

Hon. Mr. Parry.

MUNICIPAL CORPORATIONS AMENDMENT.

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A BILL INTITULED

Title.	AN ACT to amend the Municipal Corporations Act, 1933. BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title.	1. This Act may be cited as the Municipal Corporations Amendment Act, 1937, and shall be read together with and deemed part of the Municipal Corporations Act, 1933 (hereinafter referred to as the principal Act).	10
1933, No. 30		
Forfeiture of deposit where candidate withdraws within seven days of election.	2. Section nineteen of the principal Act is hereby amended by inserting, after the words "fewest votes" in subsection two, the words "or if he notifies the Returning Officer during the period of seven days immediately before the polling-day of his withdrawal from the election,".	15
Section 24 of principal Act amended.	3. Section twenty-four of the principal Act is hereby amended by adding to subsection one the words "and such vacancy shall be deemed to be an extraordinary vacancy" .	20
Providing for increased annual allowances to the Mayors of the four main cities.	4. (1) In the case of the Cities of Auckland, Wellington, Christchurch, and Dunedin, the allowance payable to the Mayor under section twenty-eight of the principal Act shall be such amount, not exceeding seven hundred and fifty pounds, as the Council from time to time fixes. (2) Notwithstanding anything to the contrary in the said section twenty-eight, the allowance of Mayor of any of the said cities who is in office at the passing of this Act may be increased during his term of office.	25 30
Section 61 of principal Act amended.	5. Section sixty-one of the principal Act is hereby amended by omitting from subsection one the words "by any three Councillors", and substituting the words "by any number of Councillors being not less than one-third of the total membership of the Council".	35

6. Section sixty-two of the principal Act is hereby amended as follows:—
- (a) By repealing paragraph (c), and substituting the following paragraph:—
- 5 “(c) Public notice of the place and date fixed for the subsequent meeting and of the purport of the resolution shall be given twice during the period of twenty-eight days immediately preceding the date of the subsequent meeting, with an interval of not
- 10 less than fourteen days between the two notifications”:
- (b) By repealing paragraph (d).
7. Subsection one of section sixty-six of the principal Act shall be deemed to authorize, and to have always
- 15 authorized, the payment of allowances and travelling-expenses in respect of the attendance of any officer appointed under that subsection at any conference or meeting which in the opinion of the Council should be
- 20 attended by that officer.
8. Section ninety of the principal Act is hereby amended by adding to subsection two the following further proviso:—
- 25 “ Provided further that in the case of a building that is an apartment house or contains separate apartments let as flats any such annual fee may be a uniform annual fee for each separately occupied portion of the building.”
9. Section ninety-two of the principal Act is hereby
- 30 amended by omitting from subsection one the words “ one penny ”, and substituting the word “ twopence ”.
10. Section ninety-six of the principal Act is hereby amended by omitting from subsection one the words
- “ publicly notified ”.
- 35 11. It shall be and be deemed always to have been lawful for the Council or any Town Board from time to time to enter into contracts of insurance insuring members of the Council or of the Board, as the case may be, against loss from personal accident arising out of
- 40 and in the course of the exercise of their powers or duties as members of the Council or Board, and to pay the premiums payable in respect of such contracts.

Section 62 of principal Act amended.

Allowances and travelling-expenses may be paid to officers of Council attending conferences.

Special fees may be charged in respect of the removal of refuse from apartment houses or flats.

Maximum library rate increased.

Section 96 of principal Act amended.

Council or Town Board may insure members against personal accident while engaged in duties.

Lease of cinematograph theatre need not be submitted to public auction or tender in certain cases.

See Reprint of Statutes, Vol. I, p. 797

12. (1) Where an exhibitor's license has been granted under the Cinematograph Films Act, 1928, in respect of any building owned by the Council, the Council may grant a lease of that building to the holder of the license or, where the license has expired, to the last holder of the license at a rental to be fixed in accordance with the provisions of the *next succeeding* subsection and without selling the lease by public auction or public tender. 5

(2) The rental shall be fixed by three independent persons: one to be appointed by the Council, one by the proposed lessee, and the third by such two appointed persons. The rental fixed by any two of such persons shall be final, and where no two of them reach the same decision the decision of such third person as aforesaid shall be final. 10 15

(3) No lease granted under this section shall be for a longer term than seven years.

13. The Council or any Town Board may in any year expend such sums as may be thought fit in connection with the observance of Anzac Day. 20

Councils and Town Boards may expend money in the observance of Anzac Day.

