

Hon. Mr. Millar.

DUNEDIN DISTRICT DRAINAGE AND SEWERAGE ACTS
AMENDMENT.

[LOCAL BILL.]

ANALYSIS.

Title.	
1. Short Title.	
2. Interpretation.	
3. Interpretation.	
4. Borrowing-powers increased, and appropriation of loan-moneys.	
5. Sinking funds, &c.	
6. Provision for sinking funds, &c.	
7. Security on sinking fund.	
8. Sinking Fund Commissioners.	
9. Sinking Fund Commissioners to be corporate body.	
10. Vacancy in office.	
11. Accounts of Commissioners.	
12. Application of sinking fund.	
13. Signature of debentures.	
14. Power to reborrow. Power to invest.	
15. Section 30 of principal Act to apply to sanitary conveniences and appliances. Amendment of section 35, Amendment Act, 1902. By-laws may be restricted to sewered pro-	perties. By-laws to apply to sewered properties for the time being.
	16. Connection of private drain to another not to make the latter a sewer.
	17. Contents of notices and orders.
	18. Agreements between the Board and owners.
	19. Suspension of works.
	20. Amendment of section 45 and repeal of section 46 of principal Act.
	21. Powers exercisable from time to time.
	22. Section 12 of Amendment Act, 1902, amended.
	23. Power to Board to execute extra works.
	24. Amendment of section 22, Amendment Act, 1907.
	25. Alteration of district.
	26. Applications under Land Drainage Act.
	27. Drains in common.
	28. Vacancies in Board.
	29. Penalty for false statement.
	30. Falsely pretending to be licensed.
	31. Kaikorai watershed. Schedule.

A BILL INTITULED

AN ACT to amend the Dunedin District Drainage and Sewerage Act, 1900, and the Acts amending the Same. Title.

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

1. This Act may be cited as the Dunedin District Drainage and Sewerage Acts Amendment Act, 1909, and it shall form part of and be read together with the Dunedin District Drainage and Sewerage Act, 1900, and the several Acts amending the same. Short Title.

2. In this Act, if not inconsistent with the context,—

“The principal Act” means the Dunedin District Drainage and Sewerage Act, 1900: Interpretation.

“The Amendment Act, 1902,” means the Dunedin District Drainage and Sewerage Act 1900 Amendment Act, 1902:

“The Amendment Act, 1906,” means the Dunedin District Drainage and Sewerage Act 1900 Amendment Act, 1906:

“The Amendment Act, 1907,” means the Dunedin District Drainage and Sewerage Act Amendment Act, 1907.

Interpretation.

3. In this Act and the Acts hereby amended the following words and expressions, if not inconsistent with the context, shall be deemed to have, and to have had from the passing of the principal Act, the meanings hereby given thereto, in addition to any meaning given to the same words and expressions by the principal Act or any Act amending the same:— 5

“Drain in common” means a private drain which serves or is proposed or intended to serve several separately owned premises:

“Sanitary convenience” includes a water-closet, urinal, bath, lavatory, sink, and wash-tub: 10

“Sanitary appliance” includes a drain, waste-pipe, soil-pipe, downpipe, trap, gully, grating, ventilation pipe and shaft, and every other appliance or fitting to or for a sanitary convenience or for or in connection with the discharge of surface water: 15

“Sink” includes a slop-sink, kitchen-sink, pantry-sink, trade sink, and medical sink.

Borrowing powers increased and appropriation of loan moneys.

4. (1.) The Board is hereby authorised to borrow further money for the purposes of the principal Act not exceeding in the whole the sum of one hundred and fifty thousand pounds, and section fifty-six of the principal Act shall be read and construed as if the words “four hundred and fifty thousand pounds” had been originally inserted therein instead of the words “two hundred thousand pounds.” 20 25

(2.) All moneys heretofore or hereafter borrowed by the Board shall be deemed to have been and to be so borrowed subject to the appropriation thereof, at the absolute discretion of the Board, for all or any of the purposes mentioned in section sixty-three of the principal Act. 30

Sinking funds, &c.

5. Before raising the loan hereby authorised the Board may make provision for the repayment thereof, either—

(a.) By making, with or without a sinking fund, the whole loan repayable at a stated period, or any parts thereof at stated periods; or 35

(b.) By making any debentures of such loan repayable by periodical drawings:

Provided that the Board shall not create a sinking fund as aforesaid unless the interest agreed to be paid in respect of such loan shall be four per centum per annum or less than that rate, and that such sinking fund shall not exceed the rate of one-half per centum per annum on the amount of the loan. 40

Provision for sinking funds, &c.

