

## CHAPTER 66.

## FREETOWN IMPROVEMENT.

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**CHAPTER 66.**

**FREETOWN IMPROVEMENT.**

**An Ordinance for the improvement of the City of Freetown.**

[1ST JANUARY, 1900.]

23 of 1899.  
32 of 1908.  
8 of 1926.  
22 of 1940.  
10 of 1941.  
27 of 1941.  
29 of 1942.  
P.N. 165 of  
1942.  
Sec. 23 of  
13 of 1912.  
Sec. 29 of  
12 of 1924.  
30 of 1953.  
Short title.

**PART I.—PRELIMINARY.**

1. This Ordinance may be cited as the Freetown Improvement Ordinance.

2. This Ordinance, except in cases where its application is expressly limited, applies to the whole of the city:

Provided nevertheless that this Ordinance shall not apply to any land or building belonging to or held in trust for the Imperial or Colonial Government.

Application.

3. This Ordinance is divided into eight parts as follows—

Division of Ordinance.

- Part I.—Preliminary.
- Part II.—Sub-divisions of Wards.
- Part III.—Buildings (general).
- Part IV.—Roofing of buildings.
- Part V.—Unfinished and dilapidated buildings.
- Part VI.—Fences.
- Part VII.—Streets.
- Part VIII.—Miscellaneous.

4. (1) In this Ordinance, unless the context otherwise requires—

Interpretation and delegation.  
30 of 1953.

- “barbed wire” means any wire with spikes or jagged projections;
- “builder” means the master builder or other person who is employed to execute or who actually executes any work upon any building;
- “building” means any structure whatsoever, including a wall, except where such wall is used only as a fence;

“ dwelling house ” means any building used wholly or in part for human habitation;

“ owner ” includes any person in possession of any land or building, other than as a tenant from year to year or for any less term, or as a tenant at will, and also includes a person who is receiving or entitled to receive the rent of any land or building whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive it if the land or building were let to a tenant;

“ street ” includes any highway, road, avenue, alley, footpath, square, court or other thoroughfare or open space over which the public have a right of passage;

“ ward ” means a ward of the city;

any reference to “ this Ordinance ” shall be deemed to include a reference to any rules which may be made under the powers conferred by section 62.

(2) Any of the powers or duties conferred or imposed by this Ordinance on the Director of Public Works may, whenever the Director of Public Works so determines, be exercised by any other servant of the Government appointed by the Director of Public Works to act on his behalf, and all references to the Director of Public Works in this Ordinance shall be construed accordingly.

## PART II.—SUB-DIVISION OF WARDS.

Sub-divisions  
of wards into  
sections.

5. For the purpose of this Ordinance the wards of the city are sub-divided into sections, each of which is named after the ward of which it forms a part.

Sections of  
Central  
Ward.

6. The Central Ward is sub-divided into, and consists of, six sections to be called—Central Ward—First, Second, Third, Fourth, Fifth and Sixth Section respectively. The said sections are as follows, that is to say—

(1) The Central Ward (First Section) comprises the area within a line which starts from a point on the bank of the Sierra Leone River, opposite Bathurst Street, and passes thence up Bathurst Street to its junction with Pademba Road, thence along Pademba Road to its junction with Pultney Street, thence across Government House grounds to the top of Garrison Street, thence down Garrison Street to the beach at Susan’s Bay, thence along the bank of the Sierra Leone River in a westerly direction till the said line reaches its starting point.

(2) The Central Ward (Second Section) comprises the area within a line which starts from a point on the bank of the Sierra Leone River, opposite Bathurst Street, and passes thence up Bathurst Street to its junction with Pademba Road, thence in a southerly direction along Pademba Road to its junction with Upper Brook Street, thence down Upper Brook Street to its junction with Westmoreland Street, thence along Sanders or Ede-oroکو Brook to its junction with the Sierra Leone River, and thence in an easterly direction along the bank of the Sierra Leone River till the said line reaches its starting point.

(3) The Central Ward (Third Section) comprises the area within a line which starts from a point on the beach at Susan's Bay, opposite Garrison Street, and passes thence in an easterly direction along the said beach to Nicol Brook, thence up Nicol Brook, to where Frederick Street crosses the said brook, thence along Frederick Street to its junction with Circular Road, thence along Circular Road in a northerly direction to its junction with the top of Upper Howe Street, thence down Upper Howe Street to its junction with Garrison Street, thence down Garrison Street till the said line reaches its starting point.

(4) The Central Ward (Fourth Section) comprises the area within a line which starts at the junction of Pultney Street and Pademba Road, and passes thence in an easterly direction along the north ends of Soldier Street, Fort Street and Hill Street until it meets the boundary of the War Department property at Tower Hill, thence in a southerly direction along the said boundary till it meets Circular Road, thence along Circular Road in a westerly direction to its junction with Pademba Road, thence along West Street to the point where it meets Sanders Brook, thence along Sanders Brook to the point where Upper Brook Street meets Westmoreland Street, thence up Upper Brook Street to its junction with Pademba Road, thence along Pademba Road in a northerly direction till the said line reaches its starting point.

(5) The Central Ward (Fifth Section) comprises an area within a line which starts at the junction of Nicol Brook and the Western Boundary of War Department property at Mount Aureol; thence in a southerly direction along the War Department Boundary to the Freetown Water Works Reservation Boundary, thence in a westerly direction along the Freetown Water Works Reservation Boundary to its junction with Highbay Brook, thence in a northerly direction

along Highbay Brook to its junction with Sanders Brook, thence in a north-westerly direction along Sanders Brook until its junction with West Street, thence in an easterly direction along West Street to its junction with Pademba Road, thence in an easterly and northerly direction along Circular Road to its junction with Frederick Street, thence in an easterly direction along Frederick Street to its junction with Nicol Brook, thence in a southerly direction along Nicol Brook till the said line reaches its starting point.

