134, S. 2.

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apply to the ~~Governor in Council~~ that an order may be made confirming such scheme.

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(4) The application shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners who have dissented from the scheme.

Application to be accompanied by copy of scheme.

(5) If on consideration of the application and on proof of the publication of the proper advertisements and the service of the proper notices the ~~Governor in Council~~ thinks fit to proceed with the scheme, he may, after giving any person who has dissented from it and the Commissioners an opportunity of being heard, in the case of the Commissioners, by a person appointed by them or by counsel and, in the case of the person dissenting, either in person or by counsel, make an order declaring the limits of the area comprised in the scheme and authorizing the scheme to be carried into execution.

~~Governor in Council~~ may authorize scheme to be carried out.
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(6) Such order may be made either absolutely or with such conditions and modifications of the scheme as the ~~Governor in Council~~ thinks fit.

Order may be made with conditions.
2. 1. 298/57

(7) The ~~Governor in Council~~ at any time after any scheme has been authorized under subsection (5) may modify such scheme or any part thereof on the application of either the owner of the land affected or the Commissioners, after giving every owner or reputed owner of any property which in his opinion is affected by such modification and the Commissioners an opportunity to be heard, as to the owners, in person or by counsel, and, as to the Commissioners, by a person appointed by them or by counsel. [*Amended by Ordinance 8 of 1927, S. 4.*]

~~Governor in Council~~ may modify scheme.
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(8) Any plan forming part of any scheme made under this section shall, for the purposes of section 101, have the same effect as a plan approved by the Commissioners under that section; provided that the duty imposed by subsection (5) thereof shall not attach to any person unless and until he submits a plan for the erection of a building on some part of the land comprised in the plan under section 144.

Effect of plan forming part of scheme.

103.—(1) If any street not being a public street, or any part thereof is not levelled, paved, metalled, flagged, kerbed, channelled or drained to the satisfaction of the Commissioners, the Commissioners may

Paving, etc., of private streets.

by notice in writing to the respective owners of the premises fronting, adjoining or abutting upon such street or upon such part thereof as needs to be levelled, paved, metalled, flagged, kerbed, channelled or drained, require them forthwith to do any one or more of the following works, that is to say, to level, pave, metal, flag, kerb, channel or drain such street or part of a street within a time to be stated in such notice.

Preparation of plans and estimates.

(2) The Commissioners shall cause to be prepared a plan and specification of the works, an estimate of the expenses thereof, and an apportionment of the estimated expenses amongst the owners of the said premises.

Apportionment of expenses. Notice.

The apportionment may be made according to the respective frontages of the said premises or according to any other method or in any other way that the Commissioners may think fit, and may include, if the Commissioners think just, the owner of any premises who has access to the street and who in their opinion will be benefited by the works, in which case the notice prescribed by subsection (1) shall be served on such owner.

The Commissioners may, if they think fit, pay out of the Municipal Fund any part of the expenses of the works, and if they decide so to do the apportionment shall state or show what part of the expenses and what part of the works (if any) the Commissioners have decided to bear or pay for.

During one month from the date of the said notice the said plan, specification, estimate and apportionment shall be open to inspection at the Municipal Offices.

Contents of notice.

(3) The said notice shall state that the plan and specification, the estimate of the expenses of the works and the apportionment of such estimated expenses are so open to inspection as aforesaid, and shall name a day, not less than one month from the date of service of such notice, upon which the Commissioners will consider any objections to the requisition or any of the works or the estimates or the apportionment of cost or any amendment thereof, and shall state that in default of compliance with the

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requisition the Commissioners will cause the works to be done. The said notice may be in the form contained in Schedule C.

(4) Objections may be made in writing or orally, and after any objections have been enquired into and the persons making them have been allowed an opportunity of being heard, the Commissioners shall, at their discretion, confirm or amend their requisition or estimate or apportionment. The said plan, specification, estimate and apportionment so confirmed or amended shall be deposited in the Municipal Offices and shall be open there during office hours to inspection by all owners, and a public notice that they are open to inspection shall forthwith be published. No objection shall be made to any such amended requisition or estimate or apportionment.

Objections.

(5) If such work is not commenced within fourteen days from the date of such confirmation or amendment or being commenced is thereafter suspended or is uncompleted within the time stated in the said notice, the Commissioners may, if they think fit, cause the same to be executed.

When Commissioners may execute work.

(6) Such work shall be completed by the Commissioners within twelve months from the date of such confirmation or amendment, but the failure to complete such work within the said period shall not release any person from any liability to pay the expenses incurred in the execution thereof or prejudice or affect any remedy of the Commissioners for the recovery of such expenses.

Completion of work by Commissioners.

(7) The expenses incurred in such execution shall be paid by the persons who are the owners when the work is completed according to the apportionment made as aforesaid, and until so paid shall be a charge on the premises in respect of which such expenses have been incurred. The Commissioners shall within five days after any enquiry state in writing whether any requisition under this section remains uncompleted with and whether any and what charge exists in respect of any premises.

Payment of expenses.

shall, subject and etc

(8) For the purpose of recovering such expenses the Commissioners shall have and may exercise in addition to any other remedies conferred by this

Recovery of expenses incurred by Commissioners. s. 61

Ordinance either or both of the powers following, that is to say:—

(a) The Commissioners may issue a warrant of attachment and may seize by virtue thereof any personal property of any person liable to pay such expenses and may also seize any effects or any crops to whomsoever belonging which are found on the premises in respect of which such expenses are due and may sell the same by public auction, and the provisions of subsections (2), (3) and (4) of section 72 shall apply, and the forms prescribed by Schedule B adapted to the circumstances of the case may be used.

(b) The Commissioners may sell by public auction in lots or otherwise the premises in respect of which such expenses are payable in like manner as if such expenses were an arrear of rates payable in respect of such premises which cannot be recovered under section 72, and sections 73 to 79 shall apply and be construed as if the word "expenses" were substituted for the word "arrear" and for the word "arrears" wherever either of such words occurs and the notice of sale may be in form V in Schedule B adapted to the circumstances of the case or in any other form or terms.

(9) If the expenses incurred in such execution shall exceed the said estimated, the owners shall not be liable to pay that part of such expenses which is in excess of a sum equal to the said estimates and ten per centum thereof.

(10) In case a street has been levelled, paved, metalled, flagged, kerbed, channelled and drained to the satisfaction of the Commissioners, whether under the provisions of this section or not, and is not less than 36 feet wide, then, if the greater part in value of the owners of the premises fronting, adjoining or abutting on such street require such street to be declared a public street, the Commissioners shall, by writing under their common seal, declare the same to be a public street, and such street shall become a

Extent of liability of owner, when estimate exceeded.

Declaration of public street.

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public street and shall vest in and for ever afterwards be repaired by the Commissioners.

(11) Such declaration shall be entered and preserved among the proceedings of the Commissioners.

Entry of declaration.

104.—(1) If any street, not being a public street, is levelled, paved, metalled, flagged, channelled and drained to the satisfaction of the Commissioners, they may, if they think fit, by writing under their common seal, declare that at the expiration of one month from the date thereof the said street shall become a public street.

Private streets may be declared public streets.

(2) A copy of such declaration shall be forthwith posted up in some part of the said street.

Copy of declaration to be posted in the street.

(3) At the expiration of the said period, unless the owners or the greater part in value of the owners of the premises fronting, adjoining or abutting on such street have, by notification to the Commissioners in writing under their hands, objected thereto, the said street shall become a public street and shall vest in the Commissioners and for ever afterwards be repaired by the Commissioners.

(4) Such declaration shall be entered and preserved among the proceedings of the Commissioners.

105.—(1) The ~~Governor in Council~~ ^{Local Government} may at any time, on the request of the Commissioners, after receiving such report as he thinks fit to call for from an officer appointed generally or specially to enquire into and report upon the case, order that any private street shall be widened to a width of not less than 36 feet and shall be made up and taken over as a public street and that the lands specified in the order may be acquired by the Commissioners for the purpose of such public street.

Order by ~~Governor in Council~~ as to widening private street. 1/08 6/07/11

(2) The Commissioners may register such order under the Registration of Deeds Ordinance (Chapter 127) in Singapore and Penang and under the Mutations in Titles to Land Ordinance (Chapter 129) in Malacca.

Registration of order. 4-5 20/21

(3) Upon such registration the lands specified in such order shall be deemed to be vested in the Commissioners for the purposes of the Ordinance and be freed from all incumbrances and, where such land is held under a Statutory Land Grant, such order shall not be

Effect of order.

Am. 298/29

Acquisition of other land in connection with order.

deemed to create a subdivision within the meaning of the Crown Lands Ordinance (*Chapter 113*).

(4) Whenever any lands other than those included in any order registered under subsection (2) have been acquired by the Commissioners in connection with such order under subsections (6) and (7), the Commissioners shall prepare a plan of the lands so acquired and shall by writing under their common seal declare that such lands have been acquired by them in connection with the order, and the registration of such writing together with the plan shall vest such lands in the Commissioners free from all incumbrances in like manner as if the lands had been originally included in the order.

Taking possession of land.

(5) When the Commissioners have registered the order or writing in this section referred to, they may take possession of the lands specified in the order or writing and may proceed to demolish and remove any building or portion of a building situated thereon.

Acquisition of whole building if part rendered useless.

(6) Where the acquisition under this section of any portion of a building renders useless the remainder of any such building, the Commissioners shall, if the owner so requires, acquire the remainder of the holding covered by such building and its appurtenances and shall pay compensation therefor in accordance with subsection (8).

Acquisition of whole holding in certain circumstances.

(7) Where the acquisition under this section of any land would render useless as a building site the whole or any part of the remainder of a holding, the Commissioners shall, if the owner so requires, acquire such whole or such part, as the case may be, and shall pay compensation therefor in accordance with subsection (8).

Provisions governing compensation.

(8) Compensation shall be paid to the owners of land acquired under this section in accordance with the following provisions:—

(a) where the whole of a holding is acquired, compensation shall be paid for the whole of such holding;

(b) where the land acquired is vacant or there are no buildings other than an enclosing wall, hedge, paling, gateway or fence on the land acquired, and a portion only of a holding is acquired, the Commissioners shall set back

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such wall, hedge, paling, gateway or fence (if any) to the boundary of the land acquired, and shall pay compensation for all land acquired lying beyond a distance of 18 feet from the centre of the street existing at the date of the application under subsection (1), but no compensation shall be payable in respect of severance;

(c) where there are buildings on the land acquired, compensation shall be paid for such land and buildings, provided that in the ascertainment of such compensation the value of all land lying within a distance of 18 feet from the centre of the street existing at the date of the application under subsection (1) shall not be taken into account and that no compensation for severance of land shall be payable where the whole of a building is acquired;

(d) in the case of a holding at the corner of such private street and another street where the frontage of the holding to such other street is of greater value per square foot than the frontage to the private street, compensation shall be paid for the whole of the land acquired to a depth not exceeding 100 feet from such other street.

(9) The compensation to be paid by the Commissioners for any land or buildings acquired under this section shall be ascertained in accordance with the provisions of the Land Acquisition Ordinance (*Chapter 138*), as if the same were acquired for a public purpose under that Ordinance, the date of the request made by the Commissioners being substituted for the date of the declaration under section 5 of the said Ordinance.

Compensation how ascertained.

(10) The total cost of acquisition under this section shall be paid to the Commissioners by the owners, at the time when the works which the Commissioners resolve to do are completed, of the premises fronting, adjoining or abutting upon such street so widened in proportion to the frontage of the respective premises and, until recovery thereof, the same shall, subject and without prejudice to the rights of the Crown, be

Owners to repay Commissioners.

4. 2. 218, 29

a first charge on the premises in respect of which it is payable, and the provisions of section 375 (2) shall apply.

Repair of private streets.

106.—(1) Where any private street or any part thereof is in a dangerous or defective condition, the Commissioners may, by notice in writing, require the owners of all premises abutting on such street and having access or right of access thereto from such premises to cause such street to be properly repaired and amended within such time as is stated in such notice.

(2) If such owners fail to comply with the requirements of such notice, the Commissioners may themselves cause the work to be done and the owners shall pay to the Commissioners the cost and expense thereof in such proportions as are settled by the Commissioners, or, in case of dispute, as are settled in manner hereinafter provided for the settlement of disputes respecting damages and expenses.

line sub-section 103 of section 211
Reg. line of street may be prescribed.
298/69
1/48
060/56

107.—(1) The ^{Councillors} Commissioners may, with the sanction of the ^{State Authority} ~~Governing Council~~, prescribe a line on each side of a public street within which, except under section 115, no portion of any building abutting on the said street shall, after such line has been prescribed, be constructed.

(2) A line so prescribed shall be called "the regular line of the street."

Commissioners in certain cases may take possession of land within regular line.

(3) When any building or any part thereof within the regular line of the street falls down or is burned down or is taken down, whether under section 144 or otherwise, the Commissioners shall take possession of the portion of land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same.

Commissioners may take possession of land not built on.

(4) If any land, whether open or enclosed, lies within the regular line of the public street and is not occupied by a house, or if a platform, verandah, step or some other structure external to a house abutting on a public street or a portion of a platform, verandah, step or other such structure is within the regular line of such street, the Commissioners may, after giving to the owner of the land or building not less than seven

**But see Chapter 134, S. 2.*

X Colonial Secretary in
case of Road Boards
G.N. 3543/41

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clear days' written notice of their intention so to do, take possession of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other structure as aforesaid or of the portion of the said platform, verandah, step or other structure as aforesaid and, if necessary, clear the same.

(5) Possession of Crown land shall not be taken as aforesaid without the previous sanction of the ~~Governor in Council~~.

Section 274/10
Crown land not to be affected.

(6) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest as such in the Commissioners.

L.H.C. 12
Land taken to form part of street.

(7) Compensation for all lands acquired by the Commissioners under this section shall be subject to the special provision for compensation contained in section 339 and shall, in all cases where the amount claimed does not exceed one thousand dollars, be ascertained in the manner provided by section 371, but in all other cases shall be ascertained and paid for in accordance with the Land Acquisition Ordinance (*Chapter 128*).

Compensation.

108.—(1) Wherever there is a frontage ~~vacant of houses to the public street~~, such frontage not exceeding two hundred yards in length and lying between buildings having arcades or ~~five-foot ways~~ or between such buildings and another street, the Commissioners may, by notice in writing, require the owner or owners of such vacant frontage or the owners of the several frontages making up the same forthwith to allow ~~footpath seven feet in width~~ to be made for the use of the public along the said frontage, and, if necessary for this purpose, to set back any wall, fence, paling, hedge or other similar erection separating his or their land from the public street to a distance ~~of seven feet~~ from the edge of the street within three months from the date of the notice.

to the public use

Construction of footpaths *of public use*

footways

without compensation as footways etc.

not exceeding

(2) The cost of constructing and maintaining any footway proposed to be made under the powers given in this section, as well as the cost of setting back any such erection as aforesaid, shall be borne by the Commissioners, and the notice or notices required to be given shall contain an offer by the Commissioners to pay the cost of carrying out such work as estimated by the Municipal Engineer.

Cost.

Repa
Priva
streets

Materials.

(3) The footway shall be made of gravel, ^{concrete} cement or other suitable material as the Commissioners determine.

Who to execute work.

(4) On receipt of the notice the owner or owners may either execute the work as regards their respective frontages or require the Commissioners to do so, and, in the former case, if any owner fails to complete the work within the time specified in the notice, the Commissioners may enter upon his land and carry out the work themselves.

Plan to be delivered.

(5) In every case where a footway is made under this section, the Commissioners shall deliver to each owner of the land a plan, signed by the Municipal Engineer, showing the land taken for the footway with a declaration endorsed thereon, sealed with the common seal of the Commissioners, to the effect that the land has been taken under this section for use as a public footway, subject nevertheless to the right of each owner and his successors in title at any time to build ~~thereon in such manner~~ as he would have been entitled to build thereon if the land had not been taken for use as a public footway.