6. In order to provide funds for the creation of a sinking fund, or for the repayment of debentures becoming due by periodical drawings, the Board may permanently appropriate any part of the General Fund referred to in section fifty-five of the principal Act, or, without any such appropriation, may pay the same out of such fund. 45

Security on sinking fund.

7. Notwithstanding anything contained in the principal Act, any sinking fund created by the Board as aforesaid shall be available as a security only for the loan hereby authorised. 50

8. (1.) If a sinking fund shall be created by the Board as aforesaid the Board shall appoint, and may from time to time remove and reappoint, Commissioners (within or without the Dominion) to whom it shall pay all moneys so appropriated as a sinking fund or for the repayment of debentures as above provided; or, if there shall be no such appropriation, shall pay out of the General Fund such moneys as shall be required for the creation of such sinking fund or such repayment as the case may be; and such Commissioners shall dispose of such moneys,—

Sinking Fund
Commissioners.

10 (a.) In the case of a sinking fund, by investing the same, together with all interest and profits accruing therefrom, in such securities as the Board from time to time directs;

15 (b.) In the case of periodical drawings, by paying all debentures coming due, according to the conditions on which the loan is raised.

(2.) The Commissioners to be appointed under this section may be interpreted to mean any incorporated company or association (within or without the Dominion) as one of such Commissioners.

20 9. All Commissioners of Sinking Funds appointed under the *last preceding* section shall be from the time of their appointment bodies corporate, with perpetual succession and a common seal, and power to do and suffer all things which bodies corporate may do and suffer, and with authority for any two of such Commissioners to exercise the functions of the corporate body.

Sinking Fund
Commissioners to
be corporate body.

25 10. All vacancies arising in the office of any Commissioner or Trustee of Sinking Funds under this Act shall be filled up as they arise by new appointments to be made by the Board.

Vacancy in office.

30 11. Such Commissioners shall send to the Board, at such times as the Board directs, accounts of all moneys and all securities in their hands; and shall, immediately after the thirty-first day of March in each year, send to the Board a balance-sheet showing all transactions in respect of such moneys or securities during the year ending on such day. Such Commissioners shall, together with such balance-sheet, send to the Board a certificate, under the hand of the Controller and Auditor-General, or such person as he may appoint for the purpose, of all the securities held by the Commissioners.

Accounts of
Commissioners.

35 12. When the principal money of the loan becomes payable, the accumulated sinking fund provided for repaying the same shall be applied by the said Commissioners in the payment thereof; and, in case there shall be any surplus of such fund after such payment, such surplus shall be applied as shall be determined by special order to be passed by the Board in that behalf.

Application of
sinking fund.

40 13. If the loan hereby authorised, or any part thereof, is raised by or through any bank or company or any person or persons appointed to be an agent or agents under or by virtue of section fifty-nine of the principal Act, the debentures in respect of such loan shall, if so required and authorised by the resolution mentioned in such section, be signed or countersigned by such agent or agents or by any officer of such bank or company in such resolution named or referred to.

Signature of
debentures.

Power to reborrow.

14. (1.) When the principal money of any loan raised or to be raised by the Board becomes payable, except where the debentures of such loan are paid by periodical drawings as above provided, it shall be lawful for the Board from time to time to reborrow moneys under the provisions of the principal Act for the purpose of paying so much of the said principal moneys as is not provided for by any accumulated sinking fund held for the payment thereof. 5

Power to invest.

(2.) Moneys borrowed by the Board may, until the same shall be required for the purposes for which the same are borrowed, be invested in such manner as the Controller and Auditor-General of New Zealand shall approve. 10

Section 30 of principal Act to apply to sanitary conveniences and appliances.

15. (1.) Section thirty of the principal Act shall extend and apply, and be deemed from the passing of the principal Act to have extended and applied, to all sanitary conveniences and sanitary appliances. 15

Amendment of section 35, Amendment Act, 1902.

(2.) The words "where no other penalty is provided" in section thirty-five of the Amendment Act, 1902, are hereby repealed, and the following words substituted therefor: namely, "where no monetary penalty is provided by such by-law or regulation." 15

By-laws may be restricted to sewered properties.