(6) The Central Ward (Sixth Section) comprises the area within a line which starts at the junction of Fort Street with Circular Road, and passes thence up Circular Road in an easterly direction to its junction with King Street, thence along Circular Road in a northerly direction till it meets Frederick Street, thence along Circular Road to its junction with Upper Howe Street, thence down Upper Howe Street to its junction with Garrison Street, thence in a westerly direction along Garrison Street and across Government House grounds until it meets Pademba Road at its junction with Pultney Street, thence in an easterly direction along the north ends of Soldier Street, Fort Street and Hill Street till it meets the boundary of War Department property at Tower Hill, thence along the said boundary in a southerly direction till the said line reaches its starting point.

Sections of  
East Ward.

7. The East Ward is sub-divided into, and consists of, three sections to be called East Ward—First, Second and Third Section respectively. The said sections are as follows, that is to say—

(1) The East Ward (First Section) comprises the area within a line which starts at the crossing of First Street over Nicol Brook and passes thence along First Street to its junction with Mountain Cut, thence in a northerly direction along Mountain Cut to its junction with Kissy Road, thence along Kissy Road to its junction with Bombay Street, thence along Bombay Street to its junction with George Street, thence along George Street to its junction with Patton Street, thence along Patton Street to its junction with Malta Street, thence along Malta Street to its junction with Savage Square, thence along Savage Square to its junction with Davies Street, thence along Davies and Maltby Streets to the junction of Maltby Street with Ross Road, thence down Ross Road to the bank of the Sierra Leone River, thence in a westerly direction along the bank of the Sierra Leone River to the mouth of

Nicol Brook, thence up Nicol Brook till the said line reaches its starting point.

(2) The East Ward (Second Section) comprises the area within a line which starts at a point on the left bank of Granville Brook which the centre line of Kissy Road if produced in a straight line in an easterly direction will meet, and passes thence along this last-mentioned line in a westerly direction to Kissy Road, and along Kissy Road to its junction with Bombay Street, thence along Bombay Street to its junction with George Street, thence along George Street to its junction with Patton Street, thence along Patton Street to its junction with Malta Street, thence along Malta Street to its junction with Savage Square, thence along Savage Square to its junction with Davies Street, thence along Davies and Maltby Streets to the junction of Maltby Street with Ross Road, thence down Ross Road to the bank of the Sierra Leone River, thence in an easterly direction along the bank of the Sierra Leone River until it joins the left bank of Granville Brook, thence up the left bank of Granville Brook till the first-mentioned line reaches its starting point.

(3) The East Ward (Third Section) comprises the area within a line which starts from the point where the southern boundary of the city crosses Nicol Brook, and passes in an easterly direction along the said boundary until it meets the left bank of Granville Brook, thence down the left bank of Granville Brook to a point on Granville Brook which the centre line of Kissy Road if produced in a straight line will meet, thence along the last-mentioned straight line to Kissy Road, thence along Kissy Road to its junction with Mountain Cut, thence in a southerly direction along Mountain Cut to its junction with First Street, thence along First Street in a westerly direction to where it crosses Nicol Brook, thence up the said brook till the said line reaches its starting point.

8. The West Ward is sub-divided into and consists of five sections to be called West Ward—First, Second, Third, Fourth and Fifth Section respectively. The said sections are as follows, that is to say—

Sections of  
West Ward.

(1) The West Ward (First Section) comprises the area within a line which starts from the junction of Upper Brook Street and Westmoreland Street, and passes thence along Sanders Street to its junction with Priscilla Street, thence along Priscilla Street to Alligator Brook, thence down Alligator Brook to the bank of the Sierra Leone River,

thence along the said bank to the mouth of Sanders Brook, and thence up Sanders Brook till the said line reaches its starting point.

(2) The West Ward (Second Section) comprises the area within a line which starts at the junction of Priscilla Street and Sanders Street, and passes thence along Priscilla Street till it meets Alligator Brook, thence up the said brook to its crossing with Morgan Street, thence along Morgan and Sanders Streets to the junction of Sanders Street with Campbell Street, thence along Campbell Street to its junction with Pademba Road, thence along Pademba Road to Sanders Brook, thence down Sanders Brook to Westmoreland Street, thence along Westmoreland and Sanders Streets till the said line reaches its starting point.

(3) The West Ward (Third Section) comprises the area within a line which starts at Alligator River at its crossing with Morgan Street, thence it passes along Morgan Street to its junction with Sanders Street; thence along Sanders Street to its junction with Pademba Road, thence along Pademba Road to Sanders Brook, thence up Sanders Brook to its junction with Highbay Brook, thence up Highbay Brook to the Freetown Water Works Reservation Boundary, thence in a westerly direction along the Freetown Water Works Reservation Boundary to Alligator River, thence down Alligator River till the said line reaches its starting point.

(4) The West Ward (Fourth Section) comprises the area within a line which starts at a point on Alligator Brook, where it is crossed by King Tom Bridge and passes thence down Alligator Brook to the bank of the Sierra Leone River, thence along the said bank in a westerly direction until it meets the point on the right bank of Congo Town Brook where that brook is crossed by Ascension Town Road, thence along Ascension Town Road in an easterly direction till the said line reaches its starting point.

(5) The West Ward (Fifth Section) comprises the area within a line which starts at a point on Alligator River where it is crossed by King Tom Bridge, thence it runs in a southerly direction along Alligator River to Mereweather Road, thence in a westerly direction along Mereweather Road to its junction with King Harman Road, thence in a north-westerly direction along King Harman Road to its junction with Admiralty Road, thence in a westerly direction along Admiralty Road to its junction with Riverside Drive, thence due west to Cantonments Road, thence in a south-westerly

direction along Cantonments Road to the right bank of the Congo River, thence in a northerly direction along the right bank of the Congo River to its junction with Ascension Town Road, thence along Ascension Town Road till the said line reaches its starting point.

