

*To be corrected with 180.10 of 1930; 115 of 1933;
32 of 1933; 4 of 1932; 10 of 1932; 3 of 1939*

CHAPTER 96.

GEORGETOWN SEWERAGE AND WATER.

[No. XIX of 1929.]

[23rd March, 1929.]

1. This Ordinance may be cited as the Georgetown Short title.
Sewerage and Water Ordinance.

2. In this Ordinance unless the context otherwise Interpreta-
requires,— tion.

“ Georgetown ” means the city of Georgetown as defined by the Georgetown Town Council Ordinance or any Ordinance amending or substituted for it; Chapter 86.

“ the Council ” means the Town Council of Georgetown;

“ the Mayor ” and “ the Deputy Mayor ” mean the Mayor and the Deputy Mayor of Georgetown respectively;

“ Commissioners ” means the body of Commissioners constituted by this Ordinance;

“ building ” means any hotel, store, shop, office, factory, out-house, shed, or other building whether or not used for or in relation to human habitation;

“ owner ” means the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if that land or premises were let;

“ engineer ” means the chief engineer employed by the Commissioners;

“ city engineer ” means the city engineer appointed by the Council;

“ Town Clerk ” means the Town Clerk of Georgetown;

“ medical officer of health ” means the medical officer of health appointed by the Council;

“ Prescribed ” means prescribed by regulations under this Ordinance;

- “sewerage system” means the system of sewers (not extending beyond the inspection chamber nearest to the street) which have been and shall hereafter be constructed whereby the sewage of Georgetown or any part thereof is or is intended to be conveyed and disposed of, and includes all buildings, pumps, machinery, appliances, and accessories used, employed, or operated in connection with the sewerage system;
- “sewerage works” means main drainage sewers in the streets of Georgetown, collecting sewers and house-sewers, and works or appliances of every kind forming part of the construction of the sewers aforesaid or necessary, accessory, or incidental thereto;
- “sewage” includes the wastes of animal life other than stable manure, the drainings of stable water discharged from sinks, basins, baths, and all other water which has been used for domestic purposes or in any industrial processes, and all waste water;
- “house-sewer” means any drain or pipe for the drainage of the sewage from a house or building, its areas, water-closets, baths, offices, and stables, to a street sewer or to a collecting sewer, and includes gully traps, sinks, approved traps and other accessories;
- “soil pipe” means the pipe forming the connection between a water-closet and the house-sewer, and includes all necessary appliances;
- “collecting sewer” means the common drain into which is discharged the sewage from two or more premises and which conveys that sewage to a street sewer, and includes all appliances and accessories thereto;
- “collecting sewer system” means a collecting sewer together with all the house-sewers by which sewage is conveyed into the collecting sewer;
- “water-closet” includes the necessary pan, supporting base, fitting, cisterns, and other flushing arrangements, soil pipe and ventilation shaft, and any other connection usually used for collecting and conveying sewage from one place to another, but shall not include the enclosing structure;
- “waterworks” includes all pipes, mains, canals, weirs, buildings, erections, pumps and machinery,

appliances and works, used or intended to be used for or in connection with the supply of water to Georgetown for domestic purposes, but does not include service-pipes;

- “ service pipe ” means any pipe from the service stop-cock with the necessary appliances and accessories laid for the supply of water to private premises;
- “ improvement works ” means the sewerage system and the waterworks.

PART I.

CONSTRUCTION OF SEWERAGE WORKS.

3. The Governor may—

- (a) cause to be constructed such underground main drainage sewers in the streets of Georgetown, collecting sewers and house-sewers as are necessary to complete the construction of the sewerage works of Georgetown and for the conveyance and disposal of the sewage thereof;
- (b) cause to be laid down, installed, erected, and constructed all such works, pumps, machinery, appliances, and accessories as may be requisite for the effective operation and working of the sewerage system and for the proper conveyance and disposal of the sewage of Georgetown;
- (c) employ a resident engineer, who shall be the officer in charge of and responsible for the construction of the works mentioned in paragraphs (a) and (b) of this section;
- (d) employ all such engineers, superintendents, officers, tradesmen, workmen and labourers and enter into such contracts in or about the works as may be deemed necessary or expedient.