For sub. section of section 571

Ord. 2
"Regula
of street
may be
prescrib
L.N. 298/39
K. H. 1/4
Agreement 5/18
L.N. 298/39

in such manner
to such extent
Ord. 22/38
Ord. 22/38

Names of streets.

109.—(1) The Commissioners may determine the name by which any street shall be known and shall cause to be affixed to or painted on a conspicuous part of each house, building, wall or place at or near each end, corner or entrance of every street the name by which such street is to be known.

Subs:

Ord. 48/40

Penalty for destroying name.

(2) Any person who destroys, pulls down, defaces, covers or conceals any such name or affixes or paints any name different from that affixed or painted by order of the Commissioners shall be liable to a fine not exceeding ten dollars.

Commis-
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Designation of fire-hydrants.

110.—(1) The Commissioners may cause to be affixed on a conspicuous part of any house or building a plate indicating the position of the nearest fire-hydrant and may place fire alarms, electric or otherwise, at convenient places in the streets.

Penalty.

Ord. 62/43

(2) Any person who destroys, pulls down, defaces, covers or conceals any such plate shall be liable to a fine not exceeding ~~twenty five~~ ^{ten} dollars.

Numbers on houses.

sub.
Ord. 52/40

111.—(1) The Commissioners may fix a number in a conspicuous place on the outer side of any house or

X Colonial
Ord. 17

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building or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down, defaces, covers or conceals any such number shall be liable to a fine not exceeding ^{one} ten dollars.

Penalty for destroying.
Ind. 55/83

(3) The owner and occupier of such house or building shall protect such number.

Owner and occupier to protect number.

(4) The expense of replacing or refixing any such number which has been destroyed, pulled down or defaced, covered or concealed shall be paid by the occupier or, if the house or building is unoccupied, by the owner, and shall be recoverable as hereinafter provided.

Minor Regulations.

112.—(1) All doors, gates, bars and ground-floor windows opening upon any street shall be hung or placed so as not to open outwards except when the same are hung or placed in such manner as in the judgment of the Commissioners to cause no obstruction in any such street.

Doors not to open outwards.

(2) If except as aforesaid any such door, gate, bar or window is hung or placed so as to open outwards on any such street, the owner of the premises to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards.

113. The owner of every house or building ~~abutting on any street~~ shall, within twenty-one days after notice from the Commissioners to that effect, put up and keep in good condition proper troughs, gutters and pipes for receiving and carrying the water from the roof and other part of such house or building and for discharging the same in such manner as the Commissioners direct so that it shall not fall upon persons passing along the street *or into any sewer*

Troughs and pipes to be fixed.

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O: 6/2/5

114.—(1) The Commissioners may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment or obstruction which has been or may be erected or placed against or in front of such house or building, if the same overhangs or juts into or in any way projects into or encroaches upon or is an obstruction to

Projections from houses not to be allowed.

Repair of private streets.

Same to be removed.

Owner may recover expense from occupier.

Occupier may recover expenses from owner.

Commissioners to pay if erection lawful.

When deemed lawful.

Projecting verandahs, etc., may be made in streets not less than 30 feet wide.

the safe and convenient passage along any public street or obstructs or projects or encroaches into or upon any aqueduct, drain or sewer in such street.

(2) Such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment or obstruction or alter the same in such manner as therein directed.

(3) In case such projection, encroachment or obstruction was made or put up by the occupier and the expenses of removing or altering the same have been paid by the owner, including a payment by the owner to the Commissioners when the work has been executed by them under the power hereinafter contained, then the owner shall be entitled to recover the reasonable expenses from the occupier.

(4) In case such projection, encroachment or obstruction was not made or put up by the occupier and the expenses of removing or altering the same have been paid by him, including a payment by him to the Commissioners when the work has been executed by them under the power hereinafter contained, then the occupier shall be entitled to deduct the reasonable expenses from the rent payable by him to the owner.

(5) If such projection, encroachment or obstruction has been lawfully made, the Commissioners shall pay the expenses of the removal thereof and make reasonable compensation to every person who suffers damage by such removal or alteration and, if any dispute arises touching the amount of such compensation, the same shall be ascertained in manner hereinafter provided.

(6) No such projection, encroachment or obstruction shall be deemed to have been lawfully made unless the same was made before the first day of January, 1878, or, being made after that date, was made with the permission of the Municipal Commissioners for the time being, and the onus of proof shall lie on the person asserting that the same was lawfully made.

115.—(1) The Commissioners may give permission in writing subject to such conditions for the removal thereof and for the safety and convenience of the public and otherwise, as they think fit, to the owners or occupiers of houses or buildings in public streets,

*Am. art. section (1) of section 271
and 272
"Regular line of street" may be prescribed.
L.N. 29 B/89
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*X. Local Bill
and of the
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the width of which is not less than thirty feet, to put up open verandahs, balconies, sun-shades, weather-frames, signboards and the like to project over the street.

(2) On breach of any such condition the Commissioners may give the owner or occupier notice to comply with such condition and, if such condition is not complied with within fifteen days, a Police Court may, upon the application of the Commissioners, make a mandatory order for the removal of such projection.

Penalty.

116.—(1) No sky-sign shall be erected in any place within the Municipality without the permission in writing of the Commissioners.

Sky-signs.

(2) The Commissioners may give to the owner or occupier of any premises upon which any sky-sign is so erected notice in writing to remove the same, and the owner or occupier shall remove the same within fourteen days after such notice.

117. The Commissioners may by notice in writing require the owner or occupier of any land to trim or prune the hedges thereof bordering any public street so that they do not exceed seven feet in height from the level of the street, and, in the case of hedges within fifteen yards of a corner, four feet from the level of the street, and to cut and trim all trees overhanging any public street so that they do not injure the same or annoy the passengers thereon.

Hedges and trees bordering streets to be trimmed.

Section 117

118.—(1) Where upon a report made by any municipal officer the Commissioners are satisfied that any grass, or other vegetation whether growing or not is in an inflammable state or likely to be dangerous to life or property in case it should become ignited, the Commissioners may by notice in writing require the owner or occupier of the land on which the same is growing or lying to remove the same from the land within a time limited by the notice.

Prevention of grass fires.

(2) If the notice is not complied with, the Commissioners at any time after the expiration of the time so limited may, if they think fit, cause the work specified in the notice to be done, and the cost and expenses of so doing shall be paid to the Commissioners by the

owner or occupier in default and shall be recoverable in manner provided by section 371.

(3) If any fire shall occur on any land in respect of which a notice under this section has been given after the time limited by such notice and before the notice has been fully complied with, the cost and expenses of extinguishing the fire incurred by the Commissioners shall be paid to them by the owner or occupier in default and shall be recoverable in manner provided by section 371, and a certificate as to the amount of such cost and expenses under the hand of the President shall be conclusive evidence that such amount has been so incurred.

[Substituted by Ordinance 59 of 1935, S. 8.]

Coconut trees not to be planted within twelve feet of public street.

119.—(1) No coconut trees shall be planted within twelve feet of any public street *or back lane* *and by*

(2) Any person who plants a coconut tree in contravention of this section shall be liable to a fine not exceeding ten dollars, and the tree may be cut down or dug up by order of the Commissioners.

(3) Any coconut tree standing within twelve feet of or overhanging any public street *may* be cut down or dug up by order of the Commissioners; provided that where such tree was planted before the twenty-fifth day of February, 1879, the Commissioners shall make such compensation not exceeding ten dollars to the owner thereof as is just.

Compensation in certain cases.

for back lane

Ord: 30/19

Obstructions.

Obstructions in streets.

120.—(1) Any person who—

(a) builds, erects, sets up or maintains or permits to be built, erected, set up or maintained any wall, fence, rail, post or any accumulation of any substance, or other obstruction, in any public street *or* in any open arcade or verandah abutting on any such street; or

(b) *without the permission of the Commissioners 25/38* covers over or obstructs any open drain, sewer or aqueduct along the side of any public street *or*

(c) deposits or causes to be deposited any box, bale or package of merchandise, or other article, in or upon any public street *or* in or upon any open arcade abutting on such street, so as to prevent, hinder or delay the

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for back lane

Ord 25/38

movable property etc

Ord. 25/38

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work of scavenging, or to create obstruction or inconvenience to the passage of the public for a longer time than is reasonably necessary for loading or unloading such merchandise or article; or

h property

(d) causes or allows any carriage, cart or vehicle for the conveyance of persons or of goods or other articles, whether with or without horses or cattle, to rest in any public road, except in such places as are appointed for that purpose under any law in force for the time being, for a longer time than is absolutely necessary to take up or set down any persons, or to load or unload any goods or other articles, or to collect hire;

h obstruct or block drive

shall be guilty of causing an obstruction, and shall be liable to a fine not exceeding ^{two} one hundred dollars.

Oct 16/13

any movable property of any kind
Presumption.

(2) If it is shown in any case that ~~any box, bale or package of merchandise or other article~~ has been deposited in or upon any public street or in or upon any open arcade abutting on any such street from any building or land in contravention of this section, it shall be presumed that the offence was committed by or by the permission of the occupier of such building or land.

h or block drive

(3) The Commissioners may cause any such obstruction to be removed or may themselves through their servants remove the same to a suitable place, there to remain at the risk of the owner and person offending, and may detain the same until the expenses of removal and detention are paid; provided that such power of removal shall be exercised only in regard to such streets as the Commissioners shall by resolution have prescribed and in the personal presence of such officers as the Commissioners shall have nominated by resolution confirmed by the ~~Council~~ ^{Mayor in Council}; provided also that the expense of removal shall not exceed \$4 per wagon trip and that the expense of detention shall be at the rate of \$1 per diem; provided further that if at the expiration of 7 days from the date of removal the expenses of removal and detention shall not have been paid, the matter that has been removed shall, if it

Power to remove obstructions.

h or block drive

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29/19

is not of the apparent value of \$25 or over, become the property of the Commissioners, and if it is of the apparent value of over \$25 be sold by public auction and the proceeds thereof, less expenses, shall be held by the Commissioners and paid to the owner of the matter removed, but if such proceeds are not claimed within 3 months of the sale as aforesaid they shall become the property of the Commissioners.

Repair of private streets.

Temporary obstructions on occasions of festivals, etc.

(4) Nothing herein shall prevent the Commissioners from allowing, with the concurrence of the Chief Police Officer, any temporary erections in any public street, or the temporary use of any part of a public street, on occasions of festivals and ceremonies.

for back-lane

Taking up pavement.

121.—(1) Any person who displaces, takes up or makes any alteration in the pavement, flags or other materials or in the fences or posts of any public street without the written permission of the Commissioners or without other lawful authority shall be liable to a fine not exceeding twenty-five dollars.

in section 571 of section 571

"Regular line of street" may be prescribed

Deeds

29.9.59

1/18 06/56

(2) Any person who wilfully damages or causes or permits any damage to be done to any street, footway, verandah-way, works or property, or any part thereof, belonging to the Commissioners or along which the public has a right of passage, shall be liable to a fine not exceeding one hundred dollars and the fine shall be paid into the Municipal Fund. [Added by Ordinance 59 of 1935, S. 9.]

9.1.55

Commissioners in certain cases may take possession of land within regular line

Prohibition of laying rails, pipes, etc., along streets.

122.—(1) No person shall lay or carry any line of rails, mains, pipes, conduits or electric lines along, through, across, over or under any street or any place laid out or intended for a street within any Municipality without first obtaining permission in writing from the Commissioners which may be granted or not at the discretion of the Commissioners and upon such terms as they think fit.

Commissioners may take possession of land not built on

Penalty.

1/18 06/56

(2) Any person who contravenes this section shall be liable to a fine not exceeding two hundred and fifty dollars, and the Commissioners may remove the lines of rails, mains, pipes, conduits or electric lines at his expense.

X Done

Water Pipes and Lighting Apparatus.

123.—(1) If the Commissioners deem it necessary for the purposes of this Ordinance to raise, sink or otherwise alter the situation of any water-pipe, gas-pipe or other water-works or gas-works, electric lighting cable or main telegraph wire or other electric lighting apparatus or telegraph apparatus laid in any of the streets, they may by notice in writing require the person to whom any such pipes, works, cables, mains or apparatus belong, or under whose control they are, to cause forthwith, or as soon as conveniently may be, any such pipes, works, cables, mains or apparatus to be raised, sunk or otherwise altered in position in such manner as they direct; provided that such alteration is not such as permanently to injure such works, cables, mains or apparatus or to prevent the water or gas from flowing as freely and conveniently as before.

Situation of gas and water-pipes, etc., to be altered at the expense of the Commissioners.

(2) The expenses attending such raising, sinking or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners as well to the persons to whom such pipes, works, cables, mains or apparatus belong as to all other persons.

(3) If any dispute arises touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided.

124. If the person to whom any such pipes, works, mains, cables or apparatus belong, or under whose control they are, does not proceed forthwith, or as soon as conveniently may be, after the receipt of such notice to cause the same to be raised, sunk or altered in the manner required by such notice, a Police Court may, upon the application of the Commissioners, issue a mandatory order for the execution of the necessary work.

If owners, etc., neglect to make alterations a Police Court may order the same to be done.

125.—(1) If the roadway, drain or verandah-way in or adjoining any public street is injured by or in consequence of any excavation on land adjoining such roadway, drain or verandah-way, the Commissioners may repair and make good the damage done.

Where road is injured by excavation Commissioners may repair and recover expenses.

(2) All costs and charges arising therefrom shall be paid to the Commissioners by the owner of the land on which the excavation has been made.

Precautions against Accidents.

Repairs of
streets.

Precautions
against
accident.
Bars to be
erected
across
streets
during
repairs and
lights placed
at night.

126.—(1) The Commissioners shall, during the construction or repair of any of the streets, sewers or drains vested in the Commissioners, take proper precaution against accident by shoring up and protecting the adjoining houses and causing such bars, chains or posts to be fixed across or in any of the streets or roads to prevent the passage of carriages, carts or other vehicles, cattle or horses, while such works are carried on as to them seem proper and causing the works to be sufficiently lighted and guarded during the night.

Penalty.

(2) Any person who takes down, alters or removes any such bar, chain or post or extinguishes any such light without the authority or consent of the Commissioners shall be liable to a fine not exceeding fifty dollars.

For sub-section (1)
of section 126

"Regular line
of street"
may be
prescribed.

Ord. 299, 87
K. H. C. S. Regulation
of Streets

to 1/48
00/56

Materials
not to be
deposited
without
permission.

127.—(1) No person shall deposit any building materials or make a hole in any street without the permission in writing of the Commissioners.

Fencing and
lighting
materials or
holes.

(2) When such permission is granted to any person, he shall at his own expense cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed or the hole is filled up or otherwise made secure to the satisfaction of the Commissioners, and shall cause the same to be sufficiently lighted during the night.

Commis-
sioners in
certain cases
may take
possession of
land within
regular line.

Penalty.

(3) Any person who deposits materials or makes a hole without such permission or fails to fence or enclose and light such materials or hole or does not remove such materials or fill up such hole or otherwise make it secure in the manner aforesaid when the permission has been withdrawn, shall be liable to a fine not exceeding fifty dollars and shall also be liable to a further fine not exceeding fifty dollars for every day during which the offence is continued after twenty-four hours' notice in writing from the Commissioners, and the Commissioners may themselves fence, enclose and light such materials or hole.

Commis-
sioners may
take possession
of land
not built on.

Ord. 299

(4) All costs and charges arising therefrom shall be paid to the Commissioners by the person so in default.

Dangerous
places to be
repaired or
enclosed.

