

New Zealand.

ANALYSIS.

<p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Board of Control established. 4. Hutt Road Act, 1915, further amended. 5. Amendments of Hutt Road Amendment Act, 1917. 6. Amendment of Hutt Road Amendment Act, 1922. 7. Construction and maintenance of certain streets and roads in and adjacent to the City of Wellington. Cover for permanent material. Traffic on constructed portion. Plant. Works and operations. Surplus moneys of Hutt Road loans. Supervision. Roads and streets to be taken over on passing of Act. Roads and streets to be taken over thereafter. Lighting roads and streets. Contributions of local authorities 	<p>in respect of roads and streets. Maintenance, repair, and control of streets. Contribution towards cost of widening Lowry Bay and Day's Bay Roads.</p> <ol style="list-style-type: none"> 8 Power to raise special loans of £150,000. Currency of debentures. Sinking funds. Security of debentures issued under Hutt Road Amendment Act, 1917, not affected. 9. Moneys to be used for purposes of this Act. 10. Renewal loan. 11. Payments due by local authority are debts of its Corporation. 12. Local authorities' control of streets. 13. Provisions of Wellington City Empowering and Special Rates Consolidation Act, 1923, not applicable to loan raised under this Act. 14. Offences. 15. Power to grant exemptions. Schedules.
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1924, No. 23.—*Local and Personal.*

Title.

AN ACT to provide for the Construction and Maintenance by the Wellington City Council of certain Streets and Roads situate in or in the Vicinity of the City of Wellington, and to amend the Hutt Road Act, 1915, the Hutt Road Amendment Act, 1917, and the Hutt Road Amendment Act, 1922. [6th November, 1924.]

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. This Act may be cited as the Wellington City and Suburban Highways Construction and Hutt Road Amendment Act, 1924.

Interpretation.

2. (1.) This Act shall be read together with and form part of the set of Acts named the Hutt Road Act, 1915, the Hutt Road Amendment Act, 1917, and the Hutt Road Amendment Act, 1922 ; and all such Acts read together shall govern the construction and maintenance of the Hutt Road and of the roads and streets affected by this Act.

(2.) In this Act, unless inconsistent with or repugnant to the context, words and expressions defined in the Hutt Road Act, 1915, or the Hutt Road Amendment Act, 1917, shall have the meanings assigned to them by these Acts; and—

“ Amendment Act ” means the Hutt Road Amendment Act, 1917 :

“ Board ” means the Wellington City and Suburban Highways Board of Control hereinafter mentioned :

“ Principal Act ” means the Hutt Road Act, 1915 :

“ Road ” means a road as defined by the Public Works Act, 1908, or the Counties Act, 1908 :

“ Street ” means a street as defined by the Municipal Corporations Act, 1920.

3. (1.) In lieu of the Board established under the principal Act, there is hereby established a Board of Control, to be known as the Wellington City and Suburban Highways Board of Control. Board of Control established.

(2.) The Board shall consist of twelve members, namely,—

(a.) The Mayor for the time being of the City of Wellington, and the Mayors for the time being of the Boroughs of Petone and Lower Hutt :

(b.) The Chairmen for the time being of the Counties of Makara and Hutt :

(c.) Five Councillors of the City of Wellington, appointed by the Wellington City Council :

(d.) One member (being a member of the Eastbourne Borough Council, the Johnsonville Town Board, or the Upper Hutt Town Board) to be from time to time appointed in writing under the hands of the Mayor for the time being of the Borough of Eastbourne and the Chairmen for the time being of the Johnsonville Town Board and the Upper Hutt Town Board :

(e.) One member to be from time to time elected, pursuant to regulations in that behalf made by the Governor-General by Warrant, by the persons who under the provisions of section nine of the Amendment Act have paid fees for the current financial year.

(3.) The first members to be appointed and elected under paragraphs (c), (d), and (e) of the last preceding subsection shall be appointed and elected as soon as practicable after the passing of this Act, and shall continue in office until the first day of July, nineteen hundred and twenty-seven, or until their successors come into office, but shall be capable of being reappointed.

(4.) In case of any failure to appoint any member under the provisions of paragraphs (c) and (d) of subsection two hereof for two months after the passing of this Act the Governor-General may, by Warrant under his hand, make the necessary appointment.

