REGLEMENTS MUNICIPAUX

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CONSEIL
Règlements municipaux
Imprimés
Collection principale

REGLEMENT MUNICIPAL no 14
21 avril 1841

1841 Règlement définissant les fonctions de l'ingénieur des grandes routes et des ponts et chaussées.

Amendé par le règlement 50

Archives de la Ville de Montréal

CORPORATION OF MONTREAL

BY-LAW of the Council of the City of Montreal regulating the duties of the Surveyor of Highways,Streets and Bridges.-

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The Mayor,Aldermen and Citizens of the City of Montreal duly assembled in Council,at the City Hall,in the City of Montreal,on the twenty first day of April in the year of Our Lord One thousand eight hundred and forty one,by virtue of the authority vested in them,in and by an Ordinance of the Governor of the late Province of Lower Canada and the Special Council for the Affairs of the said Province,made and passed in the fourth year of Her present Majesty's Reign, intituled:"An Ordinance to incorporate the City and Town of Montreal" and also by another subsequent Ordinance of the said Governor and Special Council made and passed in the fourth year of Her said Majesty's Reign and intituled:"An Ordinance to amend the Ordinance to incorporate the City and Town of Montreal"

DO ORDAIN AND ENACT and it is hereby ordained and enacted--

Section 1--- That the Surveyor of Highways,Streets and Bridges shall be principal Overseer of all streets,squares, lanes,roads,highways and bridges and common sewers and all other public works and places over which the City Corporation has the right of supervision or control.--

Section 2--- And be it further ordained and enacted that it shall be the duty of the said Surveyor to examine and determine from time to time whether any and what repairs or improvements may be necessary and can be made to any of the

Archives de la Ville de Montréal

Streets,squares,lanes,roads,highways,bridges and common sewers within the limits of the said City and all other improvements whatsoever that may be conducive of general advantage and to report the same to the Council together with the best mode of effecting such repairs and improvements.--

Section 3---- And be it further ordained and enacted that it shall be the duty of the said Surveyor to enquire into the subject matters of all applications to the Council in relation to opening,making,repairing or in anywise altering or improving any streets,public squares,lanes,highways,bridges and common sewers and all other such works within the City limits and to report to the Council all the particular circumstances of each such application and if deemed necessary to submit surveys or plans of the alterations or improvements thereby proposed or intended.--

Section 4---- And be it further ordained and enacted that it shall be the duty of the said Surveyor to examine and oversee all public buildings or works during the progress of erecting,altering or repairing the same and of all works under the authority of the Council for improving or altering streets,squares,lanes,highways and common sewers in the City and to enforce the observance of all contracts for the execution of works undertaken for or on behalf of the said Corporation.--

Section 5--- And be it further ordained and enacted that it shall be the duty of the said Surveyor to take charge of all the real estate of the Corporation and to report all encrochments thereon,as also upon any street,square, lane, highway and bridge or other public work within the limits of the City.--

Section 6--- And be it further ordained and enacted that it shall be the duty of the said Surveyor to report to

Archives de la Ville de Montréal

the Council at the quarterly meeting in december or oftener if required upon the state of the paid property belonging to the Corporation,upon the state of all public works or improvements in progress and upon the state of the streets,squares,lanes,roads,highways,bridges,drains and common sewers within the limits of the City.--

Section 7--- And be it further ordained and enacted that it shall be the duty of the said Surveyor to order the removal of all rubbish,stones,timber,goods and other materials with which any public sidewalk,street,square,lane, road,highway,bridge or other public property in the City may be encumbered or obstructed(and if such encumbrances and obstructions) are not removed by the owner,occupant,person or persons occupying or having charge of any house,building,lot,garden or field in front of which such encumbrances or obstructions may be found,or by any other person or persons after due notice so to do by the said Surveyor,then it shall be the duty of the said Surveyor to cause the same to be carted or removed to a suitable place of deposit provided by the Corporation for such purposes,and further if after such removal they are not immediately paid by the person or persons claiming property in the articles and things thus removed,all the costs and charges incurred by such removal and the amount of the penalties imposed by the Bye Laws of the Corporation,then the said Surveyor shall cause all articles thus removed (they may be of sufficient value to warrant such a proceeding) to be publicly advertised by the public Crier of the City at the usual places during three days consecutively and by him sold after such public advertisement,and so much of the proceeds of such sale shall be retained by the said Surveyor for the use of the City as shall be sufficient to pay the penalty imposed by the Bye Laws of the Corporation and the expenses of such removal and sale and the balam-

Archives de la Ville de Montréal

balance if any of the proceeds of such sale shall be paid to such person or persons as shall exhibit satisfactory proof of the ownership of such articles and things sold as aforesaid,and the said Surveyor shall account with the City Treasurer for his receipts and disbursements caused by or arising out of such removal and sale.--