128.—(1) If any building, tank, well, hole or other place is for want of sufficient repair, protection or enclosure or from any other cause, in the opinion of

X. 120/125

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the Commissioners, dangerous to the public, they shall give notice in writing to the owner thereof to repair, protect or enclose the same forthwith so as to prevent danger therefrom.

(2) Any owner who fails without reasonable cause to comply with such notice shall be liable to a fine not exceeding ~~one~~ hundred dollars, and the Commissioners may themselves repair, protect or enclose the same.

Ord. 65, 73

(3) All costs and charges arising therefrom shall be paid to the Commissioners by the owner of the building, tank, well, hole or other place.

Scavenging.

129. The Commissioners shall cause the public streets, including the footways thereof, to be properly swept and cleansed so far as is reasonably practicable and the dust, dirt, ashes, rubbish and filth of every sort found thereon to be collected and removed.

Cleansing streets.

130.—(1) The owner and the occupier of any premises abutting upon any private street to which they have access or the right of access from such premises shall cause such portion of the street as abuts on his premises and up to the centre thereof, including the footways, to be properly swept and cleaned so far as is reasonably practicable and the dust, dirt, ashes, rubbish and filth of every sort found thereon to be collected and removed.

Duty of owner or occupier to keep street clean.

(2) The Commissioners may by notice in writing require any person upon whom any duty is cast under subsection (1) to sweep and clean such street and to collect and remove the dust, dirt, ashes, rubbish and filth found thereon at such time or times as are stated in such notice. [*Substituted by Ordinance 8 of 1927, S. 5.*]

Notice to owner or occupier to keep street clean.

(3) Any person to whom such notice is given who fails to comply with it shall be liable without further notice to a fine not exceeding ~~ten~~ dollars for each day during which such non-compliance continues, and the Commissioners may themselves cause the work to be done and the owner shall pay to the Commissioners the cost and expense thereof.

Penalty for non-compliance. *Ord. 65, 73*

Repair of
streets
ordinance.

Commis-
sioners may
require the
owner.

(4) The Commissioners may contract with any owner or occupier as aforesaid for sweeping and cleaning such street and for collecting and removing the dust, dirt, ashes and rubbish for any period the Commissioners think fit.

(5) The amount due by the contracting persons to the Commissioners may be recovered as though it were a tax leviable under this Ordinance.

Depositing
dirt on
street, etc.

131.--(1) Any person who—

(a) deposits or permits his servants or other persons, whether employed by him or not, to deposit any dust, dirt, dung, ashes, garden, stable, kitchen or trade refuse or filth of any kind or any animal matter or any broken glass or earthenware, waste paper or other rubbish in any street or on any public quay, jetty, ghaut or landing place or on any part of a river-bank or of the sea shore, whether above or below high water mark, except in such places, in such manner and at such hours as are fixed by the Commissioners; or

(b) causes or allows the water of any sink or drain or any other offensive liquid matter belonging to him or being on his premises to run, drain or be thrown or put upon any street; or

(c) causes or allows any offensive matter from any sewer, privy or cesspool to run, drain or be thrown into a surface drain;

shall be liable to a fine not exceeding ten dollars.

(2) Any person who throws or causes or permits to be thrown upon any street or open place water from any ditch, drain or gutter shall be liable to a fine not exceeding ten dollars.

(3) If in any case it is shown that any dust or other substance in this section mentioned has been deposited on any place in contravention of this section from any building or land or that any such water or any offensive matter has run, drained or been thrown or put upon or into any street or drain in contravention of this section, it shall be presumed that the offence was committed by or by the permission of the occupier of such building or land.

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of section 131

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"Regular list
of street"
may be
prescribed.
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Commis-
sioners in
certain cases
may take
possession of
land within
regular line

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Throwing
water from
ditch.

Oct. 65/83

Commis-
sioners may
take posses-
sion of lan-
not built or

Presumption
as to
offender.

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132. The Commissioners shall, so far as they deem requisite for the public convenience, cause the streets to be watered, and for that purpose the Commissioners may provide such works, engines and establishments as they think necessary.

Watering streets.

Sewers.

133.—(1) The Commissioners may cause to be made and constructed and maintained sewage works and may also cause to be made such main or other sewers, drains and water-courses as are judged necessary for the effectual draining of the Municipality, and, if needful, the Commissioners may carry them through, across or under any street or any place laid out as or intended for a street or any cellar or vault which is under any of the streets and, after reasonable notice in writing in that behalf into, through or under any inclosed or other lands whatsoever, doing as little damage as may be and making full compensation for any damage done.

Commissioners to make public sewers.

(2) If any dispute arises touching the amount or apportionment of compensation, the same shall be settled in the manner hereinafter provided.

for sub-section (2) of section 271 out 2/28

134.—(1) The Commissioners shall maintain and keep in repair and, as they see fit, enlarge, alter, arch over or otherwise improve all or any of the sewers and drains, culverts, gutters and water-courses vested in them and may discontinue, close up or destroy such of them as they deem useless or unnecessary.

Commissioners to repair and alter and discontinue sewers.

(2) The discontinuance, closing up or destruction of any of them shall be so done as not to create a nuisance.

Not to cause nuisance.

(3) If by reason thereof or of any such alteration as hereinbefore mentioned any person is deprived of the lawful use of any sewer, drain, culvert, gutter or water-course, the Commissioners shall with due diligence provide some other as effectual as the one of which he is so deprived.

135.—(1) The Commissioners shall cause the sewers, drains, culverts, gutters and water-courses vested in them to be so constructed, maintained and kept as not to be a nuisance or injurious to health and to be properly cleared, cleansed and emptied and, for the

Cleansing and emptying sewers.

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purpose of flushing, cleansing and emptying the same, they may construct and place, either above or under ground, such reservoirs, sluices, engines and other works as are necessary.

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(2) The Commissioners may, with the sanction of the ~~Governor in Council~~, cause all or any of such sewers, drains, culverts, gutters and water-courses to communicate with and be emptied into the sea or other fit place, or may cause the refuse from the same to be conveyed by a proper channel to the most convenient site for its deposit, and may sell or otherwise dispose of the said refuse for any agricultural or other purposes as are deemed most expedient but so that it shall not become a nuisance.

See sub-section 136 of section 571
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Penalty for making unauthorized drains into public sewers.

136.—(1) Any person who without the written consent of the Commissioners makes or causes to be made any drain into any of the public sewers or drains or into any canal or stream vested in or under the control of the Commissioners shall be liable to a fine not exceeding ^{one hundred} fifty dollars, and a Police Court on the application of the Commissioners may make a mandatory order requiring the owner to demolish, alter, re-make or otherwise deal with such drain as the Court thinks fit.

Commissioners in certain cases may take possession of land within regular line.

Water-closets not to communicate with river, etc., without approval. Penalty.

(2) No water-closet or privy shall be allowed to communicate with any river, canal or stream, nor without the consent of the Commissioners with any public drain or sewer.

Commissioners may take possession of lot not built on.

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(3) Any person who sends, causes or permits to be sent into or along any river, canal or stream or into or along any public drain or sewer any night-soil or excrementitious matter contrary to subsection (2) shall be liable to a fine not exceeding fifty dollars for each offence, and a Police Court on the application of the Commissioners may make a mandatory order requiring the owner to take such steps as the Court thinks fit to prevent any such communication.

Rain-water pipes not to be used as soil-pipes.

137.—(1) No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or water-closet or any sulliage water.

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(2) Any person who offends under this section shall be liable to a fine not exceeding ~~fifty~~ ^{one hundred} dollars and to a fine not exceeding ~~twenty~~ ^{ten} dollars for each day during which the offence is continued after conviction.

Ord. 6073

138.—(1) No water-pipe, stack-pipe or down spout used for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain or sewer.

Water-pipes, etc., not to be used as ventilating shafts.

(2) Any person who offends under this section after fourteen days from the service upon him by the President of notice of such offence shall be liable to a fine not exceeding ~~twenty~~ ^{ten} dollars and to a fine not exceeding ~~ten~~ ^{ten} dollars for each day during which the offence is continued after conviction.

Ord. 6073

139. Before any drain existing on the seventeenth day of May, 1919, and then not communicating with any sewer of the Commissioners is made to communicate with any such sewer, the Commissioners may require the same to be laid open for examination by the Municipal Engineer, and no such communication shall be made until the Municipal Engineer certifies that such drain may be properly made to communicate with such sewer.

Commissioners may require old drains to be laid open for examination before they are made to communicate with sewers.

Ord. 25/39

140.—(1) In this section, unless there is something repugnant in the subject or context—

Interpretation.

“Closet accommodation,” “sink accommodation” and “urinal accommodation” include respectively a receptacle for human excreta, for slops or waste household refuse or liquids and a receptacle for urine, together, in each case, with the structure comprising such receptacle and the fittings and apparatus connected therewith.

“Bathroom accommodation” includes the bath or receptacle for water together with the structure or room or enclosure adapted or used for personal bathing or ablution and the fittings and apparatus thereof and therein or connected therewith.

“Water-closet” and “urinal” mean respectively closet and urinal accommodation used or adapted or intended to be used in connection

Repair private streets

with the water carriage system and comprising provision for the flushing of the receptacle by means of a fresh water supply, and having proper communication with a sewer.

"Sink" and "bathroom" mean respectively sink and bathroom accommodation used or adapted or intended to be used in connection with a permanent water supply and having proper communication with a sewer.

"A sufficient water supply and sewer" means a water supply and sewer which are sufficient and reasonably available for use in, or in connection with, the efficient flushing and cleansing of, and the efficient removal of excreta and urine from such number of proper and sufficient water-closets and urinals as in pursuance of this section may be required to be provided in any particular case, or in connection with a sink or bathroom, and a sewer shall be deemed reasonably available for use which is within one hundred feet of the boundary of the premises in which is situated the house in respect of which closet, sink, urinal or bathroom accommodation is to be provided.

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Supply of water to closets and urinals.

(2) Where there are a sufficient water supply and sewer the Commissioners may by written direction to any person submitting a plan or specification under section 144 (1) relative to the erection or re-erection of any house, require such house to be provided with such number of proper and sufficient water-closets, urinals, sinks and bathrooms as the circumstances of the case render necessary.

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Failure to comply with subsection (2).

(3) Any person who fails to comply with any requirement of the Commissioners under subsection (2) shall be liable to a fine not exceeding ^{one} ~~two~~ hundred dollars and to a fine not exceeding ^{one} ~~two~~ twenty-five dollars for every day during which the offence is continued after conviction.

Sufficient supply of closets.

(4) If on the report of the Health Officer or the Municipal Engineer the Commissioners are satisfied that insufficient water-closets, sinks, urinals or bathrooms have been provided at or in connection with a

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house, the Commissioners may, by written notice to the owner or owners of the house, require such house to be provided with such number of proper and sufficient water-closets, sinks, urinals, bathrooms and fittings as in the opinion of the Commissioners is necessary.

(5) If the owner or owners of such house fail to comply with any requirement of the Commissioners under subsection (4), the Commissioners may, at the expiration of a time which shall be specified in the notice and shall be not less than fourteen days after the service of the notice, do the work required by the notice and may recover from the owner or owners the expenses incurred by the Commissioners in so doing.

Failure to comply with subsection (4).

(6) The Commissioners, where there are a sufficient water supply and sewer, may by written notice to the owner or owners of a house require such house to be provided with sufficient water-closets, sinks, urinals, bathrooms and fittings as in the opinion of the Commissioners are necessary.

When owners must provide water-closets.

(7) If the owner or owners of such house fail to comply with any requirement of the Commissioners under subsection (6), the Commissioners may, at the expiration of a time which shall be specified in the notice and shall not be less than fourteen days after the service of the notice, do the work required by the notice and may recover from the owner or owners the expenses incurred by the Commissioners in so doing.

Failure to comply with subsection (6).

(8) The Commissioners may if they think fit in the cases mentioned in subsections (2), (4) and (6) at their own expense effect the proper communication of the water-closet, urinal, sink and bathroom with the sewer for the distance from the sewer to the boundary of the premises in which the house in question is situated.

Communication of water-closet, etc., with sewer may be effected partly at the expense of Commissioners.

(9) In the cases mentioned in subsections (4) and (6) where the house in question is not provided under this Ordinance with a supply of water for domestic purposes the Commissioners shall at their own expense provide, fix and instal the water-pipes from the water mains to the closets, urinals, sinks and bathrooms, and the occupier of every such house shall pay the Commissioners for the water so used.

Water-pipe to be affixed to closets, etc., of certain houses at expense of Commissioners.

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Water-closets to be removed and replaced at expense of Commissioners.

(10) The Commissioners may at any time give notice in writing of their intention to remove any water-closet or any fittings or apparatus connected with any water-closet, which has been provided under subsection (2), (4) or (6) and to replace such water-closet or such fittings or apparatus by another water-closet, or by other fittings or apparatus, but in such case the Commissioners shall at their own expense do the work of removal and replacement and provide such water-closet or such fittings or apparatus as the case may be.

Water-closets, etc., to be maintained, etc., by Commissioners at their expense.

(11) All water-closets, urinals, sinks, and bath waste water-fittings provided under subsections (4) and (6), shall be maintained, repaired and renewed by the Commissioners and at their expense, and the occupier of every house shall in consideration thereof pay to the Commissioners the sum of fifty cents a month for each water-closet and urinal provided at and in connection with such house; provided that the cost of any repairs or renewals rendered necessary by reason of any damage negligently or wilfully done to any water-closet, urinal, sink or bath-waste water-fittings, shall be paid to the Commissioners by the occupier of the house.

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(12) All moneys due to the Commissioners under subsection (11) shall be recoverable in like manner and by the like procedure as if such moneys were taxes leviable under this Ordinance. [Added by Ordinance 11 of 1932, S. 14.]

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(13) The provisions of subsection (11) shall not apply in respect of any water-closet, urinal, sink or bath-waste water-fittings required on or after the 1st day of January, 1935 to be provided under subsection (4) or (6). [Added by Ordinance 59 of 1935, S. 10.]

(14) Where the owner of any house to which subsection (11) applies gives notice in writing to the Commissioners that he desires that the provisions of that subsection shall cease to apply in respect of the water-closets, urinals, sinks and bath-waste water-fittings in his house, then the provisions of subsection (11) shall thereupon cease to apply and shall not thereafter become applicable thereto, and the liability, if any, then existing of the Commissioners in respect of the

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same shall be extinguished. [*Added by Ordinance 59 of 1933, S. 10.*]

141.—(1) If any urinal or other sanitary convenience opening on any street, whether erected before or after the seventeenth day of May, 1919, is so placed or constructed as to be a nuisance or offensive to public decency, the Commissioners by notice in writing may require the owner to remove or alter it to the satisfaction of the Commissioners within a reasonable time fixed by the Commissioners.

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Commissioners may require removal or alteration of urinals.

(2) Any owner who fails to comply with such notice shall be liable to a fine not exceeding ~~ten~~ ^{twenty} dollars and to a fine not exceeding ~~five~~ ^{ten} dollars for each day during which the offence is continued after conviction.

Ord. 62/33

142.—(1) Where any public-house, eating-house, refreshment room, theatre, cinematograph, exhibition or place of public entertainment, whether built before or after the seventeenth day of May, 1919, has no urinal or water-closet belonging or attached thereto, the Commissioners may, by notice in writing, require the owner of the premises to provide and maintain thereon one or more suitable urinals or water-closets in a suitable position.

Urinals or water-closets to be attached to refreshment houses, etc.

(2) Any owner who fails to comply with a notice under this section within such reasonable time as is specified therein shall be liable in respect of each offence to a fine not exceeding ~~ten~~ ^{twenty} dollars and to a fine not exceeding ~~five~~ ^{ten} dollars for each day during which the offence is continued after conviction.

Ord. 35/33

Buildings, Open Spaces and Back Lanes.

