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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1916.

A BILL

To provide for the regulation of building and the setting out or disposal of land for building purposes in the city of Sydney; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title and commencement.

1. This Act may be cited as the "Sydney Building Act, 1916." It shall come into operation on a day to be proclaimed by the Governor not more than six months after its passing. Short title.

2. This Act shall apply within the city of Sydney only. So far as it relates to the erection or alteration of any building it shall bind the Crown. Application of Act.

3. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—CLASSIFICATION OF DISTRICTS.

PART III.—REGULATION OF BUILDING.

PART IV.—APPEALS.

PART V.—ENFORCEMENT OF LAW.

PART VI.—BY-LAWS.

Repeal.

4. The City of Sydney Improvement Act is repealed, and the Height of Buildings (Metropolitan Police District) Act, 1912, and Height of Buildings (Amendment) Act, 1916, are repealed as far as their application to the city of Sydney is concerned. Repeal.

5. Nothing in this Part shall affect any building in process of erection at the commencement of this Act, and any such building may be completed as if this Act had not been passed. Saving.

6. In this Act, unless inconsistent with the context or subject matter— Interpretation.

"Builder" means the person who is employed to build or to execute work on a building, or where no person is so employed, the owner of the building.

"Building" includes any structure or any part thereof. "By-law"

- “By-law ” means by-law made under this Act.
- “Classified district,” “residential district,” “factory district,” “business district,” “noxious trades district,” and similar expressions, refer to districts as classified under the provisions of this Part.
- “Council ” means the Municipal Council of the city of Sydney.
- “Erection,” “erect,” and similar expressions in relation to building, include any alteration or addition.
- “Height,” in relation to a building, means the measurement taken from the mean level at the alignment of the footway (if any) immediately in front of the face of the building, or where the building faces the footways of more than one road, taken from the mean level of the alignment of the footway which is lowest, or, where there is no footway, taken from the mean level of the ground before excavation, and extending in any case to the top of the highest portion of the building which is intended or suitable to be occupied or used by any person for any purpose : Provided that space for water tanks or reservoirs or lift or elevator machinery upon the top of a building, although intended to be so occupied, shall not, if constructed to a design approved by the council, be taken into account in determining the height of the building. cf. Height of Buildings (Metropolitan Police District) Act, 1912, s. 2.
- “Owner ” includes every person in the receipt or entitled to the receipt of the rents and profits of any land or building, whether on his own account or as agent or trustee for any other person, and in the case of buildings of the Crown the Government architect or person acting as such for the time being.
- “Party wall ” means wall used or built in order to be used as a separation of any building from any other building, with a view to such buildings being occupied by different persons.
- “ Party

Sydney Building.

“ Party fence wall ” means boundary wall or fence parting the ground belonging to different owners or occupied by different persons.

“ Prescribed ” means prescribed by by-law.

“ Public way ” means a public way as defined by the Sydney Corporation Act, 1902.

“ Sky-sign ” means any word, letter, model, sign, device, or representation in the nature of an advertisement, announcement, or direction, supported on or attached to any post, pole, standard, framework, or other support, wholly or in part upon, over, or above any building, structure, or street, such sky-sign or any part thereof being visible against the sky from any point in any public way, or from the waters of Port Jackson, and includes all and every part of any such post, pole, standard, framework, or other support.

The expression “ sky-sign ” also includes any tank rested on or supported above any building, such tanks or the supports thereof being employed wholly or in part for the purpose of any advertisement or announcement, and any balloon, parachute, or similar device employed wholly or in part for the purposes of any advertisement or announcement upon, over, or above any building or structure of any kind, or on or over any public way, but shall not be deemed to include any flagstaff, pole, vane, or weathercock, unless adapted or used wholly or in part for the purposes of any advertisement or announcement.

“ The city ” means the city of Sydney.

“ The surveyor ” means the surveyor appointed or deemed to have been appointed under this Act.

The surveyor.

7. (1) The present city building surveyor shall be the first surveyor, and shall be deemed to have been appointed by the council in pursuance of powers conferred by this Act. Subject to the above provision, the council shall appoint the surveyor, and shall within one month after the death or removal of the surveyor appoint a competent person to be his successor. (2)

Appointment of surveyor.

