

New Zealand.



ANALYSIS.

- | | |
|--|---|
| <p>Title. Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Inhabitants of Rotorua incorporated. 3. Assets, &c., to vest in Council. 4. Constitution of Council. 5. Preparation of roll for election. 6. Governor to fix date of election. 7. Biennial election of Council. 8. Election to be held under "Regulation of Local Elections Act, 1876." 9. Extraordinary vacancy of Councillor. 10. Powers of Council. | <ol style="list-style-type: none"> 11. Lighting and other plant may be vested in Council. 12. Power to make special by-laws. 13. The Town Fund. 14. Council a local authority. 15. Council not to interfere with Government works. 16. Board not responsible for natural disturbances. 17. Application of parts of "The Municipal Corporations Act, 1900." Schedule. |
|--|---|

1900, No. 7.—*Local.*

- | | |
|--------------------------------------|---|
| Title. | AN ACT to provide for the Better Government of the Town of Rotorua. [20th October, 1900.] |
| Preamble. | WHEREAS the Town of Rotorua was surveyed and laid off in pursuance of an agreement entered into between the Government and certain Natives interested in the land, and the interests of such Natives have now been nearly all acquired by the Crown: And whereas, in pursuance of section ten of "The Thermal-Springs Districts Act, 1881," the Governor has from time to time appointed a Board to administer the affairs of such town, but it is found that such Board does not possess sufficient powers to insure the good government of the town, and it is desirable to confer additional powers for other matters: |
| Short Title. | BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 1. The Short Title of this Act is "The Rotorua Town Council Act, 1900." |
| Inhabitants of Rotorua incorporated. | 2. From and after a date to be fixed by the Governor in Council, the inhabitants of the Town of Rotorua, the boundaries whereof are described in the Schedule hereto, shall be a body corporate under the style of "The Inhabitants of the Town of Rotorua," and by that name shall have perpetual succession and a common seal, and be capable of acting by the Council thereof. |
| Assets, &c., to vest in Council. | 3. The property, assets, liabilities, and rights of the Town Board as at present constituted shall, upon the election of a Town Council |

as hereinafter provided, vest in such Council, and thereupon the existing Town Board shall be dissolved.

4. (a.) The Council shall consist of seven persons, of whom the Chairman and three other members shall be appointed from time to time by the Governor, and shall hold office during pleasure.

Constitution of Council.

(b.) The three remaining members shall be elected in manner hereinafter mentioned.

5. For the purposes of such election the following provisions shall apply:—

Preparation of roll for election.

(1.) For the first election the Clerk to the Town Board shall cause a roll to be prepared of all persons who, being residents of the said town, are entitled to vote at any election of a member of the House of Representatives, and any person appearing on such roll shall be deemed to be an elector for the purposes of such first election and to be eligible for election as a Councillor.

(2.) The Clerk to the Town Board shall be the Returning Officer at such first election.

(3.) For every subsequent election an electors roll shall be prepared in the manner provided by "The Municipal Corporations Act, 1900," and every person whose name appears on such roll shall be an elector, and shall be eligible for election as a Councillor.

6. The first election of such three members of the Council shall be held on a day to be fixed by the Governor.

Governor to fix date of election.

7. On the last Wednesday in the month of April in the second year following the year in which such first election is held, and on the same day in every succeeding second year thereafter, all the elective members shall go out of office, and a fresh election of elective members shall be held.

Biennial election of Council.

8. Subject to the provisions of this Act, all elections of Councillors shall be held under the provisions of "The Regulation of Local Elections Act, 1876."

Election to be held under "Regulation of Local Elections Act, 1876."

9. (1.) If the Chairman or any Councillor resigns his office, or dies, or becomes bankrupt, or compounds with his creditors, or is convicted of any crime, or absents himself without leave of the Council from four or more consecutive meetings of the Council, or becomes interested, either solely or jointly with any other person, in any contract with the Council, otherwise than as a member of any incorporated or registered company, or accepts or holds any place of profit under the Council, his office shall thereby be deemed to be vacated and he shall cease to be a Councillor.

Extraordinary vacancy of Councillor.

(2.) Upon any such vacancy occurring the Governor shall appoint a fit person to be a Councillor or Chairman, who shall hold office until the date of the next election of members.

