

Hon. Sir J. G. Ward.

MUNICIPAL CORPORATIONS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. District electors roll. Supplementary roll.</p> <p>3. Section 13 of principal Act amended.</p> <p>4. Confirmation of special orders.</p> <p>5. Minutes of proceedings to be evidence. Repeal.</p> <p>6. Amendment of principal Act as to subsidy.</p> <p>7. The District Fund Account. Repeal.</p> <p>8. Sanitary fee recoverable as a rate. Repeal.</p> <p>9. Repeal.</p> <p>10. Section 159 of principal Act amended.</p> <p>11. Section 175, &amp;c., of principal Act explained.</p> <p>12. Petition for constitution of united borough. Repeal.</p>	<p>13. Council may fix number of Councillors on abolition of wards.</p> <p>14. Councillors to go out of office on alterations within boroughs.</p> <p>15. Annual election of Mayor not to take place in certain cases.</p> <p>16. Amendment of section 220.</p> <p>17. Section 231 of principal Act amended.</p> <p>18. Section 236 of principal Act amended.</p> <p>19. Power to pull down ruinous wall.</p> <p>20. Open space to be provided for every dwelling-house.</p> <p>21. Section 352 restricted.</p> <p>22. Places of public worship to be licensed.</p> <p>23. Appointment of medical officers.</p> <p>24. Twelfth Schedule amended.</p>
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A BILL INTITULED

AN ACT to extend the Municipal Franchise, and to amend "The Municipal Corporations Act, 1900." Title.

BE IT 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 Municipal Corporations Amendment Act, 1902"; and it shall form part of and be read together with "The Municipal Corporations Act, 1900" (hereinafter called "the principal Act"). Short Title.

2. (1.) It shall not hereafter be necessary for the Town Clerk to make out annually a district electors list or roll, but such list and roll shall be made out on or before the fifth day of March in every year in which a general election of the Council is to be held. District electors roll.

15 2. (2.) All corrections and additions required to be made after the completion of the district electors roll shall be made on a supplementary district electors list, which shall be corrected, completed, and authenticated in the same manner as in the case of the district electors roll, and thereupon shall become a supplementary district electors roll, and shall form part of the district electors roll. Supplementary roll.

20 3. Subsection one of section thirteen of the principal Act (relating to the qualification of electors), is hereby amended by repealing the words "rate-book," in paragraph (b) thereof, and substituting in lieu thereof the words "valuation roll." Section 13 of principal Act amended.

25 4. The meeting required by subsection two of section seventy-three to be held to confirm a special order shall be held not sooner than the twenty-ninth day after the day of the special meeting at which the special order was passed; and the said subsection is hereby amended accordingly. Confirmation of special orders.

Minutes of proceedings to be evidence.

5. (1.) The minutes of the proceedings of the Council or of any committee, duly entered and authenticated as prescribed by the by-laws of the Council made under section seventy-six of the principal Act, shall be *prima facie* evidence of such proceedings and of the validity thereof.

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Repeal.

(2.) Subsection ten of section seventy-six of the principal Act is hereby repealed.

Amendment of principal Act as to subsidy.

6. Section eighty-nine of the principal Act (relating to the payment of subsidy) is hereby amended,—

(a.) By repealing the words “same year” in subsection one thereof, and substituting in lieu thereof the words “following year”; and

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(b.) By adding at the end of the same subsection the following provisoes:—

Provided that subsidy shall not be payable on any amount exceeding the sum which would be actually collected from a rate of three-farthings in the pound on the capital value, where the rate is levied on the capital or unimproved value of the rateable property in the borough; or of one shilling in the pound on the annual value, where the rate is levied on the annual value:

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Provided also that subsidy shall not be payable on any part of such general rates expended in contributing to the funds of any other local authority.

The District Fund Account.

7. (1.) All moneys raised by special loan shall be paid into a separate account at the bank for each loan, which account shall be named according to the description of the loan.

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(2.) All other moneys belonging to the District Fund shall be paid into an account at the bank to be called “The District Fund Account.”