(5.) The Board shall come into existence on the date of the first appointment of a member under this section.

(6.) In the month of May, nineteen hundred and twenty-seven, and in the same month in every second year thereafter, the persons entitled to make an appointment under paragraphs (c) and (d) of subsection two

hereof shall make such appointment ; and the persons entitled to elect a member under paragraph (e) of the same subsection shall elect such member ; and the members so appointed shall come into office on the first day of July following, and shall hold office until their successors come into office, but shall be capable of being reappointed.

(7.) If any member of the Board holding office under paragraphs (a) to (d) of subsection two hereof ceases to hold office as Mayor or Chairman, or as a member of any of the local authorities mentioned in the said paragraphs, he shall also thereupon cease to be a member of the Board. If an appointed or elected member ceases to be a member of the Board the persons entitled to appoint or elect the member shall appoint or elect any qualified person in his stead, who shall hold office for the residue of the term of his predecessor in office.

(8.) The validity or legality of acts done by the Board without knowledge that a member of the Board appointed under this section was not qualified to be appointed or to continue in office shall not be affected by reason of that fact, nor shall the validity or legality of any acts of the Board be affected by reason of the fact that, after the coming into existence of the Board, any member had vacated his seat and his successor had not come into office.

(9.) The Mayor of Wellington shall be the Chairman of the Board, and shall have a deliberative vote, and in any case in which the votes are equal shall have a casting-vote also.

(10.) The Town Clerk of the Wellington City Council shall be the Clerk of the Board.

(11.) The Clerk may convene a meeting of the Board whenever necessary so to do, and shall convene a meeting whenever so required in writing by any member of the Board.

(12.) At every meeting of the Board six members shall form a quorum.

(13.) The proceedings of the Board shall be governed by such rules, not inconsistent with this Act, as the Board may from time to time make in that behalf.

(14.) On the coming into existence of the Board established under this Act the Board established under the principal Act shall be dissolved.

(15.) The Board established under this Act shall have all the powers and shall exercise all the functions of the Board hereby dissolved, and in addition shall have and exercise all the powers and functions conferred on it by this Act. All references in the principal Act to "the Board" shall be deemed to be references to the Board established under this Act.

(16.) All expenses reasonably incurred by the Board in the exercise of its functions under the principal Act and this Act, including expenses incurred in obtaining legal or other expert advice as to matters connected with the maintenance of the Hutt Road and with the construction and maintenance of the roads or streets dealt with under this Act, and also including travelling-expenses actually incurred by members of the Board in connection with the business of the Board, shall be paid by the Council, and shall be deemed to be expenditure incurred by the Council in connection with the maintenance of the Hutt Road and the construction and maintenance of roads or streets dealt with under this Act.

The amount of the expenditure to be apportioned to the Hutt Road and to the other roads or streets respectively shall be determined by the Board.

(17.) Section four of the principal Act is hereby repealed.

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

Hutt Road Act,
1915, further
amended.

(a.) By adding to section five the following new subsection :—

“(3.) The moneys expended by the Wellington City Council in the patrolling and inspection of the Hutt Road and the control of the traffic thereon shall be part of the cost of maintenance of the Hutt Road. The amount of the moneys so expended shall in case of dispute be fixed by the Audit Office, whose decision shall be final.”

(b.) By repealing the Second Schedule, and substituting therefor the following new Schedule :—

SECOND SCHEDULE.

PROPORTION OF CONTRIBUTION TO COST OF MAINTENANCE OF HUTT ROAD.

Local Authorities.	Per Centum.
Wellington City Council	44½
Petone Borough Council	18
Lower Hutt Borough Council	14
Eastbourne Borough Council	½
Hutt County Council	8
Makara County Council	12
Johnsonville Town Board	2
Upper Hutt Town Board	1½

(c.) By repealing subsections eight, nine, and ten of section three, and sections seven, eight, and nine.

5. The Amendment Act is hereby amended as follows :—

Amendments of
Hutt Road
Amendment Act,
1917.

(1.) By omitting the words “ part of ” immediately after the word “ construct ” in subsection one of section three.

(2.) Section nine is hereby amended as follows :—

(a.) By omitting the words “ and keeps or uses the same ” in subsection one thereof, and substituting the words “ which is kept or used.”