Governor
may cause
sewerage
works to be
constructed.

4.—(1) For the purposes mentioned in the last preceding section the resident engineer may—

- (a) break up the surface of the streets of Georgetown or any of them and temporarily close the whole or any part of a street or of streets against wheeled or any traffic for any necessary period after giving seven days' notice to the city engineer of his intention so to do;

Powers of
resident
engineer.

(b) enter any premises, or cause them to be entered, and examine them and construct any house-sewers and collecting sewers he considers necessary.

(2) The resident engineer shall restore any street which has been broken up to the satisfaction of the Council.

Sewerage areas.

5. The resident engineer may divide Georgetown into separate sewerage areas for the purpose of constructing the sewerage works within each area, and, before commencing the sewerage works in any of those areas, shall prepare a plan thereof and give the prescribed notice of the area and the plan.

Council to enforce construction of water-closets in each area.

6.—(1) When the sewerage works within any area have been completed the resident engineer shall give notice thereof to the Colonial Secretary who shall thereupon give notice of the completion to the Council.

(2) On receipt of the notice aforesaid from the Colonial Secretary the Council shall give notice by advertisement or otherwise to the owner of every house, building, or premises within the area requiring him to construct and instal the water-closet or water-closets directed by the city engineer and to connect the water-closet by means of a soil pipe to the house-sewer on the premises.

(3) The Council may enforce the construction by the owner of the works mentioned in the last preceding subsection, and in default of construction by the owner the city engineer, and any officer or servant of the Council authorised by him, may enter on the house, building, or premises and construct those works and do any other work in relation thereto in his opinion necessary.

Retrospective effect of Ordinance.

7. The powers contained in this part of this Ordinance shall be deemed to have been hitherto in existence for all purposes, and all acts done and things performed prior to the commencement hereof under the authority of the Governor and resident engineer in relation to and in the construction of the sewerage works, collecting sewers, and house-sewers, and in relation to the collection, conveyance, and disposal of the sewage of Georgetown, shall be deemed to have been done under the authority of this Ordinance.

PART II.

CONSTITUTION OF COMMISSIONERS.

8. There shall be constituted a body of Commissioners as herein provided which shall be a body corporate by the name and style of The Georgetown Sewerage and Water Commissioners, and which may sue and be sued in its corporate name.

Establishment of Georgetown Sewerage and Water Commissioners.

9.—(1) The Commissioners shall consist of—
 (a) six persons to be appointed by the Governor in Council, of whom one at least shall be an elected member of the Council, and
 (b) the Mayor of Georgetown for the time being.

Constitution of Commissioners.

(2) Appointed Commissioners shall hold office for two years, but shall be eligible for re-appointment.

(3) The Governor shall appoint a Commissioner to be chairman of the Commissioners who shall hold office for not more than two years and shall be eligible for re-appointment.

(4) The chairman shall preside at meetings of the Commissioners; in the absence of the chairman from a meeting the Commissioners present may elect one of their number to be chairman of the meeting.

(5) The chairman of a meeting shall have an original and a casting vote.

(6) Three Commissioners present at a meeting shall form a quorum.

(7) The Governor may at any time revoke the appointment of the chairman and the Governor in Council the appointment of an appointed commissioner.

(8) An appointed commissioner shall vacate his office if he—

(a) resigns in writing addressed to the Colonial Secretary; or

(b) departs from the colony without the leave of the Governor or remains out of the colony after the expiration of his leave; or

(c) fails without reasonable excuse (the sufficiency whereof shall be determined by the Governor in Council) to attend three consecutive meetings of the Commissioners.

