

CHAPTER 230.

CASTRIES WATER SUPPLY.

AN ORDINANCE TO PROVIDE FOR THE MAINTENANCE OF A
SUPPLY OF WATER FOR THE TOWN OF CASTRIES.

No. 130-
Rev.
No. 3-1

[2nd July, 1901.]

1. This Ordinance may be cited as the Castries Water Supply Ordinance. Short t

Definitions.

2. In this Ordinance or in any Regulations made here-
under unless there be something in the context repugnant to
or inconsistent with such constructions, the following words
and expressions shall have or shall include the meanings
respectively set against them, viz :— Interpre-
tion.

“Castries Town Council” and “Castries Town
Fund” mean respectively the Castries Town Council
and the Castries Town Fund established by the Castries
Town Council Ordinance ;

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“Waterworks” — All reservoirs, dams, weirs, tanks,
cisterns, tunnels, pillar beds, conduits, aqueducts,
pipes, fountains, sluices, valves, pumps, steam engines,
and all other structures or appliances used or con-
structed for the storage, conveyance, support, measure-
ment or regulation of water by or on behalf of the
Water Authority or which may hereafter be used or
constructed for the purposes aforesaid by the Water
Authority and which belong to or are managed
by or vested in the Water Authority ;

“Water Authority” — The Castries Town Council
or any Water Authority constituted under the provi-
sions of this Ordinance ;

“Service” — All pipes, valves, cisterns, cocks, fittings
and other appliances (excepting any

hereinafter defined) by or through which water flows or is intended to flow from the Waterworks or which are or may be used for the purpose of supplying any tenement from the Waterworks, and which serve as the property of the owner or occupier of such tenement ;

“Public Fountain” — Any fountain, standpost, valve, tap or appliance, used or intended to be used for or in connection with the supply of water to the public from the Waterworks, and erected or hereafter to be erected by the Water Authority, and which belongs to or is vested in the Water Authority ;

“Meter” — Any appliance used to measure, ascertain, or regulate the amount of water taken or used from the Waterworks by means of any service as well as any appliance used in estimating the flow of water in or from any part of the Waterworks ;

“Owner” — The holder of any tenement direct from the Crown whether under lease, licence or otherwise, or the immediate landlord of any tenement, or the agent of any such holder, or landlord, who is absent or under disability, or if there be no such agent the occupier of the tenement ;

“Tenement” — Any land with or without buildings, which is held or occupied as a distinct or separate holding or tenancy, or any wharf, or pier in the waters of the Colony ;

“Domestic Supply” — Water from the Waterworks used in any tenement for any purpose of domestic life ;

“Non-domestic Supply” — Any valve from the Waterworks used for the purpose of or in carrying on any trade or manufacture, or for cattle, horses or other animals, or for watering fields or gardens cultivated or occupied as a means of pecuniary profit, or for private fountains or for any ornamental purpose, or for the supply of ponds or tanks, or for laundries, or public wash houses, or public baths, vessels,

ships or boats, and shall include the water used or consumed by any person resident in, or occupying any premises where a non-domestic supply is given, as well as any water taken or used from the Waterworks by the Imperial or Colonial Military, Naval, or Civil Establishment ;

“Gathering Ground” — Any surface of land or otherwise which collects the rainfall for the purposes of the Waterworks.

3. The expression “Water Rates” in section 10 and in subsections (3) and (4) of section 17 shall include the rates and payments in section 12, and the sums in paragraphs (c) and (d) of section 19, and the sums and penalties in section 55, and all other sums of money whatsoever paid to the Water Authority under this Ordinance.

“Water Rates” defined.

Gathering Grounds.

4. As soon as practicable after the second day of July, One thousand nine hundred and one, the Governor shall cause the limits or areas of all gathering grounds of the then existing Waterworks to be marked out and defined by boundary stones or in some conspicuous and permanent manner ; and thereafter no land not then already leased by the Crown shall be granted, devised, or sold within such limits or areas for any purpose whatsoever. A map shewing clearly such limits and areas shall be made, and kept for public reference at the office of the Water Authority, and a notification of the completion of such map shall be made in the *Gazette*.

Defining limits of gathering grounds and reserve of same.