(3.) The principal Act shall, as from the commencement thereof, be deemed to have conferred upon the Board the power in making a by-law to provide that the same shall apply only to properties which then or after shall be sewered properties within the meaning of section forty-eight of the principal Act as extended by section ten of the Amendment Act, 1906. 20 25

By-laws to apply to sewered properties for the time being.

(4.) By-laws of the Board affecting sewered properties and the owners thereof respectively shall extend and apply to sewered properties and the owners thereof respectively for the time being, and whether the notice relating to any such property under the provisions of section forty-eight of the principal Act shall have been given before or after the making of such by-laws. 30

Connection of private drain to another not to make the latter a sewer.

16. The connection of one or more private drains to another private drain, whether before or after the commencement of this Act, and whether with or without the consent of the Board, shall not *per se* convert or be deemed to have converted such last-mentioned drain into a public drain or sewer. 35

Contents of notices and orders.

17. (1.) Any notice or order given by the Board under or by virtue of the said Acts or the by-laws, requiring the execution of works, shall be sufficient if it describes generally the works required to be executed, and may (with or without any such description) refer to a plan attached thereto, or indorsed thereon, or deposited in the office of the Board. 40

(2.) In any such notice as aforesaid the Board may, as an alternative, permit existing works to be used, provided the same, as so existing or as altered, are proved to the satisfaction of the Drainage Engineer to comply with the by-laws; the burden of which proof shall be on the owner. 45

Agreements between the Board and owners.

18. Any agreement heretofore or hereafter entered into between the Board and the owner of any premises relating in any way to the drainage of such premises or any part thereof, or any sanitary convenience or sanitary appliance thereon, therein, or thereunder, includ- 50

ing the removal of any sanitary convenience or sanitary appliance for which a temporary permit has been or may be given by the Board, shall enure for the benefit of and bind the owner for the time being of such premises, or the part thereof affected by such agreement, 5 from and after the entry of a note or memorandum of such agreement in the Register of Charges of the Board, any other Act to the contrary notwithstanding.

19. Whenever any notice or order is given by the Board under or by virtue of section twenty-six of the principal Act, and section 10 twelve of the Amendment Act, 1907, or either of such sections, and the Board elects to do the work itself, and whenever the Board has agreed to do any work in connection with the drainage of two or more separately owned premises, the Board may delay the execution of any part of such work for so long as the Board thinks fit; and in 15 such case the apportionment of the cost of such works shall, as regards any such premises or part thereof which the Drainage Engineer shall certify does not or would not derive any immediate benefit from such works, be deemed to be an interim apportionment only, and such apportionment shall not prejudice or affect the power 20 or duty of the Drainage Engineer to make a further apportionment or further apportionments from time to time if and whenever any further portion or portions of such works shall be executed.

Suspension of works.

20. (1.) The words "on the registration of the memorandum hereinafter mentioned" in section forty-five of the principal Act, and 25 the words "and when any sum" and the following words in such section to the end thereof, and also the whole of section forty-six of the said Act are hereby repealed, except so far as regards any charge heretofore created under such sections and the release of any such charge.

Amendment of section 45 and repeal of section 46 of principal Act.

30 (2.) The receipt by the Board under its seal for the amount of any charge hereafter created, or part thereof, and the entry of a note or memorandum thereof in the Register of Charges, shall be a release or *pro tanto* release of such charge, as the case may be.

35 21. The powers vested in the Board to require the execution of works shall be exercisable from time to time.

Powers exercisable from time to time.

22. Section twelve of the Amendment Act, 1902, is hereby amended by adding thereto, after the word "Act," the words "and section twelve of the Dunedin District Drainage and Sewerage Act Amendment Act, 1907."

Section 12 of Amendment Act, 1902, amended.

40 23. It shall be lawful for the Board, by agreement with and at the expense of the owner of any premises, to execute, provide, and do on or in connection with such premises any work, materials, and things which such owner may desire to have executed, provided, and done, in addition to works in connection with the drainage, 45 sewerage, or sanitation of such premises; and in the case of such an agreement the Board may stipulate that the expense of the work, materials, and things shall come within the operation of section twenty-eight of the principal Act. All the provisions of the principal Act and the amendments thereof shall apply to such agreement, 50 and the works, materials, and things provided and done in pursuance thereof, and the cost thereof.

Power to Board to execute extra works.