(2) If the surveyor dies or is suspended or removed, or is prevented by absence or illness or any other circumstance from attending to the duties of his office, the Lord Mayor shall forthwith appoint some other competent person as deputy until a new surveyor is duly appointed, or for so long a time as such surveyor is so suspended or prevented from attending to his duties, as the case may be, and thereupon such deputy shall have the powers and perform the duties of the surveyor.

PART II.

THE CLASSIFICATION OF DISTRICTS.

8. (1) The council may cause to be prepared a classification of districts within the city. Classified districts.

(2) The classification shall be in relation to the purposes for which buildings in each district may be erected or used, that is to say, for the purposes of—

- (a) residences—residential districts ;
- (b) factories or industries—factory districts ;
- (c) businesses or shops—business districts ;
- (d) noxious trades—noxious trades districts ;
- (e) any two or more of the matters mentioned in this subsection—districts for the combined purposes as specified.

(3) If the council approves a classification under this section, the council shall notify the same in the Gazette and a newspaper, and thereupon the classification shall have effect for the purposes of this Act.

(4) Any classification under this Division may be altered in manner like to that in which it was made. Any such alteration shall be a classification.

9. (1) The council may with respect to any classified district— Buildings within classified districts.

- (a) prohibit the erection in the district of any building other than a building designed and intended for the purpose of the district ;
- (b) prohibit the use of any building in the district for any purpose other than the purpose of the district.

(2)

(2) Nothing in this section shall preclude the use of any building for any purpose for which the same was used at the date when the district was classified.

PART III.

REGULATION OF BUILDING.

10. No building in the city shall be erected, altered, or used except in accordance with the provisions of this Act. Buildings generally.

11. It shall not be lawful for any person to lay out, or dispose of, or cause to be laid out or disposed of, any land in the city for building purposes without first submitting a plan showing the proposed disposition of such land, and a sketch showing the proposed drainage of such land to and obtaining the approval thereto of the surveyor, subject to appeal from the decision of the surveyor under the provisions of section twenty-nine of this Act. No land to be laid out or sold for building purposes without approval of surveyor. City of Sydney Improvement Act, s. 14.

12. The Surveyor may refuse his certificate for the erection of any building upon any land— Illegal roads, and sub-divisions.

- (a) fronting a road opened after the commencement of this Act in a manner not in accordance with the provisions of the Sydney Corporation Act, 1902, or any Act amending the same;
- (b) laid out or disposed of for building purposes after the commencement of this Act without the approval of the surveyor.

13. The surveyor may refuse his certificate for the erection of any building upon any separate parcel of land having a frontage to a pathway except— Pathway.

- (a) where the land has also a frontage to a public way at least sixty-six feet in width, measured at right angles to the course thereof from the building line on each side of such way;
- (b) where the land is vested in a public body and used for public recreation.

(NOTE.—It may perhaps be advisable to define pathway.)

14.

14. (1) No building shall be erected so that the front thereof faces any back lane. Back lane.

(2) Except as provided in this section, no residence or dwelling house shall, without the special permission of the council in writing, be erected within a distance of less than thirty-three feet from the middle line of any back lane.

(3) In the case of a building on an allotment of land—

(a) at the junction of a public way at least sixty-six feet, measured at right angles to the course thereof from the building line on each side of such way with a back lane; or

(b) having a frontage to any river or arm of the sea, provided that the river or arm is not less than sixty-six feet wide; or

(c) having a frontage to any public park or public reserve, provided that the park or reserve is not less than sixty-six feet wide,

the council may permit the erection of a building at any distance not less than ten feet from the middle of a back lane.

(NOTE.—It may perhaps be advisable to define back lane.)

15. Subject to the provisions of any by-laws as to verandahs, awnings, and the like, no building shall be erected so as to extend over or beyond the alignment of any public road. Alignment.

16. (1) The council may fix the building line for any public road. Building line.

(2) The building line for business premises if any classified district may be fixed at the alignment.

(3) The building line for dwelling houses in any residential district shall not be fixed at a less distance than forty-five feet from the middle line of the road.

(4) No building shall be erected between the building line and the alignment.

17. Every building erected on land within the city shall be constructed with due regard to the levels fixed in accordance with law of the roads to which the land has frontage. Levels.
cf. Municipal Corporation Act, 1908, s. 185 (N.Z.)

18.

Connections under or over public ways.

