

Published by Order of the City Council.

A Law relating to Highways, Streets, Squares and Bridges, and defining the duties of the Surveyor thereof.

(Approved, 1st March, 1885.)

BE it enacted by the City Council of the City of Charleston:

Sec. 1. There shall be one fit and proper person appointed by the City Council to be Surveyor of Highways, Streets, Squares and Bridges of said City who shall be sworn and give security for the due and faithful performance of the duties of his office.

Sec. 2. The said Surveyor may receive all income upon the streets, if any encroachments thereon, make repairs, alterations and improvements therein as required; open and make new streets, lanes, alleys, and repair bridges, wharfs and other city property, and cause to be observed the laws touching the streets, bridges, wharfs and other city property, or the work to be performed thereon, may put up ladders and fences to shut up street while undergoing repairs, may raise signs, or erect notices, and may make any other regulations, not causing a little detriment to individuals as to cause any nuisance, and may cause the course of any water course to be altered; he shall have charge of all the necessary arrangements for cleaning the streets, disposing of refuse, and removing all obstructions; and therefore, he shall keep accounts and records of all his proceedings and shall furnish accounts and vouchers as he may be required to do.

Sec. 3. The said Surveyor shall be sworn to his office during the pleasure of the City Council; he shall for the information of the City Council keep a register of encroachments on the City whether by drains, side-paths, buildings, or otherwise, and shall also keep a register of all plans and full statements of sewers, drains and alleys, with record of all the new streets, lanes, alleys, and bridges, and it shall also be his duty to see that persons shall keep the gutters and streets before the said buildings clean and free from the same; and that he shall be at all times under the directions of the City Council.

No person shall be allowed to build a wall, put up a fence, or erect a building of any kind facing upon the streets of the City without first obtaining a certificate from the Surveyor aforesaid, who shall give independent written certificates so to do, which shall be valid without the signature of the Surveyor. He is in conformity with the City regulations laid off said building-site and granted permission to put up such building, wall, or fence, and to give a certificate describing the survey which shall describe the line or boundaries of the street or thereof, and be as efficient as the certificate now provided, entitled to receive the sum of two shillings and sixpence, the same to be paid into the hands of the Clerk of the City quarterly by said Surveyor, and to be returned to him by the City or thereof for City purposes; any person who shall give a breach of this section shall be liable to a fine not exceeding Ten Pounds.

Sec. 4. Until there shall be a survey and plan of the streets of the City, established by the City Council, no person shall be allowed for granting a certificate, to be guided by the following regulations, viz: he shall not allow or grant permission for the erection of any building, fence, or wall, or other obstructions facing upon the streets of the City to project outside the line of houses already built, or more than the height of the buildings, and left as the case may be, or in and upon what has been heretofore considered and used as the street; if the Surveyor shall be in doubt as to the true line of the street, he shall be guided by the plan of the streets made by the late Surveyor General George Wright, and kept in the office of the Recorder of the City, which shall be considered as giving the correct line for all City purposes, until the same shall be altered, or a new plan be made.

Sec. 5. No person for the future shall be allowed to build platforms of any kind on the sidewalks of the City, without first having obtained a written consent from the Surveyor who shall grant the same under the following regulations, viz: in all streets of the width of six feet or more the width of the platform of other material shall be twelve feet in breadth, in all streets between eighty and sixty feet the platform shall be six feet in breadth; in all streets less than eighty feet the width, if of wood, of good sound wood of not less than three inches; and all platforms shall be of the same material as the sidewalk at the place where they may commence and end.

Sec. 6. It shall be the duty of said Surveyor to remove all obstructions or other material which may not be laid down on a level with the street or sidewalk and in conformity to the foregoing dimensions, and to cause the same to be removed, or to cause which the owner thereof shall refuse to make good, after having been notified by said Surveyor,

or so to do, and the cost thereof shall be paid by the owner whose property may front thereon, who on noncompliance therewith shall be liable to be removed by the City Council, at the costs before the Mayor's or Police Court (the Mayor shall order payment to the Surveyor from the said Court) and the person whose structure is removing or making good such platform or sidewalk) and in addition thereunto shall be liable to a fine not exceeding Ten Pounds.

Sec. 7. No person shall hereafter be permitted to build any cellar-hatch or hatch or structure of any kind, or to dig any trench or opening in this section shall be subject to be fined daily before the Mayor's or Police Court, so long as the said hatch or trench is open, not more than five shillings for each offence together with costs, and it shall be the duty of said Surveyor to file as above mentioned a plan of the same, and on noncompliance the Court to commit him to jail, for not more than four days for each offence.

Sec. 8. The occupants and owners of houses and shops now having cellar hatches shall render themselves liable to the same fine and costs as if they were the owners, and in enforcing the foregoing section of this law on falling to comply strictly with the following regulations: That no person shall be allowed to dig any trench or opening or left open except a reasonable time for the purpose of receiving into or discharging from the cellar, casks, packages, fuel, refuse or cleanings.

