

Wellington City Sanitation Loan Empowering Act 1892

Local Act 1892 No 2
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An Act to empower the Mayor, Councillors, and Citizens of the City of Wellington, a Corporation constituted under the Provisions of The Municipal Corporations Act 1886, to raise certain Moneys by way of Special Loan for Sanitation and other Purposes, and to make Provision as to other Matters.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

The Short Title of this Act is The Wellington City Sanitation Loan Empowering Act 1892.

2 Interpretation

In this Act, unless inconsistent with the context,—

City shall mean the borough of the City of Wellington, including any extensions thereof to be hereafter made

Corporation shall mean the Mayor, Councillors, and citizens of the City of Wellington

Council shall mean the Council of the City of Wellington

The said Act shall mean The Municipal Corporations Act 1886.

Part 1

Council may raise special loans for certain purposes

3 Council may raise special loans

The Council may raise by way of special loan, under the provisions of Part 9 of the said Act, a sum not exceeding three

hundred and thirty thousand dollars, to be appropriated to the respective purposes set forth in section six hereof:

Provided always that the provisions of section four hereof shall apply to every poll taken under the authority of this Act, in substitution for the provisions of section one hundred and eighty-two of the said Act.

The reference to “three hundred and thirty thousand dollars” was substituted, as from 10 July 1967, for a reference to “one hundred and sixty-five thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

4 Majority required to carry proposal

If a majority of the votes given upon the taking of any poll under the authority of this Act shall be in favour of the proposal upon which the poll shall be taken, then and in such case the said proposal shall be deemed carried, and the Council may proceed with such proposal accordingly; but if not, then the said proposal shall be deemed rejected.

5 Proviso as to number of polling-booths

Any poll taken under the authority of this Act may be taken at polling-booths situate within the city, at such convenient places as the Returning Officer shall appoint, anything in subsection three of section one hundred and eighty-one of the said Act notwithstanding.

6 Amounts to be raised, and purposes thereof

The purposes to which the money which the Council is hereby authorised to raise are to be appropriated shall be the following, that is to say:—

- (1) Any sum or sums not exceeding in the whole three hundred thousand dollars for all or any of the purposes next-hereinafter mentioned, namely:—
 - (a) The providing (in exercise of the powers given to the Council by the said Act, and of all other powers enabling it in that behalf) of an efficient system of drainage for the city, whereby the sewage and drainage of the city will be conveyed and discharged direct into the sea in Cook Strait, or be dealt with under the provisions of the next subsection.

- (b) The acquisition of lands situate outside the city convenient for the collecting, utilising, and selling of sewage-matter conveyed thereto under such system of drainage for agricultural and other purposes, or for disposing of such sewage-matter by means of fertilising, or otherwise improving the lands so acquired.
 - (c) The providing the cost of the connection of private premises situate within the city with new sewers and drains in cases where existing connections made by private owners or occupiers at their own expense will be interfered with.
 - (d) The acquisition, in connection with such system of drainage, of lands situate within or without the city, and of any rights, easements, advantages, or appurtenances in respect of any land situate within or without the city, and of any buildings, engines, machinery, and other things.
 - (e) The payment of any persons injuriously affected by reason of any of the matters or things aforesaid of such compensation as they may by law be entitled to.
 - (f) Any other purpose incidental or in relation to any of the purposes hereinbefore defined.
- (2) The repayment to the General Account of the Borough Fund of the Corporation of the sum of twenty-four thousand dollars, being moneys heretofore advanced from such account for the purpose of and expended upon permanent drainage-works within the city, in anticipation of the raising of a special loan for providing a system of drainage, which repayment the Council is hereby authorised to make.
- (3) The expenditure of a sum not exceeding six thousand dollars in making provision for depots for rubbish and refuse, and in erecting retaining-walls within the portion of the harbour which the Corporation is authorised to reclaim from the sea.