Section 8--- And be it further ordained and enacted that in all cases in which it shall be necessary for the said Surveyor to give notice to any proprietor,occupant or person being in charge of any house,lot,field or garden within the limits of the City respecting the making,altering or repairing of any sidewalk,street,square,lane,highway,bridge, drain or common sewer,or respecting the removal of any encumbrance or obstruction whatsoever in front of or connected with such house,lot,field or garden,such notice to be by him given shall be printed or written and served either personnally upon the proprietor,occupant or person having charge of any such house,lot,field or garden as aforesaid or be left at his,her or their domicile,office or place of business.--

Section 9--- And be it further ordained and enacted that the said Surveyor shall have power to appoint a fit and proper person to be his deputy (such appointment being subject nevertheless to the approval of the Council) ,which said deputy shall assist the said Surveyor in the discharge of the duties appartaining to his office,and in the event of the sickness or absence of the said Surveyor,the said deputy shall become invested with all the powers and it shall be competent for him to discharge all the duties of the said Surveyor during such absence or sickness.--

Section 10---- And be it further ordained and enacted that it shall be lawful for the said Surveyor or his deputy to place when necessary proper guards or obstructions across

Archives de la Ville de Montréal

any street,lane or road ordered to be paved, macadamized or anywise altered or improved,for the purpose of preventing such improvements or alterations being impeded or subjected to use before fully completed,provided that in all cases, where required a passage be left for foot passengers,and three days notice of such obstructions being about to be placed be given by written or printed notices put up in at least three of the most conspicuous places in the street or road to be macadamized,altered or improved,and provided also that the said Surveyor shall not stop or obstruct more than the space of one block or intersection of any street or road at the same time.--

Section 11--- And be it further ordained and enacted that in all contracts for the cutting down and levelling of any road or street or for the making of large excavations for drains or common sewers which cuts or excavations might prove dangerous to passengers,it shall be the duty of the said Surveyor or his deputy to have a covenant inserted whereby the contractors for all such work shall be bound to erect at their own expense a sufficient fence or rail along the places so cut down or excavated and also during night to place when deemed necessary by the said Surveyor a light or lights in such a manner as to prevent danger to passengers,the said fence or rail,light or lights to be continued till the completion of the work.--

Section 12--- And be it further ordained and enacted that it shall be lawful for the said Surveyor to permit by a written instrument under his hand any proprietor,occupant,agent or builder of any house or lot in the City to make or construct any drain or sewer for any cellar,yard or other place leading into any of the public or common sewers or drains, provided that nothing be done contrary to the Bye Laws of the Corporation in that respect,and that Five shillings be

Archives de la Ville de Montréal

paid to the said Surveyor for the use of the Corporation for every such written instrument.--

Section 13--- And be it further ordained and enacted that it shall be the duty of the said Surveyor to keep records of all his proceedings in proper books with indices thereto,which books shall be at all times open to the inspection of any member of the Council.--

Section 14---- And be it further ordained and enacted that it shall be the duty of the said Surveyor or his deputy to permit in all cases where it may be necessary materials for building,rebuilding or repairing an edifice,wall or fence to be placed on any public square,street,lane or road opposite where such edifice,wall or fence may be about to be erected or repaired whitin a certain space to be designated by the said Surveyor.--

Section 15--- And be it further ordained and enacted that it shall be the duty of the said Surveyor or his deputy to employ cabmen to remove all the manure,rubbish and dirts from the streets in the City and to report weekly to the Council all infractions to the Bye Laws relating to the sweeping,cleaning or obstructing of the streets,squares, lanes or highways.--

Section 16---- And be it further ordained and enacted that it shall be the duty of the said Surveyor to have charge and care of all carts and implements belonging to the Corporation and to keep the same in good order.--

Section 17--- And be it further ordained and enacted that it shall be the duty of the said Surveyor when required by any person wishing to build or rebuild any edifice,house, wall or fence on his,her or their property bounded by any public street,square,lane or road,to survey,mark or run by pickets or otherwise the line of such street,square or road and draw up a "procès-verbal" of such survey,the

Archives de la Ville de Montréal

original of which he shall keep in his Office and deliver a copy thereof to the proprietor or person requiring such survey,within four days after such survey shall have been completed,for which procès-verbal he shall receive a sum of Ten shillings for the use of the Corporation.--

Section 18---- And be it further ordained and enacted that it shall be the duty of the said Surveyor to render to the said Council when required an account of all expenditures by him made connected with the cleaning of the streets and of all monies by him received for the use of the Corporation.--

Section 19--- And be it further ordained and enacted that it shall be the duty of the said Surveyor or his deputy to observe and fulfil all orders and instructions which the Council or any Committee thereof may give him touching the performance of any of his duties.--

Section 20--- And be it further ordained and enacted that the overseers of all highways, streets and bridges shall be under the immediate direction or control of the Surveyor of Highways,Streets and Bridges and shall obey all his lawful commands.--

PETER McGILL,

Mayor.