18. No person shall, without the consent of the council, construct or cause to be constructed under or over any public way anything whatsoever to connect buildings or premises on opposite sides of such way; and no person shall, without the consent of the council, excavate or cause an excavation to be made under any public way in the city.

Constructions on, under, or over public ways.

Height of buildings.

19. (1) A building which is not exclusively used for purposes of public worship, or is not a chimney stack or sewer ventilator, shall not be erected or increased to a greater height than—

Height of Buildings Act, 1912, s. 4.

- (a) one hundred and fifty feet in any case;
- (b) seventy feet without the special approval of the council:

Provided that in the case of any building exceeding seventy feet in height, the chief officer of fire brigades shall first certify to the council that adequate provision has been made in respect of the building for protection against fire.

(2) Subsection one of this section shall not apply to—

- (a) the erection or increase in height of any building as sanctioned by the city building surveyor of the Municipal Council of Sydney before the fifth day of November, one thousand nine hundred and twelve, or to the rebuilding of any such building to the height as so sanctioned; or
- (b) the rebuilding to the same height as at the tenth day of December, one thousand nine hundred and twelve, of a building then existing and completed.

Applications, plans, and specifications.

20. A building shall not be erected or altered, land laid out, or sold for building purposes, unless the certificate of the surveyor is obtained therefor beforehand.

Certificate of surveyor.

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21. (1) Application for the certificate of the surveyor shall— Application.

- (a) be made by the builder or owner or his architect in the prescribed manner;
- (b) be accompanied by two copies of such plans or plans and specifications as may be prescribed;
- (c) be accompanied by the prescribed fee.

(2) One copy of such plans or specifications shall become the property of the council, but shall not be used for any purpose other than giving effect to the provisions of this Act or of any Act relating to local government or public health. Plans and specifications.

(3) Any plans or plans and specifications may within seven days of receipt by the surveyor be returned by him if they are not clear and easily legible, or if they do not contain sufficient information, and in such case the application shall be deemed to have been made on the day when plans or plans and specifications free from those defects are lodged with the surveyor. Illegible or incomplete plans or specifications.

(4) Section fifty-three of the Police Offences Act, 1901, shall not apply to the city. Police Offences Act, 1901.

22. The surveyor shall consider each application and the plans or plans and specifications accompanying it, and may subject to the provisions of this Act grant or refuse his certificate : Provided that— Duty of surveyor.

- (a) the application and plans or plans and specifications may at any time before the grant or refusal be modified in such manner or respects as the surveyor may approve; and
- (b) the surveyor shall not grant his certificate unless he is satisfied that a building erected in accordance with the application plans or plans and specifications, or any modifications thereof which he approves, would be in accordance with the provisions of this Act and the by-laws thereunder.

23. (1) If before or during the construction of any building it is desired to make any addition to the building other than as shown in the approved plans or plans and specifications in respect of which the surveyor has granted his certificate, or to vary, add to, or omit any particulars Additions or variations.

particulars shown or mentioned in any such plans or plans and specifications in any of the following respects, that is to say, in respect of—

- (a) the thickness or the material composing any foundation, or wall, or structure sustaining the weight of any wall; or
- (b) any fire-proof construction, or any means of escape from fire; or
- (c) any other particular materially affecting the stability of the building,

application for that purpose, giving the particulars prescribed, shall be made by the builder or the owner or his architect to the surveyor, who may grant or refuse his certificate as in the case of an original application.

(2) The surveyor may require any approved addition or variation or omission to be shown and mentioned on the plans or plans and specifications and in the copies thereof in the hands of the council before granting his certificate for the addition or variation or omission.

24. (1) Where under any other Act it is necessary, before erecting, constructing, or altering a building to obtain the approval or certificate of any public authority, other than the council or the surveyor, it shall not be necessary for any application to be lodged under such other Act, but the council or the surveyor shall refer the application, plans, and specifications lodged under this Act, or a copy thereof, to such other authority, and shall not approve or grant a certificate unless and until the provisions of such other Act have been complied with.

Method of obtaining approval of other authorities

(2) This section shall not extend to any application required by any Act to be made to any court.

25. Any certificate or approval given under this Division, or under any by-laws made thereunder, shall be void if the building work to which it refers is not substantially commenced within twelve months after the date of the certificate.