Council may expend moneys in connection with holding of conference of Municipal Association in borough.

14. (1) The Council, in any year in which an annual meeting of the Municipal Association of New Zealand, Incorporated, is held in the borough, may expend any sum or sums, not amounting in all to more than one per centum of the total general rate struck for the year by the Council, in connection with the holding of such meeting and the reception and entertainment of delegates and other persons attending the meeting. 25

Commencement.

(2) This section shall be deemed to have come into force on the *first* day of April, nineteen hundred and *thirty-six*. 30

Council may expend money in the erection, replacement, and maintenance of buildings on endowments.

15. Section one hundred and sixty-eight of the principal Act is hereby amended by adding the following paragraph:— 35

“(f) To expend moneys in the erection, replacement, and maintenance of such buildings, structures, and other improvements on any land vested in the Corporation of the Borough as an endowment as may be consistent with the purpose for which such endowment is used or is likely to be used; and for the purpose of providing funds for such expenditure the Council may raise a 40

special loan under the Local Bodies' Loans Act, 1926, but without taking the steps prescribed by sections nine to thirteen of that Act."

See Reprint of Statutes, Vol. V, p. 360

5 **16.** Section one hundred and seventy-five of the principal Act is hereby amended as follows:—

Section 175 of principal Act amended.

(a) By inserting, after the word " Act " in paragraph (e) of subsection four, the words " or unless the consent of the Governor-General in Council is first obtained ":

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(b) By omitting from subsection six the words " the last preceding subsection ", and substituting the words " subsection four hereof ".

15 **17.** (1) Paragraph (k) of subsection four of section one hundred and seventy-five of the principal Act is hereby amended by omitting the words " such plots or beds ", and substituting the words " any such plots or beds (whether laid out before or after the commencement of this Act) ".

Grass-plots and flower-beds in streets.

20 (2) Section three hundred and sixty-four of the principal Act is hereby amended by inserting, after paragraph nineteen, the following paragraph:—

"(19A) Regulating the use of and protecting grass-plots and flower-beds laid out in streets (whether before or after the commencement of this Act) by or under the authority of the Council."

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(3) For the purposes of any resolution or by-law of the Council any grass-plot or flower-bed laid out by or under the authority of the Council shall be deemed to be sufficiently described if the street in which it is laid out and its approximate locality in that street are specified in the resolution authorizing the laying-out of the plot or bed.

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(4) The Council shall at all times keep available for public inspection at its offices a record of all grass-plots and flower-beds for the time being laid out by or under its authority in any street.

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18. Section two hundred and twenty of the principal Act is hereby amended by omitting the words " twenty years ", and substituting the words " five years ".

Section 220 of principal Act amended.

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19. Section two hundred and twenty-three of the principal Act is hereby amended by omitting from subsection three the words " any drain so constructed ", and substituting the words " any public drain ".

Section 223 of principal Act amended.

Section 229
of principal
Act amended.

20. Section two hundred and twenty-nine of the principal Act is hereby amended as follows:—

(a) By omitting from paragraph (a) of subsection one the words “lying within such distance as aforesaid”:

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(b) By omitting from paragraph (c) of subsection one the words “and lying within such distance as aforesaid”:

(c) By repealing paragraph (b) of subsection seven, and substituting the following paragraph:—

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“(b) To construct any private drain for the drainage of a building if the nearest part of the building is situated more than two hundred feet from the public drain, covered watercourse, or street-channel to which it is required to be connected, or from the sea.”

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Authorizing borrowing without poll for raising funds for advances to property-owners in respect of cost of drainage connections.

21. Section two hundred and thirty-four of the principal Act is hereby amended by inserting, after the words “Local Bodies’ Loans Act, 1926”, in subsection six, the words “but without taking the steps prescribed by sections nine to thirteen of that Act”:

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22. (1) Subject to the provisions of this section, the Council may cause to be placed on or under any private land or building in the borough all such pipes for the conveyance of water in connection with any waterworks as it considers necessary:

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Council may enter on private land to place water-pipes.

Provided that it shall not be lawful so to place any such pipe other than an underground pipe unless the permission in writing of the owner of the land or building has been first obtained.

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(2) The provisions of the Ninth Schedule to the principal Act shall, with the necessary modifications, apply to the placing of any such pipes.

(3) The Council may from time to time alter, renew, repair, and cleanse any pipe so placed on or under any private land or building.

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As to fire brigades.

23. (1) The Council may establish a municipal fire brigade.