143.—(1) The powers hereinbefore given to the Commissioners to make by-laws for the regulation of buildings and building operations, and with respect to the prohibition of the erection of buildings of a particular class, design and appearance in particular districts, localities or streets or portions of streets within the municipal limits, hereinafter called the building by-laws, shall include the power to make by-laws in respect of all or any of the following matters:—

Matters which may be regulated by building by-laws.

- (a) the submission of plans and specifications and the fees to be paid on such submission;

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- (g) the prohibition of occupation of any building until a certificate of fitness for occupation has been given by the Commissioners;
- (r) the construction and number of cubicles in buildings;
- (s) the construction of roofs;
- (t) the width and construction of stairs and
- (u) passages.

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(2) Nothing in this section shall in any way restrict the generality of the powers conferred on the Commissioners by section 58 (1) (j) and (k), but such powers shall extend to all matters, whether similar or not to those in this section mentioned, as to which it is expedient to make by-laws for the regulation of building and building operations or the prohibition of the erection of buildings of a particular class, design and appearance.

144.—(1) Every person intending to erect ~~or re-erect~~ any building shall submit to the Commissioners plans and specifications of the proposed building prepared in accordance with this Ordinance and the building by-laws, *when such plans and etc.*

Notice of new buildings.

(2) The Commissioners may give written directions to the person submitting a plan and specification ~~with~~ regard to any of the following particulars:—

Commissioners may give directions.

- (a) compliance with this Ordinance ~~and the building by-laws~~; *or any other Ordinance or by-law*
- (b) the space to be left about any building to secure free admission of light and circulation of air and to facilitate scavenging in addition to the open space referred to in section 145;
- (c) the levels at which the foundation and lowest floor are to be laid;
- (d) the raising of the level of the site to form a stable and healthy foundation and the materials to be used in raising the same;
- (e) the line of frontage with neighbouring buildings, if the building abuts on or is within fifty feet of a public street;
- (f) the front elevation, when the building abuts on or is within fifty feet of a public street;

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- (g) the setting forward or back of buildings to the regular line of street as defined by section 107;
- (h) the class, design and appearance of the building, when the building is to be erected in a district, locality or street in which only buildings of a certain class, design or appearance may be erected;
- (i) the provision of a sufficient and pure water supply within a reasonable distance of the building;
- (j) the provision of a sufficient water supply, independent of the domestic supply, and of adequate and sufficient fixed appliances for the prevention or extinguishment of fire. [Added by Ordinance 11 of 1932, S. 15.]

Ord 25/32

Obedience to directions.

(3) The person to whom any written directions are so given shall amend the plan and specification accordingly.

Buildings directed to be set forward

(4) Where a building is directed to be set forward to the regular line of street, it shall be a sufficient compliance with such direction if a wall or fence of such materials or dimensions as are approved by the Commissioners is erected along the line.

Compensation where building directed to be set back.

(5) If the Commissioners direct any person submitting the plan of a building to set such building back to the regular line of street, they shall pay compensation to him in accordance with section 107, but no compensation shall be made in respect of any land required for the purpose of an arcade or pavement for the use of passengers or for any approach or for rounding off of corners.

Notice of commencement or resumption of building operations.

(6) No person shall commence any building operations involving the erection or re-erection of a building or, in the case of any operations the progress whereof has been suspended for a period exceeding three months, resume any such building operations unless—

- (a) he has given to the Commissioners four days' notice of his intention to commence or resume such operations with particulars of the intended works; and
- (b) a plan and specification of the building have been approved by the Commissioners within one year before the date of the notice.

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Ord 25/38

Obedience to directions.

Buildings directed to be set forward.

Compensation where building directed to be set back.

subject to section (b), Ord 25/38

Ord 25/38

Notice of commencement or resumption of building operations.

for the President Ord 25/38

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- (g) the setting forward or back of buildings to the regular line of street as defined by section 107;
 - (h) the class, design and appearance of the building, when the building is to be erected in a district, locality or street in which only buildings of a certain class, design or appearance may be erected;
 - (i) the provision of a sufficient and pure water supply within a reasonable distance of the building;
 - (j) the provision of a sufficient water supply, independent of the domestic supply, and of adequate and sufficient fixed appliances for the prevention or extinguishment of fire.
- [Added by Ordinance 11 of 1932, S. 15.]

(3) The person to whom any written directions are so given shall amend the plan and specification accordingly.

(4) Where a building is directed to be set forward to the regular line of street, it shall be a sufficient compliance with such direction if a wall or fence of such materials or dimensions as are approved by the Commissioners is erected along the line.

(5) If the Commissioners direct any person submitting the plan of a building to set such building back to the regular line of street, they shall pay compensation to him in accordance with section 107. ~~but no compensation shall be made in respect of any land required for the purpose of an arcade or pavement for the use of passengers or for any approach or for rounding off of corners.~~

(6) No person shall commence any building operations involving the erection or re-erection of a building or, in the case of any operations the progress whereof has been suspended for a period exceeding three months, resume any such building operations unless—

- (a) he has given to the Commissioners four days' notice of his intention to commence or resume such operations with particulars of the intended works; and
- (b) a plan and specification of the building have been approved by the Commissioners within one year before the date of the notice.

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(8) (7) Where any building operations have been commenced on any land and the building, not being completed work thereon, has been suspended for a period of three months, the Commissioners may, unless the owner satisfies them that the building is being efficiently watched, by notice in writing require the owner of the land whereon such building operations have been commenced to close up, within such time as is stated in such notice, such building so as to prevent access thereto by any person, and, if they think it desirable, may specify any works to be executed for that purpose.

Provisions in the case of suspension of building operations.

(9) (8) Any owner who fails to comply with the requirements of such notice shall be liable to a fine not exceeding ^{ten} ~~ten~~ dollars for each day during which such non-compliance continues, and the Commissioners may themselves cause the work to be done and the owner shall pay to the Commissioners the cost and expense thereof. *the provisions of section 375 etc.*

Penalty for non-compliance
ord 21/3

ord 25

(10) (9) Any person who—
(a) commences or resumes building operations in contravention of subsection (8); or
(b) deviates from any plan or specification approved by the Commissioners without their written permission; or
(c) executes any building operation in contravention of any of the provisions of this Ordinance or of any of the building by-laws; or
(d) fails to comply with any lawful order or written direction of the Commissioners

Other penalties.
(7)
ord. 25
for the President
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shall be liable to a fine not exceeding ~~three hundred~~ ^{one hundred} dollars and to a daily fine of ten dollars for every day on which the offence is continued after conviction, and a Police Court may, on the application of the Commissioners, make a mandatory order requiring such person to alter in any way or demolish the building.

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(11) (10) A person shall be deemed to erect a building who—

What constitutes erecting a building.

- (a) begins work on a new building;
- (b) adds to or alters any existing building in such a manner as to involve—
 - (i) new foundations; or

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- (ii) new or partly new or increased super-structure on existing foundations;
- (c) converts into a dwelling-house any building not originally constructed for human habitation;
- (d) converts into more than one dwelling-house a building originally constructed as one dwelling-house;
- (e) converts to other purposes a house originally constructed as a dwelling-house;
- (f) departs either before or after the completion of the building in any particular from any plan or specification approved by the President at any time in respect of such building;
- (g) infringes the provisions of this Ordinance as to buildings or of the building by-laws; or
- (h) renews or repairs any existing building in such a manner as to involve a renewal, reconstruction or ~~re-erection~~ erection of any portion of an outer or party wall to the extent of one storey in height whatever the material of such outer or party wall is.

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(11) Where any building operations are commenced or carried out in respect of any building, they shall be deemed to have been commenced or carried out by the owner of the land whereon such building is erected and he shall be liable therefor.

(12) If the Commissioners do not, within two calendar months after the submission of plans, approve such plans or make written requisition with regard thereto, the person submitting the plan may apply to the ~~Goverment Council~~ State Council and the powers vested in the Commissioners with regard to such plans shall vest in the ~~Goverment Council~~ State Council.

145.—(1) The Commissioners shall not approve of the plan of any domestic building unless—

(a) the open space, if any, required to be left under section 146 is shown to abut on a back-lane of such width not exceeding twenty feet as is required by the Commissioners or, in Singapore, the Singapore Improvement Trust, or

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on vacant land set apart or acquired for a back-lane of such width as aforesaid, and the person submitting the plan reimburses the Commissioners ~~or the Singapore Improvement Trust~~ as the case may be, any moneys at any time paid for the acquisition by any means of the portion of such back-lane or such vacant land to the centre thereof which abuts on the holding in respect of which the plan is submitted to the extent to which it so abuts; or unless—

at 2.11.298/57

(b) the person submitting the plan sets apart a vacant strip of his land sufficient, with or without other land previously so set apart or acquired, to form a back-lane or part of a back-lane of such width not exceeding twenty feet as is required by the Commissioners ~~or in Singapore, the Singapore Improvement Trust~~; provided that where the person submitting the plan sets apart a vacant strip of his land sufficient to form not less than one-half the width of that part of the back-lane which abuts on his land, the Commissioners may in their discretion in a particular case approve such plan.

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at 2.11.299/57

(2) Where in any particular case it is shown to the satisfaction of the Commissioners that ventilation is otherwise sufficiently and permanently provided for, the Commissioners may approve a plan notwithstanding that the conditions of subsection (1) have not been complied with.

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(3) The back-lane shall, where the Commissioners ~~or in Singapore, the Singapore Improvement Trust~~ so require, be situated so as to conform with such line as is laid down therefor by the Commissioners ~~or in Singapore, the Singapore Improvement Trust~~, and so as to communicate at each end thereof with the land set apart or to be set apart for a back-lane by, or acquired or to be acquired from, the owners of the properties on each side thereof, and when completed the same shall, wherever possible, open upon public streets at both ends, and shall in all cases be free from obstruction throughout.

Situation of
back-lane.
at 2.11.298/57

Municipal
regulations

relating to a

Non-approval of plan where building site does not abut on land available for a back-lane.

Sec. 299

Sec. 300

Regulations of section 299

Regulation of street may be proposed

Sec. 299

Sec. 300

Commissioner may purchase land regul:

Sec. 300
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relating to a

Commissioner may acquire land

Commissioners may acquire land for part of back-lane.

Sec. 301

(4) Where upon the submission of a plan of any domestic building for the approval of the Commissioners it appears that the site thereof does not abut upon any land so situated as to be capable of being set apart for a back-lane in conformity with the line laid down therefor by the Commissioners or, in Singapore, the Singapore Improvement Trust, the Commissioners may refuse to approve the plan until the land situate between the site of the domestic building and the line of the back-lane or intended back-lane immediately opposite such site has been added to the holding in respect whereof the plan has been submitted and the portion of the intended back-lane which abuts on such site so added to has been set apart or acquired for a back-lane and the person submitting the plan has reimbursed the Commissioners or the Singapore Improvement Trust, as the case may be, in manner and to the extent provided in subsection (1) (a) and the other provisions of that subsection have been complied with.

(5) Where in any such case as is referred to in subsection (4), the person submitting the plan requests the Commissioners in writing to acquire the land situate between the site of the domestic building and the line of the back-lane or intended back-lane immediately opposite such site and, if requisite, that portion of the intended back-lane which abuts on such site when added to in the manner described in subsection (4), the Commissioners shall, subject to the approval of the Governor in Council, acquire such land and such portion of the intended back-lane for the purpose of the same, respectively, being added to the holding in respect whereof the plan has been submitted and forming part of the back-lane.

(6) Where upon the submission of a plan of any domestic building for the approval of the Commissioners it appears that the site thereof or any land set apart by the person submitting the plan abuts upon any land capable of forming part of a back-lane in conformity with the line laid down by the Commissioners or, in Singapore, the Singapore Improvement Trust for a back-lane, the Commissioners may, if they think fit, acquire such last-mentioned land: Provided that no land shall be acquired under this subsection the

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acquisition of which would cause a severance of land from other land forming part of the same holding.

(7) (a) Where any land is set apart or acquired under this section, the Commissioners may prepare a plan of the land or any part thereof and by writing under their common seal declare that the same has been acquired by them under this section, and, in the event of their doing so, shall register such writing together with the plan under the Registration of Deeds Ordinance (Chapter 121) in Singapore and Penang, and under the Mutations in Titles to Land Ordinance (Chapter 126) in Malacca.

Vesting of lands set apart or acquired under this section.

4.4.1929 59

(b) If any such land, being situate in Malacca, is customary land, the Commissioners shall forward the aforesaid declaration in writing, together with a copy thereof, to the Collector of Land Revenue, who shall thereupon make an entry in the Mukim Register that such land has been acquired by the Commissioners, and may retain the copy of the declaration.

(8) (a) Upon such registration under subsection (7) (a), the land comprised in such plan shall be deemed to have vested in the Commissioners for the purposes of this Ordinance freed from all incumbrances thereon, and, where such land is held under a Statutory Land Grant, such setting apart or acquisition shall not be deemed to be a subdivision within the meaning of the Crown Lands Ordinance (Chapter 113).

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(b) In the case of Malacca customary land, upon such entry being made as provided in subsection (7) (b), the land in respect of which such entry has been made shall cease to be subject to the provisions of the Malacca Lands Customary Rights Ordinance (Chapter 125) and shall be vested in the Commissioners for the purposes of this Ordinance freed from all incumbrances.

(c) After such registration or entry, as the case may be, the Commissioners shall with all reasonable speed proceed to demolish and remove any building or portion of a building which is on the land so vested in them.

(9) The approval of the Governor in Council, under subsection (5) or a notification to the owner by the Commissioners of their intention to acquire any land under this section shall have the like effect with respect to the acquisition by the Commissioners of and payment

Effect of approval of ~~Commissioners~~ and notice of intention to acquire. 1/48 1/2/50

for such land as if the same were an order such as is referred to in section 334, and that section and sections 339 and 340 shall apply accordingly, but in the case of section 339 subject to subsection (14) of this section.

Compensation for land taken for part of back-lane.

(10) The Commissioners shall make compensation for land set apart or acquired under this section, without any allowance in respect of compulsory purchase or any other matter, in accordance with the following provisions:—

(a) where the land is set apart or acquired for a back-lane and the whole or more than one-half in width of the land so set apart or acquired formed part of one holding, compensation shall be paid for such portion of the said land as exceeds such one-half in width, and the Commissioners shall at their own expense reconstruct the back portion of the building (if any) on such holding abutting on any land so acquired, in accordance with such scale of reconstruction as in their discretion they consider proper;

(b) where the land is set apart or acquired for a back-lane and one half or less in width of the land so set apart or acquired formed part of one holding, no compensation shall be payable, but the Commissioners shall at their own expense reconstruct the back portion of the building (if any) on such holding abutting on the land so acquired, in accordance with such scale of reconstruction as in their discretion they consider proper;

(c) where the acquisition under subsection (6) of part of a building renders useless the remainder of such building, the Commissioners shall, if the owner so requires, acquire the remainder of the holding covered by such building and its appurtenances and shall pay for such remainder in accordance with this section;

(d) no compensation shall be paid for or in respect of any buildings on any land set apart for a back-lane by a person submitting a plan.

(11) Save as in this section mentioned, no compensation shall be paid in respect of land set apart or acquired

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under this section whether to form part of a back-lane or otherwise.

(12) In cases where a setting apart would cause a severance of land belonging to the owner from other land forming part of the same holding, no compensation shall be paid for such severance, but if the lesser portion of the land so severed has been rendered useless as a building site on account of the severance the Commissioners shall acquire such lesser portion and shall pay in respect thereof compensation in accordance with this section.

Compensation where setting apart causes severance.

(13) When the Commissioners are unable to agree with the person entitled thereto as to the compensation payable under this section, it shall be ascertained as follows:—

Method of ascertaining compensation.