When certificate or approval lapses.

26. (1) The council may either generally or in any particular case prohibit the use or occupation, without its completion.

Use of building before completion.

its permission, of any building until it has been completed in accordance with the approved plans and specifications.

(2) Application for permission under this section shall be made as prescribed.

(3) The council may grant or refuse permission, or may grant permission subject to conditions, as it may deem proper in the circumstances of the case.

Powers of the surveyor.

27. (1) Every building in course of construction or alteration shall be under the supervision of the surveyor. Powers and duties of surveyor.

(2) For the purposes of this section the surveyor shall survey the building, and cause the provisions of this Act and the by-laws to be duly observed.

Theatres and Public Halls Act.

28. Nothing in this Act, except the power of inspection, shall apply to the construction of a theatre or public hall to which the provisions of the Theatres and Public Halls Act, 1908, apply, or to any addition or alteration to the same, if application has been duly made under the said Act for the approval of the Minister to such construction, alteration, or addition. Theatres and halls exempted.

PART IV.

APPEALS.

29. (1) Subject to the provisions of this Act, any applicant under this Act who deems himself aggrieved by any decision or delay of the surveyor may appeal to the Sydney Court of Quarter Sessions. Appeal to Sydney Court of Quarter Sessions.

(2) The appeal may be—

- (a) against the refusal of a certificate;
 - (b) against delay in any case where notice of the grant or refusal of a certificate has not been given to the applicant within the period prescribed by by-law.
- 3.

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(3) The appeal shall be made within the time and in the manner prescribed by by-law.

(4) Such court may make such order with respect to the matter the subject of the appeal and to the costs of the appeal as having regard to the public interest and the circumstances of the case it may think just.

(5) All orders of such court shall have the force and effect of orders and decrees of the Supreme Court of New South Wales in its equitable jurisdiction. On the filing in the equity office of the Supreme Court of either an office copy of any such order or a certificate of the clerk of the peace as to the making of any such order, further proceedings to enforce such order may be taken in the equity jurisdiction of the Supreme Court in the same way as may be done in the case of orders and decrees made in such last-mentioned jurisdiction.

PART V.

ENFORCEMENT OF LAW.

30. Where any building after the coming into force of this Act or of any by-law under this Act is partly or wholly erected, built, or constructed contrary to the provisions thereof—

(a) the surveyor may give to the owner or builder or leave upon the site of the building two clear days' notice in writing directing the owner or builder to bring the same into conformity with this Act or the by-law, or may require the pulling-down or removal of the building; and

(b) if default is made in compliance with such notice, and notwithstanding the imposition or recovery of any penalty, the council by its servants may enter upon the same and the site thereof with a sufficient number of workmen and demolish and pull down the same or any part or parts thereof, and do any other act necessary for the purpose, and remove the materials thereof to some convenient place.

31.

Powers of court.

Power of council in case of breach of law.

cf. Municipal Corpns. Act, 1908, s. 496 (N.Z).

See also cl. 546.

31. Where in pursuance of this Act or any by-law the surveyor lawfully orders or directs any person to perform any work or do any act or thing, and such person fails to perform such work or do such act or thing as and when so ordered or directed, the council may cause such work to be performed or such act or thing to be done, and may in any court of competent jurisdiction recover from the said person the expenses so incurred as a debt due to the council.

Enforcement
of orders.
cf. s. 207,
L. G. Act,
1906.

32. (1) If any person does or causes to be done any work in connection with the erection or alteration of a building without the certificate of the surveyor under this Act, he shall be liable to a penalty not exceeding *fifty* pounds and a further penalty not exceeding *ten* pounds for each day during which such work is done after notice from the surveyor.

Penalties.

(2) If any person, in the course of the erection or alteration of any building as to which a certificate has been granted by the surveyor under this Act—

(a) makes any addition to any building other than as shown or mentioned in the plans and specifications in respect of which the certificate was granted; or

(b) varies, adds to, or omits any particulars shown or mentioned in the plans and specifications in respect of which the certificate was granted, in any of the following respects—

(i) the thickness or the material composing any foundations or walls or any structure sustaining the weight of any wall;

(ii) any fire-proof construction, or any means of escape from fire;

(iii) any other particular materially affecting the stability of the building which may be prescribed by the by-laws,

without the certificate of approval in writing of the surveyor, he shall be liable to a penalty not exceeding *fifty* pounds.