(9) The Governor in Council may at any time appoint some person to be a commissioner—

(a) for the unexpired period of the office of an appointed commissioner who shall die or vacate his office, and

(b) for the period of any leave granted to a commissioner.

(10) Where the Mayor is absent on leave from the performance of his duties as mayor his place shall be taken by the Deputy Mayor.

(11) The Commissioners shall not be disqualified from transacting any business by reason of any vacancy among the members thereof.

(12) There shall be at least one meeting of the Commissioners in every month.

(13) The Commissioners shall keep proper minutes of their proceedings.

Secretary to
the Commis-
sioners ;
other officers.

10.—(1) The Town Clerk of Georgetown, or any other person the Governor in Council appoints shall be the secretary of the Commissioners (hereinafter referred to as the Secretary).

(2) The Commissioners may employ engineers, officers, and clerks, and may from time to time employ workmen and labourers.

(3) The approval of the Governor in Council shall be necessary for the employment or dismissal of any officer whose salary is or is above two thousand dollars a year; every other person employed by the Commissioners shall be removable from office by the Commissioners.

IMPROVEMENT WORKS VESTED IN AND CONTROLLED BY COMMISSIONERS.

Georgetown
sewerage
system ;

11. The sewerage system of Georgetown is hereby vested in the Commissioners, who shall have the care, inspection, maintenance, repair, working and management thereof.

waterworks ;

12. The waterworks of Georgetown shall vest in the Commissioners, who shall have the care, inspection, maintenance, repair, working and management thereof.

to be held in
trust for
inhabitants.

13. The Commissioners shall hold the sewerage system and the waterworks in trust for the inhabitants of Georgetown.

14. The Commissioners shall keep water in the waterworks at such pressure as will convey the water to the top storey of the highest dwelling-house in Georgetown.

Pressure of water at waterworks.

MAINTENANCE OF COLLECTING SEWERS, HOUSE-SEWERS AND SERVICE-PIPES.

15.—(1) When the resident engineer has given notice of a sewerage area under section five of this Ordinance, before anyone constructs or re-constructs any house or building on any premises within that area he shall first submit the plan of the house or building to the Council.

Town Council to enforce construction of water-closets.

(2) No house or building shall be constructed or re-constructed in any sewerage area after the commencement of this Ordinance unless the Council has first approved of the plan of the water-closet or water-closets, their connection with the house-sewer, the house-sewer, and any alteration or extension of a house-sewer already constructed.

(3) The situation, dimensions, materials, construction and appliances of every such water-closet and sewer shall be subject to the approval of the city engineer.

16. All house-sewers in private property, water-closets, soil pipes, and service-pipes shall be under the survey and control of the Council, and shall be re-constructed, altered, repaired and kept in proper order by the Council at the expense of the owners or occupiers of the premises to which they belong or for the use of which they are constructed.

Control of house-sewers, closets, soil and service pipes.

17. All collecting sewers (not forming part of the sewerage system) shall be under the survey, management, and control of the Council and be re-constructed, altered, repaired, and kept in proper order by the Council, and any expense incurred by the Council in the performance of those duties shall be charged on and recoverable by the Council from the owners or occupiers of those houses, buildings, or premises the house-sewers from which are connected to the collecting sewers in proportion to the number of points at which sewage is taken into the system from the houses, buildings and premises of each owner.

Control and maintenance of collecting sewers.

18. The city engineer, or anyone appointed by the Council either generally or specially, may inspect any collecting sewer, house-sewer, water-closet, or service-pipe and for that purpose, at all reasonable times in the day without

Inspection of sewers, closets and service pipes.

notice, may enter upon any lands, houses, or buildings with any necessary assistants and workmen, and cause the ground to be opened where he thinks fit, doing as little damage as may be, and if the service-pipe, collecting sewer, or house-sewer is found to be in proper order and condition, he shall cause the ground to be closed and made good as soon as may be, and the expenses thereof shall be defrayed by the Council.

Execution
of repairs.