(6) The West Ward (Sixth Section) comprises the area within a line which starts at a point on Alligator River where it is crossed by Mereweather Road, thence in a westerly direction along the Mereweather Road to its junction with King Harman Road, thence in a north-westerly direction along King Harman Road to its junction with Admiralty Road, thence in a westerly direction along Admiralty Road to its junction with River side Drive, thence due West to Cantonments Road (footpath), thence in a south-westerly direction along Cantonments Road to the right bank of the Congo River, thence in a southerly direction along the Congo River, to its junction with the Freetown Water Works Reservation Boundary, thence in an easterly and northerly direction along the Freetown Water Works Reservation Boundary until its junction with Alligator River, thence in a north-westerly direction along Alligator River till the said line reaches its starting point.

9. Where the line of delimitation of any section passes up, down or along any street or brook, it shall, unless the contrary appears, be deemed to pass along the middle of such street or brook.

Division line  
between two  
sections.

### PART III.—BUILDINGS (GENERAL).

10. The provisions of this Part of the Ordinance shall have effect subject to such Orders as may be made by the Governor in Council in accordance with the powers conferred by section 63.

Part III to  
have effect  
subject to  
Orders by  
Governor in  
Council.

11. Every new building shall be constructed in accordance with the provisions of this Ordinance and of any Rules made thereunder.

New  
building.

A building shall be deemed to be new whenever the external walls thereof have not been carried higher than the footings previously to the day on which this Ordinance shall come into operation. Any other building shall be deemed to be an old building.

Old building.

Alterations  
and additions  
to old  
building.

**12.** Any alteration, addition, or other work made or done for any purpose, except that of necessary repair not affecting the construction of any external or party wall, in, to or upon any old building, or in, to or upon any new building after the roof has been covered in, shall to the extent of such alteration, addition or work be subject to this Ordinance; and whenever mention is hereinafter made of any alteration, addition or work in, to, or upon any building it shall, unless the contrary appears from the context, be deemed to imply an alteration, addition or work to which this Ordinance applies.

Rebuilding  
old building.

**13.** Whenever any old building has been, or shall be, taken down to any extent exceeding one-half of such building, such half to be measured in cubic feet, or shall be converted into a dwelling house, such building not having been originally constructed for human habitation, the rebuilding or conversion thereof shall be deemed to be the erection of a new building, and every portion of such old building that is not in conformity with this Ordinance shall be forthwith altered or taken down as the case may require.

Intention to  
erect new  
building to  
be notified.

**14.** Before the erection of a new building is commenced, the person or builder intending to erect the same shall give to the Director of Public Works notice in writing of such intention, and shall accompany such notice with a plan of the proposed building, which shall include or be accompanied by such particulars as to the construction and intended use thereof as will enable the Director of Public Works to ascertain that the provisions of this Ordinance will be complied with:

Provided always that in the case of buildings of not more than one storey—

(1) where the frontage on any street does not exceed twenty-five feet,

(2) where the external walls thereof are principally constructed of wood,

the Public Works Department may dispense with a plan if the design of the proposed building is sufficiently indicated by a description thereof. Such notice shall be upon the form according to the first schedule hereto or upon any other form made in pursuance of this Ordinance, and copies of such forms shall be obtainable on application at the Public Works Department, free of cost.

15. In the notice accompanying the plan or description of any proposed building, the person giving such notice shall state the limit of time within which he proposes to complete the building; and the Director of Public Works may, within one month after receiving the same, fix any other time for the completion thereof; and if the Director of Public Works shall not fix any other time for that purpose, the time stated in the said notice shall be deemed to be fixed by the Director of Public Works for the completion of the building.

Notification of time for completion of building.

16. (1) Within one month after receiving a notice of intention to erect a new building the Director of Public Works may either—

Approval and disapproval of plans for new buildings. 30 of 1953.

(a) if he is of the opinion that the plan and description of the proposed building comply in all respects with the provisions of this Ordinance, signify his approval thereof by issuing a permit in writing (hereinafter called a building permit) authorising the erection of the building and specifying, if he thinks fit, the purposes for which the building or any part thereof may be used; or

(b) if he is of the opinion that the plan or description of the proposed building fails to comply with any of the provisions of this Ordinance (for which purpose he may take into consideration any statement by the applicant as to the intended use of the building), signify his disapproval thereof by issuing a notice to the applicant pointing out in what respects the plan or description fails to comply with the said provisions:

Provided that if for any reason the Director of Public Works is unable to arrive at a decision within the said period of one month he shall issue a notice to the applicant informing him that a decision will be communicated to him within such further period, not exceeding one month, as may be specified in the notice.

(2) If, within one month after receiving a notice of intention to erect a new building accompanied by a description and plan (unless a plan be dispensed with), the Director of Public Works fails to signify his approval or disapproval as aforesaid or to issue a notice in accordance with the proviso to the last preceding sub-section or, having issued such notice, fails to communicate his decision to the applicant within the time specified therein, the applicant may, notwithstanding anything hereinbefore contained, proceed to erect the building according to the plan and description, provided that the building be otherwise in accordance with the provisions of this Ordinance.

(3) In the event of any discrepancy between the plan or description of the building and any of the provisions of this Ordinance, the said provisions shall prevail, notwithstanding that the Director of Public Works may have signified his approval of the plan or description as aforesaid.

Use of  
buildings.  
30 of 1953.

17. Where the Director of Public Works has signified his approval of the erection of a new building subject to the condition that such building or some part thereof shall be used for a specified purpose, any person who, without the permission in writing of the Director of Public Works, uses the building or that part thereof for a different purpose shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred pounds, and to a further fine not exceeding ten pounds for every day during which the offence continues:

Provided that a Magistrate shall not convict any person charged with an offence against this section if such person proves to the Magistrate's satisfaction—

(a) that, at the time when he first used the building for a purpose different from that specified in the condition, he had no notice of the condition; and

(b) that, within a month of receiving such notice, he complied with such condition and has continued to do so since.

Alteration of  
buildings  
erected  
without  
notice.