(2) Where the Council has not established such a brigade it may agree with any fire brigade or other group of persons for the provision of the necessary plant and labour for the purpose of extinguishing fires, and for the payment to any such brigade or persons of such remuneration as the Council thinks fit.

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(3) Any such fire brigade or group of persons with which an agreement has been made under the *last preceding* subsection shall be deemed for the purposes of the principal Act to be a municipal fire brigade.

5 (4) This section is in substitution for section two hundred and sixty-five of the principal Act, and that section is hereby accordingly repealed. Repeal.

10 **24.** Section two hundred and sixty-six of the principal Act is hereby amended by omitting from subsection one the words " Fire Inspector ", and substituting the word " officer ". Section 266 of principal Act amended.

25. Sections two hundred and sixty-seven and two hundred and sixty-eight of the principal Act are hereby repealed. Repeals.

15 **26.** Section two hundred and sixty-nine of the principal Act is hereby amended as follows:— Constables to assist officers engaged in prevention of damage by fire.

(a) By omitting the words " Fire Inspector " where they first occur, and substituting the words " officer personally in command at a fire ":

20 (b) By omitting the words " Fire Inspector " where they secondly occur, and substituting the words " such officer ".

27. (1) All damage to property caused by the Mayor, or by the principal officer of a municipal fire brigade, or by any person acting under the orders of the Mayor or of such officer, in the due execution of his duties under this Act relating to the prevention of fires shall be deemed to be damage by fire within the meaning of any policy of insurance against fire, anything in such policy to the contrary notwithstanding. Damage by Mayor or principal officer of municipal fire brigade deemed to be damage by fire.

30 (2) This section is in substitution for section two hundred and seventy of the principal Act, and that section is hereby accordingly repealed. Repeal.

35 **28.** (1) The Council may from time to time make by-laws for the purpose of— Council may make by-laws in respect of prevention of fire.

(a) Preventing danger from fire, and requiring owners of buildings to provide such safeguards against and means of escape in case of fire as the Council shall deem necessary:

40 (b) Specifying the minimum requirements to be observed in respect of the matters set out in clause *two* of the Schedule to this Act before a building may be licensed in accordance with the provisions of that Schedule:

Provided that no by-law made under this subsection shall have effect unless and until it is approved by the Minister.

(2) The Minister may at any time, by writing under his hand, require the Council to make by-laws under this section, and in particular, but without limiting the generality of his powers, may require the Council to make by-laws prohibiting the use of any electrical installation until the installation has been inspected and approved by officers of the Council, or, as the case may be, by officers of a Fire Board, and prescribing fees to be payable in respect of any such inspection. 5 10

(3) The Minister may at any time, by writing under his hand, require a Council to revoke, alter, or extend any by-laws made by it under this section. 15

(4) If the Council does not within three months from the receipt of a requisition of the Minister under the foregoing provisions of this section comply with the requisition, the Governor-General may make such regulations as he thinks fit to give effect to the requisition, and such regulations shall have the full force of by-laws made by the Council under this section and approved by the Minister. 20

Repeal and saving.

(5) Section three hundred and sixty-four of the principal Act is hereby amended by repealing paragraph twenty-nine thereof. All by-laws that were made under the said paragraph and are in force on the passing of this Act shall enure for the purposes of this section as if they had been made under this section, and accordingly shall, where necessary, be deemed to have been so made. 25 30

See Reprint of Statutes, Vol. III, p. 332

(6) The power conferred upon Fire Boards to make by-laws under the authority of paragraphs (d), (i), (j), and (k) of subsection one of section sixty of the Fire Brigades Act, 1926, shall not be exercised in respect of boroughs at any time after the passing of this Act. 35

(7) Any by-laws made under the authority of the paragraphs referred to in the *last preceding* subsection shall remain in force until they are replaced by by-laws of a like nature made under this section.

(8) The following provisions of the Fire Brigades Act, 1926, shall not hereafter apply with respect to any borough—namely, subsection three of section sixty, section seventy-one, and section seventy-two. 40

29. The principal Act is hereby amended by repealing the Twelfth Schedule, and substituting therefor the Schedule to this Act.

Licenses for buildings to be used for public meetings, &c.

5 30. (1) The Inspector of Buildings or other person appointed by the Council in that behalf, or in the case of a borough that is a fire district or part of a united fire district, the Superintendent of Fire Brigades or any other officer appointed by the Superintendent for the purpose, shall have at all times free access to any part of any such licensed building in order to inspect the same or to ascertain if sufficient safeguards against and means of escape in case of fire are provided in respect of the building.