Sec. 9. The occupant of the shop or house shall be liable to a fine not exceeding five shillings for being guilty of a breach of the first regulation; and in case of refusal to pay, he shall be imprisoned not exceeding forty days, or both, and the person who shall be liable to be fined not more than forty shillings, for each breach of the second regulation; and in case of refusal to pay, he shall be imprisoned not exceeding forty days, or both.

Sec. 10. No porch or banking shall be allowed to remain after or before the time above named, any notice being given to remove the same, shall render themselves liable to a fine of three shillings for each breach of this section, or in case of refusal to pay, to be committed to jail for not more than twenty-four hours.

Sec. 11. The Surveyor aforesaid is hereby authorized to cause to be removed any porch, wall, or fence, or any other structure which may obstruct upon or from any house beyond the line of houses in any street of the City; it shall be his duty to furnish the owner or occupant of such house with a written notice, requiring him, or them to remove such nuisance or obstruction within thirty days, and in case of refusal to do so, he shall be liable to a fine, not exceeding two shillings and sixpence, and so on until the Surveyor shall summon him, or them to appear before the Mayor's or Police Court, and on conviction of not having complied with the said notice, he or they shall be fined a sum not exceeding ten pounds together with costs; and the Mayor shall have power to remove any such nuisance or obstruction by action on seven days' notice being given in any of the island newspapers, and to cause the same to be removed, and proceed to sell the same to the highest bidder, the proceeds arising therefrom shall be paid to the City Clerk to be paid to the City Treasurer, and the balance to be paid to the owner of the same, or to the person who shall be the purchaser of the same, and the person who shall be the offender party on complaint of the Surveyor shall be cited to appear at the Mayor's or Police Court, and on a sufficient proof being made, same shall be liable to be committed to jail to remain for a space of time not exceeding sixty days, unless the said party shall find a sufficient surety for his satisfaction of the Mayor.

Sec. 12. The purchaser of such obstruction shall be bound by the Surveyor at the time of sale to remove the same, and to pay the cost of the same, and to be bound to pay the Mayor's or Police Court, to be recovered before the Mayor's or Police Court and in failing to pay the same, shall be liable to be committed to jail for not more than thirty days; and the Surveyor shall be bound to give notice of sale and shall sell the same as herebefore directed in any other way, as if it had not been previously sold.

Sec. 13. If the Surveyor, on offering at auction, as before said, any wall, fence, porch, or other structure which the owner thereof shall refuse to make good, after having been notified by said Surveyor,

shall sell the materials of the same on the spot without further notice, than that of announcing the same by a City officer, and if no person shall be found to purchase the same, he or she shall be deemed to have sold the same safe and convenient place in the city to be disposed of as the City Council may afterwards determine; and the person who shall have resistance thereto shall render himself or herself liable to the penalties of the tenth section of this act.

Sec. 14. Any person conceiving himself aggrieved on notice being furnished by said Surveyor to remove any alleged street obstruction, or to repair any gutter or to remove any material, that he may be heard before him and the Common Council; and if they deem it expedient, they shall repair to the place where such alleged obstruction or gutter is situated, and their decision thereon shall be final and made known to said Surveyor who shall act in accordance with the same; and if any person shall apply to the Mayor for a hearing before the Council shall have been made within forty-eight hours after the complaint thereto had been served with the notice from said Surveyor to remove such obstruction.

Sec. 15. Provided always, that nothing contained in this act shall be construed to obstruct the streets or public thoroughfares of the City shall extend or be construed to extend to the repairing of any gutter, or to the erecting or repairing any building whatever from placing or causing to be placed on the street or streets, next to the side of such building, any material, or any other thing, or such materials as are to be used either in the construction or in the repairing of such building, or to the placing of any gutter, or to the gutter or ran for water or not in any case more than ten feet on the side of the street; and no such building is being erected, or repaired, or the depth of the gutter shall be a substantial clearance of not less than five feet high; and the materials aforesaid shall in no case be placed on the street or streets, or the proper gutters of the said street or streets, and if on complaint thereon it shall appear that the person who shall have power to cause the same to be removed.

Sec. 16. Any person who shall attempt to remove, displace or subvert the soil of the streets, lanes, thoroughfares or squares of the City, or to deposit any refuse, or filth, or other two shillings and sixpence, and so exceeding Ten Pounds.

Sec. 17. The gutters and streets in front or rear of houses, wharfs or wharves, shall be kept clear of dirt, filth, and nuisance of every kind by the persons owning or occupying the same, and the person who shall be residing nearest to where any filth, nuisance or obstruction may have been deposited, who shall suffer the same to remain for the space of one hour, after being notified by the City Clerk, shall forfeit and pay a sum not exceeding ten shillings for every such twelve hours he, she, or they shall be liable to a fine not exceeding five shillings, and every person who shall put or place any nuisance of any kind on any of the streets or squares, shall be liable to a fine not exceeding five shillings, and the person who shall be the offender party on complaint of the Surveyor moving or having such nuisance moved.