19. If any house-sewer, water-closet or service-pipe aforesaid be found to be in bad condition or to require alteration or repair the city engineer shall execute the work, and the Council may recover from the owner the expenses incurred in so doing.

Inspection
by officers
of Council.

20. All collecting sewers, houses-sewers, water-closets and service-pipes shall also be subject to inspection by the medical officer of health, sanitary inspectors, and any other officer appointed by the Council, who shall co-operate with the city engineer to the end that the collecting sewers, house-sewers, water-closets and service pipes shall be kept in proper condition.

PART III.

FINANCIAL.

Payment of cost of construction of house-sewers and collecting-sewers.

Payment
of cost of
house-sewers
and collecting
sewers :

21.—(1) Four-fifths of the expenses which have been or shall be incurred by the resident engineer in the laying and construction of any house-sewer (not part of a collecting-sewer system) and of the requisite appliances and accessories shall be a debt due and be paid to the Council by the owner of the house, building, or premises in respect of which that house-sewer is laid and constructed.

(2) Four-fifths of the expenses which have been or shall be incurred by the resident engineer in the laying and construction of any collecting-sewer system shall be a debt due and be paid to the Council by the owners of those houses, buildings, and premises from which sewage is conveyed into the collecting-sewer in proportion to the number of points at which sewage is taken into the system from the houses, buildings, and premises of each owner.

(3) Payment of expenses under sub-sections (1) and (2) of this section shall not be demanded until the amount has been ascertained and certified by a board to be appointed by the Governor in Council.

(4) Payment of the expenses aforesaid shall be made within thirty days after demand in writing by the Town Clerk :

Provided that—

Proviso.

(a) any owner who does not within the said period of thirty days pay those expenses shall pay them by annual instalments of one-thirtieth part of the whole sum originally due, with interest on the principal amount from time to time remaining unpaid at the rate of six per centum per annum; and

(b) anyone may on seven days' notice in writing to the Town Clerk pay off the balance of the principal amount and any interest that may be then due.

(5) The expenses referred to in sub-section (1) and (2) of this section, together with interest, if any, shall be a charge on the property or properties in respect of which they have been incurred until the whole amount has been paid.

(6) Any sums due and payable under this section may be sued for and recovered in a court of competent jurisdiction by the Town Council, or if payment be not made within thirty days of the same or any instalment becoming due the payment thereof may be enforced by parate execution in the same way as town taxes under the Georgetown Town Council Ordinance.

Chapter 86.

REVENUE AND EXPENDITURE.

22.—(1) The Council shall have power to raise, levy, and collect in every year, commencing from the first day of January, nineteen hundred and thirty, a rate for the purposes of this Ordinance calculated upon the appraised value of every lot or parcel of land, or portion of a lot or parcel of land, in Georgetown and on any buildings and erections thereon :

Council may
levy rates :

Sec. 24
32 of 1933

Provided that the rate shall not be levied upon or in connection with any church lands or buildings that are not connected to the sewerage system, or upon and in respect of the Georgetown Public Free Library, or upon and in respect of any premises owned or controlled by the Council.

Proviso.

(2) Every rate aforesaid shall in every year be included in the estimate of revenue and expenditure made by the Council before submission thereof by the Council for the approval of the Governor in Council.

(3) Every rate aforesaid shall be a charge upon the premises whereon the rate is levied and shall be payable to the Council in the instalments and at the time or times fixed by the Council; and in default of payment thereof in the manner and at the times so fixed the Town Clerk shall proceed to recover the amount by parate execution in the same way as town taxes are recovered under the Georgetown Town Council Ordinance.

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Chapter 86.

Submission of estimates of expenditure to Governor in Council.

23.—(1) The Commissioners shall, on or before the thirtieth day of September in each year, prepare and submit estimates of expenditure for the ensuing financial year in relation to their duties under this Ordinance for the approval of the Governor in Council and shall at the same time send copies thereof to the Council.