Repeal.

(3.) This section is in substitution of subsection two of section ninety-one and section ninety-two of the principal Act, which subsection and section are hereby repealed.

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Sanitary fee recoverable as a rate.

8. Where the Council, under section one hundred and eight of the principal Act, levies an annual fee in lieu of a sanitary rate, such fee shall be recoverable as a rate.

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Repeal.

9. Sections one hundred and twenty to one hundred and fifty-three and the Fifth Schedule of the principal Act (relating to special loans) are hereby repealed:

Provided that all proceedings commenced under the repealed sections prior to the passing of this Act may be continued and completed under those sections.

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Section 159 of principal Act amended.

10. (1.) Section one hundred and fifty-nine of the principal Act (limiting the amount of unauthorised expenditure) is hereby amended by repealing the words “moneys to the credit of.”

(2.) This section shall be deemed to have had effect as from the commencement of the principal Act.

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Section 175, &c., of principal Act explained.

11. For the purposes of section one hundred and seventy-five of the principal Act, the term “district electors,” and for the purposes of section one hundred and seventy-six of the same Act the term “electors,” are hereby declared to mean and include all persons who are entitled to vote at the election of a member of any local authority within the area to which those sections respectively relate.

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12. (1.) No petition for the union of any two or more boroughs shall be presented to the Governor under section one hundred and seventy-seven of the principal Act until after a poll of the ratepayers of such boroughs has been taken separately in each borough on the proposal that such boroughs shall be constituted one united borough.

Petition for constitution of united borough.

(2.) The poll may be taken in pursuance of a special order made by such Councils, and shall be taken within sixty days after the presentation to the respective Councils of a petition signed by not less than fifteen per centum of the ratepayers of such boroughs demanding that the poll be taken.

(3.) If the result of the poll is in favour of the proposal, but not otherwise, the petition to the Governor may be presented.

(4.) Subsection two of section one hundred and seventy-seven of the principal Act is hereby repealed.

Repeal.

13. Where under section one hundred and eighty-two of the principal Act the Council of a borough abolishes all wards therein, and thereupon the borough becomes an undivided borough, it shall be lawful for the Council, subject to the provisions of the principal Act, to fix the number of Councillors for such undivided borough.

Council may fix number of Councillors on abolition of wards.

14. (1.) In any case where,—  
(a.) An undivided borough is divided into wards; or  
(b.) The wards of a divided borough are abolished; or  
(c.) A divided borough is wholly redivided; or  
(d.) The total number of members of the Council is altered,—  
then the whole Council shall go out of office, and there shall be a fresh election of Councillors.

Councillors to go out of office on alterations within boroughs.

(2.) In any case where,—  
(e.) The boundaries of any ward are altered; or  
(f.) The number of members of any ward is altered; or  
(g.) Any adjoining district is incorporated into a borough, and included in an existing ward,—  
then the Councillors of the ward affected shall go out of office, and there shall be a fresh election of Councillors for such ward.

(3.) In any case where,—  
(h.) Any such district is so incorporated and forms a new ward or wards,—  
then there shall be an election of Councillors for such new ward or wards.

(4.) In every such case the Councillors elected under this section shall, subject to the provisions of section one hundred and eighty-five of the principal Act, remain in office until the next biennial election.

15. Where an election of a Mayor is held within two months of the time fixed for the annual election of Mayor, it shall not be necessary to hold such annual election, but the Mayor shall remain in office until the next succeeding annual election.

Annual election of Mayor not to take place in certain cases.

16. Section two hundred and twenty of the principal Act (relating to the control of bridges and ferries) is hereby amended by repealing the words "Minister for Public Works," and substituting in lieu thereof the words "Minister of Lands."

Amendment of section 220.

Section 231 of  
principal Act  
amended.

17. Subsection one of section two hundred and thirty-one of the principal Act is hereby repealed, and the following substituted in lieu thereof :—

“(1.) May require any projection or obstruction in or over any part thereof to be removed at the expense of the person causing the same, or to whom the same belongs.” 5

Section 236 of  
principal Act  
amended.

