

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Drainage-areas. 4. Special provisions as to borrowing. | <ol style="list-style-type: none"> 5. Council may make agreements as to private connections and payments by instalments. 6. Council may borrow for private connections. 7. Rate of interest. 8. Discharge of crude sewage. |
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1906, No. 36.—*Local.*

Title. AN ACT to confer Additional Drainage-powers upon the Mayor, Councillors, and Burgesses of the Borough of Onslow.

[29th October, 1906.]

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

Short Title. 1. The Short Title of this Act is “The Onslow Borough Drainage Empowering Act, 1906.”

Interpretation. 2. In this Act, if not inconsistent with the context,—
“Borough” means the Borough of Onslow, and includes all areas that may hereafter be added thereto:
“Council” means the Council of the Borough of Onslow:
“Owner” of any property means the person for the time being entitled to receive the rack-rent thereof, or who would be so entitled if the same were let to a tenant at a rack-rent.

Drainage-areas. 3. (1.) The Council, after it has approved of a scheme of drainage for the borough, or any portion or portions thereof, consisting of one drainage system or several independent drainage systems, may define one or more drainage-areas within the borough.

(2.) Each drainage-area shall include all parts of the borough as in the opinion of the Council will in such scheme of drainage be in the near future directly benefited by the construction and maintenance of one particular independent drainage system.

(3.) Any such independent drainage system may be a system of discharging sewage through public drains into the public drains of the City of Wellington with the consent of the Council of the said city, and in such cases may include the laying of water-pipes to connect the several parts of the drainage-area with the water-supply of the said city.

(4.) A drainage-area need not be contained within continuous boundaries.

(5.) The Council may from time to time redefine any such drainage-area by adding thereto such parts of the borough as in the opinion of the Council are then or will in the immediate future be directly benefited by the construction and maintenance of the drainage system of that drainage-area.

(6.) Any owner or occupier of property included in a drainage-area as defined or redefined may, within one month after any determination of the Council defining or redefining any such drainage-area, appeal from such determination to a Judge of the Supreme Court, whose decision shall be final and take the place of the determination of the Council appealed from.

4. After such definition of one or more drainage-areas as above mentioned, the Council may raise a special loan not exceeding in the whole the sum of twenty-five thousand pounds in one or more sums under the provisions of "The Local Bodies' Loans Act, 1901" (hereinafter called "the said Act"), in respect of a scheme of drainage approved of as aforesaid, and the following special provisions shall apply :—

Special provisions
as to borrowing.

- (a.) One loan may be raised although the scheme comprises more than one independent drainage system benefiting different parts of the borough.
- (b.) If there be more than one such independent drainage system, the loan proposed to be raised may, before any steps are taken in respect of the raising of same, be apportioned by the Council between the several drainage-areas defined in manner aforesaid in proportion to the estimated expenditure upon the respective works in connection with the drainage systems of each drainage-area.
- (c.) The special rates to be made and levied under the said Act for the purposes of the said loan may, if the proposed loan be apportioned as aforesaid, be different in different drainage-areas, and shall then in each case be calculated so as to yield, if necessary, ten pounds per centum more than the annual or other charges in respect of the portion of the loan apportioned as above mentioned to the drainage-area in question.
- (d.) The provisions of the said Act as to the preparation of a special roll, as to the actual taking of the poll, as to the proposal to be voted upon, and as to the carrying of proposals at such poll shall in the case of such apportionment as aforesaid apply as if the portion of the proposed loan apportioned to each drainage-area was a separate proposed loan for the purpose of the separate drainage system proposed for that drainage-area; but the steps described in sections seven to thirteen of the said Act shall, save as above mentioned, apply with any necessary alterations as in the case of a single proposed loan for the purpose of the whole drainage scheme.
- (e.) If the proposal is carried in respect of one or more but not all the portions of the proposed loan apportioned to

drainage-areas as above mentioned, the proposal shall be deemed to be carried for a loan of the total amount of the portions so carried, and the Council may proceed with the proposal to raise a special loan for that amount for the purpose of carrying out those portions of the scheme of drainage in respect of which the loan proposals shall have been so carried.

- (f.) After the completion of all the said works, the loan, if there has been an apportionment as above mentioned, shall be again apportioned and charged in the accounts of the Council against the several drainage-areas in proportion to the actual expenditure upon the works of each drainage-area, and the special rate actually levied in each drainage-area shall be applicable only to the payment of interest or interest and sinking fund upon that portion of the loan so apportioned and charged to that drainage-area.
- (g.) The Council may, out of any moneys borrowed under this section or out of the district fund of the borough, pay the costs incurred in and about preparing and passing through Parliament this Act.
- (h.) All the rateable property within each drainage-area as defined, or as from time to time redefined as above mentioned, shall be liable to the special rate made and levied as above mentioned in respect of that drainage-area, but any such property added to a drainage-area on a redefinition shall be so liable only in respect of rates which become thereafter payable.

Council may make agreements as to private connections and payments by instalments.

5. It shall be lawful for the Council by agreement with or at the request of and at the expense (including five per centum for supervision) of the owner of any premises in the borough to execute on or in connection with such premises any works in connection with the drainage or sanitation thereof or the supply thereof with water where the same is required in connection with such drainage or sanitation or any works which the Council has power under section two hundred and seventy-four of "The Municipal Corporations Act, 1900," to do or cause to be done after failure by the owner to comply with notice to do the same, and in every case without the necessity of giving any such notice; and the Council and the owner may at the time of such agreement, or thereafter, agree that the amount of such expense with interest thereon shall be paid by instalments in accordance with the provisions of section two hundred and seventy-seven of "The Municipal Corporations Act, 1900," and such agreement shall be deemed to have been made under and by virtue of that section.

Council may borrow for private connections.

6. (1.) The Council, for the purpose of providing for the immediate payment of the cost of any works executed by the Council in pursuance of agreements with owners made under section five of this Act, may from time to time borrow, upon such terms and conditions as it shall think fit, any sums of money not exceeding in the whole the sum of six thousand pounds at any one time.

(2.) All moneys borrowed under this section shall be devoted exclusively to the purposes aforesaid.

(3.) The resolution to borrow any such sum shall be by special order under "The Municipal Corporations Act, 1900," and the provisions of "The Local Bodies' Loans Act, 1901," shall not apply.

(4.) The Council may execute and do such instruments and things as it shall think fit for securing the sum so borrowed and the interest thereon, and may by any such instrument covenant for the repayment thereof respectively.

(5.) The Council shall apply all moneys received from owners under any such agreements as aforesaid to the repayment of the moneys so borrowed.

(6.) No lender shall be concerned to inquire as to the purposes for which any money is borrowed under this section, nor as to the proposed expenditure thereof, and shall not be concerned to see to the application of any such money.

7. Any money borrowed under the provisions of this Act shall be borrowed on terms which shall produce to the lender a rate of interest not exceeding five pounds per centum per annum. Rate of interest.

8. It shall not be lawful for the Council by any scheme of drainage to discharge crude sewage into the Harbour of Port Nicholson or any river or stream flowing into such harbour, but the Council may so discharge into such harbour, river, or stream the effluent from any septic tank or other system of purification of sewage, provided that such effluent shall from time to time be of such degree of purity as shall not be objected to by a District Health Officer appointed under "The Public Health Act, 1900." Discharge of crude sewage.