(2) The estimates after approval shall be transmitted to the Council on or before the first day of November in each year, and the Council shall in the ensuing financial year pay the amount in equal moieties to the Secretary on the first day of April and the first day of September in each year.

(3) Where the amount of the estimated expenditure for any financial year is less than the actual expenditure the amount of the difference shall be included by the Commissioners in and form part of the estimates for the next year.

(4) As soon as may be after the Commissioners are constituted they shall prepare and submit to the Governor in Council an estimate of the expenditure for the unexpired portion of the then current financial year, and the Colonial Treasurer shall, with the consent of the Governor in Council, advance to the Commissioners the amount so estimated out of the funds he may have received from the Council for the purpose.

PART IV.

SANITARY CONSTRUCTORS.

Power to Council to grant licences to sanitary constructors or suspend or cancel licences:

24.—(1) The Council may grant licences authorising persons to construct, execute, repair, or perform work in connection with house-sewers and water-closets as the Council thinks fit. The persons shall be styled licensed sanitary constructors, and it shall be their duty to act in accordance

with this Ordinance and any regulation and to obey the orders of the Council, the city engineer, or anyone authorised by the Council. Licensed sanitary constructors shall be responsible for the acts and omissions of all those employed by them.

(2) The Council may by regulations made under this Ordinance prescribe fees to be paid for examinations and licences of sanitary constructors.

(3) The Council may in its discretion suspend or cancel the licence of a sanitary constructor who is guilty of misconduct in the performance of his duties under this Ordinance or the regulations.

(4) The grant, suspension, or cancellation, of a licence shall be published in the Gazette and one daily newspaper.

(5) No one other than a licensed sanitary constructor may do any work in relation to a collecting-sewer, house-sewer, water-closet or soil pipe; and any unlicensed person who does that work or causes it to be done by any unlicensed person shall be liable to a penalty not less than five dollars, and not more than twenty-five dollars:

Penalty:

Provided that anyone employed by the Commissioners or the Council shall be deemed to be a licensed sanitary constructor with regard to work done by him under the authority of the Commissioners or the Council.

Proviso.

PAYMENT BY OWNER OR OCCUPIER FOR WORK DONE BY COUNCIL.

25.—(1) When the owner of a house, building, or premises is liable under this Ordinance for repayment of the expenses of any work done by the Council he shall pay them on demand in writing by the Town Clerk.

Recovery by Council from owner of expenses for work done.

(2) The Council may at the request of the owner permit the payment of the expenses by instalments as it thinks fit, with interest on the principal amount from time to time remaining unpaid at the rate of six per centum per annum.

(3) All the expenses together with interest shall be a charge on the property or properties in respect of which they have been incurred until the whole amount has been repaid.

(4) Any sums due and payable as in this section stated may be recovered as provided in sub-section (6) of section twenty-one of this Ordinance.

Expenses and interest may be recovered from occupier.

26. The Council, by way of additional remedy, may require the payment of all or any part of the expenses and interest payable by the owner for the time being from the person who then, or at any time thereafter, occupies any of the premises aforesaid, and in default of payment by him on demand the Council may enforce the payment against him in the same way as against an owner; and he shall be entitled to deduct from any rent payable by him to the owner so much as is paid by or recovered from him in respect of any such charge or interest.

Limitation of liability of occupier.

27. No occupier of any premises shall be liable to pay more money in respect of any sums charged by this Ordinance on the owner thereof for work done by the Council than the amount of rent due from him for the premises in respect of which those expenses and interest are payable at the time of the demand, or which at any time after the demand have accrued and become payable by him.

FORM AND SERVICE OF NOTICES.

Service of notices.