33. (1) If any person erects or increases, or causes to be erected or increased, the height of any building in contravention

Penalties.
Height of
Buildings
Act, 1912,
s. 5.

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contravention of this Act, or otherwise contravenes any of the provisions of this Act relating to the height of buildings, he shall be liable to a penalty not exceeding *fifty* pounds.

(2) The magistrate before whom any person is convicted under this section may further order that the defendant shall, within a time to be fixed by the order, take down and remove any part of the building in respect of which the contravention has occurred.

(3) If the defendant neglects to comply with the order, he shall be further liable to a penalty not exceeding *fifty* pounds for every day during which the neglect continues.

(4) Penalties under this section may be recovered before a stipendiary magistrate.

34. (1) Where the surveyor with lawful authority pulls down or demolishes any building or part of a building he may sell the materials thereof, or so much of the same as is pulled down, and apply the proceeds of such sale in or towards payment of the expenses incurred in respect of such building, and the council shall pay any surplus arising from such sale to the owner of such building on demand.

Power to sell materials.
S.C. Act, 1902, s. 85.

(2) The council shall have the same remedies for compelling payment of so much of the said expenses as remain due after application of such proceeds as for compelling payment of the whole amount.

35. Any person who lays out or disposes of or causes to be laid out and disposes of any land in the city for building purposes without first obtaining the approval of the surveyor as provided by this Act, shall be liable to a penalty not exceeding *fifty* pounds.

Penalty for laying out or disposing of land for building without approval.

36. Any person without the consent of the council as provided in this Act who constructs or causes to be constructed under or over any public way, anything whatsoever to connect buildings or premises on opposite sides of such way, without the consent of the council, as so provided, or excavates or causes an excavation to be made under any public way in the city, shall be liable to a penalty of *one hundred* pounds and a further penalty of

Penalties. Constructions on, under, or over public ways.

of

of *two* pounds for every day during which any such thing shall be or remain constructed or partly constructed or during which such excavation shall remain not perfectly filled in and restored as the case may be.

PART VI.

BY-LAWS.

37. The council may make by-laws for carrying this Act into effect, and in particular for and with respect to—

- (a) applications for a certificate of the surveyer;
- (b) the form and contents of plans and specifications;
- (c) the division of buildings into classes;
- (d) the proportion of the site to be covered by any building, and the provision of open spaces and light areas about buildings;
- (e) the drainage ventilation lighting and healthiness of buildings;
- (f) the design materials stability building line and height of buildings;
- (g) the size height and lighting of rooms in buildings;
- (h) the conditions to be complied with before the certificate of the chief officer of fire brigades is given under section nineteen of this Act, and fixing the fees which may be made for permits and certificates under this Act;
- (i) fire prevention and fire escapes in buildings, including the provision and closing of fire shutters;
- (j) the position of the building or any out-building or office in relation to other buildings or to the boundaries of the site;
- (k) the position of the building in relation to the sky-line;
- (l) the architectural harmony of the building in relation to the neighbouring or adjoining buildings;
- (m)

- (m) the control and regulation of buildings balconies verandahs awnings and structures of every kind abutting on or extending over any public place, and any projections over any building line or over the land of an adjoining owner ;
- (n) the erection of party walls and party fence walls, and the alteration or rebuilding of existing party walls (including in each case the position design materials stability thickness and height of the wall or fence wall, as the case may be) ;
- (o) fixtures attached to and projections from the outside of buildings ;
- (p) defining the respective rights duties and obligations of owners and occupiers of adjoining buildings or lands in relation to external walls, party walls, party fence walls, jambs, flues, or recesses in walls or chimneys on the line of junction, and providing for the recovery by an owner from an adjoining owner of a fair proportion of the cost of the erection or alteration of such walls, jambs flues, recesses, or chimneys ;
- (q) preventing the making of openings in external walls of a building abutting on the lands of other owners without the consent of such owners ;
- (r) the minimum area of land upon which any building to be used as a private residence may be erected ;
- (s) the conveniences to be provided in dwelling houses ;
- (t) preventing building on flooded or unhealthy land ;
- (u) requiring and regulating the enclosure of unenclosed land by suitable walls or fences ;
- (v) requiring licensing and regulating the erection maintenance and use of hoards and fences on public places for the protection of the public during building operations ;

See N.Z. M'pal Corpns. Act, 1908, s. 495.

cf. N.Z. M'pal Corp. Act, 1908, s. 494.

cf. N.Z. M'pal Corp. Act, 1908, s. 193.
cf. Syd. Corp. Act, 1902, s. 90.