Map of reserved area to be kept by Water Authority.

5. No house or building or any other constructions used or intended to be used temporarily or permanently as a dwelling shall be erected on any gathering ground of the Waterworks, saving and excepting constructions intended solely for the purposes of the Waterworks.

No building to be erected on gathering ground.

6. Gathering grounds shall be retained as forest reserves ; no tree or bush thereon shall be cut, felled, damaged, or destroyed other than such trees, the cutting, felling,

Gathering grounds to be retained as forest reserves.

or destroying of which is, in the opinion of the Governor in Council, desirable for the maintenance of the forest or for the introduction of new trees.

Gathering
grounds
how to be
reserved
for augment-
ing Water
Supply.

7. Whenever the Governor in Council shall, upon the representation of the Water Authority or otherwise, decide that a gathering ground is required for the purposes of extending or augmenting the Water Supply, the Water Authority shall cause the limits or areas thereof to be marked out, defined and mapped, as provided by section 4, and thereafter no land not then already leased or sold by the Crown, shall be granted, devised or otherwise disposed of within such limits or area for any other purpose whatsoever.

Water Authority.

Constituting
Town
Council
Water
Authority.

8. The Waterworks shall continue to be vested in the Castries Town Council, so long as the Council continues to be the Water Authority, and the Castries Town Council shall, as such Water Authority, manage and supervise the Waterworks and Water Supply of Castries and generally carry into effect the provisions of this Ordinance: Provided always that it shall be lawful for the Governor in Council to appoint one or more Commissioners, not members of the Town Council, to hold an Inquiry into the condition of the Waterworks, and into the manner in which the provisions of the Ordinance have been carried into effect by the Water Authority, and the said Commission shall report in writing to the Governor, and the said Report shall be laid before the Legislative Council. The said Commission shall have the right to examine all documents, plans and accounts belonging to the Water Authority in connection with the Waterworks and to carry out any experiments or tests that may in its opinion be desirable. And the Water Authority shall afford the said Commission all information that it may desire. The cost of such Inquiry shall be paid by the Water Authority.

Power of
Governor to
appoint
Commission
of Inquiry
into working
of Water-
works, etc.

Power of
Water
Authority to

9. The Water Authority shall appoint such competent officers, agents, and servants as may be necessary for the

proper and efficient working of the Waterworks and of this Ordinance, and shall provide for their remuneration from the Water Rates.

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10. If the Water Authority, in the opinion of the Governor in Council, persistently makes default in the performance of the duties, or exceeds or abuses the powers assigned, to it under this Ordinance, or fails or refuses to carry out any recommendations which may from time to time be made by the Governor in Council, as the result of any report under section 8 of this Ordinance, the Governor in Council may, by order to be published in the *Gazette*, cancel the appointment of such Water Authority and appoint another Water Authority: Provided that in any such case the amount collected by way of Water Rates, by the last mentioned Authority, shall be paid to the credit of the Castries Town Fund, after applying the same in the manner and for the purposes specified in section 17 of this Ordinance.

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11. The area to be supplied with water under this Ordinance, so far as the same is not included within the boundaries of the Town of Castries, shall, on the motion of the Water Authority, be defined by order of the Governor in Council, and it shall be lawful for the Governor in Council from time to time, by further order and on the motion of the Water Authority, to extend or otherwise vary the limits of such area.

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Water Rates and Payments.

12. The Water Authority shall be entitled to levy and demand the following rates and payments :—

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(a) A general Water Rate payable upon all tenements, other than buildings belonging to the Civil Government, situated within the prescribed Water Supply Area, whether provided with services or not ;

(b) A Water Supply Rate, payable with respect to all tenements provided with services, in addition to the aforesaid general Water Rate ;

(c) Payments for water supplied by meter ;

(d) Payments for water supplied to shipping.

Assessment
of General
Water
Rate.

Limit of
general
Water Rate.

Method of
Assessment.

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13. (1) The Water Authority shall annually assess the general Water Rate, payable by the owner of each tenement, situated within the prescribed Water Supply Area, and the said general Water Rate shall be such percentage or poundage, not exceeding seven per cent. upon the assessed annual rental of lands, houses and buildings as the Water Authority shall determine.