28. The following provisions shall apply to the making or service of any notice, demand, or other document under this Ordinance or the regulations :—

- (a) it may be authenticated by the name of the Secretary, the Town Clerk or the city engineer being affixed thereto in print or writing;
- (b) it shall be sufficient if addressed to the owner or occupier of the house, building, or premises (naming or describing them) to which it relates;
- (c) it may be served upon the person to whom it relates, either personally or through the post office, addressed to him at his usual or last known place of abode or business in the colony, or by delivering it to some inmate there, or in case of an occupier to an inmate of the premises to which the document relates, or if the building is unoccupied and the place of abode of the person after due inquiry cannot be found, by affixing it, or a copy of it to some conspicuous part of the premises.

Commissioners may break open streets.

29. The Commissioners, when it is necessary for the maintenance, repair, extension, or alteration of the sewerage system or waterworks, may break open any street, subject to the following conditions :—

- (a) the engineer shall give to the Council two days' notice of the intention, specifying the time of

- beginning and the portion of street to be opened up; but in cases of urgency the engineer may break open a street and shall forthwith inform the city engineer of the fact;
- (b) until the roadway is restored the place where it is broken open shall be watched and properly lighted;
 - (c) the Commissioners shall not without the consent of the Council break open at any one time a greater length than one hundred yards of a street;
 - (d) they shall restore the street to the satisfaction of the Council.

REGULATIONS.

30.—(1) The Governor in Council may make regulations for the purpose of carrying into effect the provisions of part I of this Ordinance. Regulations.

(2) The Commissioners and the Council, subject to the approval of the Governor in Council, may make regulations—

- (a) for carrying into effect the powers respectively conferred on them by this Ordinance, and,
- (b) generally, for carrying out the provisions of this Ordinance relating to each of them.

(3) Everyone who contravenes any regulation made under this Ordinance shall be guilty of an offence hereunder and be liable to the penalty in those cases provided unless some lesser penalty is prescribed for the contravention.

OFFENCES AND PENALTIES.

31. Whenever a house, building, or premises has been provided with a house-sewer and a water-closet or water-closets under this Ordinance, if any sewage flows or is deposited or thrown from the house or premises, either within the premises or elsewhere than by the house-sewer from the house and premises, the occupier of the house, building, or premises aforesaid and anyone who deposits or throws any sewage as aforesaid shall be guilty of an offence against this Ordinance. Disposal of sewage other than by sewer.

32. If any garbage, hair, ashes, fruit, vegetables, rags, bottles, tins, refuse, or any other matter or thing whatsoever, except sewage as defined by this Ordinance and the Allowing anything but sewage and paper to be in sewers.

necessary paper, is thrown into or deposited in any receptacle connected with a house-sewer, either by the occupier of a house, premises, or other place, or by anyone else, the occupier and also that person shall be liable for all damage occasioned thereby and for all expenses incurred in repairing and rectifying the damage, and the occupier and that person shall each be guilty of an offence against this Ordinance.

Permitting prohibited sewage to flow into sewers.

33. If in the judgement of the Commissioners sewage of any particular kind would be injurious to the sewers the Commissioners may, by notice published in the Gazette and two daily newspapers, prohibit, as from the time stated in the notice, the introduction of that sewage into any sewer, and if after the date prescribed by the notice that sewage is introduced, or enters or flows, into any sewer, the occupier of any such house, premises, or place, and also anyone introducing any of that sewage, or causing it to flow or enter into a sewer shall be guilty of an offence against this Ordinance.

Obstructing Commissioners or Council.

34. Everyone who at any time obstructs the Commissioners or the Council, or any officer or servant of the Commissioners or the Council, in the execution of any duty or the performance of any work under this Ordinance or any regulation shall be guilty of an offence against this Ordinance.

Penalty for offences.

35. Everyone guilty of an offence against this Ordinance shall be liable to a penalty not exceeding forty-eight dollars, and penalties under this Ordinance or any regulation may be recovered under the Summary Jurisdiction Ordinances.

Saving as to existing regulations.

36. The Georgetown sewerage regulations, 1928, made under the (repealed) Ordinance No. XX of 1923, in so far as they are not inconsistent with this Ordinance, shall remain in force until they are superseded by regulations made under this Ordinance.