

New Zealand.

## ANALYSIS.

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1903, No. 41.

AN ACT to amend "The Municipal Corporations Act, 1900." Title.  
 [18th November, 1903.]

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, 1903"; and it shall form part of and be read together with "The Municipal Corporations Act, 1900" (hereinafter referred to as "the principal Act"). Short Title.

2. Where a person has a rating and another qualification his name shall be entered on the district electors list in respect of his rating qualification. Elector with rating and another qualification.

3. (1.) Where the population of a borough (whether divided or undivided) exceeds thirty thousand, the Council shall consist of not less than twelve nor more than twenty-one members, exclusive of the Mayor. Number of Councillors in large boroughs.

(2.) Section six of "The Municipal Corporations Amendment Act, 1902," is hereby repealed. Repeal.

4. Notwithstanding anything in section twenty of "The Municipal Corporations Amendment Act, 1902," it shall not be necessary where the Council of an undivided borough increases the number of its members for the whole Council to go out of office, and it shall be sufficient if an election of members to make up such increased number is held. As to increase in number of Councillors in undivided borough.

Coming into office of Mayor.

5. The Mayor shall come into office on the first Wednesday in May following his election, and the appointment of members of Committees of the Council shall not be made until the new Mayor has taken office.

Taking declaration of Mayor, &c., not "an act as Mayor," &c.

6. The act of taking or attesting the declaration of any Councillor or Mayor, required by section thirty-six of the principal Act or by section fifty-four of the same Act, shall not be deemed to be "an act as a Councillor or Mayor" within the meaning of subsection two of section fifty-two of the principal Act.

Principal Act amended.

7. The principal Act is hereby further amended as follows:—

- (a.) As to section twenty-one thereof: By repealing the word "combined" wherever it occurs.
- (b.) As to subsection one of section sixty-three thereof: By repealing the words "connected with any special district which extends into each of their districts," and substituting in lieu thereof the words "in which those local authorities are jointly interested."
- (c.) As to subsection two of the same section: By repealing the words "respectively rated for the purposes of such special district."
- (d.) As to section one hundred and sixty-two thereof: By repealing the words "separate rate, or special district rate," and substituting in lieu thereof the words "or separate rate."
- (e.) As to section one hundred and seventy-nine thereof: By repealing the word "annual," and substituting in lieu thereof the word "biennial."
- (f.) As to section three hundred and forty-nine thereof: By repealing the word "burgesses," and substituting in lieu thereof the word "electors."
- (g.) As to section three hundred and fifty-four thereof: By repealing the words "in any building," and substituting in lieu thereof the words "on any building."
- (h.) As to sections three hundred and thirty-four, three hundred and eighty-five, and three hundred and eighty-six thereof: By repealing the words "county or" wherever they occur.

Section 5 of Amendment Act, 1902, amended.  
Qualification of Councillors.

8. Section five of "The Municipal Corporations Amendment Act, 1902," is hereby amended by repealing the word "combined."

9. (1.) Subject to section fifty-one of the principal Act, every elector shall be qualified to be elected as a member of the Council, and, in the case of a divided borough, as the representative of any ward thereof.

Repeal.

(2.) This section is in substitution for section fifty of the principal Act, which section is hereby accordingly repealed.

Minutes of proceedings to be open to inspection.

10. The minutes of the proceedings of the Council shall be kept in a book which shall be kept in the office of the Council, and shall be open to inspection without fee during all office-hours by any Councillor or ratepayer, or by any creditor of the Corporation.

Reclaimed land may be added to borough.

11. (1.) The Governor may from time to time, by Proclamation, on the petition publicly notified of the Council, alter the boundaries of a borough so as to include any land reclaimed from the sea adjacent

to such borough, or any land that ought reasonably to be included in the borough and in respect of which there are no electors.

(2.) Such Proclamation may declare that the land proposed to be included in the borough shall be added to any particular ward thereof, or may declare what portions of such land shall be added to any of the wards of the borough respectively.

12. Where a borough is formed by the union of two or more boroughs, as provided by section one hundred and seventy-seven of the principal Act, the special powers conferred by any Act on any of such boroughs may be exercised by the Council of the united borough, and the provisions of such Act shall, *mutatis mutandis*, apply to such united borough.

Special powers of borough in case of union with another borough.

13. Subsection two of section twenty-seven of "The Municipal Corporations Amendment Act, 1902" (providing for open spaces to dwellinghouses), is hereby amended by adding thereto the words "and shall be so maintained while the site is occupied by the dwellinghouse."

Section 27 of Amendment Act, 1902, amended.

14. Section four hundred and fifteen of the principal Act (relating to by-laws in force in certain areas) shall extend and apply to the boroughs mentioned in the First Schedule to that Act.

Section 415 of principal Act extended.

15. Section twenty-seven of "The Municipal Corporations Amendment Act, 1902," is amended by the addition of the following new subsection :—

Section 27 of Amendment Act, 1902, amended.

"(9.) For the purposes of this section, where the side boundaries of any site are not of the same length, the mean length of such side boundaries shall be taken as the depth of the site for the purpose of defining the distance across such open space."

16. In addition to the matters specified in section four hundred and three of the principal Act, the Council may make, alter, and repeal by-laws—

Additional powers for making by-laws.

- (a.) For regulating, either in proportion to the weight of load or the number of animals employed, the width of the tires of wheels which shall be used by all vehicles, whether plying for hire or not, within the borough.
- (b.) For regulating the weight of any engine, agricultural or other machines, or vehicle of any kind, and the weight of any load or material of any kind, which shall be permitted to cross any bridge within the borough, and the times when such engines, agricultural or other machines, or vehicles shall be allowed to cross any such bridge.
- (c.) For regulating the times when and the route by which traction-engines may be allowed to pass along the streets within the borough.
- (d.) For regulating the pace, mode or manner, and times at which any horses, cattle, engines, agricultural or other machines, or vehicles shall cross or be driven, led, or taken over any bridge within the borough.
- (e.) For prescribing the route by which loose horses, cattle, sheep, pigs, or other animals may be driven along the streets within a borough.
- (f.) For regulating, controlling, or prohibiting the display upon or over public buildings or bridges, or upon or over

buildings, walls, fences, lamp-posts, pavements, or hoardings, situated in or upon, or adjoining, any land or street the property of the Corporation or under the control of the Council, or the display in any manner so that it shall be visible from any such street or public place, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes.

Section 33 of Amendment Act, 1902, amended.

17. Section thirty-three of "The Municipal Corporations Amendment Act, 1902," is hereby amended by adding the word "waterworks" before the word "gasworks."

Council may make cycle-tracks.

18. The Council may, on any existing street or on any street hereafter made, construct a public cycle-track for the use of cyclists only, and may make by-laws regulating and controlling the use of such cycle-track.

Penalty for trespass on cycle-track.

19. Every person who, except for the purpose of obtaining access to any premises, drives any vehicle, rides or leads any horse, or wilfully allows any horse or any cow or other beast to stray upon any public cycle-track within the boundaries of a borough, whether such cycle-track has been constructed by the Council or not, and whether it shall be situate alongside a road or street or not, shall be liable to a penalty not exceeding five pounds for every such offence.

Building on recreation reserves barred.

20. Where any land vested in the Council for purposes of recreation or public utility is hereafter leased, the lessee shall not erect thereon any dwellinghouse or business premises, notwithstanding anything to the contrary in his lease.