18. (1) If such building be begun without such notice having been given and, where a plan is required, without such plan having been furnished, or without the approval of the Director of Public Works within the said one month, or otherwise not in accordance with the provisions of this Ordinance, the owner and builder thereof shall be deemed to have committed an offence and shall for every such offence be liable, upon summary conviction, to a penalty not exceeding one hundred pounds; and the Director of Public Works may, at any time before or within twelve months next after the completion of the building, make complaint thereof before a Police Magistrate, who, upon being satisfied of the default of such owner or builder, shall order such building to be altered, taken down or demolished as the case may require, and upon failure of the owner or builder within one month from the date of such order to alter, take down or demolish the building, the Director of Public Works may cause it to be altered, taken down or demolished pursuant to such order, and the expenses, incurred by the Director of Public Works in respect thereof shall be repaid to him by the

person failing to comply with the provisions aforesaid, and shall be recoverable as damages.

(2) The Director of Public Works shall be under no liability to any person in consequence of anything done or omitted to be done by him in accordance with the provisions of this section. 30 of 1953.

19. Upon the commencement of any building and also upon the completion of the structure of the said building when the roof has been covered in, and at any time thereafter, in case of any repair, addition or alteration thereto, the owner, occupier or builder shall give to the Director of Public Works notice in writing of such commencement and completion as the case may require. Such notice shall be upon the form according to the second schedule hereto or upon any other forms made in pursuance of this Ordinance, and copies of such form shall be obtainable on application to the Director of Public Works, free of cost. Notification of commencement and completion of building.

20. Any person neglecting to give notice for seven days after the commencement or completion of any building, or of any repair, addition or alteration thereto, shall be deemed to have committed an offence under this Ordinance, and shall for such offence be liable, upon summary conviction, to a penalty not exceeding one hundred pounds. Non-notification an offence.

21. If the Director of Public Works has reasonable grounds for believing that any of the provisions of this Ordinance have not been or are not being complied with in respect of any building, whether such building has been completed or is in the course of construction, he may enter upon any land for the purpose of inspecting the building, and may enter and inspect the building; and any owner, occupier or builder refusing to admit the Director of Public Works or to afford him reasonable facilities for the purpose of inspection shall be guilty of an offence and shall be liable on summary conviction, to a fine not exceeding one hundred pounds and to a further fine not exceeding ten pounds for every day during which the offence continues: Inspection of buildings. 30 of 1953.

Provided that in the case of an occupied building the Director of Public Works shall not, without the consent of the occupier, enter the building and inspect the interior thereof unless he shall first have obtained a search warrant as provided in the Criminal Procedure Ordinance. Cap. 39.

22. If the Director of Public Works on inspection of any building finds any portion of any work proceeding thereat not Notice to amend building.

to be in accordance with the provisions of this Ordinance he shall cause notice in writing, in the form according to the third schedule hereto, to be given or left on the said premises for the person engaged in carrying out such work to amend the same.

Omission to amend an offence.

**23.** If the person so engaged shall not forthwith amend the same in the manner necessary to make such work conform to this Ordinance, he shall be deemed to have committed an offence punishable, upon summary conviction, by a penalty not exceeding one hundred pounds, and not exceeding ten pounds for every day that he shall so make default.

Correction of frontages. 30 of 1953.

**24.** (1) When any building, any part of which projects on to or over any street, has been taken down in order to be rebuilt or altered, the Director of Public Works may require the same to be set backwards to such extent and in such manner as he shall direct.

(2) Failure to comply with any such requirement of the Director of Public Works shall be deemed to be a failure to comply with the provisions of this Ordinance.

Notification to remove new projections.

**25.** The Director of Public Works may give notice to the occupier of any building to remove or alter any porch, shed, projecting window, balcony, verandah, shoot, step, or similar projection which, after this Ordinance comes into operation, shall be erected or placed against or in front of any building, on or over any street contrary to this Ordinance, and such occupier shall, within fourteen days after the service of such notice upon him, remove such porch, shed, projecting window, balcony, verandah, shoot, step, or projection or alter the same in such manner as shall have been directed by the Director of Public Works, and in default thereof shall be liable to a penalty not exceeding one hundred pounds; and the Director of Public Works in such case may remove any such porch, shed, projecting window, balcony, verandah, shoot, step, or projection, and the expenses of the Director of Public Works for, or incident to, such removal shall be paid by the occupier so making default, and shall be recoverable as damages:

Provided always that, except in the case in which such porch, shed, projecting window, balcony, verandah, shoot, step, or projection shall be made or put up by the occupier, such occupier shall be entitled to deduct the expenses of removing the same from the rent payable by him to the owner of the building.

26. If any such porch, shed, projecting window, balcony, verandah, shoot, step, or projection was, or shall be, erected or placed against, or in front of, any building on, or over, any street before this Ordinance comes into operation, the Director of Public Works may cause the same to be removed or altered as he thinks fit:

Powers of Director of Public Works with regard to existing projections.

Provided that the Director of Public Works gives notice of such intended removal or alteration to the occupier of the said building fourteen days before such alteration or removal is begun, and if such porch, shed, projecting window, balcony, verandah, shoot, step, or projection shall be proved by the owner or occupier to have been lawfully made and without a condition subjecting the same to removal, the Director of Public Works shall make reasonable compensation to every person who suffers damage by such removal or alteration.

27. (1) If the Director of Public Works is of the opinion that any building or any thing attached thereto is in a ruinous state or is, by reason of its condition, construction or situation, likely to cause danger to any person, he may forthwith cause the building to be fenced off for the protection of passers-by, and if he considers that there is any immediate danger, may take all such steps as he deems necessary to prevent any person from being injured thereby, and shall forthwith cause notice in writing, in the form in the fourth schedule to this Ordinance, to be given to the owner of the building, if he be known and resident within the city, and shall cause a copy of the said notice to be affixed to the door or other conspicuous part of the building or shall otherwise give notice to the owner thereof, requiring him to take down, repair, rebuild or secure the building or thing attached thereto in such manner and within such time as may be specified in the notice.