18. Section two hundred and thirty-six of the principal Act is hereby amended by repealing the words “construct” and “construction,” and substituting in lieu thereof respectively the words “lay off” and “laying off,” and by inserting after the word “shall” the word “not.” 10

Power to pull down  
ruinous wall.

19. The powers conferred on the Council by section three hundred and fifty of the principal Act as to ruinous buildings may be exercised in the case of a wall, whether forming part of a building or not, and also in the case of a building in such a condition as to be dangerous to the persons residing therein. 15

Open space to be  
provided for every  
dwellinghouse.

20. (1.) Every person who erects a new dwellinghouse in a borough shall provide at the side or in the rear thereof an open space exclusively belonging to such dwellinghouse, and of an extent of not less than three hundred superficial feet. 20

(2.) Such open space shall extend throughout the entire width, or, in the alternative, throughout the entire depth of the site, and shall be free from any erection thereon above the level of the ground.

(3.) The minimum distance across such open space from every part of the dwellinghouse, and from every part of any wash-house, shed, convenience, or other erection attached thereto shall be as follows :— 25

(a.) If the height of the dwellinghouse does not exceed fifteen feet .... Fifteen feet.

(b.) If the height exceeds fifteen feet but does not exceed twenty-five feet .... Twenty feet. 30

(c.) If the height exceeds twenty-five feet but does not exceed thirty-five feet .... Twenty-five feet.

(d.) If the height exceeds thirty-five feet .... Thirty feet.

(4.) The height of a dwellinghouse shall, for the purposes of this section, be measured from the average level of the ground immediately adjoining the side or the rear of such dwellinghouse, as the case may be, to the level of half the vertical height of the roof, or to the top of the parapet, whichever is the higher. 35

(5.) Where any alteration or addition is made to any dwellinghouse (whether erected before the commencement of this Act or not) the open space attached to such dwellinghouse shall not be diminished by such alteration or addition so as to leave a lesser area than is required by this section to be provided. 40

(6.) The erection of a dwellinghouse upon vacant land or upon a site previously occupied by any building, or the re-erection of any dwellinghouse pulled down to within one foot of the ground floor, or the conversion into a dwellinghouse of any building not originally constructed for human habitation, or the conversion into more than one dwellinghouse of a building originally constructed as one dwellinghouse only, or an addition or raising of an existing dwellinghouse (so far as such addition or raising is concerned) shall be deemed to be 45 50

the erection of a new dwellinghouse within the meaning of this section.

(7.) The ground upon which any dwellinghouse is erected, together with the whole curtilage thereof enclosed within the boundary fences, walls, or lines of the premises, shall be deemed to be the site of such dwellinghouse within the meaning of this section.

(8.) For the purposes of this section, "dwellinghouse" includes a lodginghouse or hotel.

(9.) This section is in substitution of the provisions of subsection one of section three hundred and fifty-two of the principal Act, and that subsection is hereby accordingly repealed.

21. Subsections two to eleven of the said section three hundred and fifty-two shall apply only to lodginghouses and hotels, and houses occupied by more than one family.

Section 352 restricted.

22. The provisions of section three hundred and sixty-two of the principal Act (relating to the licensing of public buildings) and of the Thirteenth Schedule thereto shall apply to all buildings used for purposes of public worship, except that no license fee shall be payable in respect of any building exclusively used for such purposes.

Places of public worship to be licensed.

23. The Council may, if it thinks fit, from time to time appoint a duly qualified medical practitioner as medical officer, at such remuneration and with such duties as the Council prescribes.

Appointment of medical officers.

24. The Twelfth Schedule to the principal Act (relating to the powers of the Council as to unhealthy or ruinous buildings) is hereby amended by repealing the words, "named in such notice," in clause three thereof, and substituting in lieu thereof the words, "named in such order."

Twelfth Schedule amended.