(2) The actual amount payable with respect to each individual tenement, shall be assessed by the Water Authority, according to the method of assessment provided for the collection of House and Land Tax, under the Castries Town Council Ordinance, or any Ordinance amending the same.

Water Supply
Rates to be
fixed by
By-laws.

14. Subject to the confirmation of the Governor in Council, it shall be lawful for the Water Authority to make By-laws fixing the Water Supply Rates to be charged for private services.

Liability of
tenement for
broken
period or
for increase
of rate how
calculated.

15. If any tenement has become liable for Water Supply Rate, or for an increase thereof, between two successive assessments, then the Water Supply Rate, or the increment thereof, shall be calculated in proportion to the period during which the service or other appliance giving rise to a claim for Water Supply Rates, or an increase thereof, shall have been in use.

Supply by
meter (not
to shipping)
how payable
No. 3-1946,
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16. (1) Whenever water is supplied by meter; for purposes other than shipping, the price per thousand gallons shall be determined by the Water Authority ; such price not to exceed seventy-two cents per thousand gallons.

Supply to
shipping how
payable.

(2) In the case of water supplied to shipping the price thereof shall be determined by the Water Authority, but shall not in any case exceed thirty-six cents per hundred gallons or part thereof.

Application of Rates.

17. (1) All monies received by the Colonial Treasurer for the Water Authority shall form a fund to be called the "Castries Waterworks Fund."

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(2) The accounts of that Fund shall be kept separate from all other accounts in the Colonial Treasurer's books.

(3) All monies which may be raised by way of Water Rates by the Water Authority shall be applied, first, in keeping in order and maintaining the said Waterworks; secondly, in payment of the interest on one moiety of the loan raised for their construction; thirdly, in payment of the Sinking Fund on such moiety, in terms of the Castries Town Board Loan (Waterworks) Ordinance (1895), fourthly, in repayment to the Government of the amount expended by them for maintenance of the Waterworks up to the date of the transfer of the Waterworks to the Castries Town Council, and lastly, in the creation of a Reserve Fund for the purpose of meeting the cost of alterations, extensions, renewals, and extraordinary repairs to the Waterworks.

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(4) The Governor in Council may require the Water Authority to set aside from the Water Rates a sum not exceeding five *per centum* thereof for the purpose of such Reserve Fund.

Power
Gover
to Re
Fund.

(5) After the monies mentioned in subsections (3) and (4) of this section have been applied in the manner and for the purposes provided in the said subsections, the balance of such monies remaining over in every year to the credit of the Castries Waterworks Fund shall be paid to the credit of the Castries Town Fund.

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18. If at any time the Waterworks vest in a Water Authority other than the Castries Town Council, the Colonial Treasurer shall be, for the purposes of this Ordinance, the Treasurer to the Water Authority. All rates and other receipts shall be collected and paid to the Colonial Treasurer in the manner prescribed for the collection of House and

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229. Land Tax under the Castries Town Council Ordinance or any
method of Ordinance amending the same. And all disbursements made
collection on account of the Water Authority, shall be made in the
and dis- manner in force for the time being in the case of the Castries
bursement of Town Council.
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Submission of Annual Balance Sheet.

annual
balance
sheet to be
submitted to
Governor.
19. On or before the thirty-first day of May in each year,
the Water Authority shall submit, for the approval of the
Governor in Council, a Balance Sheet setting forth the
amount of —

(a) Sums collected in respect of the General Water Rate during the past financial year ;

(b) Sums collected in respect of Water Supply Rate during the past financial year ;

(c) Sums collected in respect of other sources of revenue connected with the Water Supply during the past financial year ;

(d) Sums received from private persons in respect of services provided by the Water Authority, or in respect of materials sold by the Water Authority, to private individuals, during the past year ;

(e) Value of stock of tools and materials in possession of the Water Authority at the close of the past financial year ;

(f) Expenditure on administration and maintenance of Works payable out of Current Revenue during the past financial year ;

(g) Expenditure on account of Reserve Fund during the past financial year ;

(h) Expenditure incurred in the construction of services on account of private persons ;

(i) Balance available for the payment of Interest and Sinking Fund and for the creation of a Reserve Fund ;

(j) Outstanding debts and liabilities at the close of the financial year ;

(k) Outstanding debts due to the Water Authority : Treasurer to furnish accounts to Water Authority.