Archives de la Ville de Montréal

IERE SERIE

Réglement numéro 14 21 avril 1841
Amendé par le réglement no 50

CORPORATION OF MONTREAL.

BYE-LAW OF THE COUNCIL OF THE CITY OF MONTREAL,

Regulating the Duties of the Surveyor of Highways, Streets, and Bridges.

THE MAYOR, ALDERMEN, and CITIZENS of the CITY OF MONTREAL, duly assembled at Council at the City Hall, in the City of Montreal, on WEDNESDAY, the TWENTY-FIRST day of APRIL, in the Year of our Lord One Thousand Eight Huudred and Forty-One, by virtue of the authority vested in them, in and by an Ordinance of the Governor of the Province of Lower Canada, and the Special Council for the affairs of the said Province, made and passed in the fourth year of Her Majesty's Reign, entituled "An Ordinance to Incorporate the City and Town of Montreal," and also by another subsequent Ordinance of the said Governor and Special Council, made and passed in the fourth year of Her said Majesty's Reign, and entituled "An Ordinance to Amend the Ordinance to Incorporate the City and Town of Montreal," DO ORDAIN and ENACT, and it is hereby ORDAINED and ENACTED—

Sec. 1.—That the Surveyor of Highways, Streets, and Bridges, shall be principal Overseer of all Streets, Squares, Lanes, Roads, Highways, Bridges, and Common Sewers, and all other public works and places, over which the City Corporation has the right of supervision or control.

Sec. 2.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor to examine and determine, from time to time, whether any, and what repairs or improvements may be necessary, and can be made, to any of the Streets, Squares, Lanes, Roads, Highways, Bridges, and Common Sewers, within the limits of the City, and all other improvements whatsoever, that may be conducive of the general advantage; and to report the same to the Council, together with the best mode of effecting such repairs and improvements.

Sec. 3.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor, to enquire into the subject matter of all applications to the Council, in relation to opening, making, repairing, or in any wise altering or improving any Streets, Public Squares, Lanes, Roads, Highways, Bridges, and Common Sewers, and all other such works, within the City limits, and to report to the Council all the particular circumstances of each such application, and, if deemed necessary, to submit surveys or plans of the alterations or improvements thereby proposed or intended.

Sec. 4.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor, to examine and oversee all public buildings or works, during the progress of erecting, altering, or repairing the same, and of all works under the authority of the Council, for improving or altering Streets, Squares, Lanes, Highways, and Common Sewers, in the City, and to enforce the observance of all Contracts for the execution of works undertaken for or on behalf of the said Corporation.

Sec. 5.—And be it further Ordained and Enacted, that it shall be the duty of the said Overseer, to take charge of all real estate of the Corporation, and to report all encroachments thereon, as also upon any Street, Square, Lane, Highway, Bridge, or other public work, within the limits of the City.

Sec. 6.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor to report to the Council, at the Quarterly Meeting in December, or oftener if required, upon the state of the fixed property belonging to the Corporation; upon the state of all public works or improvements in progress; and upon the state of the Streets, Squares, Lanes, Roads, Highways, Bridges, Drains, and Common Sewers, within the limits of the City.

Sec. 7.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor, to order the removal of all rubbish, stones, timber, goods, and other materials, with which any public Side-walk, Street, Lane, Road, Highway, Bridge, or other public property in the City may be encumbered or obstructed; and, if such encumbrances and obstructions are not removed by the owner, occupant, person or persons occupying or having charge of any house, building, lot, garden, or field, in front of which such encumbrances or obstructions may be found, or by any other person or persons, after due notice to do so by the said Surveyor, then it shall be the duty of the said Surveyor to cause the same to be carted or removed to a suitable place of deposit, provided by the Corporation for such purposes; and further, if, after such removal, there are not immediately paid by the person or persons claiming property in the articles and things thus removed, all the costs and charges incurred by such removal, and the amount of the penalties imposed by the Bye-Laws of the Corporation, then the said Surveyor shall cause all articles thus removed, (that may be of sufficient value to warrant such a proceeding,) to be publicly advertised by the Public Crier of the City, at the usual places, during three days consecutively, and by him sold after such public advertisement, and so much of the proceeds of such sale shall be retained by the said Surveyor, for the use of the City, as shall be sufficient to pay the penalty imposed by the Bye-Laws of the Corporation, and the expenses of such removal and sale; and the balance, if any, of the proceeds of such sale, shall be paid to such person or persons as shall exhibit satisfactory proof of the ownership of such articles and things sold as aforesaid, and the said Surveyor shall account with the City Treasurer for his receipts and disbursements caused by, or arising out of such removal and sale.

