

New Parliament.]

Hon. Mr. Richardson.

# Christchurch District Drainage Act 1875 Amendment.

## ANALYSIS.

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## A BILL INTITULED

AN ACT to amend "The Christchurch District Drainage Act, 1875." Title.

WHEREAS it is expedient to amend "The Christchurch District Drainage Act, 1875":

BE IT THEREFORE 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 Christchurch District Drainage Act 1875 Amendment Act, 1879." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.  
"House-drain" means and includes any covered drain used to convey the drainage or sewage from any house or its appurtenances into a main drain or sewer, or into a cesspool;  
No.

“Principal Act” means “The Christchurch District Drainage Act, 1875;”

“House” means or includes a building of any kind;

“Board,” in the principal Act and this Act, means the Christchurch Drainage Board.

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Repeal of First Schedule of principal Act.

3. The First Schedule to the principal Act is hereby repealed, and the Schedule hereto is enacted in lieu thereof; and the principal Act shall be read and construed as if the Schedule hereto had been inserted therein in lieu of the said First Schedule.

Repeal of sections 47, 48, and 36 of principal Act.

4. Sections forty-seven, forty-eight, and thirty-six of the principal Act are hereby repealed, and in lieu thereof it is enacted—

Compensation, how recovered.

(1.) That the provisions of Part III. of “The Public Works Act, 1876,” shall be applied as fully and effectually as if the same had been expressly enacted herein, so far as the same are applicable and not inconsistent with the provisions of this Act, to ascertain, recover, pay, distribute, deposit, and invest the compensation claimable from and payable by the Board for land taken and damage or injury done under the provisions of the principal Act or this Act:

Claimant under disability to be represented by Public Trustee.

(2.) That, in the case of any person entitled to claim such compensation being an infant, *cestui que* trust, lunatic, or idiot, not having a guardian, trustee, or committee within the colony, the Public Trustee shall, for the purposes of this and the principal Act, be deemed to be the legal guardian, trustee, or committee respectively to make such claim and recover such compensation:

(3.) That the Board may take and hold any land of any tenure, buildings, engines, materials, or apparatus, either within or without the district, which may in their opinion be required for the purposes of this Act and the principal Act.

Repeal of section 3 of principal Act.

5. Section three of the principal Act is hereby repealed, and in lieu thereof it is hereby enacted that there shall be for the district a Drainage Board, which shall consist of nine persons to be elected from time to time in the manner provided in the principal Act; and such Board shall be a body corporate under the name of “The Christchurch Drainage Board,” with perpetual succession and a common seal, having a capacity to hold lands for all the purposes of its constitution under the said Act and any Act or Acts amending the same.

Constitution of the Christchurch Drainage Board.

Repeal of section 3 of principal Act not to affect the rights or status of the Board or its members.

6. The repeal of section three of the principal Act shall not in any way affect or be deemed to affect the rights, powers, privileges, or status of the Board, or of the members of the Board, existing at the time this Act comes into operation; and such Board may and can, after and notwithstanding the passing of this Act, carry on, complete, and execute all suits, and proceedings at law or equity, and all matters and things whatsoever initiated, begun, or contracted for before the passing of this Act; and such members shall continue and be members of the Board for the full term of time and for the same districts for which they were respectively elected members before the passing of this Act, notwithstanding any alteration made in such districts by this amending Act or any Schedule thereto, as if the said section had not been repealed.

Mode of electing the first member of the Board for Sydenham District.

7. The first member of the Board for the Sydenham District shall be a ratepayer on the burgess roll of the Borough of Sydenham at the time of such election in respect of property situate in such district, and shall be elected forthwith after the passing of this Act, and such election shall be made and carried out in the manner provided in the principal Act for the election of a member to fill any casual vacancy occurring on the Board; and the electors of such first member of the Board for such district shall be all and every person or persons who at the time of

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such election shall be enrolled as burgesses on the roll of the Borough of Sydenham in respect of property situate within such district; and the member so elected for such district shall hold office until the first Tuesday in January, one thousand eight hundred and eighty-two, and shall then vacate office as such member of the Board; and all subsequent elections of a member of the Board for such district shall be under and by virtue of the provisions of the principal Act relating to the elections of the members of the Board.