Notice to owner to take down dangerous building. 30 of 1953.

(2) The Director of Public Works shall be under no liability to any person in consequence of anything done or omitted to be done by him in accordance with the provisions of this section.

28. (1) If the owner, after notice has been given as provided in section 27, does not begin to take down, repair, rebuild or secure the building referred to in the notice within the space of seven days or such shorter period as may be specified in the notice, and complete the taking down, repairing or securing as speedily as the circumstances will allow, or if no owner can be found, the Director of Public Works may make complaint thereof before a Magistrate, who upon being satisfied of the failure of the owner to comply with the requirements of the

On failure of owner, Director of Public Works may take down or repair. 30 of 1953.

notice (whether it has been served upon him or not) shall make an order directing the owner to take down, repair, rebuild or secure, to the satisfaction of the Director of Public Works, within such time as may be fixed by the Magistrate, the building or such part thereof as appears to the Director of Public Works to be in a ruinous state or likely to cause danger to any person; and in case the same be not taken down, repaired, rebuilt or secured within the time so limited, or if no owner can be found on whom to serve the order, the Director of Public Works shall, with all convenient speed, cause the building or so much thereof as appears to him to be likely to cause danger to any person, to be taken down, repaired, rebuilt or secured in such manner as he deems necessary; and all the expenses incurred by the Director of Public Works in connection with the putting up of any fence and the doing of any other thing which he is authorised to do by section 27, and of taking down, repairing, rebuilding or securing the building shall be paid by the owner of the building.

(2) The Director of Public Works shall be under no liability to any person in consequence of anything done or omitted to be done by him in accordance with the provisions of this section.

Expenses to be levied by distress on the owner.

**29.** If such owner can be found within the city, and if on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses, upon proof thereof before the Magistrate, may be levied by distress, and the Magistrate may issue his warrant for the levy to be made accordingly.

If owner not found the Director of Public Works may take house or ground, making compensation.

Cap. 116.

**30.** If such owner cannot be found within the city, or sufficient distress of his goods and chattels cannot be made, the Director of Public Works, after giving twenty-eight days' notice of his intention to do so by posting a printed or written notice in a conspicuous place on such building, or on the land whereon such building stood, may take such building or land, provided that such expenses be not paid or tendered to him within the said twenty-eight days, making compensation to the owner of such building or land in the manner provided by the Public Lands Ordinance, in the case of lands taken otherwise than with the consent of the owners and occupiers thereof, and the Director of Public Works shall be entitled to deduct out of such compensation the amount of the expenses aforesaid, and thereupon to sell or otherwise dispose of the said building or land.

31. If any building or any part of the same be taken down or demolished by virtue of the powers conferred by this Ordinance, the Director of Public Works may sell the materials thereof, or so much of the same as shall be taken down or demolished, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building, and the Director of Public Works shall restore any overplus arising from such sale to the owner of such building, on demand; nevertheless the Director of Public Works, although he sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to him for compelling the payment of the whole of the said expenses.

Sale of materials by Director of Public Works restoring to owner overplus arising from sale.

32. It shall be lawful for the Director of Public Works to require the payment of any expenses, which the owner of any premises may be liable to pay under this Ordinance, from any person who then, or at any time thereafter, occupies such premises; and the owner shall allow every such occupier to deduct all sums of money, which he so pays or which are levied by distress, out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent:

Recovery of expenses from occupier.

Provided always that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him or which, after such demand of such expenses from such occupier, and after notice not to pay the owner any rent without first deducting the amount of such expenses, becomes payable by such occupier, unless he refuse, on application made to him for that purpose by, or on behalf of, the Director of Public Works, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie upon such occupier.

PART IV.—ROOFING OF BUILDINGS.

33. The provisions of this Part of the Ordinance shall have effect subject to such Orders as may be made by the Governor in Council in accordance with the powers conferred by section 63.

Part IV to have effect subject to Orders of Governor in Council.

Prohibition  
of in-  
flammable  
roofs.

**34.** From and after the times hereinafter respectively mentioned no roof of any building within the sections hereinafter specified shall be, or remain, covered externally with any other than non-inflammable materials, that is to say—

(1) within the First, Second and Third Sections of the Central Ward, from and after the expiration of one year from the date of the coming into operation of this Ordinance;

(2) within the Fourth Section of the Central Ward, the First Section of the East Ward and the First Section of the West Ward, from and after the expiration of two years from the date of the coming into operation of this Ordinance;

(3) within the Second Section of the East Ward and the Second Section of the West Ward, from and after the expiration of three years from the date of the coming into operation of this Ordinance:

Provided nevertheless that the Governor in Council may by Order exempt any building from the operation of this section, and for such time, if any, as may be prescribed in the said Order:

Provided also that a dwelling house may be thatched for such period and subject to such conditions as may be specified in writing by the Director of Public Works. For the purpose of this proviso "dwelling house" means a building intended wholly for human habitation and excludes the use of any part thereof for the purposes of trade.

Liability of  
owner.

**35.** The owner of any building having any roof made of materials contrary to the provisions of the last preceding section of this Ordinance, shall be guilty of an offence, and shall be liable, upon summary conviction, to a penalty not exceeding one hundred pounds, and to a further penalty of ten pounds for each day that the offence continues.

Liability of  
occupier.

**36.** Where the owner of a building fails to make the roof in accordance with the provisions of section 34 of this Ordinance, it shall be lawful for the Director of Public Works, by notice in writing to be given to the occupier of such building, to require him to do so; and if he thereafter continue in the occupation thereof he shall be liable to make such roof in accordance with the provisions of the said section:

Provided nevertheless that, subject to any contract made or to be made between the occupier and the owner, the occupier shall upon making the roof as aforesaid be entitled to deduct the cost thereof from the rent payable to the owner, and to

occupy the building until the rental shall be sufficient to repay such cost, unless the owner shall in the meantime pay the cost to him.

