

*Making additional By-laws under the Rotorua Borough Act, 1922.*

WHEREAS by section 8 of the Rotorua Borough Act, 1922, the control and ownership of electric light and power for supply of electric energy to the Borough of Rotorua is vested in the Department of Tourist and Health Resorts, as incorporated by the Rotorua Town Act, 1907, and the Rotorua Borough Act, 1922: And whereas in respect of these works the said Department has all the power for the time being conferred by law on Borough Councils, except the power to borrow money or make and levy any special rate:

Now, therefore, the said Department, in pursuance of such power, hereby amends and makes additions to the by-laws under Part 13 of the Rotorua Borough By-laws made under the Rotorua Borough Act, 1922, and published in the *New Zealand Gazette* of 12th October, 1922, and amended by notification published in the *New Zealand Gazette* of 12th June, 1924, and 1st July, 1926, in the manner set out in the Schedule hereto, and doth hereby declare that the said amendment and additions to the said by-laws shall take effect and shall come into force on the 1st day of August, 1927:—

## SCHEDULE.

Clause 37 of the by-laws made on the 1st day of July, 1926, is amended by adding to subclause (e) (1) the following words: "Such minimum charge shall be additional to the minimum charges provided for in subclause 37 (g) hereof."

## PENALTIES.

74. *Acts constituting Breaches of By-laws.*—Every person who shall—

- (a) Do or cause to be done, or be concerned in doing anything whatsoever contrary to or otherwise than as provided by any of these by-laws;
  - (b) Omit to do anything which according to the true intent and meaning of any of these by-laws ought to be done by him at the time and in the manner therein provided;
  - (c) Refuse or neglect to comply with any notice duly given to him under any of these by-laws;
- shall be guilty of a breach of such by-law.

75. *Non-compliance with By-laws after Notice to constitute further Breach.*—Every person who shall—

- (a) Construct, affix, or provide, or cause to be constructed, affixed, or provided, any work, appliance, or material of any description whatever contrary to or otherwise than is provided by any of these by-laws, and who shall not within a reasonable stated time after notice in writing or any renewal notice in writing shall have been given to him by the Department's local controlling officer so to do, open up, lay bare, take away, or remove such work, appliance, or material, or cause the same to be opened up, laid bare, taken away, or removed, or alter or cause to be altered the same so as to comply with such by-law and notice;
  - (b) Omit to construct, affix, or provide any work, appliance, or material required by any of these by-laws to be constructed, affixed, or provided by him, and who shall not within a reasonable stated time after notice in writing or any renewal notice in writing shall have been given to him by the Department's local controlling officer so to do, construct, affix, or provide such omitted work, appliance, or material so as to comply with such by-law and notice;
- shall be guilty of a further offence against such by-law.

76. *Case of Purchase of Premises where By-law broken.*—

- (1) In every case where—
  - (a) A breach of any of these by-laws shall be made with respect to the construction of any building or work by the owner thereof, or any work, appliance, or material required by any of these by-laws to be provided in respect of any land or premises by the owner thereof shall not have been provided; and
  - (b) Any person shall thereafter become by purchase or otherwise the owner of such land, work, or premises;

it shall be lawful for the Department's local controlling officer by notice in writing (which notice may be renewed from time to time) to require such person to rectify the matter of such breach, or to provide such omitted work, appliance, or material (as the case may be), within a stated time.

- (2) If the person served with any such notice shall fail to comply with the same he shall be deemed guilty of an

offence against such by-law, but without relieving any other person from any liability in respect of the breach by him of such by-law.

77. *Penalties.*—(a) Every person guilty of a breach of any of these by-laws for which no other penalty is provided is liable to a penalty not exceeding £20; or, where the breach is a continuing one, then to a penalty not exceeding £5 for every day or part of a day during which such breach continues.

(b) But the Department may, after conviction for the continuing breach of any by-law, apply to the Supreme Court for an injunction to restrain the further continuance of such breach by the person or persons so convicted.

(c) The continued existence in a state contrary to any of these by-laws of any work or thing shall be deemed a continuing offence within the meaning of this by-law.

(d) Where by any Act smaller maximum penalties than those mentioned in this clause are authorized to be imposed for the breach or continued breach of any of these by-laws, then a person guilty of any breach or continued breach of any such by-law shall (if such by-law is not authorized to be made under the Municipal Corporations Act, 1920) be liable only to such smaller penalty.

78. *Removal of Works executed contrary to By-laws.*—

(a) Whenever any work, material, or other construction or appliance, or anything whatever shall have been executed, erected, placed, laid, constructed, or affixed in contravention of any of these by-laws, or shall exist in a form or manner otherwise than as directed or authorized by any of these by-laws, it shall be lawful for the Department's local controlling officer by notice in writing under his hand to require the person by whom, or by whose authority or on whose behalf, the work shall have been done, or if he shall not at the time of the giving of the notice be either the owner or the occupier of the premises affected, then the person who shall at such time be the owner of such premises, to pull down, take up, or remove such work, material, construction, appliance, or thing as aforesaid, or alter the same so as to comply with the by-law or by-laws affecting the same within (in each case) a stated time.

(b) If such work, material, construction, appliance, or thing shall not be pulled down, taken up, or removed, or altered as aforesaid within such stated time, it shall be lawful for the Department's local controlling officer or any person authorized by him in that behalf to pull down, take up, and remove, or (as the case may be) alter as aforesaid the same work, construction, appliance, material, or thing, and to enter into and upon any land or building for that purpose and to do anything thereon or thereto necessary to effect such pulling-down, taking-up, removal, or alteration.

(c) The Department may recover in any Court of competent jurisdiction from the person who shall have committed the breach of any of these by-laws in respect of the execution, erection, placing, laying, constructing, or affixing, or existence of the said work, material, construction, appliance, or thing, or (as the case may be) from the person who was at the time of the giving of the notice the owner of the premises, all expenses incurred by the Department in connection with such pulling-down, taking-up, removal, or alteration.

(d) The exercise of the powers given by this by-law shall not relieve any person from liability to any penalty incurred under these by-laws.

79. *Limitation of Liability of Succeeding Owner.*—A person who has become, by purchase or otherwise, the owner of any premises shall not be liable under By-laws No. 76 or by By-law No. 78 in respect of any breach of any of these by-laws which shall have been made before he became such owner if he shall prove that at the time of his becoming such owner the matter of such breach was not patent, and that he had no notice of the fact of such breach.

Given under the common seal of the Department of Tourist and Health Resorts this 7th day of July, 1927.

W. NOSWORTHY,  
Minister in Charge of Department of Tourist  
and Health Resorts.

The above-written by-laws were signed by the Hon. William Nosworthy, Minister in Charge of Department of Tourist and Health Resorts, in the presence of W. R. King, Private Secretary.

The common seal of the Department of Tourist and Health Resorts was affixed to the above-written by-laws in the presence of B. M. Wilson, General Manager, Tourist and Health Resorts Department, Wellington. [L.S.]