

**LAWS OF FRANCE, 1919; TOWN
PLANNING AND REPARATION
OF DAMAGES CAUSED BY THE
EVENTS OF THE WAR**

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NATIONAL CIVIC FEDERATION

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EVENTS OF THE WAR**

LAWS OF FRANCE

1919

TOWN PLANNING

AND

REPARATION OF DAMAGES

CAUSED BY THE EVENTS OF THE WAR

TRANSLATION BY

ROSCOE POUND, Ph. D., LL.D.

DEAN, HARVARD LAW SCHOOL

October, 1919

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TO VINDI
AMBROLIA

FOREWORD

In the belief that the French laws on town planning and the reparation of recent war damage, both of which became effective last spring, would be of direct interest and value to considerable numbers of American citizens, we have concluded to publish separately as addenda to the Report of our Foreign Commission on Industrial Inquiry* translations of these two laws by Dr. Roscoe Pound, Dean of the Harvard Law School. These translations, expressed as far as possible in American legal phraseology, should prove of direct value to any Americans who are interested in the general subject of town planning or who have a desire or intention to participate in any way in the rehabilitation of French industries and homes. We take this opportunity to extend our sincere thanks to Dean Pound for his generous and expert assistance.

CHARLES MAYER, *Chairman.*

ANDREW PARKER NEVIN.

JAMES W. SULLIVAN.

ALBERT FARWELL BEMIS.

E. A. QUARLES, *Secretary.*

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I.

TOWN PLANNING LAW

ENACTED MARCH 14, 1919.

ARTICLE 1. Without prejudice to the general plan of street and building lines and levels imposed upon all communes by Article 136, Par. 13 of the Statute of April 5, 1884, every city of 10,000 inhabitants and upwards is required to have a *projet* for relaying, improvement and extension [that is, of streets, ways, squares, etc.]

This *projet*, which must be drawn up within not less than three years from the promulgation of the present statute, is to include:

1. A plan fixing the direction, the size and the character of the ways to be laid out or modified, determining the site, the extent and the arrangement of squares, public gardens, playgrounds, parks and different open spaces, and indicating the reserved woodlands to be left in their natural condition as well as the sites intended for monuments and public buildings;

2. A programme fixing the restrictions hygienic, archaeological and aesthetic, as well as the other conditions relating thereto, and particularly the open spaces to be reserved, the height of buildings, as well as the provisions with respect to distribution of drinking water, the system of drains, the disposition of garbage, and if required the drainage of the soil;

3. An order of confirmation by the Mayor with the advice of the Municipal Council governing the conditions of application of the measures prescribed in the plan and the programme.

The same duties are imposed:

1. On all the communes of the Department of the Seine;
2. On towns of less than 10,000 inhabitants and more than 5,000 inhabitants, the population of which has increased more

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than 10 per cent. in the interval between two consecutive quinquennial censuses;

3. Upon bathing resorts, seaside resorts, watering places, health resorts and other pleasure resorts, the population of which, which gives them their importance, increases 50 per cent. or more at certain periods of the year;

4. Upon settlements [literally groups of houses—that is, small neighborhood places] the importance of which is in their picturesque or artistic or historic character, which are officially entered on a list required to be drawn up by the departmental commissions of natural sites and monuments provided for by the statute of April 21, 1906 [this law provides for a commission on historic, picturesque and artistic sites in each department of France];

5. Upon groups of houses or lodging places built up or developed by associations, companies or individuals [that is, where any company or association or individual erects a group of houses or lodgings for the workmen in some enterprise which it or he is conducting].

ARTICLE 2. When a settlement whatever the number of its population has been wholly or partially destroyed by the events of war, by fire, by earthquake or by any other catastrophe, the municipality is bound to cause to be drawn up within three months a general plan of street and building lines and levels for the parts which are to be rebuilt as provided for by the statute of April 5, 1884, together with a summary sketch of the *projet* of relaying, improvement and extension provided for in the first article of the present statute.

An order of the prefect made with the advice of the commission constituted by article 4 of the present statute shall decide whether the settlement shall be restored according to the lines on which it was formerly laid out, and shall fix the period of grade [that is before the new lines are to be adhered to].

Until the plan of street and building lines and levels has been approved no building except provisional shelters shall be effectual to give the builder legal rights without the authority of the prefect given upon the advice of the commission constituted under article 4 of this statute.

ARTICLE 3. The cost of the plans and *projets* provided for by the preceding articles are to be a state charge with respect

to the communes referred to within the purview of article 2 above, notwithstanding the principle laid down by article 136, par. 13, of the statute with respect to municipalities of April 5, 1884.

The same rule shall apply to settlements within the purview of paragraph numbered 4 of the enumeration contained in article 1 of the present statute.

In the case of other communes subventions may be granted by the decision of the Minister of the Interior rendered upon application of the prefect of the department and charged upon the credits entered under this item in the budget of the Minister of the Interior. They are to be made in a proportion to be fixed by a decree made in the form prescribed for regulations of public administration. [This refers to administrative decrees prescribing rules and regulations such as we are becoming familiar with in this country and which have long been known in France.]

ARTICLE 4. In the prefecture of each department a commission to be presided over by the prefect or his representative is hereby constituted which shall be styled "The departmental commission for relaying and extension of cities and villages." The commission shall be composed of the departmental council of hygiene, of the departmental commission of natural sites and monuments, of the departmental commission of civil buildings and of four mayors appointed by the general council.

This commission shall give hearings to the delegates of societies of architecture, of art, of archaeology, of history, of agriculture, of commerce, of industry and of sport, and to representatives of transportation companies in the department as well as the mayors of cities or communes interested and the representatives of different public services of the state which it thinks ought to be brought together for the purpose or who request an opportunity to present their views. It may add to its number secretaries who shall have a deliberative voice in the affairs which they report. [I have used the word "secretary" here for "*rapporteurs*" because of the analogy of the secretary of commissions and boards in this country. No English word will give exactly the idea. Persons with special information in particular lines who can make reports to the commission with respect to

those lines are to be added in the discretion of the commission and are to have a voice in the deliberations of the commission when the subjects in question are before it. Perhaps "expert" might be better but there is no requirement that these rapporteurs be experts. I should suspect that it would be best to use the word "*rapporteur*" and then put in an explanation of what is meant by way of commentary.]

Each commission shall bring together all the necessary documents required to facilitate the commune in the preparation of their *projets* and to guide them.

It shall give its advice:

1. With respect to the *projets* drawn up by the municipalities;
2. With respect to the departures from the principles laid down by the superior commission instituted under article 5 of this law which may be required because of special difficulties or local needs.
3. With respect to the aesthetic or hygienic servitudes resulting from the *projets* which are submitted to it. [That is, as we should say, the easements to which property in the municipality ought to be subjected on aesthetic or hygienic grounds in carrying out the *projets*.]
4. With respect to all matters which the prefect considers it useful to submit thereto.

ARTICLE 5. A superior commission on relaying, improvement and extension of cities under the presidency of the Minister, or of his delegate, and the vice-presidency of the Minister in charge of liberated regions, or his delegate, is hereby constituted in the Ministry of the Interior and is to be made up as follows:

Two senators elected by the Senate;

Four deputies elected by the Chamber of Deputies;

Two Councillors of State in the ordinary service designated by their colleagues;

Four Mayors of whom three are to be designated by the Minister of the Interior and one by the Minister in charge of liberated regions, of whom two shall represent communes of from 20,000 to 50,000 inhabitants and two communes of more than 50,000 inhabitants;