Inspection of licensed buildings.

10 (2) Every person who obstructs or hinders the Inspector of Buildings, Superintendent, or such other officer as aforesaid in the execution of his powers under the last preceding subsection commits an offence and is liable to a fine of fifty pounds.

15 (3) This section is in substitution for section three hundred and fifteen of the principal Act, and that section is hereby accordingly repealed.

Repeal.

20 31. The principal Act is hereby consequentially amended as follows:—

Consequential amendments to principal Act.

25 (a) By inserting, after the words " Fire Brigades Act, 1926 ", in section two hundred and seventy-one, the words " or by this Act ":

(b) By repealing subsection three of section three hundred and twelve:

30 (c) By inserting, after the word " insecure " in subsection one of section three hundred and sixteen, the words " or is not provided with sufficient safeguards against or means of escape in case of fire ".

35 32. (1) The occupier or person having control of any building licensed in accordance with the provisions of the Schedule hereto, shall keep all aisles and exit passages in the building and all exits therefrom free from obstruction, and shall prevent persons from standing or sitting in such aisles, exit passages, and exits while the building is being used for any of the purposes specified in section three hundred and twelve of the principal Act. The Superintendent of Fire Brigades or the principal officer of a municipal fire brigade, or any person authorized in that behalf by

Passages in and exits from licensed public buildings to be kept clear.

either of them, may himself remove any such obstruction or direct any person remaining in any such aisle, exit passage, or exit to leave the same.

(2) Every person who commits any breach of the provisions of this section, or who fails to comply with any direction of the Superintendent, principal officer, or other person as aforesaid, or who in any way hinders or prevents the removal of any such obstruction commits an offence and is liable to a fine of *fifty* pounds. 5

Council may install, purchase, or sell gas fittings and equipment.

33. In the exercise of the powers relating to the supply of gas conferred on it by Part XXII of the principal Act, the Council shall have and be deemed to have always had power— 10

(a) To install gas-cookers, service-pipes, and other fittings and equipment in public or private buildings, works, dwellings, and other places, and to charge rent for the use thereof or to accept payment therefor by instalments or otherwise: 15

(b) To purchase gas-cookers, fittings, machinery, and other equipment for the use of gas as applied to individual, domestic, and other purposes, and to sell the same to users of gas at such price as it thinks fit, either for cash or on terms, or to lease the same with or without purchasing clauses: 20 25

(c) Generally to do all things which in its judgment may promote the use of gas within the borough.

Sanitary Inspectors. See Reprint of Statutes, Vol. VI, p. 1061

34. (1) For the purposes of the principal Act the term "Sanitary Inspector" means a Sanitary Inspector appointed as such for the purposes of the Health Act, 1920, and of Part XXII of the principal Act. 30

(2) Section two of the principal Act is hereby amended by repealing the definition of the term "Inspector of Nuisances". 35

(3) All references to Inspectors of Nuisances in the principal Act or in any regulations or by-laws made under that Act shall hereafter be deemed to be references to Sanitary Inspectors. 40

(4) Every person holding office at the passing of this Act as an Inspector of Nuisances under the principal Act shall be deemed to have been duly appointed as a Sanitary Inspector.

- 5** **35.** (1) Where for the purpose of relieving or preventing congestion of traffic it appears to the Council to be necessary to provide parking-places for vehicles of any description, the Council may provide parking-places in accordance with the provisions of this section, and
- 10** for that purpose may—
- (a) Take, purchase, or otherwise acquire any land or buildings in or near to the borough:
 - (b) Utilize any land or buildings which may lawfully be appropriated for the purpose:
 - 15** (c) Authorize the use as a parking-place of any part of a street:
 - (d) Appoint any parking-place or any specified part thereof as a station for the exclusive use of vehicles engaged in any passenger-service or goods-service or any other transport-service:
- 20** Provided that the Council shall not authorize the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street, or the use of the street by any person entitled to the use thereof,
- 25** or so as to be a nuisance.
- (2) The Council may take all such steps as may be necessary to adapt for use as a parking-place or as a station for transport-service vehicles any land (not being part of a street) or building which it may acquire
- 30** or utilize under this section, and may appoint, with or without remuneration, such officers and servants as may be necessary for the superintendence of any such parking-place or station.
- (3) The exercise by the Council of its powers under
- 35** this section with respect to the use as a parking-place of any part of a street shall not render it subject to any liability in respect of loss of or of damage to any vehicle or the fittings or contents of any vehicle parked in such parking-place.
- 40** (4) The Council may make such by-laws as it thinks fit as to the use of parking-places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking-place, as to the conditions upon or subject to which any such parking-

Provision of parking-places for purpose of relieving or preventing congestion of traffic.

place may be used and as to the charges to be paid to the Council in connection with the use of any parking-place not being part of a street.