Provided always that the Treasurer shall furnish to the Water Authority such statements of accounts as may be necessary to enable the Water Authority to comply with the requirements of this section.

Submission of Annual Estimates.

20. On or before the thirty-first day of December in each year, the Water Authority shall submit, for the approval of the Governor in Council, an estimate setting forth — Estimates of Revenue and Expenditure

(a) The Revenue to be collected during the ensuing financial year on account of the General Water Rate, Water Supply Rate, and other sources of revenue respectively ;

(b) The probable expenditure on maintenance, administration and ordinary repairs ;

(c) The probable cost of alterations, extensions or extraordinary repairs to be defrayed out of the Reserve Fund.

Private Water Services.

21. The Water Authority shall, upon the written application of the owner or occupier of any tenement in respect of which a general Water Rate is leviable under the authority of this Ordinance, cause to be conveyed into the same, by means of a service, a constant supply of water. And the payment of the said general Water Rate shall entitle the owner or occupier of the said tenement to use or enjoy a domestic supply upon paying, in addition to the general Water Rate, an additional Water Supply Rate, to be prescribed by the Water Authority in the By-laws to be made under the authority of this Ordinance. Right of owner to a domestic supply of water.

22. It shall be lawful for the Water Authority to purchase and hold a store of pipes, valves, fittings, tools, and other materials for the construction of services, and for the maintenance and repair of the Waterworks. Water Authority may purchase stores for construction of services.

Water
Authority
may sell
stores for
constructing
services.

23. It shall be lawful for the Water Authority to sell pipes, fittings, and stores to private persons for the purpose of constructing services. To the cost price of the various articles, delivered in the stores of the Water Authority, such percentage shall be added as the Water Authority may consider necessary, to cover the cost of storage and bookkeeping.

Services to
be construct-
ed by Water
Authority or
accredited
agents.

24. All services shall be constructed, extended, altered or repaired by the Water Authority or its accredited agents. The cost of constructing, extending, altering or repairing services shall be paid to the Water Authority by the owner or occupier of the tenement with respect to which the service is provided, in such manner and at such times as the Water Authority may direct. The Water Authority shall in each case determine the arrangement of services, the diameter of pipes, valves and all other fittings to be employed in connection with the same, and all other matters connected with the design and construction of services. The decision of the Water Authority in such matters shall be final and binding on all concerned ; and no pipes, valves, fittings, or other material shall be fixed, fitted or used, other than those provided by the Water Authority.

Only mate-
rials supplied
by Water
Authority
to be used.

Ownership
of services.

25. Services shall be the property of the owner of the tenements wherein they are situated.

Payment for
services by
instalments.

Sums due
to be a
lien on
tenement.

26. It shall be lawful for the Water Authority to accept payments with interest thereon of the cost of any service, by instalments. Any sums due to the Water Authority, with respect to services, shall be held to be a first lien on the tenement in respect of which a service has been constructed, altered, or extended, as provided by the Castries Town Council Ordinance, or any Ordinance amending the same.

No fixing or
alteration of
services to
be under-
taken
without
consent of
Water
Authority.

27. (1) It shall not be lawful for the owner or occupier of any premises to lay or affix, or cause or permit to be laid or affixed to any service, any appliance or to make any alterations in any service, without the consent of the Water Authority, and all alterations of services shall be made by the Water Authority only or its accredited agents.

(2) Any owner or occupier or person acting in any respect in contravention of the provisions of this section shall, for every such offence, be liable to a penalty not exceeding ninety-six dollars. Penal

28. Whenever, in the opinion of the Water Authority, the conditions under which any service is used or likely to be used, are such as to make a cistern or tank in connection therewith necessary or desirable in the interest of the general Water Supply or of the consumer, the owner of the tenement on which the said service is situated shall provide and connect to the service a cistern or tank of such capacity and construction, and situated in such position and at such elevation, as the Water Authority may direct; and the said cistern shall be provided with such ball-valve, or other fittings, as the Water Authority shall in each case prescribe. Tanks cisterns be provided by owner of tenement in certain cases.