10. The business and proceedings of the Council shall be conducted generally in accordance with sections sixty to seventy-six of "The Municipal Corporations Act, 1900," and the Council shall have all such powers, duties, and liabilities as are conferred and imposed on Borough Councils by any Act for the time being governing municipal Corporations in respect of the following matters:—

Powers of Council.

- (1.) Appointing necessary officers, and providing offices ;
- (2.) Making and levying rates ;
- (3.) Keeping and auditing of accounts, and the preparation of a yearly balance-sheet, and banking and paying away money ;
- (4.) Making and maintaining streets, drains, waterworks, and electric-lighting works, and generally executing any public work for the benefit of the town ;
- (5.) The suppression of nuisances ;
- (6.) Borrowing money for public works ;
- (7.) Making by-laws and enforcing penalties for the breach thereof :

and all the provisions of any such Act relating to any of such matters, and to any other matters that may be prescribed by the Governor from time to time, shall, subject to the provisions of this Act, apply to the said Council so far as the same are applicable.

Lighting and other plant may be vested in Council.

11. The Governor may, by Order in Council, vest in the Corporation all or any of the following works : The drainage-works, and waterworks for the supply of water for domestic purposes, and electric light and power installation, and all pipes, mains, plugs, drains, buildings, dynamos, engines, machinery, wire, posts, and appliances connected therewith, now existing or in course of construction by the Government, and the land upon which they stand, so far as they are the property of Her Majesty ; but nothing herein shall authorise the Council to limit the supply of water or the energy for electric light or power required at any time for the use of the Government Sanatorium and Hospital and bathhouses and the grounds connected therewith, and of any Government office or building in the town, or to make any charge therefor.

Power to make special by-laws.

12. The Council may, subject to the approval of the Governor, from time to time make by-laws—

- (1.) Providing for the use by any person of the electric light or power, water from the waterworks, or other sanitary or public convenience at present or hereafter established by the Government or the Council and vested in the Corporation ;
- (2.) Prescribing the amount to be charged for the use of such light, water, or other convenience.

The Town Fund.

13. The Town Fund shall consist of—

- (1.) All such moneys as would belong to it under "The Municipal Corporations Act, 1900," if the town were a borough under that Act ;
- (2.) All rents of Crown lands within the town ;
- (3.) One-half of all bath-fees collected by the Government within the town.

Council a local authority.

14. The Town of Rotorua shall be deemed to be a "district," and the Council thereof shall be deemed to be a "local authority," within the meaning of "The Public Health Act, 1900," "The Regulation of Local Elections Act, 1876," "The Government Loans to Local Bodies Act, 1886," "The Rating Act, 1894," and "The Public Works Act, 1894."

15. Except as defined in any Order in Council under section twelve hereof, it shall not be lawful for the Council to interfere directly or indirectly with any thermal spring, or have any control over any waterworks, supply-pipe, overflow-pipe, bath, geyser, spring, fumarole, or ngawha under the control of the Government, or to undertake any work whereby the supply of hot or other water to any bath or spring the property of or under the control of the Government is or is likely to be interfered with, notwithstanding that such water may not be in any pipe or in any defined channel, or may simply percolate upon or under the surface of the ground.

Council not to interfere with Government works.

16. The Council shall not be responsible for any loss, damage, or injury sustained by or through any eruption, or caused by any thermal action, or arising from the natural flow of hot water, steam, or natural gas, or from any sudden subsidencé or break in the streets caused by or through any natural upheaval or other volcanic action within the town.

Board not responsible for natural disturbances.

17. For the purpose of giving full effect to this Act the Governor may, by Order in Council, prescribe the several sections of "The Municipal Corporations Act, 1900," which shall be applicable to the Town of Rotorua, and so long as such order is in force such sections shall be deemed to be incorporated in this Act.

Application of parts of "The Municipal Corporations Act, 1900."

SCHEDULE.

Schedule.

ALL that area in the Auckland Land District, containing by admeasurement 2,610 acres, more or less, situated in Tarawera Survey District, bounded towards the north generally by Lake Rotorua; towards the east generally by that lake, the Puarenga Stream, the Rotorua-Maketu Road, and the north-eastern boundary of Whakarewarewa State Forest; towards the south generally by the Moerangi and Tihiotonga Blocks; and towards the west generally by Sections Nos. 65, 64, 63, Suburbs of Rotorua, the road forming the eastern boundary of Section No. 62, and by Sections Nos. 33 and 31 to Fenton Street, and thence by that street, the railway-line, and the Utuhina Stream to Lake Rotorua.