(b.) By omitting all the words in subsection two after the words “ repairs of the Hutt Road.”

(c.) By omitting from the same subsection the words “ derived from such fees shall be expended,” and substituting the words “ derived from such fees, less all expenses incurred in collecting the same, shall, to such extent only as such moneys shall be necessary to supplement the contribution provided for in subsection two A of this section, be expended.”

(d.) By adding immediately after subsection two the following new subsection :—

“(2A.) So long as the fees paid under this section amount in any financial year to seven thousand pounds or more, the total contributions to be made by the local authorities under section six of the principal Act shall be one thousand pounds ; but if the amount of such fees shall be less than

seven thousand pounds, the contributions of one thousand pounds shall be increased by the amount representing the difference between the amount paid and seven thousand pounds."

(e.) By adding at the end of the section the following new subsection:—

"(5.) The cost of collecting such fees shall be a first charge on the amount collected, and shall accordingly be deducted therefrom and retained by the Wellington City Council."

(3.) Section ten is hereby amended by inserting, immediately after the words "Wellington City Council," the words "and no person shall ride any bicycle or tricycle other than a motor-cycle."

(4.) By adding at the end of section twelve the following new subsections four to ten inclusive:—

"(4.) The Council may furnish each payer of a fee with a disc, wafer, seal, transparency, or other device of any kind or nature whatsoever for attachment to the interior of the wind-screen—or some other part prescribed by the Wellington City Council—of each vehicle, in respect of which a license fee is paid.

"(5.) Each payer of a fee to whom any such device as aforesaid is issued shall, within twenty-four hours of receipt of same, attach the same to the interior of the wind-screen—or some other part prescribed by the Wellington City Council—of the vehicle in respect of which such fee has been paid.

"(6.) Every owner of a vehicle on which any such device is fixed shall maintain the same on his vehicle until the first day of April following the receipt of such device, and shall remove such device from such vehicle before the third day of April next ensuing.

"(7.) If any such device is destroyed or lost the owner of the vehicle may, on payment of a fee of two shillings and sixpence, require the City Treasurer to issue to him a fresh device, and in such case the owner of the vehicle shall affix such device within twenty-four hours on the interior of the wind-screen—or on some other part prescribed by the Wellington City Council—of the vehicle in respect of which such duplicate device is issued.

"(8.) The Council may print, emboss, engrave, or otherwise place upon any such device any numbers or other signs indicating the registered number of the motor-vehicle and the financial year in respect of which such device is issued.

"(9.) Every person who, without lawful authority, destroys, injures, defaces, or removes any such device shall be guilty of an offence against this Act.

"(10.) Every person who counterfeits any such device, or places any counterfeit or imitation of such device, or wrongfully or fraudulently places any such device on any motor-vehicle, shall be guilty of an offence against this Act."

6. Section five of the Hutt Road Amendment Act, 1922, is hereby amended by adding at the end thereof the words "in both places in which that word occurs in the section."

7. (1.) The Wellington City Council is hereby authorized, with the consent of the Board, with the funds provided under the provisions of the principal Act, the Amendment Act, and this Act, to construct, for the whole or part of their respective widths, being in no case less than eighteen feet, in concrete, bitumen, or such other permanent material as may be considered suitable by the Council, and to maintain the roads and streets described in the First Schedule hereto, and any other roads or streets in the City of Wellington or the Wellington suburban area that the local authority controlling such road or street requires to be constructed and maintained under the provisions of this Act :

Construction and maintenance of certain streets and roads in and adjacent to the City of Wellington.

Provided that nothing in this section shall apply to footways, which shall be constructed, maintained, and repaired by the local authority having control of the street.

(2.) Such concrete, bitumen, or other permanent material may be covered with a covering of such nature and depth as the Board thinks fit.

Cover for permanent material.

(3.) (a.) The parts of such roads and streets so constructed shall, if and where the formed roadway available for vehicular traffic extends at least eight feet on each side of the part of the road or street constructed in concrete, bitumen, or other permanent material, when so constructed, be available only for motor-vehicles having rubber tires or similar tires approved by the Board, subject to this limitation and exception : that any other vehicle may be driven directly across such part of such roads or streets, but only for the purpose of reaching some premises that the driver desires to reach, or for the purpose of reaching some road or street that junctions with such road or street, or for the purpose of crossing over to the proper side of the road or street.