29. (1) The Water Authority may, if it see fit, and with the consent of the Governor in Council, license one or more persons to construct services. Licensee construct

(2) The said licensed service constructors shall enter into a bond, under penalty, with the Water Authority, to comply in every respect with the By-laws or Regulations made by the Water Authority, with respect to the construction of services.

(3) For the purposes of this Ordinance, services constructed by such licensed service constructors shall be held to be constructed by the Water Authority.

30. (1) It shall be lawful for the Water Authority to measure the water supplied by the Waterworks to any tenement for domestic or non-domestic purposes, by means of a meter. Measurement of water by meter

(2) The meter shall be provided and fixed by the Water Authority, and shall remain the property thereof, and shall be maintained, altered or repaired by the said Water Authority.

(3) The owner or occupier of any tenement to which the water supplied from the Waterworks is measured by meter shall, in addition to Water Supply Rate and general Water Rate, pay quarterly to the Water Authority a meter rent for the use of the said meter, not exceeding five *per centum* per calendar quarter, of the prime cost of the meter, with its appurtenances, delivered in the Colony. The cost of fixing the meter shall be borne by the owner or occupier of the tenement, in respect of which it is fixed.

na (4) The said meter rent shall cover the interest and sinking fund on the prime cost of the meter and all repairs, other than those caused by malice or neglect on the part of the owner or occupier of the tenement.

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o (5) Meters and their appurtenances shall not be subject to distress for rent of the tenement where the same are used and shall not be attached, or taken in execution, under any process of any Court of Law.

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by 31. The general Water Rate and Water Supply Rate shall be paid annually, with respect to tenements supplied by meter in accordance with the provisions of this Ordinance. The water actually consumed during any calendar quarter, as measured by the meter, shall be valued at a price prescribed in the By-laws made under the authority of this Ordinance. From the value of the water consumed during any calendar quarter, one-fourth of the assessed general Water Rate, and of the Water Supply Rate, payable with respect to the tenement supplied, shall be deducted, and the balance, if any, shall be paid in the manner directed by the Ordinance, in addition to meter rents: Provided always that if in any one quarter the gross value of water consumed shall be less than the fourth part of the rates prescribed, no claim for the abatement of the general Water Rate or Water Supply Rate shall arise: Provided also that the provisions of this section shall not apply to water supplied to vessels in the port.

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aid 32. Non-domestic supplies shall be given by meter. General Water Rate, and Water Supply Rate, shall be

payable with respect to tenements having non-domestic supplies, and the extra payment for water consumed shall be computed and levied as prescribed in section 31.

Government Water Supply.

33. General Water Rate and Water Supply Rates shall not be levied against the Government by the Water Authority, with respect to the supply of water to the Government Offices, and the Civil Public Institutions within the prescribed Water Supply Area, including the Victoria Hospital and the buildings in its grounds or between the Town of Castries and the Hospital. The officers in charge of the said offices, institutions, and buildings shall, in other respects, be subject to the provisions of this Ordinance: Provided always that the quarterly quantity of water to be supplied gratis to each Office or Institution, under the provisions of this section, shall be determined from time to time by order of the Governor in Council, to be published in the *Gazette*.

Government
to be
exempted
from pay-
ment of
rates within
certain
limits.

34. Water supplied to the aforesaid Government Offices and Institutions shall be measured by meter. If, during any calendar quarter, in any Government Office or Institution, more water is used than the amount prescribed by Order in Council, in accordance with section 33, the excess above the prescribed quantity shall be paid by the Government to the Water Authority at the price fixed for non-domestic supplies.

Government
Water
Supply to be
measured.

Excess to be
paid for.

Meters.

35. (1) Meters shall be read at such times as the Water Authority may direct, not less than three times during the quarter. Whenever a meter is read, a memorandum of the reading and of the preceding reading shall be left with the occupier of the tenement supplied through it.

Meter how
to be read.