37. In default of the owner or occupier making the roof of a building in accordance with the provisions of section 34 of this Ordinance, it shall be lawful for the Director of Public Works to make such roof, or otherwise to take down the same or the whole building; and the expenses for so making or taking down the roof or building shall be repaid by the owner to the Director of Public Works and be recoverable in the manner prescribed in sections 30, 31 and 32 of this Ordinance in the case of dangerous or ruinous buildings pulled down.

Powers of Director of Public Works in case of default of owner and occupier.

PART V.—UNFINISHED AND DILAPIDATED BUILDINGS.

38. The provisions of this Part of the Ordinance shall have effect subject to such Orders as may be made by the Governor in Council in accordance with the powers conferred by section 63.

Part V to have effect subject to Orders of Governor in Council.

39. Part V of this Ordinance shall apply to the First, Second, Third and Fourth Sections of the Central Ward, the First Section of the East Ward and to the First Section of the West Ward.

Limit of application of Part V.

40. There shall be paid to the Director of Public Works in respect of every building which shall be commenced, and shall be and remain in an unfinished state for a period of six months from and after the time which the Director of Public Works may as aforesaid fix for its completion, a sum equal to double the value of the city rate at which the same, if finished, would be liable to be assessed under the provisions of the Freetown Municipality Ordinance, and such amount shall be paid by the occupier of such unfinished building, and if there be no occupier by the owner thereof.

Fine for unfinished building.

Cap. 65.

PART VI.—FENCES.

41. Every plot of land, or part thereof, which shall have no building thereon abutting on a street, and every stone quarry abutting on a street, whether public or private, shall be enclosed and kept enclosed by the owner or occupier thereof with a fence not less than four feet high and of uniform height or level, and made with stone, brick, iron, wood, or living plants where the use of a fence of living plants is not prohibited by this Ordinance:

Fencing of land abutting on street.

Provided always that all such fences made of living plants shall be kept carefully cropped of all superfluous branches.

Wooden  
fences.

42. Such fence if made with wood in any of the First, Second, Third and Fourth Sections of the Central Ward, or in the First Section of the East Ward, or in the First Section of the West Ward shall be of wood cut in uniform widths and fixed at uniform distances, and shall be secured with nails or screws and not with rope or withes.

Fences of  
living plants.

43. In the First, Second, Third and Fourth Sections of the Central Ward, in the First Section of the East Ward, and in the First Section of the West Ward, no fence shall be made of living plants except with the written approval of the Director of Public Works.

Prohibition  
of barbed  
wire.

44. No fence abutting on any street shall be made with barbed wire.

Removal of  
fences.

45. (1) Where, at the date of the coming into operation of this Ordinance, there is abutting on a street any fence which shall not be in accordance with the provisions of this Ordinance such fence shall, within six months thereafter, be removed by the owner or occupier thereof—

(a) if such owner or occupier fail to remove any such fence, or

(b) where any fence abutting on a street shall be made contrary to the provisions of this Ordinance,

such fence shall be deemed to be a nuisance to such street; and it shall be lawful for the Director of Public Works to serve a notice in writing on the occupier of the land on which such fence is found, requiring him within a time therein stated, which shall not be less than one month, nor more than three months after the date of the notice, to abate such nuisance.

(2) If on the expiration of the time stated in the notice the occupier shall have failed to comply therewith, it shall be lawful for the Director of Public Works to apply to the Magistrate for a summary order, and the Magistrate, if satisfied that such fence is a nuisance as aforesaid, shall, by summary order, direct the occupier, within a time to be stated in the order, to abate such nuisance; and on his failure to comply with such order, the Director of Public Works may do whatever may be necessary to abate the nuisance and otherwise, in the execution of the order, and recover in a summary manner the expenses incurred in connection therewith.

46. Any person who contravenes any of the provisions of Part VI of this Ordinance shall be guilty of an offence, and shall upon summary conviction thereof be liable to a fine not exceeding one hundred pounds, and a further penalty of ten pounds for every day that the offence continues after the expiration of the time stated in the notice which shall have been served by the Director of Public Works under the provisions of the last preceding section. Penalty.

PART VII.—STREETS.

47. Every plot of land abutting on a street on which no building is, or shall be, erected or is in the course of erection, shall be deemed to be occupied by the owner thereof unless the same shall be proved by the owner to be in the actual occupation of some other person. Plots without buildings deemed to be occupied.

48. Any person—

(1) who shall place or leave or cause to be placed or left, without the consent of the Director of Public Works, any lumber, brick or stone, or any goods, bale, package, puncheon, barrel or cask, or any box, basket, tray or other impediment whatsoever— Prohibition of obstruction of streets.

(a) in any street,

(b) upon any quay or wharf, except within the space of twenty feet from the outward edge of such quay or wharf, or within such space for any time exceeding three days from the time of the same being first placed upon such quay or wharf, or

(2) whosoever by leaving, washing, cleaning or repairing any vehicle, whether a motor vehicle, cart or gig and whether in good or dismantled condition, or any part of such vehicle, in any street, quay or wharf shall obstruct or impede the free passage of such street, quay or wharf, or

(3) who shall do any of the aforesaid acts mentioned in this section on any land abutting on any street and not enclosed within a wall or fence,

shall be guilty of an offence, and shall be liable, upon summary conviction, to a penalty not exceeding five pounds for each such offence and to a further penalty of ten shillings for each day that the offence continues:

Provided nevertheless that it shall be lawful for the Director of Public Works to cause any such article to be removed from the street, and to sell the same, unless it be claimed and taken away by the owner thereof within seven days after such removal;

and the expenses of the Director of Public Works for, or incident to, the removing, keeping or selling of any such article shall be repaid to him by the owner, and be recoverable as damages, or be deducted from the proceeds of the sale of any such article.

Crossings  
over open  
drains.

**49.** No crossing over any open drain or gutter in any street shall be constructed except with the permission of the Director of Public Works and upon an approved plan.

Removal of  
crossings  
over open  
drains.