Traffic on constructed portion.

(b.) The provisions of section eleven of the Amendment Act with respect to the driving of traction-engines on the Hutt Road shall apply with respect to the driving of traction-engines on any of the roads or streets constructed under the provisions of this Act.

(c.) Any person contravening the provisions of this section shall be guilty of an offence.

(4.) The Wellington City Council may, with the consent of the Board, purchase such plant as it thinks fit for the purpose of constructing and maintaining such roads and streets.

Plant.

(5.) All works and operations carried out under the provisions of this Act shall be carried out in conjunction with works and operations in connection with the Hutt Road.

Works and operations.

(6.) For the purpose of constructing roads or streets, or for the purchase of plant, pursuant to the provisions of this Act, the Wellington City Council may use any moneys raised under the provisions of section four of the Amendment Act that are not required in connection with its works and operations on the Hutt Road.

Surplus moneys of Hutt Road loans.

(7.) The Wellington City Council shall be entitled to charge in respect of legal, clerical, and engineering work done by its officers a sum equal to five per centum of the moneys expended in each year on the construction and maintenance of the roads and streets authorized to be constructed under this Act.

Supervision.

(8.) The Wellington City Council shall, by resolution, with the consent of the Board, on the passing of this Act, decide which of the roads

Roads and streets to be taken over on passing of Act.

and streets described in the First Schedule hereto shall be constructed during the current financial year and thereafter maintained by such Council, and on the passing of such resolution such roads and streets shall be constructed, maintained, and repaired by such Council, and the contributions set out in the Second Schedule shall be payable by the local authorities exercising jurisdiction over such roads or streets for the whole of the financial year ending on the thirty-first day of March, nineteen hundred and twenty-five.

Roads and streets
to be taken over
thereafter.

(9.) The Wellington City Council shall, in the month of March, nineteen hundred and twenty-five, and in the month of March in each succeeding year during the operation of this Act, with the consent of the Board, and the necessary consents (if any) of all local authorities affected, decide which of the streets or roads that it is authorized to construct and maintain under this Act it will construct and maintain during the next succeeding financial year; and on the passing of any such resolution such roads and streets shall, as from the succeeding first day of April, be constructed, maintained, and repaired by such Council, and the contributions set out in the Second Schedule hereto shall be payable by the local authorities exercising jurisdiction over such roads or streets for that year and for each succeeding financial year during any part of which this Act is in operation.

(10.) The Council and the Board shall, in deciding under the two last preceding subsections hereof what streets and roads shall be from time to time taken over, as far as possible arrange that equal amounts shall from the commencement of the operation of this Act be expended in the city and in the suburban area until all Wellington City streets comprised in the First Schedule hereto have been constructed.

Lighting roads
and streets.

(11.) The Wellington City Council may light, in such manner as it thinks fit, during the operation of this Act, any roads or streets constructed by it under the provisions of this Act; and the cost of such lighting shall be deemed to form part of the maintenance of such road or street.

Contributions of
local authorities
in respect of
roads and streets.

(12.) The various local authorities exercising jurisdiction over roads and streets which the Wellington City Council from time to time lawfully decides to construct under the provisions of this Act shall, during the operation of this Act, pay to the Wellington City Council contributions in respect of such roads and streets according to the rates set out in the Second Schedule hereto, and all such contributions, other than the contributions payable for the financial year ending on the thirty-first day of March, nineteen hundred and twenty-five (which shall be payable on the first day of January, nineteen hundred and twenty-five), shall be payable on the first day of July in each financial year.

Maintenance,
repair, and control
of streets.

(13.) Nothing in this Act contained shall interfere with, limit, or restrict the right of any local authority to construct footways in positions approved by the Wellington City Council, or to carry out any public work on any road or street under its jurisdiction that is maintained by the Wellington City Council under the provisions of this Act; but every such local authority shall, except in cases of emergency, give to such Council forty-eight hours' notice of its intention to carry out any such public work, and all damage occasioned by any such local authority in the execution of any such public work shall

be made good by it, or if it fails to make good the damage it shall be made good by the Wellington City Council at the expense of such local authority.