(2) For the purpose of calculating the quarterly consumptions the difference between two readings of the meters shall be taken. The first reading may be that observed on any day not more than ten days before or after the calendar date of the commencement of the quarter or, in the case of

Method of
calculating
quarterly
consumption
by meter.

a newly fixed meter, the first reading of the meter. The second reading may be that taken on any day not more than ten days, earlier or later, than the calendar termination of the quarter, or if the meter is removed or the supply closed during the quarter, then the last reading shall be taken; and the difference between the two readings shall be taken as the quarter's water consumption. If two or more meters have been in use during the quarter, then the quarter's consumption shall be the sum of the quantities indicated by the meters: Provided always that the reading used as the last reading of any quarter shall be used as the first reading of the ensuing quarter.

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(3) If a meter be found to be out of order, or if it be removed for repair or alteration, the fact shall be noted on the memorandum mentioned in subsection (1) of this section.

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(4) On fixing a new meter or refixing the old meter a further memorandum shall be left with the occupier of the tenement; and the consumption for the time the meter was out of order, or the service was without a meter, shall be calculated according to the average daily rate of consumption during the period between any two successive readings immediately preceding the removal of the meter, whilst the meter was in good order.

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(5) If the consumer doubts the accuracy of the meter which measures the water supplied to the tenement owned or occupied by him, the meter shall at his request be tested by the Water Authority; and the consumer or any person appointed by him in writing may be present when the meter is tested; and the results of the test shall be binding both on the Water Authority and on the consumer and the quantity of water indicated by the meter from the first reading of the quarter as mentioned in subsection (1) of this section shall be corrected accordingly.

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(6) If the meter be found to indicate correctly or to indicate too little, a fee of nine dollars and sixty cents shall be paid to the Water Authority by the person requiring the meter to be tested, but if the meter be found to indicate too much, no fee shall be paid for testing.

36. (1) The Water Authority or their officers, agents or servants may enter any house, building or lands, to, through or into which water is supplied, in order to inspect the meters and other apparatus for the measuring, conveyance, reception or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed; or may from time to time enter any house, building or lands for the purpose of removing, altering, changing, or replacing any meter, instrument, pipe or apparatus: Provided that, except with the written authority of the Magistrate, this power of entry shall be exercised only between the hours of nine in the forenoon and five in the afternoon.

Water Authority or agents may enter house or land to inspect meter or apparatus.

(2) Any person who shall hinder the Water Authority or their officers, agents or servants, from entering or making such inspection or effecting such removal, alteration, change or repair, shall for every such offence be liable to a penalty not exceeding forty-eight dollars.

Penalty for obstructing officers or agents of Water Authority.

Power of Water Authority to Withhold or Suspend Water Supply.

37 Without prejudice to any Water Rate, meter rent or other sums due or to become due in respect of any Water Supply, or to any other remedy under this Ordinance or under any By-Law or Regulation hereunder, it shall be lawful for the Water Authority at any time to diminish, withhold, suspend or divert the supply of water through or by means of any service or public fountain either wholly or in part, in the following cases:—

Power of Water Authority to suspend or divert supplies in certain cases.

(a) Whenever the available supply of water from the Waterworks shall in the opinion of the Water Authority be insufficient; or

(b) Whenever it may be expedient or necessary for the purpose of extending, altering, or repairing the Waterworks, or for the purpose of the connection of services; or

(c) Whenever any public fountain is damaged, or the waters thereof are polluted or wasted, and the person by whose act, neglect or default such damage, pollution or waste has occurred, cannot be found or

(d) If the construction or laying of any service by the owner of any tenement is not made, altered or readjusted, in accordance with the provisions of this Ordinance or any By-laws or Regulations made hereunder ; or

(e) If default be made in the payment of any monies due under this Ordinance or any Regulations or By-laws made hereunder by the occupier or owner of any tenement, or so long as such default continues, or at the request of the owner of the tenement ; or

(f) In cases of fire ; or

(g) If any act or thing be done or omitted contrary to the provisions of this Ordinance or of any Regulations or By-laws made hereunder, in relation to any damage, waste, pollution or misuse of the Waterworks or any service, meter, or public fountain.

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38. It shall be lawful for the Water Authority to cause to be closed at any time, any public fountain which may be left running or otherwise in such a condition as to cause waste or misuse of water, and to cause to be shut off any private water service which may be improperly used, without rendering such Water Authority liable to any claim or demand for damages, and without prejudice to the payment of the general Water Rate or Water Supply Rate.

By-Laws by Water Authority.