- (a) if the amount claimed does not exceed one thousand dollars, in the manner provided by section 371;
- (b) in all other cases in accordance with the provisions of sections 10 to 13 (inclusive), sections 19 to 24 (inclusive), sections 27 to 39 (inclusive), and section 55 of the Land Acquisition Ordinance (*Chapter 128*), but so that in section 10 of that Ordinance the words "after giving due notice to the Commissioners and the persons entitled to the land" shall be deemed to be substituted for the words "on the day so fixed or on any other day to which the enquiry has been adjourned":

Provided always that if the Commissioners and the parties claiming compensation agree to refer the question as to what compensation is payable under the terms of this subsection to arbitrators, they may do so, and any arbitrator or arbitrators so appointed shall proceed to hear the parties and determine the amount payable as compensation.

(14) The price to be paid by the Commissioners for any land set apart or acquired or for buildings acquired under this section for which compensation is payable shall be ascertained in accordance with the following provisions:—

- (a) where there are no buildings on the land or where the whole of the land and buildings are

acquired, in accordance with the principles contained in section 339; in the case of a setting apart, the words "at the date the plan was submitted" and the words "at the date of the request by the Commissioners for the approval of the ~~Governor in Council~~" (in cases where such approval is required), and in other cases the words "at the date when the Commissioners notified the owner of their intention to acquire the land" being substituted for the words "at the date of the publication of the advertisement of the improvement scheme":

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(b) where there are buildings on the land and only part of the land is acquired:—

(i) where the part of the buildings acquired is used as a dwelling-house and is, owing to the absence of air and light or other causes, unfit for human habitation, in accordance with the market value of the land and building materials thereon at the date of the request by the Commissioners for the approval of the ~~Governor in Council~~ (in cases where such approval is required), and in other cases at the date when the Commissioners notified the owner of their intention to acquire the land;

(ii) where the part of the building acquired is not used as a dwelling-house or for human habitation and is not in good sanitary condition, in accordance with the market value of the land and building materials thereon at the date of the request by the Commissioners for the approval of the ~~Governor in Council~~ (in cases where such approval is required), and in other cases at the date when the Commissioners notified the owner of their intention to acquire the land;

(iii) where the part of the buildings acquired is in good sanitary condition, in

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accordance with the market value of the land and buildings at the date of the request by the Commissioners for the approval of the Governor in Council (in cases where such approval is required), and in other cases at the date when the Commissioners notified the owner of their intention to acquire the land.

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(15) When a plan is approved under subsection (1) in respect of a holding abutting on a back-lane or on vacant land set apart or acquired for a back-lane, for the setting apart or acquisition of which the Commissioners or the Singapore Improvement Trust have not then paid any moneys, the person owning the holding at the time of the submission of the plan shall reimburse the Commissioners or the Singapore Improvement Trust any moneys at any time thereafter paid or payable by them respectively for the acquisition by any means of such portion of the back-lane or land so set apart or acquired to the centre thereof as abuts on such holding to the extent to which it so abuts.

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(16) Where the Commissioners have acquired any land lying between any holding and a back-lane immediately opposite such holding, the owner at the time when the demand next hereinafter mentioned is made of every such holding shall, upon the demand of the Commissioners in writing, reimburse to them all moneys at any time paid by them for the said land, and upon such payment being made the Commissioners shall assure to such owner the said land and shall, except in the case of land acquired under subsection (5), at their own expense construct party or other walls enclosing the said land to such extent and in such manner as they may deem proper.

(17) No compensation under this section shall be paid in respect of land set apart or otherwise acquired prior to the first day of January, 1932, until sufficient land has been set apart or otherwise acquired to enable the Commissioners to form a back-lane extending from one public street or back-lane to another public street or back-lane.

[Section substituted by Ordinance 11 of 1932, S. 16.]

Open spaces to be provided.

146.—(1) Every building which any person intends to erect or re-erect for the purpose of being used wholly or in part as a domestic building shall, unless the Commissioners are of opinion that in any particular case air space is otherwise sufficiently and permanently provided for, have directly attached thereto an open space exclusively belonging thereto.

(2) Such open space, exclusive of party or external walls, shall be not less than one-half the area covered by buildings other than such latrines, bathing and cooking places, not exceeding in height the level of the ceiling of the ground floor storey, as are deemed necessary by the Commissioners for the use of the inhabitants of the building.

(3) In calculating the open space, half the area of that portion of the back-lane, if any, provided in accordance with section 145 immediately opposite the building shall be deemed to be included, but no space occupied by air wells shall be reckoned in calculating any open space.

(4) Any person aggrieved by a direction of the Commissioners with regard to the situation and arrangement of the open space required to be left in any respect not specially provided for by the building by laws may, within fourteen days, appeal to the Governor in Council whose decision shall be final.

(5) No compensation shall be payable in respect of any land not built on by reason of the provisions of this section.

*147. For the purposes of sections 145 and 146 "a domestic building" shall be deemed to include a dwelling-house, offices or other out-buildings appurtenant to a dwelling-house, whether attached thereto or not, and a shop, workshop or factory and a school and any other building used, constructed or adapted to be used for human habitation in whole or in part.

148.—(1) The Governor in Council may, at any time on the request of the Commissioners, after receiving such report as he may think fit to call for from an officer appointed to inquire and report in each case, order that a back-lane, with approaches thereto if necessary, of a width not exceeding twenty feet shall be laid out through any lands, and that the lands specified in the order may be acquired by the Commissioners

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Governor in Council may order back-lanes to be laid out.

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for the purpose of providing such back-lane and approaches, if any.

Any land which in the opinion of the Commissioners they may be required to purchase under the provisions of subsection (7) or subsection (8) or which abuts on or is near to the site of the back-lane may be specified in the order in addition to the land required for the site of the back-lane and approaches thereto.

(2) An approach to a back-lane shall be deemed to be a part of such back-lane for the purposes of this Ordinance.

(3) (a) The Commissioners may register such order under the Registration of Deeds Ordinance (*Chapter 121*) in Singapore and Penang, and under the Mutations in Titles to Land Ordinance (*Chapter 126*) in Malacca. *Effect of such order. 1-11-57*

(b) If any land comprised in such order and situate in Malacca is customary land, the Commissioners may forward such order, together with a copy thereof, to the Collector of Land Revenue, who shall thereupon make an entry in the Mukim Register that such land has been acquired by the Commissioners, and may retain the copy of the order.

(4) (a) Upon such registration under subsection (3) (a) the lands specified in such order shall be deemed to be vested in the Commissioners for the purposes of this Ordinance freed from all incumbrances, and, where such land is held under a Statutory Land Grant, such order shall not be deemed to be a subdivision within the meaning of the Crown Lands Ordinance (*Chapter 113*). *1-11-57*

(b) In the case of Malacca customary land, upon such entry being made as provided in subsection (3) (b), the land in respect of which such entry has been made shall cease to be subject to the provisions of the Malacca Lands Customary Rights Ordinance (*Chapter 125*) and shall be vested in the Commissioners for the purposes of this Ordinance freed from all incumbrances.

(5) Whenever any lands other than those included in any order registered under subsection (3) have been acquired by the Commissioners in connection with such order under subsection (7) or (8), the Commissioners shall prepare a plan of the lands so acquired and shall, by writing under their common seal, declare that such lands have been acquired by them in connection with

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Price to be paid for lands taken in special cases.

Compensation to be paid in ordinary cases.

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the order, and the registration of such writing together with the plan shall vest such lands in the Commissioners free from all incumbrances in like manner as if the lands had been originally included in the order.

(6) When the Commissioners have registered the order or writing in this section referred to, they may proceed to demolish and remove any building or portion of a building which is on the land specified in the order or writing.

(7) When the acquiring under this section of any portion of a building for a back-lane or for any approach thereto renders useless the remainder of any such building, the Commissioners shall, if the owner so requires, acquire the remainder of the holding covered by such building and its appurtenances and shall pay therefor in accordance with this section.

(8) Where the acquiring under this section of any vacant land for a back-lane or any approach thereto would cause a severance of land belonging to the owner from other land forming part of the same holding, no compensation shall be paid for such severance, but, if any portion or the whole of the land so severed has been rendered useless as a building site on account of the severance, and if the owner so requires, the Commissioners shall acquire such portion or the whole, as the case may be, and shall pay therefor in accordance with this section.

(9) Compensation shall be paid to the owners of lands acquired under this section in accordance with the following provisions:—

(a) where the whole of a holding is acquired, compensation shall be paid for the whole of such holding;

(b) where the whole or more than one-half in width of the land so acquired for the purpose of forming a back-lane or an approach to a back-lane passes through one holding, compensation shall be paid for such portion of the holding taken as exceeds such one-half in width, and the Commissioners shall at their own expense reconstruct the back portion of any building on such holding abutting on the land so acquired, in accordance with such scale of reconstruction as in their discretion they consider proper;

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Repair of private streets.

human habitation and is not in good sanitary condition, in accordance with the market value of the land and materials thereon at the date of the making of the order referred to in subsection (1);

(iii) where the part of the buildings acquired is in good sanitary condition, in accordance with the market value of the land and buildings at the date of the making of the order referred to in subsection (1).

Method of ascertaining price.

(11) The method of ascertaining the price as defined by subsection (10) shall be that provided in section 145.

(12) Where any land so acquired for a back-lane or an approach thereto abuts upon a holding but does not pass through it, the owner of such holding shall reimburse the Commissioners any moneys at any time paid or payable for the acquisition by any means of the portion of such land to the centre thereof which abuts on such holding to the extent to which it so abuts.

(13) The owner or owners at the time when the said order is registered of any holding or holdings which is or are separated from the back-lane by any land acquired under this section, shall reimburse the Commissioners any moneys paid or payable for such land or such part thereof as abuts upon his or their holding or holdings, and upon such payment being made the Commissioners shall assure to such owner or owners the said land and shall at their own expense construct party or other walls enclosing the said land to such extent and in such manner as they may deem proper.

[Section substituted by Ordinance 11 of 1932, S. 17.]

Acquisition of customary land.

149. Nothing contained in the Malacca Lands Customary Rights Ordinance (*Chapter 125*) shall render invalid the acquisition of customary land by the Commissioners under this Ordinance. [Added by Ordinance 11 of 1932, S. 17.]

General provisions as to back-lanes.

150.—(1) In this Ordinance and in any rules or by-laws made thereunder the expression "Back-lane" includes every back-lane whether now or hereafter existing and any part thereof and any approach thereto and all land already or hereafter acquired by the Commissioners or set apart for or laid out as a back-lane

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and all channels, drains and appurtenances of a back-lane.

(2) Neither the public nor any person shall be deemed to have any right of ingress, egress or regress over any back-lane vested in the Commissioners or any part thereof except by express dedication or grant by the Commissioners which they may at their discretion withhold or give upon such terms as they may think fit.

(3) The Commissioners may prepare a plan of any back-lane and by writing under their common seal declare that the same shall vest in the Commissioners and may register such writing together with the plan under the Registration of Deeds Ordinance (Chapter 121) in Singapore and Penang and under the Mutations in Titles to Land Ordinance (Chapter 126) in Malacca.

(4) Upon such registration the land comprised in such plan shall be deemed to be vested in the Commissioners freed from all incumbrances, and, where such land is held under a Statutory Land Grant, such vesting shall not be deemed to be a subdivision within the meaning of the Crown Lands Ordinance (Chapter 113).

(5) The provisions of subsections (3) and (4) shall not apply to any land set apart or acquired under section 145 or section 148.

(6) The Commissioners may with the sanction of the Governor in Council sell, lease or exchange for other land a back-lane or any part thereof.

[Section added by Ordinance 11 of 1932, S. 17.]

151. The Commissioners shall level, pave, metal, channel, drain and light all back-lanes set apart or laid out under sections 145 and 148, or vested in them under the provisions of subsection (4) of section 150, when sufficient land has been so set apart or laid out or so vested to enable them to form a back-lane extending from one public street or back-lane to another public street or back-lane. [Substituted by Ordinance 11 of 1932, S. 18.]

Back-lanes to be levelled, etc., by the Commissioners.

152.—(1) When any back-lane is formed, every owner of premises abutting thereon shall provide, to the satisfaction of the Commissioners, a means of access and egress to and from his premises to such back-lane for the purpose of removing night-soil.

Means of access to back-lanes to be provided.

(2) If any owner fails to provide the same within a reasonable time, the Commissioners may enter the

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Repair of private streets.

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Removal of obstructions.

Reimbursement to Commissioners of compensation paid in certain cases.

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Power to redeem.

premises and do whatever is necessary to provide the same and such owner shall pay to the Commissioners the cost and expenses thereof.

(3) No person shall erect or maintain or permit to be erected or maintained any obstruction in or over any back-lane, and the Commissioners may, where any such obstruction exists, take down and remove the same.

153. Whenever the Commissioners have paid or become liable to pay compensation for any land acquired in accordance with section 145 (5), the amount thereof shall be reimbursed to the Commissioners and shall for that purpose be recoverable as if the same were a rate assessed under section 59 on the premises in connection wherewith such land has been so acquired of such amount as is sufficient to reimburse to the Commissioners the amount of such compensation together with interest at a rate not exceeding six per centum per annum in such period not exceeding ten years as the Commissioners in each case determine.

154. Whenever any person has become liable to reimburse the Commissioners or, in Singapore, the Singapore Improvement Trust any moneys under subsection (1), (4), (15) or (16) of section 145 or subsection (9), (12) or (13) of section 148, the same shall for that purpose be recoverable by the Commissioners as if it were a rate assessed under section 59 on the premises in connection wherewith a plan has been submitted, in the case of subsections (1), (4) and (15) of section 145, or on the respective holdings referred to in subsection (16) of section 145 and in subsections (9), (12) and (13) of section 148, in the case of those subsections, of such amount in each case as is sufficient to reimburse the Commissioners or, in Singapore, the Singapore Improvement Trust on the respective amounts so liable to be reimbursed together with interest at a rate not exceeding six per centum per annum in such period not exceeding ten years as the Commissioners may in each case determine. [Substituted by Ordinance 11 of 1932, S. 19.]

155. At any time before the expiration of the period which in any particular case has been fixed by the Commissioners under section 154, the owner of any premises may redeem the sum or rate recoverable in respect thereof by paying to the Commissioners the full amount

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or full apportioned amount in which the Commissioners are entitled to be reimbursed under such section with interest thereon at the rate thereby provided to the date of such payment or such of the amount as has not been already levied in respect of the same.

156.—(1) No house or other building, constructed of stone and plank or of brick and plank combined or of posts and plank, shall be erected without permission in writing from the Commissioners, who may grant it or not at their discretion.

Houses of stone or brick and plank or of posts and plank.

(2) No house or other building, having the external roof or walls made of grass, leaves, mats, ataps or other combustible materials, shall be erected without permission in writing from the Commissioners, who may grant it or not at their discretion.

Houses with grass, straw, etc. roofs or walls.

(3) Any person who offends under this section shall be liable to a fine not exceeding one hundred dollars, and a Police Court may, on the application of the Commissioners, issue a mandatory order for the removal of any house or building erected contrary to this section.

Penalty. 6-4-30
Fines: £100

157.—(1) No new building shall be erected on any ground which has been filled up with any matter impregnated with faecal, animal or vegetable matter or upon which any such matter has been deposited, unless and until such matter has been properly removed by excavation or otherwise or has been rendered or become innocuous.

Prohibition of building on insanitary ground.

(2) Any person who does, causes or wilfully permits any act in contravention of this section shall be liable to a fine not exceeding fifty dollars and a daily fine not exceeding ten dollars for every day during which the offence is continued.

Penalty. 6-4-30

158.—(1) No building shall be erected over any public sewer, drain, culvert, gutter or water-course without the written consent of the Commissioners.

Buildings over sewers, etc., not to be erected without consent of Commissioners.