Sec. 8.—And be it further Ordained and Enacted, That in all cases in which it shall be necessary for the said Surveyor to give notice to any proprietor, occupant, or person, being in charge of any house, lot, field, or garden, within the limits of the city, respecting the making, altering, or repairing of any side-walk, street, square, lane, highway, bridge, drain, or common sewer, or respecting the removal of any encumbrance or obstruction whatsoever, in front of, or connected with, such house, lot, field or garden, such notice, to be by him given, shall be printed or written, and served, either personally upon the proprietor, occupant, or person having charge of any such house, lot, field, or garden, as aforesaid, or be left at his, her, or their domicile, office, or place of business.

Sec. 9.—And be it further Ordained and Enacted, That the said Surveyor shall have power to appoint a fit and proper person to be his Deputy (such appointment being subject, nevertheless, to the approval of the Council), which said Deputy shall assist the said Surveyor in the discharge of the duties appertaining to his office, and, in the event of sickness or absence of the said Surveyor, the said Deputy shall become invested with all the powers, and it shall be competent for him to discharge all the duties of the said Surveyor during such absence or sickness.

Sec. 10.—And be it further Ordained and Enacted, That it shall be lawful for the said Surveyor or his Deputy, to place, when necessary, proper guards or obstructions across any street, lane or road, ordered to be paved, macadamized, or in any wise altered or improved, for the purpose of preventing such improvements or alterations being impeded or subjected to use before fully completed; Provided, that in all cases, where required, a passage be left for foot passengers, and three days notice of such obstructions being about to be placed, be given, by written or printed notices put up in at least three of the most conspicuous places in the street or road to be macadamized, altered, or improved; and provided also, that the said Surveyor shall not stop or obstruct more than the space of one block or intersection of any street or road at the same time.

Sec. 11.—And be it further Ordained and Enacted, That in all contracts for the cutting down and levelling of any road or street, or for the making of large excavations for drains or common sewers, which cuts or excavations might prove dangerous to passengers, it shall be the duty of the said Surveyor or his Deputy to have a covenant inserted, whereby the contractors for all such work shall be bound to erect, at their own expense, a sufficient fence or rail along the places so cut down or excavated, and also during night, to place, when deemed necessary by the said Surveyor, a light or lights in such a manner as to prevent danger to passengers, the said fence or rail, light or lights, to be continued till the completion of the work.

Sec. 12.—And be it further Ordained and Enacted, That it shall be lawful for the said Surveyor to permit, by a written instrument under his hand, any proprietor or occupant, agent or builder of any house or lot in the city, to make or construct any drain or sewer, for any cellar, yard, or other place leading into any of the public or common sewers or drains, provided that nothing be done contrary to the Bye-Laws of the Corporation in that respect; and that five shillings be paid to the said Surveyor, for the use of the Corporation, for every such written instrument.

Sec. 13.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor, to keep records of all his proceedings in proper books, with indices thereto, which books shall be at all times open to the inspection of any member of the Council.

Sec. 14.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor, or his Deputy, to permit, in all cases where it may be necessary, materials for building, re-building, or repairing any edifice, wall, or fence, to be placed on any public square, street, lane, or road, opposite where such edifice, wall, or fence, may be about to be erected or repaired, within a certain space to be designated by the said Surveyor.

Sec. 15.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor, or of his Deputy, to employ cartmen to remove all the manure, rubbish, and dirt from the streets in the city, and to report weekly to the Council all infractions of the Bye-Laws relating to the sweeping, cleaning, or obstructing of the streets, squares, lanes or highways.

Sec. 16.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor, to have charge and care of all carts and implements belonging to the Corporation, and to keep the same in good order.

Sec. 17.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor, when required by any person wishing to build or rebuild any edifice, house, wall, or fence, on his, ner, or their property, bounded by any public street, square, lane, or road, to survey, make, or run by pickets, or otherwise, the line of such street, square, or road, or draw up a *proces verbal* of such survey, the original of which he shall k[illegible] fice, and deliver a copy thereof to the person requiring such survey, within [illegible] such survey shall have been comple[illegible] *proces verbal* he shall receive the sum [illegible] for the use of the Corporation.

Sec. 18.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor to render to the Council, when required, an account of all expenditures by him made, connected with the cleaning of the streets, and of all monies by him received for the use of the Corporation.

Sec. 19.—And be it further Ordained and Enacted, That it shall be the duty of the said Surveyor, or of his Deputy, to observe and fulfil all orders and instructions which the Council, or any Committee thereof, may give him, touching the performance of any or all of his duties.

Sec. 20.—And be it further Ordained and Enacted, That the Overseers of Highways, Streets, and Bridges, shall be under the immediate direction and controul of the Surveyor of Highways, Streets, and Bridges, and shall obey all his lawful commands.

PETER M'GILL,

Mayor.

Archives de la Ville de Montréal