Amendment of
section 22,
Amendment
Act, 1907.

24. The word "six" in section twenty-two of the Amendment Act, 1907, is hereby repealed, and the word "fix" substituted therefor.

Alteration of
district.

25. All that part of the Borough of Roslyn lying to the westward of the line described in the Schedule hereto is hereby excluded from the district. 5

Applications under
Land Drainage Act.

26. (1.) Whenever the Board shall, under or by virtue of any of the provisions of the said Acts, propose to construct or lay a private drain, the Board may make all necessary applications under section sixty-seven of the Land Drainage Act, 1908, and section eleven of the Amendment Act, 1906, and shall for that purpose have all the rights and powers of the owner or owners of the premises which such drain is intended to serve. 10

(2.) Any compensation paid by the Board shall be repaid to the Board by the owner or respective owners of the premises which such drain is intended to serve, and, if more than one, in such proportions as the Drainage Engineer shall certify either at the time of certifying the cost of such drain, or at any time afterwards, and until so repaid shall be a first charge upon such premises respectively. 15

(3.) After drains have been opened or improvements made, the owner or respective owners of the premises which the same are intended to serve, and his and their successors in title for ever thereafter, shall have and may exercise all the powers contained in section seventy-six of the Land Drainage Act, 1908. 20

Drains in common.

27. (1.) The owners of any adjoining premises, whether such premises be actually contiguous or not, may, subject to the approval of the Board, agree that such premises or any part thereof respectively shall be drained by means of a drain in common. The approval of the Board may be given on such conditions as the Board may think fit. 25

(2.) The said agreement shall be in writing, and may be in such form as the Board may by resolution or by-law prescribe. 30

(3.) The said agreement may be registered in the office of the Board by depositing the same with the Secretary, together with a request for such registration, signed by such owners, and payment of a fee of *five* shillings; and the Secretary shall thereupon enter in the Register of Charges a note or memorandum of such agreement. 35

(4.) From and after the entry in the Register of Charges of a note or memorandum of such agreement the said agreement shall, without any further procedure, and notwithstanding the provisions of any other Act, bind the premises described or referred to therein and the respective owners for the time being of such premises. 40

(5.) Whenever a drain in common is constructed or laid by or by order or direction of the Board, such drain may be used by the owners for the time being of the respective premises to serve which the same was constructed or laid, as an easement appurtenant thereto, notwithstanding the provisions of any other Act. 45

(6.) A drain in common may, either as to the whole or part thereof, be constructed or laid in a street.

(7.) Whenever the Board shall, under or by virtue of the provisions of the said Acts, propose to construct or lay a drain in 50

common, and there is in existence a drain serving premises adjoining the premises, or any of them, to serve which such drain in common is proposed to be constructed or laid, and whether contiguous or not, the Board may connect the new drain with such existing drain, or otherwise include the same in the combined operation; and in such case the owner or owners of such last-mentioned premises, and, if more than one, in such shares and proportions as the Drainage Engineer shall certify in writing, shall pay to the Board such proportion of the then value of such existing drain as the Drainage Engineer shall certify in writing; and all moneys paid to the Board under or by virtue of this subsection shall be held in trust for such person or persons as would be entitled to any compensation payable under the said Acts if the premises on which such existing drain is situated had been taken by the Board.

28. The provisions of section four of the Amendment Act, 1902, shall apply to any number of vacancies; and if the first vacancy has been filled up by the election of the person who at the last preceding election of members received the nearest number of votes to any person elected, any subsequent vacancy may be filled up by the Board by electing the person who at the last preceding election received the nearest number of votes to the person elected to fill up the last preceding vacancy, and so on.

Vacancies in Board.

29. Every person making an application to the Board shall be responsible for the truth of the statements therein contained, and any person making a false statement to the Board or any officer thereof in connection with any application to the Board for a permit or certificate, and whether such statement be contained in an application or not, is liable to a penalty not exceeding *twenty* pounds.

Penalty for false statement.

30. Every person who wilfully and falsely pretends to be licensed by the Board as a drainer or as a plumber, or uses any name, title, or description implying that he is so licensed, is liable to a penalty not exceeding *twenty* pounds.

Falsely pretending to be licensed.

31. (1.) Section twenty-five of the Amendment Act, 1902, is hereby repealed, except so far as the same relates to that portion of the Kaikorai watershed within the Borough of Mornington.