Sec. 18. The owner or occupier of every house, out-house or other building shall cut or cause to be cut and kept open a sufficient rain-water gutter, and to be kept clear of snow or ice to run off in the gutter or drain in front or rear of such premises, and in case of neglect or refusal to do so after being required by the Surveyor, or by any City authorities, shall be subject to a fine not exceeding forty shillings, and the surveyor shall have power to cause the same to be removed, and to be removed at the cost of the person so neglecting or refusing.

Sec. 19. Every person throwing ice or snow upon any street or square, shall cause the same to be broken up into small pieces and spread evenly on the surface of such street or square, and the person who shall be the offender party on complaint of the City Council; and such ice or snow shall only be deposited in any gutter or drain, or in any place where the Surveyor, acting under the authority of the Mayor or presiding Councillor, under a penalty not exceeding twenty shillings.

Sec. 20. The public pumps, wells, cisterns, reservoirs or fountains of the city shall be under the supervision and control of the said Surveyor; and he shall be bound to see that the sinking wells and making, erecting and constructing pumps, cisterns, reservoirs or fountains, shall be done in conformity with the said and receive tenders relating thereto and shall send the same to the City Council, and shall be to the due performance of contracts entered into by the City Council, and to see that the contractor for public pumps and wells duly and faithfully fulfills the several portions of the contract, and to see that the said pumps and wells are kept in repair, and that the same shall be regularly and properly cleaned, and the Police office all persons committing nuisance or injury about or upon such pumps and wells for the same, and to see that the same are kept in good repair and punishment.

Sec. 21. The City Council may appoint one or more persons to be public purveyors, who under the direction and supervision of the Surveyor shall gather all manure, filth or refuse of any kind on the streets, squares or thoroughfares, and deposit the same in such place or places as may be directed or appointed and said manure or refuse shall be sold to any party who may be disposed to purchase thereof, and shall compose part of the city funds.

Sec. 22. All male residents of the city between the age of sixteen and sixty years, not being married, or being married and having no other wife, who are liable to pay a rate or duty as commutation for road labour—and by the Act of the Legislature, shall be liable to contribute toward the expense of repairing the Highways, Streets, squares and bridges of the City, shall be liable to pay a rate or duty, and such rate or duty for all streets, squares and bridges of age sixteen and twenty-one years shall be paid by the parents of such persons respectively and of age twenty-one and upwards by the ordinary control and derive the ordinary services of the persons, such ages, and the said rate or duty shall be paid by the parents; but every person who shall be less entitled to retain such amount out of any wages by him payable to such apprentice, shall be liable to a penalty not exceeding lodging and clothing only.

Sec. 23. Every housekeeper within the City who shall employ any apprentice, journeyman, or workman resident therein, shall be obliged, on request made by the City Collector, to make known to him the name, name of the street, and the address of the living or lodging in his or her house and liable to the aforesaid rate, and of all apprentices, journeymen, or workmen, and to furnish such information shall be liable to a penalty not less than ten shillings, nor more than twenty shillings, and the same to be recovered, with the costs of suit, by the City Collector, or any other credible witness in the Mayor's or Police Court, and become part of the City funds.

Sec. 24. Any person who shall attempt to deposit or deposit any refuse, or filth, or other substance in any place or places in the City for the purpose of depositing the snow and ice which accumulate thereon, or to deposit any refuse, or filth, or other substance in any place or places in the City in such manner, as the Surveyor may direct or require, or to neglect or refuse to comply with any such person to a penalty not exceeding five shillings for each offence.

Sec. 25. Any person who shall attempt to sell or retain any refuse, or filth, or other substance on any street or square, shall be liable to a penalty not exceeding five shillings, and the Surveyor and Police Constables under the direction of the Mayor or presiding Councillor shall prevent persons placing vessels, boats, timber, scuttling, or other obstructions, or other things, or other things, which form public obstructions to the rivers with out license, and any person guilty of placing any such obstructions, or other things, or other things shall be liable to a penalty not exceeding twenty shillings, and to a like sum for every day they continue such nuisance or obstruction.

Sec. 27. In the event of any person who shall be fined or sued under this law, neglecting or refusing to pay the same, or judgment for costs, warrant of distress shall issue, and the imprisonment shall not exceed sixty days.

ROBERT HICKEYSON, William B. Walker, City Clerk, April 25th, 1885.

Stallion Horse "Prince Edward."

Sec. 25. WILLIAMS & MARCE for the season of 1885, at the Stable, Cymbria Lodge, Reservoir, at his stable, the following days, viz: Sec. 26. At 10 o'clock, on Monday, 1st and 15th July, when he will be travelling to the stable, on Tuesday, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, and 31st July, and will travel back to his stable on Monday, 1st August, at 10 o'clock. He will be at Glasgow Bridge and Cavendish, on Wednesday, 2nd, 4th, 6th, 8th, 10th, 12th, 14th, 16th, 18th, 20th, 22nd, 24th, 26th, 28th, and 30th July, and will travel back to his stable on Monday, 1st August, at 10 o'clock. He can be accommodated with stalls at Cymbria Lodge at \$6. per week, for the season.

WILLIAM HODGE, by WILLIAM HODGE, Esq., Cymbria Lodge, Reservoir, 7th April, 1885.