(2) If any building is so erected, a Police Court on the application of the Commissioners may make a mandatory order requiring the same to be pulled down or otherwise dealt with as the Court thinks fit.

159.—(1) If any house or building is at any time not drained to the satisfaction of the Commissioners by a sufficient drain or pipe communicating with some sewer or drain or with the sea or some other place at which the Commissioners are empowered to empty the sewers, and

Commissioners may cause drains to be made from houses which are not properly drained.

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Houses built after 1st January, 1888, to have drains constructed under the orders of the Commissioners.

Level of houses.

Ventilating pipes to sewers.

Removal of huts and sheds made of inflammable materials.

if there are such means of drainage within one hundred feet of any part of such house or building, the Commissioners may give a notice in writing requiring the owner thereof to construct or lay from such house or building a drain or pipe of such materials, of such size, at such level and with such fall as they think necessary for the draining of such house or building.

(2) If the owner fails to comply with such notice within fourteen days from the date thereof, a Police Court may, on the application of the Commissioners, make a mandatory order requiring the owner to construct or lay such drain or pipe, and the expenses incurred by the Commissioners in respect thereof to an amount not exceeding three months' rent of the house or building, if not forthwith paid by the owner, shall be recoverable as hereinafter provided.

160.—(1) If any house or building newly or in greater part erected or re-built after the first day of January, 1888, has such means of drainage as in section 159 mentioned existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house or building of such materials, of such size, at such level and with such fall as the Commissioners direct.

(2) If such owner neglects to do so within a reasonable time, a Police Court on the application of the Commissioners may make a mandatory order requiring the owner to do so.

161. No house or building after the first day of June, 1913, shall be built upon a lower level than will allow of the drainage of such house or building being led with a proper fall into some public sewer or drain, either existing or projected by the Commissioners, or into the sea or other place into which the Commissioners are empowered to empty the sewers.

162.—(1) The Commissioners may erect or fix to any building such pipes as are necessary for the proper ventilation of the drains and sewers belonging to them.

(2) Such pipes shall be erected so as not to occasion any nuisance or inconvenience to such building or any building in the neighbourhood.

163.—(1) Any person who, being the owner of any house, hut, shed or other building which house, hut, shed or other building is distant not more than fifty feet

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from any other house or building separately occupied or from any street and has the external roof or walls made of grass, leaves, mats, ataps or other such inflammable materials, does not remove such roof or walls, as the case may be, within one month after notice in writing has been given him by the Commissioners so to do shall be liable to a fine not exceeding ten dollars for every day that such default continues.

(2) Any person who after such notice as aforesaid makes, renews or repairs any house, hut, shed or other building with any such inflammable materials as in this section are mentioned or referred to or causes any such house, hut, shed or building to be so made, renewed or repaired shall be liable to a fine not exceeding fifty dollars and to a further fine not exceeding ten dollars for every day he suffers or allows the same to remain after conviction, and a Police Court may, on the application of the Commissioners, order the house, hut, shed or building to be pulled down.

Renewal or repairing with inflammable materials.

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164.—(1) No person shall make any alteration in the frontage of any house or building within fifty feet of any street without permission in writing from the Commissioners, who may grant it or not at their discretion.

Alteration in frontage of houses.

(2) Any person who offends under this section shall be liable to a fine not exceeding one hundred dollars, and a Police Court may, on the application of the Commissioners, issue a mandatory order for the removal of the work executed contrary to this section.

Penalty.

374.6583

165.—(1) No person shall use any floor other than the ground floor of any building originally constructed for a dwelling-house for any other purpose without the sanction of the Commissioners, who may give their sanction subject to such conditions as they think fit.

Alteration in use of building.

(2) Any person who offends under this section shall be liable to a fine not exceeding one hundred dollars and a daily fine not exceeding ten dollars for every day during which the offence is continued.

Penalty.

374.6583

166.—(1) No person shall erect or cause or permit to be erected in any house any partition, compartment, gallery, loft, roof, ceiling or other structure without having previously obtained the consent in writing of the Commissioners.

Erection of compartments, galleries, lofts, etc. in buildings.

Repair of private streets.

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for sub-section (1) of section 371
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Amendment by
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200/36

Commissioners in certain cases may take possession of land within regular line

Commissioners may take possession of land not built

Penalty.

(2) In every such case the owner of the premises shall be deemed to have permitted such erection until the contrary is proved.

(3) Any person who acts in contravention of this section shall be liable to a fine not exceeding twenty-five dollars and a further fine of ten dollars for each day after conviction during which the erection is allowed to remain.

Commissioners may remove.

(4) The Commissioners may cause to be removed any partition, gallery, loft or other structure which has been erected after the first day of January, 1908, without the consent in writing of the Commissioners.

Open space not to be altered or roofed.

167.—(1) Whenever any open space has been provided in connection with any building in pursuance of this Ordinance or of the building by-laws, it shall not be lawful—

- (a) to make any alteration in such open space;
- (b) to roof over any portion thereof so as to diminish the area of such open space.

Penalties.

(2) Any person who acts in contravention of this section shall be liable to a fine not exceeding one hundred dollars, and a Police Court may, on the application of the Commissioners, make a mandatory order requiring the owner for the time being of the said open space to remove any such alteration or roof or otherwise to do such works as will make the open space conform to this Ordinance and the building by-laws. [Amended by Ordinance 8 of 1927, S. 7.]

Hoardings to be set up during building operations.

168.—(1) Every person intending to build or take down any building or to alter or repair the outward part of any building where any street or footway will, by means of such work, be obstructed or rendered unsafe or inconvenient shall, before beginning the same and having first obtained a licence in writing from the Commissioners so to do, cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street or footway and shall continue such hoarding or fence standing and in good condition to the satisfaction of the Commissioners during such time as the public safety or convenience requires and shall cause the same to be sufficiently lighted during the night.

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(2) Any such person who—

Penalty.

- (a) begins to build or take down or alter or repair any building contrary to this section; or
- (b) without licence erects or sets up any hoarding, scaffolding or fence whatsoever; or
- (c) being licensed fails to put up such fence or hoarding;

shall be liable to a fine not exceeding two hundred and fifty dollars and to a further fine not exceeding twenty-five dollars for every day after conviction during which the offence is continued.

(3) Any such person who—

Penalty.

- (a) being licensed fails to continue such hoarding, scaffolding or fence standing and in good condition as aforesaid during the time aforesaid; or
- (b) does not, while the said hoarding or fence is standing, keep the same sufficiently lighted during the night; or
- (c) does not remove the same, when directed by the Commissioners, within a reasonable time afterwards;

shall be liable to a fine not exceeding fifty dollars for every day during which the offence is continued after twenty-four hours' notice in writing from the Commissioners.

(4) If in the case of any building or repairs the Commissioners consider the use of a hoarding unnecessary or impracticable, they may give a written permit that such building or repairs may be done without the erection of a hoarding.

Proviso.

Ruinous and Deserted Buildings.

169.—(1) If any building or anything affixed thereon is in a ruinous state, likely to fall or in any way dangerous to the inhabitants or occupiers of such building or to any neighbouring houses or buildings or to the inhabitants or occupiers thereof or to passengers, it shall be deemed a nuisance and shall be liable to be dealt with summarily under this Ordinance.

Buildings in a ruinous and dangerous state.

(2) The Commissioners shall immediately, if it appears to them to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers or take such other steps as appear to them necessary to render the building secure or demolish the building, and

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Power to
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the expenses thereby incurred shall be paid by the owner of the building.

170.—(1) If any building or land, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes liable to be a resort of idle and disorderly persons or otherwise becomes a public nuisance and is complained of by any two or more of the neighbours or by the Chief Police Officer of the Settlement or by the Health Officer, the Commissioners after due inquiry may cause notice in writing to be given to the owner or the person claiming to be the owner, if he is known and resident within the Municipality, or, if he is not known, may cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, wherever they may be, to secure and enclose the same or to abate the nuisance.

Non-compliance with notice.

(2) If such notice is not complied with within seven days, such building or land shall be deemed to be a nuisance liable to be dealt with summarily under this Ordinance.

Part IX.

WATER AND FOOD

Water.

Commissioners to lay down water mains, etc.

171.—(1) The Commissioners may cause to be made such main and other pipes, aqueducts and conduits as they judge necessary for sufficiently supplying the Municipality and the inhabitants thereof with water and, if necessary, may carry such pipes, aqueducts and conduits through, across or under any street or any place laid out or intended for a street or cellar or vault which is under any street, and, after reasonable notice in writing in that behalf, through or under any inclosed or other land whatsoever, doing as little damage as may be and making full compensation for any damage done.

Compensation.

(2) The Commissioners may supply any person outside the Municipality with water, and for that purpose may exercise within and without the Municipality all the powers conferred by subsection (1), making full compensation for any damage done: provided that where the water is to be supplied in or carried through any Rural Board area the consent of

MUNICIPAL.

the Rural Board, generally or for any particular case, shall be first obtained. [Substituted by Ordinance 1 of 1929, S. 9.]

(3) If any dispute arises touching the amount or apportionment of any compensation claimed under this section the same shall be settled as hereinafter provided. [Added by Ordinance 1 of 1929, S. 9.]

(4) All works, apparatus, fixtures and fittings done or affixed by the Commissioners under this section shall remain the property of the Commissioners. [Added by Ordinance 1 of 1929, S. 9.]

172. The Commissioners may—

- (a) set apart sufficient public places or, with the consent of the Governor, any part of the seashore for the purposes of being used as bathing-places;
- (b) provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and
- (c) set apart tanks, reservoirs, or runs of water for washing animals or clothes and for all purposes connected with the health, cleanliness and comfort of the inhabitants.

Places may be set apart for bathing, etc.

1929, 19

173.—(1) The Commissioners may provide bathing-places to be supplied with water from any water-works, and may make by-laws for the regulation of such bathing-places and for fixing the charges to be imposed on persons making use of the same.

Commissioners may provide bathing-places.

(2) The Commissioners may grant a lease of any such bathing-places for any period not exceeding three years at such rent and on such terms as they think fit.

and let the same on lease.

174. Any person who bathes or washes himself or any part of his person in or washes or causes to be washed any animal or any clothes or other thing in or causes or suffers any dirt, refuse or impurity to flow into or otherwise in any manner pollutes or contaminates any reservoir used for the purposes of the water-works belonging to the Commissioners or any stream or watercourse whereof the water flows into or feeds any such reservoir shall be liable to a fine not exceeding fifty dollars and in case of a continuing offence to a further fine not exceeding ten dollars for each day such offence is continued after notice to the offender.

Penalty on persons polluting streams which flow into reservoir of water-works.

1929, 19

Entry on premises for inspection and repairs.

175. Any Commissioner and the officers and servants of the Commissioners duly appointed by them for that purpose at any time without notice may enter upon and pass through, in and out of any house, building or land into, through, by, along or under which any of their pipes or works or any pipes or works connected therewith pass or are, to inspect and, if need be, to repair, alter, take up, re-lay, re-arrange and otherwise to deal with the same as circumstances require.

Fine for injuring water-works, diverting streams or misappropriating water.

176. Any person who—

- (a) wilfully or negligently injures or suffers to be injured any conduit, reservoir, cistern, pump, well, pipe, lock, cock, valve, waste-pipe, meter or other water-work belonging to or under the management or control of the Commissioners; or
- (b) unlawfully flushes, draws off, diverts or takes from any water-works belonging to or under the management or control of the Commissioners or from any waters or streams by which such water-works are supplied; or
- (c) uses, unless by special agreement, the services for other than domestic purposes;

shall be liable to a fine not exceeding fifty dollars and a further fine not exceeding five dollars for each day whilst the offence is continued.

Misuse of and leaving open valves.

177.—(1) Any person who—

- (a) opens or keeps open the valve of any street-standard, fountain or water-work used for the supply of water to the public by any means other than the use of pressure by the hand; or
- (b) having opened such valve does not close the same or leaves the same open; or
- (c) bathes or washes himself or any part of his person at any such street-standard, fountain or water-work or otherwise wastes the water;

shall be liable to a fine not exceeding ten dollars.

Tampering with valves and hydrants.

(2) Any person who tampers with any valve or hydrant not being part of a private service shall be liable to a fine not exceeding one hundred dollars.

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Repair of private streets.

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178.—(1) No person shall take any water for any purpose other than a domestic purpose from any hydrant, street-standard, fountain or water-work used for the supply of water to the public except under an agreement with the Commissioners.

Restriction on use of hydrants.

(2) Any person who acts in contravention of this section shall be liable to a fine not exceeding fifty dollars.

Penalty. § 4. 50 73

179. The Commissioners may, in case of fire, excessive drought, or repairs to mains, stop, turn off or divert in part or wholly the water in any pipe, pipes or other water-works under their control or management, notwithstanding any agreement they have made with any persons for the supply of water to them.

Commissioners may stop water pipes in case of fire.

180.—(1) The Commissioners may agree to supply with water for domestic or other purposes any person or persons residing either within or without the Municipality upon such terms and conditions and for such period as the Commissioners think fit.

Commissioners may agree to supply water.

(2) The Commissioners may, without incurring any liability for so doing other than the liability to make a proportionate abatement in the sum agreed to be paid for the supply of water, reduce as they see fit the quantity of water agreed for in any case, if by reason of drought or other unforeseen circumstances they are of opinion that the supply of water for domestic purposes is insufficient, and provided also that persons having agreements for the supply of water within the Municipality shall be preferred to persons residing without the Municipality.

Power to reduce supply.

(3) A supply of water for domestic purposes shall not include a supply of water for cattle or horses or for washing carriages where such cattle, horses and carriages are kept for sale or hire or kept by a common carrier nor shall it include a supply of water for any trade, manufacture or business or for watering lands or gardens or for fountains or for any ornamental purpose whatever.

What is a domestic supply.

181.—(1) If any person entitled to a supply of water under any such agreement as in section 180 is mentioned makes default in payment of any sum payable by him under agreement, the Commissioners may cut off the supply of water by severing the service pipe or by such other means as they think fit and may

Commissioners may cut off water supply on non-payment.

Repair of private streets.

Penalty for renewing supply without order.

recover the cost of such cutting off from such person in like manner as though such cost were a tax leviable under this Ordinance.

(2) If at any time after the supply of water to any premises has been cut off by the Commissioners it is found that the supply has been renewed without the order of the Commissioners and that the water is being used by any person or persons, the occupier of such premises shall be deemed, until the contrary is proved, to have authorized such user and shall be liable to a fine not exceeding ^{ten} ~~ten~~ dollars for each day the water has been so used.

Notice of obstruction of water to be given to Commissioners.

182.—(1) Whenever any service pipe, cock or other apparatus placed in or upon any premises for the use or supply of water to the occupier of such premises becomes obstructed or in any way damaged so as to cause a waste of water, such occupier shall, immediately on the same coming to his knowledge, give notice thereof to the Commissioners.

Penalty.

(2) Any such occupier who neglects to give the said notice shall be liable to a fine not exceeding ^{ten} ~~ten~~ dollars, and the supply may be summarily cut off by the order of the Commissioners until the necessary repairs are effected.

Fines for wasting water.

183.—(1) Any adult person residing in any house which is supplied with water by the Commissioners who wilfully or negligently misuses or wastes or causes to be misused or wasted any water passing through the pipes in or near his premises shall be liable to a fine not exceeding twenty-five dollars.

Taking water contrary to agreement.

(2) Any person who, having agreed for a service for domestic purposes only, applies or causes or permits to be applied the water passing through the pipes in or near his premises to purposes other than domestic purposes shall be liable to a fine not exceeding ^{two} ~~one~~ hundred dollars.

Altering service.

(3) Any person who alters or causes or permits to be altered any service as agreed on by the Commissioners so as to enable a greater supply of water to be taken than was agreed for shall be liable to a fine not exceeding ~~two hundred and fifty~~ ^{two hundred and fifty} dollars, and any service so altered may be replaced in the proper state by the Commissioners at such person's expense.