**50.** After two years from the date of the coming into operation of this Ordinance, it shall be lawful for the Director of Public Works to remove, or order the owner to remove, any crossing made by any private person over any open drain or gutter in any street.

Prohibition  
of removal of  
soil or  
material  
from streets.

**51.** It shall not be lawful for any person to remove any soil, earth or other material from any street, or to change, divert or obstruct, or attempt to change, divert or obstruct, any water-course without the consent of the Director of Public Works, under a penalty not exceeding twenty pounds, upon summary conviction before the Magistrate.

Notification  
of intention  
to lay out  
new street.

**52.** Every person who intends to make or lay out any new street, or to lay out any piece or parcel of land for building purposes, shall give notice in writing to the Director of Public Works and shall accompany such notice with a plan of the said street or piece of land, and lands adjoining thereto, to a scale of not less than forty feet to one inch. The level, width and building line of every new street, the size of the street blocks and building plots, the drainage arrangements and such areas as shall remain open spaces, shall be fixed under the direction of the Director of Public Works, and the building line so fixed shall be kept thereafter by every person erecting any building or structure in such street.

Failure of  
Director of  
Public Works  
to fix levels.

**53.** If the Director of Public Works does not fix such level and width within six weeks from the time of the delivery of such notice as aforesaid, unless the fixing of such level and width be delayed by the appeal hereinafter provided, the person giving such notice may proceed to lay out the street at any level and width which will allow of compliance with the other provisions of this Ordinance, as if such level and width had been fixed by the Director of Public Works; and in such case every change of the level and width which the Director of Public Works afterwards deems requisite, and the works consequent thereon, shall be made by the Director of Public

Works, and the expense thereof, and any damage which any person sustains in consequence of such alterations, shall be defrayed by the Council.

54. Every person who makes or lays out any such new street as aforesaid without causing such notice to be given to the Director of Public Works as aforesaid, shall be liable to defray all the expenses consequent upon any change of the level or width of the said street deemed requisite by the Director of Public Works, and every person who, in erecting any building in such street, does not keep the level and width fixed by the Director of Public Works, shall be liable to defray all the expenses consequent upon any change, which the Director of Public Works deems requisite, of the level or width of that part of the street on which such building abuts.

Liability of persons laying out streets without notice.

#### PART VIII.—MISCELLANEOUS.

55. (1) No person shall establish and carry on any foundry, forge, farrier's shop, or cooperage within the city without the licence in writing of the Director of Public Works, and any person who shall establish or carry on any such foundry, forge, farrier's shop or cooperage without such consent as aforesaid, shall be guilty of an offence, and upon summary conviction thereof be liable to a penalty of twenty pounds and to a further penalty of one pound for every day he shall so carry on the said business.

Foundry or forge not to be established without licence.

(2) Any person who shall be desirous of obtaining such consent shall, fourteen days before making application for the same, put up in front of the office of the Director of Public Works, and in front of the police office for Freetown a notice in the form prescribed in the fifth schedule hereto, within which period any person who shall deem that he would suffer annoyance or detriment, either in person or property, by the granting of such licence, shall be at liberty to state in writing to the Director of Public Works his objection to the granting thereof; and at the expiration of the said period the Director of Public Works, after hearing the opposing parties, shall either grant or refuse the licence, as to him in his discretion shall seem meet.

Penalty for establishing foundry or forge without licence.

56. If the occupier of any premises prevent the owner thereof from carrying into effect, with respect to such premises, any of the provisions of this Ordinance, or any order made in pursuance thereof, he shall be liable to a penalty not exceeding one hundred pounds for every day during the continuance of

Penalty upon occupiers obstructing execution of works or not disclosing owner's name.

such refusal or neglect; and if the occupier of any premises when requested by, or on behalf of, the Director of Public Works to state the name and description of the owner of the premises occupied by him refuse, or wilfully omit, to disclose or wilfully mis-state the same, it shall be lawful for the Magistrate to summon the party to appear before him, and if the party summoned neglect or refuse to attend at the time and place appointed by the Magistrate and do not show good cause for such refusal, or if such wilful omission or mis-statement be proved, the Magistrate may impose upon the offender a penalty not exceeding one hundred pounds.

Appeals  
against order  
or act of  
Public Works  
Department.

**57.** (1) Any person who deems himself aggrieved by any order or direction of the Director of Public Works in relation to the level or width of a new street or to the level of any building thereon, or by any notice, order or act of the Director of Public Works in relation to the construction, repair, alteration, taking down or demolition of any building may, within fourteen days after notice to the occupier of any such order or notice, or after such act of the Director of Public Works, appeal to the Supreme Court against the same.

(2) Such person shall give seven days' clear notice in writing of his intention to appeal and the grounds thereof to the Director of Public Works.

(3) The said Supreme Court shall hear and determine the appeal, and either allow or disallow the same or make such order in the premises as shall be lawful.

(4) The said Supreme Court shall, subject to this Ordinance, have the same powers, jurisdiction and authority with respect to any appeal, and the proceedings thereon and the costs, as if the appeal were an ordinary action within its jurisdiction.

Authentica-  
tion of  
notices.

**58.** Every notice, demand, or other document required by this Ordinance to be given or made by, or on behalf of, the Director of Public Works shall be in writing and signed by the person issuing the same, or by such other person as is duly authorised in that behalf.

Recovery of  
damages and  
expenses.

**59.** In every case where the amount of any damage, costs or expenses is by this Ordinance directed to be ascertained or recovered in a summary manner, or the amount of any damage, costs or expenses is by this Ordinance directed to be paid and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount shall, in case of dispute, be ascertained and determined by, and shall be

recovered before, the Magistrate in the manner provided by section 79 of the Public Health (Colony) Ordinance, for the recovery of a debt directed by the last-mentioned Ordinance, to be recovered summarily. \*

60. The Director of Public Works may, from time to time as to him shall seem fit, alter or add to the forms contained in the schedules hereto or make other forms in substitution therefor. Alteration of forms.