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39. Subject to the provisions of this Ordinance, the Water Authority shall, from time to time, make, and when made, may add to, alter and rescind By-Laws and Regulations, for the good government of the Waterworks generally, and in particular with respect to the following matters :—

(a) Regulating the supply of water for domestic and non-domestic purposes ;

(b) Fixing the price of water supplied by meter, subject to the provisions of subsection (1) of section 16 of this Ordinance ;

(c) As to the manner of giving supplies to Shipping, and fixing the price to be paid, subject to the provisions of subsection (2) of section 16 of this Ordinance ;

(d) As to the assessment of Water Supply Rates ;

(e) As to the manner in which general Water Rates and Water Supply Rates and other payments for water are to be made, and as to the time and place of making and the manner of enforcing such payments ;

(f) As to the manner of making applications for services and other supplies of water ;

(g) As to the manner, time and place for making payments for services constructed for private and other persons ;

(h) As to the construction of services and as to the nature and quality of pipes, fittings and materials to be used in connection with the same ;

(i) As to licensing service constructors, and as to the regulations under which they are to act ;

(j) As to the use of meters and as to the times of reading the same subject to the provisions of section 35 ;

(k) As to the conditions under which water may be shut off ;

(l) For the prevention of waste and extravagance in its use ;

(m) For the protection of the public from incivility, unpunctuality, neglect or extortion, on the part of the officers, servants, or agents of the Water Authority ;

(n) For the good conduct and management of the Waterworks.

40. Every By-law or Regulation made by the Water Authority shall be submitted to the Governor in Council for approval and shall come into force on its publication in the *Gazette*, or at such other time as may be mentioned in such By-law.

By-laws to
be approved
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41. If in the opinion of the Water Authority any taps, baths, and appliances, in connection with the Water Supply of Castries give rise to undue consumption of water, or are prejudicial to the general Water Supply of the Town of Castries, it shall be lawful for the Water Authority to close, disconnect, or remove the same, temporarily or permanently, as the Water Authority sees fit.

Penalties.

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42. If any person supplied with water by the Water Authority wilfully or negligently cause or suffer any pipe, valve, cock, cistern, bath, soil pan, watercloset or other apparatus or receptacle, to be put out of repairs, or to be so used, or contrived as that the water supplied to him is, or is likely to be, wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noxious or impure matter into any pipe belonging to or connected with the pipes of the Waterworks, he shall for every such offence be liable to a penalty not exceeding forty-eight dollars.

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irrigement
By-laws.

43 Every person who —

(a) Violates any of the provisions of any By-laws or Regulations made under the authority of this Ordinance ; or

(b) Refuses or neglects to act in obedience to any such By-laws or Regulations ; or

(c) Resists, opposes or obstructs the lawful execution thereof,

shall on conviction for every such offence be liable to a penalty not exceeding ninety-six dollars.

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apply.

44. Every person who —

(a) Impedes the flow of the water belonging to the Waterworks ; or

(b) Washes clothes or any other thing in such water ; or

(c) Bathes in the same ; or

(d) Waters any horse, mule, cattle or other animal in the same, or carries any such animal to water into the same ; or

(e) Washes in, fouls, or in anywise misuses the said water ; or

(f) Obstructs, or in anywise hinders any person duly employed in connection with the said Waterworks in the execution of his employment ; or

(g) Wilfully injures or in any way damages the said Waterworks,

Penalty for obstructing persons in execution of duty or for injuring Waterworks.

shall on conviction for every such offence be liable to a penalty not exceeding ninety-six dollars.

45. In case any damage shall result to the Waterworks from the commission of any of the offences in the last preceding section mentioned, it shall be lawful for the Magistrate, in addition to any punishment he may inflict, to adjudge the offender to make compensation to the Water Authority as provided by the Criminal Code.

Damage to Water-works how recoverable.

Ch. 250

46. Any person who commits an offence against this Ordinance for which no penalty is specially provided shall on conviction be liable to a penalty not exceeding forty-eight dollars.

Penalty for offences not specially provided.

Plan of Line.

47. (1) The Water Authority shall immediately on the coming into force of this Ordinance cause or procure to be prepared a map or plan descriptive of the lines of roads, streets, ways and places and the lands and premises through which the pipes for carrying water into the Town and Water Supply Area are laid or carried or intended to be laid or carried.