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(4) When water is supplied to any premises by the Commissioners under an agreement with any person and any water passing through the pipes supplying such person in or near such premises is misused or wasted, the Commissioners may give notice in writing to such person calling upon him to cause such misuse or waste to be discontinued within a period to be specified in such notice.

In case of waste Commissioners may after notice cut off water supply.

(5) If such misuse or waste continues after the expiration of the period as specified, the Commissioners may cut off the supply of water by severing the service pipe or by such other means as they think fit, and may recover the cost of such cutting off from such person in like manner as though such cost were a tax leviable under this Ordinance.

184. When any service pipe, cock or other apparatus belonging to the Commissioners is placed in or upon any premises not being in the possession of the Commissioners for the purpose of supplying water, such pipe, cock or other apparatus shall not be subject to distress nor to be taken in execution under process of a Court or proceedings in bankruptcy against the person in whose possession the same is.

Service pipes, cocks, etc., not to be subject to distress, etc.

185. All moneys which accrue due from any person in respect of the supply of water under section 180 to any premises owned or occupied by him or for work done or materials provided in connection therewith shall be recoverable from such person in like manner and by the like procedure as if such moneys were taxes leviable under this Ordinance.

Moneys due for water supply to be recovered by same procedure as taxes.

186. The Commissioners may make by-laws for—

By-laws

- (a) regulating the installation of water supplies and alterations thereto and for the submission of plans and specifications in respect thereof;
- (b) regulating the use of water meters and prohibiting interference with or damage to water meters or to seals affixed thereto;
- (c) preventing the misuse or contamination of water supplies;
- (d) licensing plumbers to work upon the installation of water supplies and the repair, extension, alteration and removal thereof

and prohibiting the employment upon such work of unlicensed plumbers and prescribing the fees to be charged for such licences;

(e) prescribing the pipe materials and fittings to be used in connection with water supplies (including water supplies to urinals and water closets) and the size, shape, fitting, arrangement, connections, workmanship, laying, examination, testing, position and cleaning of the same.

[Added by Ordinance 8 of 1927, S. 8.]

Public Markets.

Com-
missioners may
provide
markets and
charge rents
and fees.

187.--(1) The Commissioners may charge such rents, tolls and fees as to them seem fit for the use of or right to expose goods for sale in the public markets and for the use of shops, stalls, sheds, pens and standings therein.

Recovery of
rents and
fees.

(2) All such rents, tolls and fees shall be recoverable from the persons liable to pay the same as if the amounts payable in respect thereof were taxes due under this Ordinance.

Com-
missioners may
build
markets.

188. The Commissioners may, for the purpose of providing public markets, build and maintain such markets and such shops, stalls, sheds, pens and other buildings or conveniences for the use of the persons frequenting such markets, and for the weighing and measuring goods sold in such markets, as they think necessary, or may, for the like purpose, hire or take on lease any building or buildings.

By-laws for
markets.

189. The power hereinbefore given to the Commissioners to make by-laws for the establishment and regulation of markets shall include by-laws for the following purposes:--

- (a) for regulating the control and use of the public markets and the buildings, shops, sheds, stalls, pens and standings therein and for preventing nuisances or obstructions therein or in the immediate approaches thereto;
- (b) for providing standard weights, scales and measures and preventing the use therein of false or defective weights, scales or measures;

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- (c) for preventing the sale or exposure for sale therein of unwholesome flesh, fish, fruit, vegetables or other provisions;
- (d) for the establishment and publication of a price current and for prescribing the mode of sale of articles whether by measure, weight, tale or piece;
- (e) for keeping such markets in a cleanly and proper state and for removing filth and refuse therefrom; and
- (f) for licensing or otherwise controlling persons selling any article of food therein.

190. The Commissioners may expel or cause to be expelled from any public market any person who or whose servants is or are convicted of disobeying any by-law relating to markets, and may prevent such person by himself or his servants further carrying on any trade or business in such market or occupying any stall, shop or other place therein, and may determine any lease or tenure which such person has in any such stall, shop or other place.

Power to expel person breaking regulation and to determine lease.

191. The Commissioners may, with the sanction of the ~~Governor in Council~~ ^{State Authority} sell or at their own discretion let to tenants on lease or otherwise, on such terms as they think fit, any public market, or any part thereof, and may close such market or any part thereof.

Power to sell or let markets.

192. Any person who without the permission of the Commissioners or of the tenant or lessees of the market sells or exposes for sale any articles within a public market shall be liable to a fine not exceeding fifty dollars for each offence.

Penalty for selling in market without permission.

193.—(1) No person shall hawk, sell or expose for sale poultry, fresh meat, fresh fish, fresh vegetables or fresh fruit in any street or place within fifty yards of a public market, except in a shop. [*Amended by Ordinance 8 of 1927, S. 9.*]

Sale of fresh provisions forbidden within fifty yards of market.

(2) Any person who offends under this section shall be liable to a fine not exceeding twenty dollars.

Penalty

194.—(1) The Commissioners may by by-law specify certain public streets and public places or portions

Licensing of stalls

Repair of private streets.

Management of stalls.

thereof in which stalls, tables or show-boards may with their consent be set up for the sale of food, drink or goods, and may issue licences for such stalls, tables and show-boards and charge fees for such licences.

(2) The Commissioners may also by by-law provide for the management of the stalls, tables and show-boards in respect of which licences have been issued by them.

Offences under by-laws by licensed persons.

(3) Any person licensed under subsection (1) who offends under any by-law made under this section shall be liable to a fine not exceeding twenty-five dollars and the Police Court may, upon conviction, cancel his licence.

Offences by unlicensed persons and persons setting up stalls.

(4) Any person who, not being licensed ^{under this section} in that behalf, within a Municipality--

(a) sets up a stall, table or show-board in any street or public place or on any private land or open space or place to which the public has access, for the purpose of selling or exposing for sale any food or drink; or

(b) sets up a stall, table or show-board in any street or public place for the sale, or for exposing for sale, of goods other than food or drink;

Penalty.

shall be guilty of an offence, and may be arrested without warrant by any police officer or by any municipal officer authorized in writing by the President generally or in any particular case and taken before a Police Court, and shall be liable on conviction for a first offence to a fine not exceeding twenty-five dollars and for a second or subsequent offence to a fine not exceeding fifty dollars.

Seizure of stalls and goods of offenders and abandoned stalls and goods.

(5) Any stall, table or show-board together with any accompanying appliances and utensils and the food, drink or goods intended to be sold, whether they appear to be abandoned or not, belonging or appearing to belong to a person appearing to be committing or to have committed an offence under subsection (4) may be seized by any police officer or municipal officer authorized as aforesaid and removed to and detained at any Police Station or municipal depôt at the risk of the owner to abide the directions of a Police Court:

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Seizure of stalls and goods of offenders and abandoned stalls and goods.
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Provided that any perishable articles likely to decay so seized and removed may be disposed of forthwith: Provided also that if any abandoned articles so seized and detained other than perishable articles already disposed of are claimed within forty-eight hours after such seizure by the owner thereof, being a person licensed or otherwise lawfully entitled to set up or sell such articles at the place at which the same were seized, such articles shall be returned to such owner.

(b) (a) Every such seizure shall, except when the articles seized have been returned to the owner, be reported to a Police Court.

Forfeiture
of stalls
and goods
seized.

(b) The Police Court shall, on convicting any person of an offence under paragraph (a) of subsection (4), or on receiving a report in respect of any abandoned articles which were apparently being used in connection with the sale of food or drink, order the property seized under subsection (5) to be forfeited and to be disposed of in such manner as the Court deems fit:

Provided that if the Court directs the sale of such articles the proceeds shall be paid to the Municipal Fund.

(c) The Police Court may, on convicting a person of an offence under paragraph (b) of subsection (4), or on receiving a report of any abandoned articles which were not apparently being used in connection with the sale of food or drink, order the property seized under subsection (5) to be forfeited and to be disposed of in such manner as the Court deems fit:

Provided that if the Court directs the sale of such articles the proceeds shall be paid to the Municipal Fund or shall be divided between the Municipal Fund and the owner in such proportions as the Court shall direct.

(7) The Commissioners may from time to time with the concurrence of the Chief Police Officer issue temporary permits, subject to such conditions as they may

Temporary
Permits, etc.

Repair of private streets

think fit for the erection of stalls, tables and show-boards for the sale of food, drink or goods in any place specified in such permit during the continuance of any temporary fair, fête, wayang, gala or other special occasion and, notwithstanding anything in this section contained, it shall not be an offence to erect a stall, table or show-board in accordance with any such permit.

[Section substituted by Ordinance 59 of 1935, S. 11.]

Licensing of itinerant hawkers.

195.—(1) The Commissioners may require itinerant hawkers to be licensed on payment of such annual fee or fees as the Commissioners may by by-law specify. Every licence shall expire on the thirty-first day of December in the year in which it is issued.

By-laws.

- (2) The Commissioners may by by-law—
 - (a) specify the streets or portions thereof or places in which persons shall not act as itinerant hawkers;
 - (b) prescribe the conditions on which licences shall be issued; and
 - (c) classify itinerant hawkers according to the nature of the goods they sell or in such other manner as the Commissioners may determine and specify the annual fee or fees to be paid for licences by members of each class.

Offences under by-laws by licensed persons. Penalty. \$10. or 1/2

(3) Any licensed itinerant hawker who offends under any by-law made under this section shall be liable to a fine not exceeding twenty-five dollars, and the Police Court may, upon conviction, cancel his licence.

Offences by unlicensed persons and persons acting as itinerant hawkers in prohibited places.

- (4) Any person who—
 - (a) not being licensed in that behalf acts as an itinerant hawker; or
 - (b) whether licensed as an itinerant hawker or not, acts as an itinerant hawker in any street or portion thereof or place specified by the Commissioners under subsection (2) (a);

shall be guilty of an offence and may be arrested without warrant by any police officer or by any municipal

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officer authorized by the President generally or in any particular case and taken before a Police Court, and shall be liable on conviction for a first offence to a fine not exceeding twenty-five dollars and for a second or subsequent offence to a fine not exceeding fifty dollars.

Penalty.
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(5) Any articles intended to be sold, together with their containers and any accompanying appliances and utensils—

Seizure of goods of offenders and abandoned goods.

(a) belonging to a person committing or appearing to be committing an offence under subsection (4); or

for in the possession of and 25/10

(b) exposed for sale, otherwise than in a shop, in any street or portion thereof or place specified by the Commissioners under subsection (2) (a), which appear for the time being to be abandoned;

may be seized by any police officer or municipal officer authorized as aforesaid and removed to and detained at any Police Station or municipal depôt, at the risk of the owner, to abide the directions of a Police Court: Provided that any perishable articles likely to decay so seized and removed may be disposed of forthwith: Provided also that if any abandoned articles so seized and detained, other than perishable articles already disposed of, are claimed within forty-eight hours after such seizure by the owner thereof, being a person licensed or otherwise lawfully entitled to sell the same at the place at which the same were seized, such articles shall be returned to such owner.

(6) (a) Every such seizure shall, except when the articles seized have been returned to the owner, be reported to a Police Court.

Forfeiture.

(b) The Police Court shall, on convicting any person of an offence under paragraph (a) of subsection (4) in connection with the sale of food or drink, or on receiving a report in respect of any abandoned articles which were apparently being used in connection with the sale of food or drink, order the property seized under subsection (5) to be

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Persons suffering from disease not to be licensed.

Licences for private market.

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Licences for private market.

disposed of in such manner as the Court deems fit:

Provided that if the Court directs the sale of such articles the proceeds shall be paid to the Municipal Fund.

- (c) The Police Court may, on convicting a person of an offence under subsection (4) not connected with the sale of food or drink, or on receiving a report of any abandoned articles which were not apparently being used in connection with the sale of food or drink, order the property seized under subsection (5) to be forfeited and to be disposed of in such manner as the Court deems fit:

Provided that if the Court directs the sale of such articles the proceeds shall be paid to the Municipal Fund or shall be divided between the Municipal Fund and the owner in such proportions as the Court shall direct.

(7) For the purpose of this section "itinerant hawker" means any person who goes from place to place or to other persons' houses carrying to sell or exposing for sale any food, drink or goods of any kind.

[Section substituted by Ordinance 59 of 1935, S. 12.]

196. (1) No person shall be licensed under section 194 or section 195 who is suffering from any disease, which in the opinion of the Health Officer is likely to affect any food, drink or goods which may be sold in pursuance of the licence applied for.

(2) The Commissioners may at any time suspend or revoke any such licence if the licensed person is in the opinion of the Health Officer suffering from any disease likely to affect any food, drink or goods.

Private markets.

197. The Commissioners may grant licences for the use of any place within the Municipality as a market for the sale of meat, fish, fruit and vegetables on such terms and conditions as they think fit, such licence to expire on the thirty-first day of December next following its date.

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198.—(1) No private market shall, except with the licence of the Commissioners, be established or used within the Municipality.

Private markets not allowed except with licence.

(2) Any person who in contravention of this section establishes or uses any market shall be liable to a fine not exceeding fifty dollars and shall be also liable to a further fine not exceeding ten dollars for every day during which the offence is continued.

Penalty for opening markets without licence.

Oct 6/05

(3) Any person who sells or exposes for sale in an unlicensed market any animal or articles intended for human food shall be liable to a fine not exceeding twenty dollars and to a further fine not exceeding five dollars for every day after conviction during which the offence is continued.

Penalty for selling in unlicensed market.

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Inspection of places used for sale of food.

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199.—(1) The President or any person appointed by him in writing for that purpose may at all reasonable times enter into and inspect any place used for the sale, either wholesale or by retail, of articles of human food or drink or used for the preparation or storage of such articles intended for sale, or search any cart or vehicle or any basket, sack, bag or parcel which he has reasonable grounds for believing to contain articles of human food or drink and may examine any such articles which are therein.

President may enter and inspect places for sale or storage and examine articles of human food or drink.

(2) If it appears to the President or such person that any such articles are unfit for human food or drink, he shall seize the same and bring them before a Police Court which, if it finds such articles are unfit for human food or drink, shall order the same to be destroyed or so disposed of as to prevent their being exposed for sale or used for food or drink, and may impose a fine not exceeding one hundred dollars on the owner thereof or the person in whose possession the same were found.

Such articles if unwholesome may be detained.

Police Court may order the same to be destroyed.

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(3) In the case of flesh, fish, fruit or vegetables seized as aforesaid the Health Officer may order the same to be destroyed, and a Police Court may make an order or impose a fine under this section without such flesh, fish, fruit or vegetables being brought before it, if it is satisfactorily proved to it that the same was at the time of seizure unfit for human food.

Repair of private streets.

Police Court may return articles if in good condition and order compensation for loss, etc.

(4) A certificate under the hand of the Health Officer may be accepted by the Police Court as sufficient evidence that such flesh, fish, fruit or vegetables was unfit for human food at the time of seizure.

(5) If such Police Court finds that the articles so seized were fit for human food or drink, it shall order the Commissioners to return such articles or such portion thereof as may be in good condition to the owner or to the person in whose possession such articles were found and to pay to him such reasonable amount as such Police Court considers will compensate such owner or person for any loss or depreciation that has been caused by such seizure.

Slaughter-houses.

Interpretation.

200. In the remainder of this Part the word "animal" means and includes all ruminating animals and swine, but does not include any wild animal.

Commissioners may license slaughter-houses.

201.—(1) The Commissioners may license any place as a slaughter-house and may, at their discretion at any time, suspend or revoke such licence.

(2) No place shall be used as a slaughter-house unless a licence in writing has been obtained therefor from the Commissioners and such licence is neither suspended nor revoked.

Penalty for using slaughter-house without licence.