Kaikorai watershed.

(2.) Every property within such part of the Kaikorai watershed in the Borough of Maori Hill as is within the district as altered by this Act, and the owner of every such property, shall be and continue charged with and liable for the payment of the rates for the respective years ending on the thirty-first day of March, nineteen hundred and four, nineteen hundred and five, nineteen hundred and six, nineteen hundred and seven, nineteen hundred and eight, nineteen hundred and nine, and nineteen hundred and ten, which would have been payable in respect of or leivable upon such property under or by virtue of the said Acts if the Amendment Act, 1902, had not been passed:

Provided that the rates payable for the respective years ending on the thirty-first day of March, nineteen hundred and four, nineteen hundred and five, nineteen hundred and six, nineteen hundred and seven, nineteen hundred and eight, nineteen

hundred and nine, and nineteen hundred and ten, shall be payable to the Mayor, Councillors, and Burgesses of the Borough of Maori Hill (hereinafter called the said Corporation) by the persons who shall be the owners of such properties respectively at the time of the passing of this Act, and shall be recoverable by such Corporation (notwithstanding the expiration of any time limited for the recovery of rates) in like manner as if the same were rates levied by such Corporation, and as if all conditions precedent to the recovery thereof had been complied with. 5

(3.) The said Corporation shall pay to the Board the sum of 10 fifty pounds, which sum the said Corporation is hereby authorised to pay, and which shall be accepted by the Board in satisfaction of the rates mentioned in the *last preceding* subsection (that is to say, up to and inclusive of the thirty-first day of March, nineteen hundred and ten), whether such rates be collected by the said Corporation or not. 15

Schedule.

SCHEDULE.

COMMENCING at a point on the boundary-line between the Boroughs of Mornington and Roslyn 185 links west of High Street in a direct line to Epsilon Street; thence across Epsilon Street along the south-eastern boundary of Allotments 19 to 35 (inclusive), Block II, Anderson's Extension of Roslyn; thence along the north-eastern boundary of Allotment 35 to Beta Street; thence along Beta Street, and across Alpha Street, and along the south-eastern boundary of Allotment 8, Block I, Anderson's Extension of Roslyn; thence along the north-eastern boundary of Allotments 8, 9, 10, and 11; thence 200 links along a line at right angles to the north-east boundary of Allotments 8, 9, 10, and 11, through Section 9, Block IV, Upper Kaikorai District; from thence to the intersection of the south-west boundary of Section 8, Block IV, Upper Kaikorai District, with the right-of-way (continuation of Ann Street); thence along the right-of-way to James Street; thence south-easterly along and across James Street to the south corner of Allotment 6, Livingstone's Subdivision, and along the south-eastern boundary of Allotments 6, 7, 8, 9, and 10, Livingstone's Subdivision, and Allotments 14, 15, 16, and 17 of Section 2, and Sections 6, 5, and 4 of Sunnyside, to William Street; thence across William Street and along the south-eastern boundary of Allotment 8, Wright's Subdivision, and Allotments 15, 14, 13, and 12 of Section 2, Block IV, Upper Kaikorai District; thence in an easterly direction to the south-west corner of Allotment 7, Section 2, Block IV, Upper Kaikorai; thence in a north-easterly direction to a point 100 links west from the intersection of School Street and District Road on the boundary of Allotment 1, Linden; thence in a north-westerly direction along School Street to Tay Street; thence in a north-easterly direction along Tay Street to Tweed Street; thence easterly along Tweed Street to the north-east corner of Allotment 25, Linden; thence across Tweed Street, and along the south-east boundary of Allotments 24 to 17 (inclusive), to the north boundary of Clyde Street; thence in a westerly direction along Clyde Street to the west boundary of Allotment 87, Linden, and along the west boundary of Allotment 87, Linden; thence along the north boundary of Allotments 86, 85, and 84; thence in a north-easterly direction through Section 1, Bishops-court, across Albert Street, to the south-east corner of Allotment 19, Bishops-court; thence in an easterly direction along the north boundary of Albert Street to the District Road; thence in a northerly direction along the District Road to the south corner of Allotment 10, Bishops-court; thence along the south boundary of Allotments 9 and 10; thence along the western boundary of Allotment 9 to McMillan Street; thence across McMillan Street and along the west boundary of Allotments 14, 29, and 30, Bishops-court Subdivision, to the Wakari Road.