(w)

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- (w) permitting licensing and regulating the en-
closure and use of portion of any public place cf. Syd. Corp. Act, 1902, s. 93.
for the erection of scaffolding, depositing of
building materials, or carrying out of opera-
tions necessary to the erection of buildings on
the land adjoining such public place ;
 - (x) excavations ;
 - (y) the demolition of existing buildings ;
 - (z) underpinning and shoring of adjoining
buildings ;
 - (aa) authorising the city architect to order the
pulling down, opening, or cutting into any
work for the purpose of facilitating inspection
where the city architect has reason to believe
or suspect that anything has been done in
contravention of this Act, or of the by-laws ;
 - (bb) the securing or the demolition of ruinous or
dangerous buildings or walls ;
 - (cc) preventing the use or occupation of any
building erected or altered otherwise than in
accordance with this Act, or the by-laws
hereunder ;
 - (dd) providing for the alteration and repair of sky-
lights and roof lights on existing buildings ;
 - (ee) regulating or prohibiting the erection of any
structure of calico or canvas or any other cf. L. G. Act, 1906, s. 109.
textile material ;
 - (ff) the testing of building materials ; and
 - (gg) requiring the making of provision for the
safety of window cleaners ; and for that purpose
regulating the construction of windows, the
equipment of window cleaners, and the clean-
ing of windows.
 - (hh) licensing, regulation, and control of hoardings
erected on or within the building line and of
signs and advertisements now or hereafter
painted on or affixed to such hoardings ;
 - (ii) the regulation and control of the division or
subdivision of land for the purpose of sale or
building ;
 - (jj) regulating the stocking or storing of timber,
firewood, casks, or barrels ; (kk)

- (kk) the licensing, regulation, and control of sky signs now or hereafter erected and signs or advertisements now or hereafter painted on or affixed to any portion of a building ;
- (ll) the appointment, powers, and duties of the surveyor ;
- (mm) generally the carrying out of the provisions of this Act and the enforcing and securing of the observance thereof.

NOTE.—It is doubtful whether the provisions of paragraphs (gg), (hh), (jj), and (kk) should be retained in the bill. If they are, however, the title of the bill will require alteration.

38. Any such by-law may provide—

- (a) that the whole or any portion thereof shall apply to any specified class or classes of buildings, or to special, temporary, or wooden buildings ; Additional provisions re by-laws. cf. N.Z. Mpal. Corp. Act, 1908, s. 495.
- (b) for dispensing upon such terms as the council thinks fit with any of the requirements thereof which are inapplicable, or in the opinion of the council or of the proper servant inappropriate, and where the objects of the by-law can be obtained by the adoption of any other suitable means ;
- (c) for the conditions under which buildings of one class may be in whole or in part converted into buildings of another class.
- (d) for the practice and procedure in respect to applications, notices, orders, permits, licenses, and matters arising under the by-law ;
- (e) for the entry by a building owner, his servants, agents, or workmen, on any premises at reasonable hours for the execution of any work or the doing of anything which he is required by the by-law to execute or do ;
- (f) for the powers and duties of the council's servants and workmen under the by-law ;
- (g) for the entry upon and inspection of any land or buildings by the surveyor or any of the council's servants or workmen ;
- (h)

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- (h) for a penalty fixed by the council for any offence against any such by-law not to exceed *fifty* pounds, and in the case of a continuing offence not to exceed *five* pounds for every day during which such offence continues ;
 - (i) where any such by-law relates to the licensing of any person or thing for the payment of fees for such licensing and the amount of such fees ;
 - (j) generally for carrying into effect the purposes of the by-law.

39. The provisions of subsections two, three, and four of section two hundred and one of the Sydney Corporation Act, 1902, as to by-laws made under the authority of that Act shall, except as to the amount of the penalty, apply to by-laws made under the authority of this Act.

40. The amount of any penalties recovered in proceedings under this Act or the by-laws thereunder shall be paid to the city fund.