(3) Any person who without such licence or during the period for which any such licence is suspended or after the same is revoked as aforesaid, slaughters animals or allows animals to be slaughtered in any slaughter-house shall be liable to a fine not exceeding two hundred and fifty dollars and to a further fine not exceeding fifty dollars for every day he continues so to do.

Commissioners may provide places for slaughter-houses.

202. The Commissioners may, if they think fit, provide places for the purpose of being used as municipal slaughter-houses, and shall make by-laws for and with respect to the management of such places, prescribing the fees to be taken for slaughtering animals therein.

Slaughter-houses to be properly drained.

203.—(1) Every owner, occupier or farmer of any slaughter-house within the Municipality shall—

(a) cause such drains to be made therein as are considered sufficient by the Commissioners;

(in sub-section (1) of section 27)

Ord 1955
"Regular line of street" may be prescribed.

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Commissioners in certain cases may take possession of land within regular line

Commissioners may take possession of land not built on

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- (b) if required, cause all the floors, pens, lairs and drains to be laid and the walls to be faced with cement or other suitable material; and
- (c) cause a supply of water to be provided sufficient for keeping such slaughter-house in a clean and wholesome state.

(2) Any such owner, occupier or farmer who after notice in writing given to him by the Commissioners that such slaughter-house is defective in any of the said particulars and requiring him to remedy the defect specified within a reasonable time makes default in complying with such requisition shall be liable to a fine not exceeding fifty dollars for every day during which such default is continued.

Penalty.

Ord. 554

204.—(1) If at any time it appears to the Governor in Council that in any Municipality the Commissioners have provided a sufficient number of fit and proper places to be used as slaughter-houses within such Municipality, the Governor in Council on the application of the Commissioners by proclamation to be published in the *Gazette* may proclaim and declare that from and after a day to be named in such proclamation no animals intended to be used as human food shall be slaughtered within the limits of such Municipality at any place other than one of the slaughter-houses so provided as aforesaid and that no person shall bring into or have in his possession or sell or expose for sale within the limits of such Municipality any flesh of any animal to be used as human food unless such animal has been slaughtered at one of the slaughter-houses so provided as aforesaid.

When the Municipality provides sufficient slaughter-houses the Governor in Council may prohibit slaughtering elsewhere.

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(2) Any person who slaughters any animal or brings into or has in his possession or sells or exposes for sale within the limits of any Municipality or country district any flesh in contravention of the terms of any such proclamation shall be liable to imprisonment of either kind for a term which may extend to three months or a fine not exceeding ~~five hundred~~ ^{one hundred} dollars or to both such punishments, and the carcase in respect of which an offence has been committed shall be disposed of as the Police Court directs.

Penalty for slaughtering.

Ord. 557

Cap. 133

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Occupier
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(3) The occupier of any premises in which any animal is slaughtered in contravention of such proclamation shall be deemed to have slaughtered such animal, until it is proved that it was slaughtered without his knowledge and consent.

Power to
enter
premises.

(4) In any Municipality to which any such proclamation applies the President or any officer generally authorized in writing by him in that behalf may, at any time of the night or day, enter into any premises in which he has reason to suspect that any animal is being or has been recently slaughtered in contravention of the terms of such proclamation.

Carcasses not
marked.

(5) In any Municipality to which any such proclamation applies and in which provision has been made by by-law for the marking of the carcasses of animals slaughtered in municipal slaughter-houses to denote that such animals have been so slaughtered, any carcass or part of a carcass which does not bear a municipal slaughter-house mark shall be presumed, until the contrary is proved, to have been slaughtered in contravention of such proclamation.

Definition of
"flesh."

(6) In this section "flesh" includes the flesh of animals slaughtered outside the Colony which is brought into the Municipality in a frozen condition without a licence given under section 210, but does not include the flesh of any animal slaughtered outside the Colony canned, salted or preserved by any process.

Special
licence to
slaughter
elsewhere.

205.—(1) The Commissioners in any Municipality to which any proclamation made under section 204 applies may, upon the written application of any householder, issue a special licence to such householder to slaughter an animal for domestic, ceremonial or sacrificial purposes elsewhere than at a municipal slaughter-house.

Conditions
of special
licence.

(2) Every such special licence shall specify the time and place where such animal may be slaughtered and shall be issued subject to the following conditions:—

(a) that the place in which such animal shall be slaughtered shall be approved by the Commissioners;

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- (b) that no part of the carcase of such animal shall be sold or offered for sale;
- (c) that such animal shall be slaughtered in the presence of an agent of the Commissioners if they deem it necessary.

(3) In respect of every animal slaughtered under such special licence such fee shall be taken as is prescribed, not exceeding ten times the fee payable in respect of such animal if it had been slaughtered at a municipal slaughter-house.

Fee for special licence.

(4) The Commissioners before issuing any such licence may require such reasonable assurance as they think fit that the conditions thereof will be fulfilled.

206.—(1) The Commissioners in any Municipality in which any proclamation made under section 204 applies, if they are satisfied that—

Special licence where animal cannot be taken to municipal slaughter-house.

- (a) any animal cannot be led, driven or transported to a municipal slaughter-house without danger to the public or to the person in charge of it or to itself; or
- (b) any animal has been so injured as to be incapable of being led, driven or transported to a municipal slaughter-house;

may issue a special licence to the person in charge of such animal to slaughter such animal elsewhere than at a municipal slaughter-house.

(2) Before granting such special licence the Commissioners may require the animal to be examined at the expense of the person applying for the licence by some person nominated by the Commissioners.

Examination.

(3) Every such special licence shall specify the time and place where such animal may be slaughtered and shall be issued subject to the following conditions:—

Conditions.

- (a) that the place in which such animal shall be slaughtered shall be approved by the Commissioners;
- (b) that such animal shall be slaughtered in the presence of an agent of the Commissioners if they deem it necessary;
- (c) that after slaughter the carcase of such animal, including the liver, spleen, lungs, and heart, shall be forthwith conveyed to a municipal slaughter-house or some other place appointed in the licence.

Fees.

(4) In respect of every animal slaughtered under such special licence the same fee shall be taken as if it had been slaughtered at a municipal slaughter-house and the several by-laws made under section 58 (1) (s) shall apply to such animal and its carcase as if it had been slaughtered in a municipal slaughter-house.

(5) The Commissioners before issuing any such licence may require such reasonable assurance as they think fit that the conditions thereof will be fulfilled.

(6) The Commissioners may, by writing under the hand of the President, delegate the powers conferred on them by this section to any person approved by the Governor. [Added by Ordinance 1 of 1929, S. 11.]

L.V. 298/59

Fees at municipal slaughter-house.

207.—(1) In respect of every animal slaughtered at a municipal slaughter-house or for the use of any pen or other building attached thereto, such fees shall be taken as are prescribed by the Commissioners, not exceeding a scale to be sanctioned by the Governor in Council.

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(2) Such fees shall be recoverable from the person liable to pay the same as if they were taxes due under this Ordinance.

(3) The Commissioners may require all fees payable in respect of the slaughter of any animal to be paid before the removal of the carcase of such animal.

L.V. 298/59

Commissioners to provide service.

208.—(1) The Commissioners shall provide at every municipal slaughter-house all persons necessary for the purposes of slaughtering animals and dressing the carcasses thereof and shall have at all times in readiness a sufficient supply of hot and cold water for the service of persons making use of a municipal slaughter-house.

Charges for slaughtering to be paid though municipal servants not employed.

(2) The Commissioners shall at all times allow any person to slaughter any animal or dress for sale any carcase at a municipal slaughter-house on payment of the fee which would have been due and payable if such animal had been killed and the carcase dressed by a person in the service of the Municipality.

(3) The Commissioners may refuse to allow the slaughter of any animal or the dressing of any carcase

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which is diseased or, by reason of emaciation, is unfit in the opinion of the Health Officer or of the Veterinary Surgeon for human consumption. [Added by Ordinance 1 of 1929, S. 12.]

209.—(1) Any person shall be liable to imprisonment of either description for a term which may extend to three months or a fine not exceeding five hundred dollars or to both who—

Offences as to marks and penalties.

- (a) marks the carcase or part of the carcase of any animal which has not been slaughtered at a municipal slaughter-house with any mark with the intention of causing it to be believed that such animal was slaughtered at such slaughter-house; or
- (b) makes or has in his possession any die, plate or other instrument for the purpose of the same being used or knowing or having reason to believe that it is intended to be used for the purpose of counterfeiting a municipal slaughter-house mark; or
- (c) sells or exposes for sale or has in his possession for sale the carcase or part of the carcase of any animal which has not been slaughtered at a municipal slaughter-house bearing a mark intended to represent a municipal slaughter-house mark or so marked as to cause it to be believed that such animal was so slaughtered, unless he proves that he did not knowingly so sell or expose or have in his possession such carcase or part of a carcase.

(2) The carcase in respect of which the offence is committed shall be disposed of as a Police Court directs.

210.—(1) The Commissioners in any Municipality to which any proclamation made under section 204 applies or, in case they refuse, the Governor in Council may grant a licence to any person or company to bring into the Municipality the flesh of animals slaughtered outside the limits of the Municipality. [Amended by Ordinance 8 of 1927, S. 12.]

Regulations for importation of ~~meat~~ ^{meat} and ^{bone} meal. *W.C. 1927*
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Licence.

(2) Every licence granted under this section shall contain regulations for the marking of the flesh to denote that it has been brought into the Municipality under a licence.

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(3) The Commissioners or the ~~Governor in Council~~, as the case may be, may charge a fee for such licence.

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(4) The rate of the fee to be so charged shall be fixed by the Commissioners with the sanction of the ~~Governor in Council~~.

Revocation
of licence.
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(5) The Commissioners or the ~~Governor in Council~~, as the case may be, may suspend or revoke any licence granted by them respectively if any terms of the licence have been violated by the licensee.

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(6) If any licence is suspended or revoked by the Commissioners, the licensee may appeal to the ~~Governor in Council~~ who may deal with the suspension or revocation appealed against in such manner as he thinks fit.

29.9.19
H.C. Committee

Offences.

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(7) Any person shall be liable to imprisonment of either description for a term which may extend to three months or a fine not exceeding ~~five hundred~~ dollars or to both who—

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- (a) marks any flesh which has not been brought into the Municipality under a licence with the intention of causing it to be believed that such flesh was brought into the Municipality under a licence; or
- (b) marks or has in his possession any die, plate or other instrument for the purpose of the same being used or knowing or having reason to believe that it is intended to be used for the purpose of counterfeiting the mark prescribed under any licence; or
- (c) sells or exposes for sale or has in his possession for sale any flesh which has not been brought into the Municipality under a licence bearing a mark intended to represent a mark prescribed under any licence, unless he proves that he did not knowingly so sell or expose or have in his possession such flesh.

(8) The flesh in respect of which the offence is committed shall be disposed of as the Police Court directs.

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Part X.

SANITATION AND PREVENTION OF NUISANCES.

Dangerous and offensive Trades.

211.—(1) No place shall be used within the Municipality for any of the following purposes:—

- (a) a knacker's yard or place for skinning or disembowelling animals;
- (b) boiling offal, blood or oil;
- (c) tallow-melting, candle or soap making;
- (d) making bricks, pottery or lime;
- (e) dyeing, lye making or tanning;
- (f) sago or ampas washing, sago or sago flour making;
- (g) fish curing or manufacturing fish manure or fish storing;
- (h) drying or sorting fish or drying, sorting or storing blachan;
- (i) making or storing matches or fireworks;
- (j) making or storing charcoal, collecting or storing rags, bones or feathers;
- (k) boiling or refining sugar or preserving or canning fruits;
- (l) a stable, cattle-shed, cow-house, dairy or place for keeping horses, cattle, sheep or goats, except when the animals kept therein are for private use;
- (m) depositing or storing coal, wood, timber, atap, kajang, thatching, grass, hay, straw or other dangerously inflammable materials;
- (n) a foundry or smithy;
- (o) carrying on the business of a washerman or laundryman;
- (p) the manufacture, treatment, smoking or preparation of rubber, gutta percha, jelutong and any other form of getah;
- (q) any other manufactory or place of business from which either offensive or unwholesome smells arise;
- (r) any purpose calculated to be dangerous to life or property;

Offensive and dangerous trades within municipal limits not to be carried on without licence.

except under a licence from the Commissioners who may at their discretion grant such licences and impose

Repair private streets.

Penalty for establishing such trades without licence.

Suspension or revocation of licence.

Commissioners may make by-laws for the management of such trades and places.

Prohibition of dangerous or offensive trades in particular areas.

Copies of notice to be in the vernacular.

such terms therein as to them appear expedient to prevent any nuisance being caused or continued.

(2) The Commissioners may by by-law prohibit the keeping of swine within the municipal limits without a licence issued by the Commissioners under this section.

(3) Every such licence shall specify the place in respect of which it is issued.

(4) Any person who without a licence uses any place or permits the same to be used for any of the said purposes shall be liable to a fine not exceeding two hundred and fifty dollars and a further fine not exceeding fifty dollars for every day after the conviction for such offence during which the said offence is continued.

(5) The Commissioners may at any time suspend or revoke such licence if it appears necessary to them to do so; provided that if such licence is suspended or revoked except on the ground of the licensee having violated the licence or any of the terms thereof, the Commissioners shall be liable to make compensation to the licensee for the loss to which such suspension or revocation subjects him.

(6) The Commissioners may make by-laws for—

- (a) the inspection of every place within the Municipality used for any of the purposes mentioned in this section;
- (b) the structure and arrangement of the premises; and
- (c) the management and conduct of such business in such manner as they think necessary and proper in order to prevent or diminish the noxious, injurious, offensive or dangerous effect thereof.

(7) This section shall not apply to any place in the occupation of the Government.

212.—(1) The Commissioners may prohibit the carrying on of any dangerous or offensive trade or business within any particular area or areas within the Municipality.

(2) Notice of such prohibition shall be published in the *Gazette* and copies of such notice in Malay, Chinese and Tamil shall be posted at such places within the area as the Commissioners deem sufficient;

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provided that the absence of such posting or the failure to prove the same shall not constitute a defence.

(3) Such prohibition shall contain a statement that application for its cancellation may be made to the ~~Governor in Council~~ *State Authority* at any time within one month from its publication and that it shall not come into operation until the expiration of two months from such publication.

Application to cancel prohibition.

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(4) The ~~Governor in Council~~ *State Authority* may, upon application made within one month from its publication, cancel any notice of prohibition and thereupon the same shall become null and void.

Power to cancel.

(5) No compensation shall be payable by the Commissioners to the owners or other persons interested in any property comprised in any area within which the carrying on of any trade or business has been prohibited.

No compensation payable.

213.—(1) No land within municipal limits shall be manured with night-soil or human excreta.

Prohibition of night-soil as manure.

(2) If any night-soil is found in any place collected in pits or receptacles of any kind such as would in the ordinary course be used for preparing such night-soil for purposes of manuring, this shall be deemed conclusive evidence that the land on which such pits or receptacles are situate or land in the same occupation adjoining or contiguous thereto has been manured with night-soil or human excreta.

(3) The owner and occupier of any land which is manured with night-soil or human ~~excreta~~ *soil* shall both be liable to a fine not exceeding ~~two~~ *two* hundred dollars and to a further fine of ~~twenty-five~~ *five* dollars for every day during which the offence is continued and for a second or subsequent offence the like fines or to imprisonment of either description for a term which may extend to six months.

Penalty.

Ord. 67/23

(4) A Police Court may, on the application of the Commissioners, make a mandatory order against the owner or occupier of such land, requiring him to remove such night-soil or receptacles or to fill up such pits, as the case may be.

214.—(1) If at any time it appears to the Commissioners that the method of cultivation of any description of crop or the use of storing or method of preparing or dealing with any kind of manure not

Prohibition of cultivation, use of manure or irrigation injurious to health.