Plan of pipe lines, etc., to be prepared by Water Authority

(2) An authenticated copy of the said map or plan, when approved by the Governor in Council, shall be deposited with and shall remain in the custody of the Commissioner of Crown Lands to the end that all persons may at all reasonable times have liberty to inspect the same and to obtain extracts or copies thereof.

Copy of plan to be deposited at Commissioner of Crown Lands' Office.

copy of
plan and
inspection
thereof to
be allowed
to public on
payment of
fee.

(3) Such persons shall pay for the general uses of the Colony the sum of twenty-four cents for every such inspection, the sum of two dollars and forty cents for every such extract, and the sum of six dollars for every such copy.

deviation of
the lines
may be
allowed by
Governor in
Council.

48. It shall be lawful for the Water Authority with the approval of the Governor in Council, to authorise any deviation from the lines described in the said map or plan : Provided that every such deviation shall be considered as part of the original plan and shall be clearly marked thereupon.

Acquisition of Property.

property
required for
Waterworks
now to be
acquired.

49. It shall be lawful for the Governor upon the request of the Water Authority to acquire, for the purposes of the Waterworks, any springs, streams, or waters, and also any lands which may be required for such purpose ; and to that end the Governor may contract and agree with the owners of such springs, streams, waters or lands, and with all parties having any estate or interest in the same, for the purchase of such springs, streams, waters or lands or such part thereof as may be required, and of all rights and interest in to and over the same.

Land
Acquisition
Ordinance
may be
invoked for
acquisition
of land.
Ch. 109.

50. In the event of the Governor and such owners, occupiers, or parties interested as aforesaid, being unable to agree as to the purchase money or otherwise, then it shall be lawful for the Governor to proceed to acquire the said springs, streams, waters or lands under the provisions of the Land Acquisition Ordinance, or of any Ordinance which may hereafter be passed for the acquisition of land for public purposes.

Power of
Water
Authority
to enter into
possession of
lands and
property
acquired.

51. Upon the Governor, on behalf of the Water Authority, taking possession of any springs, streams, waters or lands under the authority of the two preceding sections, and subject to the payment by the Water Authority of any claim in respect thereof, it shall be lawful for the Water Authority to immediately enter upon and take possession of such springs, streams, waters or lands ; and all the estate, use, right, title

and interest of all parties therein shall be vested in the Water Authority for the purposes of this Ordinance.

52. In all cases in which the Water Authority shall have a right of entry under the provisions of this Ordinance, and delivery of possession shall be refused or withheld, it shall be lawful for the Judge to issue his warrant to any Bailiff or Police Constable to enter upon the property, the possession of which shall be refused or withheld, and to take possession thereof and to deliver the possession of the same to such person as shall in such warrant be nominated to receive the same, and the Bailiff or Police Constable is hereby authorised and required to take such possession and to deliver the same accordingly.

Power of
Judge to
place Water
Authority in
possession
lands
acquired.

53. It shall be lawful for any person specially authorised thereto by the Water Authority to enter upon the lands and premises on which the source of such water supply is selected and also upon the lands and premises through or under which the line of pipes passes or is intended to pass, without being deemed a trespasser and without being subject or liable to any action, suit, or proceeding, fine, penalty or punishment for or in respect of any such entry or continuation upon such lands and premises.

Right of
person
authorised
by Water
Authority to
enter upon
lands
without
being deemed
a trespasser.

Miscellaneous.

54. (1) All offences against this Ordinance or against any By-laws or Regulations made hereunder may be prosecuted and all rates or claims under this Ordinance may be sued for by the Town Clerk of Castries or by any person authorised by the Water Authority in writing in that behalf before a District Court.

Offences
against
By-laws by
whom
prosecuted.

(2) The procedure shall be that for the time being in force regulating procedure in the District Courts.

Procedure.

55. All sums or penalties which shall be recovered under this Ordinance shall be paid into the Treasury to the credit of the Castries Waterworks Fund: Provided that the Water Authority may award to any person, who shall have aided in the recovery of any penalty, such portion thereof, when recovered, as they shall think fit.

Appropriation of
penalties.