(5) The Council may let or lease to any person for use as a parking-place any parking-place provided by it (not being part of a street). **5**

(6) In this section the expression " parking-place " means a place where vehicles, or vehicles of any particular class or description, may wait; and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket-offices, waiting-rooms, cloak-rooms, and other facilities as may be deemed necessary or desirable by the Council for the efficient use of such place for the purpose for which it is provided. **10**

Extension of definition of term " worker " in relation to workers' dwellings.

36. (1) Section three hundred and twenty-seven of the principal Act is hereby amended by adding to the definition of the term " worker " the words " or who is resident or desires to become resident in or near to the borough ". **15**

(2) Section three hundred and twenty-eight of the principal Act is hereby amended by omitting from subsection one the words " employed or resident in the borough ". **20**

Miscellaneous amendments to section 364 of principal Act.

37. Section three hundred and sixty-four of the principal Act is hereby amended as follows:— **25**

(a) By omitting from paragraph thirty-six the words " five pounds ", and substituting the words " twenty-five pounds ":

(b) By repealing paragraph thirty-seven, and substituting the following:— **30**

"(37) For permitting hawkers, pedlars, and keepers of stalls to occupy stands in such streets and public places as the Council thinks fit, fixing charges in respect of such permits, and prohibiting such persons from carrying on business in specified streets or parts of streets." **35**

(c) By omitting from paragraph thirty-nine the words " or birds " wherever they occur, and substituting in each case the words " birds, or bees,": **40**

(d) By adding the following paragraph:—

“(44) Regulating or controlling the construction, maintenance, or repair of dams so as to prevent damage or injury to property.”

38. Section three hundred and eighty-one of the principal Act is hereby amended by repealing subsection four thereof.

Section 381
of principal
Act amended.

SCHEDULE.

Schedule.

CONDITIONS FOR USE OF BUILDINGS FOR PUBLIC MEETINGS, ETC.

1. The owner or occupier of any such building shall apply in writing to the Council for a license, stating the situation and description of the building, the names of the owner and occupier, and the purpose for which it is to be used.

2. The building shall be inspected by the Inspector of Buildings or some competent person appointed by the Council in that behalf, and by the Superintendent of Fire Brigades in the case of a borough that is a fire district or part of a united fire district, and if satisfied upon their reports—

- (a) That the building is secure and suitable for the purpose proposed;
- (b) That it has sufficient means of ventilation and of ingress and egress;
- (c) That sufficient sanitary conveniences are provided for the use of the public;
- (d) That the building is provided with such safeguards against and means of escape in case of fire as are required by by-laws of the Council or of the Fire Board of the district, as the case may be, applying to the building, or, where no such by-laws have been made, that the building is provided with safeguards against and means of escape in case of fire to the satisfaction of the proper officer; and
- (e) Where the neighbourhood of the building is supplied with water by means of waterworks, that a sufficient supply of water is laid on and proper appliances are provided for promptly using the same in case of fire,—

the Council shall issue to the applicant a license, under the hand of the Town Clerk, for a period not exceeding one year, to use the said building for the purpose stated in the application; and the building may be used accordingly. For the purposes of paragraph (d) of this clause the proper officer shall be the principal officer of the Municipal Fire Brigade in the case of a borough that is not a fire district or part of a united fire district, and shall be the Superintendent of Fire Brigades in the case of a borough that is a fire district or part of a united fire district.

3. The Council may attach to the license any conditions as to the provision at public entertainments, by and at the cost of the licensee, of duly qualified firemen and the use in the building of any means of producing light or heat, or otherwise for the safety of persons assembled in the building, and may refuse to issue any license until the fee thereon fixed by any by-law is duly paid:

Provided that in the case of a building that is to be used as a theatre or music-hall, or for the exhibition of cinematograph film to the public, the Council shall, if the proper officer within the meaning of clause two hereof so recommends, attach conditions for the provision of firemen qualified to the satisfaction of the proper officer.

4. (1) If the applicant for the license feels aggrieved at not obtaining same, or at any condition attached to the license, he may appeal to a Magistrate's Court for redress, and such Court shall have power to make such order as it thinks fit.

(2) The appeal shall be made in such manner and subject to such conditions as are prescribed.