(14.) The Wellington City Council shall, out of loan-moneys raised under this Act, pay to the Hutt County Council half the amount expended by such Council in widening Lowry Bay Road and Day's Bay Road in the Hutt County, such payment not to exceed in the whole two thousand pounds.

Contribution towards cost of widening Lowry Bay and Day's Bay Roads.

8. (1.) For the purpose of carrying out the works and operations authorized by this Act, and for purchasing plant as aforesaid, the Wellington City Council is hereby authorized, with the consent of the Board, to raise from time to time special loans not exceeding in all one hundred and fifty thousand pounds, by special order.

Power to raise special loans of £150,000.

(2.) For the purposes of raising such loans the City of Wellington and the Wellington suburban area shall be deemed to be the district of the Wellington City Council within the meaning of the Local Bodies' Loans Act, 1913, and the Council shall be the local authority of the district, and shall be empowered to levy special rates over the district.

(3.) The provisions of the Local Bodies' Loans Act, 1913, shall, except as otherwise specially provided herein, apply to the raising of every such loan, save that it shall not be necessary to take the steps prescribed in sections eight to twelve of that Act.

(4.) Every special rate pledged as security for a loan raised under the authority of this section may be made and levied over the district on the basis of the system of rating for the time being in force in the City of Wellington. Such special rate may be made and levied notwithstanding that the district may not be an area within continuous boundaries.

(5.) If at any time it becomes necessary to collect any special rate levied as aforesaid, the Wellington City Council may, as regards that part of the district comprised in the Wellington suburban area, either collect the rate itself or require each of the local authorities within the area to collect the rate from the ratepayers in the area under its control, and to pay the rate when and as collected to the Wellington City Council.

(6.) If the system of rating in force in the district of any of the local authorities required to collect the rate as required by the last preceding subsection is different from the system under which the special rate was made and levied, the total amount of the rate to be collected from that district shall be separately calculated, and the amount shall be collected by the local authority by an even rate over the whole of its district according to the system of rating in force in such district.

(7.) The valuation roll for the district shall be the combined rolls of the districts of each of the local authorities comprised within the district.

(8.) Debentures issued in respect of the said special loans shall have a currency of not more than fifty years.

Currency of debentures.

(9.) A sinking fund of not less than two and a half per centum per annum shall be provided for the redemption of the said special loans.

Sinking funds.

(10.) Nothing in this Act contained shall diminish, affect, or prejudice the security in respect of debentures issued under the provisions of section four of the Amendment Act.

Security of debentures issued under Hutt Road Amendment Act, 1917, not affected.

Moneys to be used
for purposes of this
Act.

9. The moneys payable to the Wellington City Council by the local authorities affected by this Act, and the portion of the fees payable under section nine of the Amendment Act that is not by that Act appropriated in respect of the Hutt Road and the works and operations of the Wellington City Council in connection with the Hutt Road, shall be available for the purposes and in the order hereunder set forth:—

- (a.) To meet interest and sinking-fund charges in respect of loans raised under the provisions of this Act, or any renewal loans raised to pay off such loans or to pay off the loan raised under the Amendment Act:
- (b.) To meet the cost of maintenance of roads and streets maintained by the Wellington City Council under the provisions of this Act:
- (c.) To meet the charges of the Wellington City Council in connection with legal, clerical, and engineering work done by its officers under this Act:
- (d.) To meet the cost of construction of any roads or streets under the provisions of this Act:
- (e.) To provide additional payments for sinking-fund purposes in respect of the loans raised under the Amendment Act or this Act.

Renewal loan.

10. If it shall hereafter be necessary, in consequence of the raising of any special loan authorized by this Act, to raise a special loan for the purpose of paying off the whole or any part of any future existing special loan, the provisions of this Act and of the Amendment Act, and of the Local Bodies' Loans Act, 1913, shall apply to any special loan which it shall be necessary to raise for such purposes.

Payments due by
local authority are
debts of its
Corporation.

11. All payments required by this Act, or the principal Act, or the Amendment Act to be made by a local authority shall be debts due and payable by the Corporation that such local authority represents.

Local authorities'
control of streets.

12. Nothing in this Act contained shall, except as is herein expressly provided, affect the control of any road or street by the local authority within whose jurisdiction the road or street is, or the ownership or vesting of any road or street.