61. It shall be lawful for the Director of Public Works to authorise any officer or person to do or perform any act which the Director of Public Works himself is empowered by this Ordinance to do or perform. Authorisation of officer to perform acts.

62. (1) The Governor in Council may make rules for the better carrying into effect of the provisions of this Ordinance. Power of Governor in Council to make Rules and Orders. 30 of 1953.

(2) In particular, and without prejudice to the generality of the powers conferred by sub-section (1) of this section, the Governor in Council may make rules for all or any of the following purposes—

(a) prescribing the materials of which buildings generally or specified classes of buildings or any parts thereof shall be constructed;

(b) restricting the heights of buildings;

(c) prescribing the thickness of walls of buildings;

(d) providing, in relation to the construction, materials or situation of buildings, for the prevention of fire;

(e) determining and regulating the building line of buildings fronting on streets;

(f) prescribing the distances to be left between buildings, and the distances between buildings and the boundary lines of the plots on which they are situate;

(g) prescribing the proportion of the area of any plot which may be built upon;

(h) regulating the position of outhouses, cesspits and drains;

(i) regulating the drainage and disposal of rain water and waste water and prescribing the gutters and drains which shall be provided for that purpose;

\* Cap. 190 of the 1946 Edition. It has been omitted from this Edition.

(j) prescribing the foundations upon which buildings shall be constructed;

(k) providing for the paving of the curtilage of buildings; and

(l) prescribing penalties, not exceeding a fine of one hundred pounds, and in the case of a continuing offence a fine of ten pounds for every day during which the offence is continued, on summary conviction for the breach of any rule made under this section.

(2) The Governor in Council may, by Order, from time to time extend to any section of any ward, or any part thereof, the application of Parts IV, V and sections 42 and 43 of Part VI of this Ordinance, and shall cause the said Order to be published in the *Gazette* on two occasions, with an interval of not less than one month; and any such Order shall, from the date of the *Gazette* in which the second publication shall be made, be deemed to be incorporated with this Ordinance, and the part or parts of this Ordinance, the application of which is so extended, shall then apply to the sections or places which the Order shall specify.

Governor in Council may declare area to be a Town Planning Area.

**63.** (1) The Governor in Council may from time to time by order declare any area, to which this Ordinance applies or to which it may hereafter be applied, to be a Town Planning Area.

(2) Notwithstanding anything contained in this Ordinance the Governor in Council if satisfied that it is necessary in order to give proper effect to the purposes of a Town Planning Scheme may by order prohibit or restrict the construction or repair of any building within the whole or any specified part of a Town Planning Area. Such orders may impose penalties for contravention thereof not exceeding a fine of one hundred pounds and give such powers of demolition of any unlawfully constructed or repaired building as the Governor in Council may think fit.

FIRST SCHEDULE.

THE FREETOWN IMPROVEMENT ORDINANCE.

Secs. 14 and 15.

Notice of intention to build.

.....Ward (.....Section).

I hereby give to the Public Works Department notice that I intend to erect a\*.....upon the.....side of.....Freetown, particulars of which are described at the foot hereof.

\*[Describe nature of building, such as dwelling house, dwelling house and outbuilding, shop, etc.]

.....plan of said premises accompanies this notice.

I propose to complete the building within.....from the commencement thereof.

Dated this.....day of.....19.....

.....(Name)

.....(Address)

To the Director of Public Works.

Description of premises above referred to.

SECOND SCHEDULE.

THE FREETOWN IMPROVEMENT ORDINANCE.

Sec. 19.

Notice of commencement of Building.

.....Ward (.....Section).

\*[Describe nature of building as in notice of intention to build.]

I do hereby give you notice that I have commenced the erection of a\*.....upon the.....side of.....Freetown pursuant to my notice of intention to build dated the.....day of.....19.....

The erection of the building was commenced on the.....day of.....19.....

Dated this.....day of.....19.....

.....(Name)

.....(Address)

To the Director of Public Works.

THE FREETOWN IMPROVEMENT ORDINANCE.

Sec. 19.

Notice of completion of Building.

.....Ward (.....Section).

I hereby give you notice that I have completed.....of the.....upon the.....side of.....referred to in my notice to you of the.....day of.....19.....

Dated this.....day of.....19.....

.....(Name)

.....(Address)

To the Director of Public Works.

## THIRD SCHEDULE.

Sec. 22.

## THE FREETOWN IMPROVEMENT ORDINANCE.

*Notice to Amend.*

To.....of.....or other, the owner, builder or persons engaged in erecting.....upon the.....side of.....

Take notice that the.....are not in accordance with the Freetown Improvement Ordinance, and the Orders in Council made thereunder, and require amending in the following particulars—

It is my duty to request you to at once carry out these works to avoid further proceedings under the provisions of the above-mentioned Ordinance.

Dated the.....day of.....19.....

Public Works Department.

.....  
*Director of Public Works.*

## FOURTH SCHEDULE.

Sec. 27.

## THE FREETOWN IMPROVEMENT ORDINANCE.

*Notice as to Dangerous Buildings.*

To.....of.....or other, the owner or occupier of a.....situated at.....or to whomsoever it may concern.

Take notice that I have this day found the said.....premises to be in a dangerous state so far as regards.....and, pursuant to section twenty-six of the above-mentioned Ordinance, I hereby give you notice to.....within.....days of the date hereof.

Dated the.....day of.....19.....

Public Works Department.

.....  
*Director of Public Works.*

## FIFTH SCHEDULE.

Sec. 55.

## THE FREETOWN IMPROVEMENT ORDINANCE.

*Notice of Application for Licence.*

Notice is hereby given, that I.....residing in.....Street, in.....do intend to make application to the Director of Public Works on the.....day of.....for a licence to establish\* upon the premises belonging to.....situated in.....Street in the City of Freetown and numbered.....in the plan of town lots.†

\*[A foundry, or as the case may be.]

†[If lot is numbered.]