The references to “three hundred thousand dollars”, “twenty-four thousand dollars”, and “six thousand dollars” were substituted, as from 10 July 1967, for references to “one hundred and fifty thousand pounds”, “twelve thousand pounds”, and “three thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

7 Special rate may be pledged

The Council may pledge as security for the interest and sinking fund upon every or any special loan hereby authorised to be raised any special rate or special rates within the meaning of the said Act, and may by special order make and levy every special rate so pledged, in manner as in the said Act is provided. The Council may pledge a special rate exceeding in amount the estimated amount required to provide such interest and sinking fund, and shall not be required to levy more in any year during the currency of such loan than shall be sufficient to provide such interest and sinking fund, so long as such interest and sinking fund shall be punctually paid.

Part 2

Miscellaneous provisions

8 Lands may be acquired under Public Works Act, or by purchase

All lands or other property which the Council is hereby authorised to acquire may be acquired either under the provisions of The Public Works Act 1882, or by purchase.

9 Lands acquired for outfall of drainage may be leased

All or any lands acquired by the Corporation under paragraph (b) of subsection one of section six hereof for the purpose of disposing of sewage matter by means of fertilising or otherwise improving such land as aforesaid may be let or leased by the Council by public auction or public tender or private contract, as it shall deem proper, for such term or terms, and at such rent or rents, upon and subject to such terms and conditions in every respect as the Council shall think fit.

The power of letting and leasing hereby given shall be in addition to all other powers of letting or leasing for the time being conferred by law in respect of lands vested in or belonging to boroughs.

10 Lease may contain stipulation that lessee shall receive and dispose of sewage

In any lease of any lands acquired as last aforesaid, or any part thereof, the Council may stipulate that the lessee shall, on such terms and subject to such conditions in every respect as the Council shall think fit, receive all or any part of the sewage-matter discharged at such lands or at any part thereof and dispose of the same upon all or any part of such lands for fertilisation or other purposes.

11 Lands acquired for outfall deemed held under Municipal Corporations Act

Save in so far as may be inconsistent with this Act, all lands acquired by the Corporation under paragraph (b) of subsection one of section six for the purpose of disposing of sewage-matter by means of fertilising or otherwise improving the same, shall be held by the Corporation subject to the provisions of the said Act.

12 Works authorised by this Act deemed constructed under Municipal Corporations Act

All drainage-works authorised to be constructed or provided, and all land other property authorised to be acquired out of moneys to be raised under this Act, shall be deemed authorised to be respectively constructed, provided, and acquired under the provisions of the said Act, which provisions shall apply thereto accordingly; and, in particular, the Council shall, in relation thereto respectively, have all the powers, authorities, and discretions by the said Act expressly or by reference given to the Council with respect to drainage-works and land and other property acquired in connection therewith respectively.

13 Provisions of Municipal Corporations Act to apply to special loans hereby authorised

Save in so far as may be inconsistent with any of the provisions of this Act, all the provisions of Part 9 of the said Act, and all other provisions of the said Act relating to the raising and repayment by Borough Councils of special loans, including provisions affecting the pledging of security for such loans

and the making and levying of special rates, shall, *mutatis mutandis*, apply to every special loan authorised by this Act. In particular, but not so as to limit the generality of this section, the provisions of section one hundred and eighty-four of the said Act shall so apply.

14 Extended power of entry on premises

The power of entry given to the Council by section two hundred and twenty-five of the said Act shall, with respect to all drainage-works and land and other property authorised to be respectively constructed, provided, or acquired out of moneys to be raised under this Act, extend to lands and building outside of as well as within the borough.

15 Extended power to make main drains outside city

The power given to the Council by section two hundred and seventy-nine of the said Act to make main drains outside the city shall extend to main drains made out of moneys hereby authorised to be raised for the purpose of carrying off sewage-matter to any lands acquired by the Corporation as aforesaid for disposing of sewage-matter by means of fertilising or otherwise improving such lands.

Part 3

**Further special loan for improving system
of drainage**

16 After drainage system provided, Council may raise additional \$50,000 to improve and extend the same

After a system of drainage of the city shall have been provided, the Council may from time to time raise by way of special loan any further sum or sums not exceeding in the whole fifty thousand dollars for the purpose of improving or extending such system, and acquiring lands and appurtenances and buildings and other things in connection with any such improvement or extension. All the provisions of this Act shall, *mutatis mutandis*, apply respectively to such improvements and extensions, and to every special loan authorised to be raised by this section.

The reference to “fifty thousand dollars” was substituted, as from 10 July 1967, for a reference to “twenty-five thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).