Provisions of
Wellington City
Empowering and
Special Rates
Consolidation Act,
1923, not applicable
to loan raised under
this Act.

13. The provisions of the Wellington City Empowering and Special Rates Consolidation Act, 1923, shall not apply to any loan raised under the provisions of the Amendment Act or of this Act, or to any loan raised to pay off any future existing loan raised to pay off any such loan, or to any further loan necessary in consequence of any such loans previously raised.

Offences.

14. (1.) Every person who commits a breach of any provisions of this Act is liable to a penalty not exceeding twenty pounds.

(2.) All fines imposed by or under this Act shall be recoverable summarily under the Justices of the Peace Act, 1908, and shall be paid to the Wellington City Council, and shall form part of the moneys applicable to the maintenance of roads or streets under the provisions of this Act.

15. The Board shall have power to exempt from fees payable under the Acts referred to in section two hereof and this Act any second-hand motor-vehicle held and owned by a dealer for sale unless and until such vehicle has been used for other than trial purposes or sold or leased to a person other than such dealer.

Power to grant exemptions.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

1. *Wellington City Streets* :—

Thorndon Quay.
Cable Street.
Chaffers Street to its junction with Herd Street.
Herd Street to Clyde Quay.
Clyde Quay, thence eastwards to Dewsbury Terrace.
Dewsbury Terrace.
Oriental Parade.
Evans Bay Road to Wellington Road, Kilbirnie.
The streets connecting Evans Bay Road from Wellington Road with Bay Road, either along the foreshore or to the landward of the Kilbirnie Recreation Reserve.
The new street to be constructed behind the Post-office to Seatoun Road, thence across Seatoun Road to Onepu Road.
Onepu Road to the sea.
Lyall Parade to the Queen's Drive.
Queen's Drive, thence to its junction with the southern end of Derwent Street at Island Bay.

2. *Petone Streets* :—

Hutt Road from railway-crossing near Korokoro Stream to the northern boundary of Petone.
The Esplanade from the Hutt Road along the foreshore to Cuba Street.
Cuba Street, thence to Jackson Street.
Jackson Street, thence eastwards to the commencement of the western approach to the Hutt Pipe-bridge.

3. *Hutt Streets* :—

The Hutt Road from Petone to the northern end of the Hutt Borough.
Park Road and Gracefield Road, from the eastern end of the Hutt Pipe-bridge to Lowry Bay Road.
Lowry Bay Road, thence to the south-eastern boundary of the borough.

4. *Makara County Roads* :—

Ngahauranga Gorge Road from the Hutt Road for a distance of 40 chains.
Main Road from Johnsonville Town District for a distance of five miles northwards.

5. *Hutt County* :—

The western approach to the Hutt Pipe-bridge.
The Hutt Road from the northern boundary of the Lower Hutt Borough to the southern boundary of the Upper Hutt Town District.
Lowry Bay Road and Day's Bay Road, from the south-eastern boundary of the Lower Hutt Borough to the northern boundary of the Eastbourne Borough.

6. *Eastbourne Borough* :—

The main street, being an extension of Day's Bay Road from the northern to the southern boundary of the borough.

7. *Johnsonville Town District* :—

The main street or road through the district, being a continuation of the Ngahauranga Gorge Road for its whole extent through the district.

8. *Upper Hutt Town District* :—

The main street or road, being an extension of the Hutt Road for its whole extent through the district.

SECOND SCHEDULE.

1. FOR streets outside the Borough of Eastbourne and for the Hutt Road in the Hutt County for three miles of its course northwards from the Borough of the Lower Hutt, for the Ngahauranga Gorge Road as defined in the First Schedule hereto, and for the Road on Gear Island, a contribution of £200 per lineal mile of road or street maintained under this Act.
 2. For streets in the Eastbourne Borough and for Lowry Bay Road and Day's Bay Road in the Hutt County, a contribution of £100 per lineal mile of street maintained under this Act.
 3. For all other roads in counties, a contribution of £150 per lineal mile of road maintained under this Act.
 4. The length of such roads or streets under the jurisdiction of each local authority shall be fixed in each case by the City Engineer, whose decision in each case shall be final.
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