8. The Board may carry their sewers or drains through, across, or under streets and roads and public places, or under any cellar or vault which may be under the pathway, pavement, or carriage-way of any street or road; and, after reasonable notice in writing, into, through, or under any lands whatsoever; and may from time to time enlarge, lessen, alter, arch over, discontinue, close up, or destroy any such sewers or drains as they think fit; but such discontinuance, closing up, and destruction of any such drain or sewer shall be done so as not to create a nuisance; and any person deprived of the lawful use of any sewer or drain so discontinued or destroyed shall be entitled to demand from the Board to provide, and the Board shall, on such demand being made, provide, some other sewer or drain as effectual for his use as the sewer or drain so discontinued.

Board may carry drains, &c., through public places, and, after notice, through private lands.

Board may close up drains and sewers.

9. For the purpose of clearing, cleansing, and emptying the aforesaid drains and sewers, and of receiving, storing, disinfecting, distributing, or otherwise disposing of the sewage of the district, the Board may construct and place, either above or underground, and within or without the district, such reservoirs, sluices, engines, and other works as may be necessary, and may cause all or any of such sewers or drains to communicate with and be emptied into such places as may be deemed necessary and fit, and may cause the sewage and refuse therefrom to be collected for sale upon such terms and conditions as it may deem fit, or for any purpose whatever, but so as not to create a nuisance.

Board may construct reservoirs, &c., to receive sewage, and may sell sewage, &c.

10. It shall not be lawful to build any new house within two hundred feet of any main drain or sewer, or to rebuild any such house which may have been pulled down to or below the floor commonly called the ground floor within two hundred feet of any main drain or sewer, or to occupy any such house so newly erected or rebuilt unless or until drains be constructed of such kind, size, and materials, and at such level and with such fall as, upon the report of the surveyor or officer of the Board appointed so to report, shall appear to be necessary and sufficient for the proper and effectual drainage of the same and its appurtenances.

New houses to have house drains.

11. If a main drain or sewer of the Board, or any main drain or sewer that can be lawfully used, be within two hundred feet of any part of the site of any such aforesaid house, the drains so to be constructed shall lead from and communicate with such one of the aforesaid means of drainage as such Board shall direct; and, if no such means of drainage be within the two hundred-feet distance, then the house drains shall communicate with and be emptied into such covered cesspool or other place, not being under any house, and not being within such distance from any house, as the said Board shall direct.

House sewers to connect with main sewers if within 200 feet.

12. Whosoever builds or rebuilds any house contrary to any of the provisions of either of the last two preceding sections shall be liable for every such offence to a penalty not exceeding fifty pounds.

Penalty of £50 for not having drains from new houses.

13. If the surveyor or officer of the Board appointed for that purpose report that any house whatever in the district is without a house drain communicating with a main drain or sewer or cesspool as aforesaid, or without a house drain sufficient to carry off the drainage of such house and its appurtenances, and that such house or its appurtenances require to be drained, the Board shall cause notice to be forthwith given to the occupier of such house, and, if no occupier, to

Board may compel owners of houses to provide sufficient means of drainage.

the owner thereof, requiring him, within a reasonable time specified in such notice, to construct and lay down, in connection with such house and such one of the means of drainage aforesaid as the Board may think fit, covered drains of such materials and size at such level and and with such fall as may be deemed possible and necessary; and, if such notice be not complied with, the Board may, if they think fit, do the works mentioned in such notice, and the expenses incurred in so doing shall be recoverable by the Board from the owner as a debt in any Court of competent jurisdiction.

Erecting new buildings, &c., over sewers or drains an offence.

14. Any person in the district who, without the written authority of the Board, causes any building to be newly erected over any sewer or drain of the Board, or causes any vault, arch, or cellar to be newly built or constructed under the carriage-way of any street, shall forfeit the sum of *five* pounds, and a further sum of *forty* shillings for every day the offence is continued after written notice from the Board to discontinue such offence; and the Board may cause any building, vault, arch, or cellar erected or constructed in contravention of this section to be pulled down, cut off, torn, or filled up, or otherwise removed or altered as they may think fit, and may also recover as a debt the expenses of so doing from the offender.

Board may remove house-drains unsuited to the drainage system of district.

15. When any house within the district has a drain communicating with any main drain or sewer, which drain, though sufficient for the effectual drainage of such house, is not adapted to the general sewage system of the district, or is, in the Board's opinion, otherwise objectionable, the Board may close such drain, and at their own expense make any other drain or drains communicating with the same or any other main drain or sewer, and do all such other works as shall be necessary to provide an effectual drainage for such house as was provided by the drain so closed.

Occupiers to have privy drains in certain cases, &c.

16. If the surveyor or any officer of the Board appointed in that behalf report that any house in the district is within two hundred feet of a sewer of the Board used for carrying off excrement and other noxious matters, and that the watercloset or privy belonging to or on the premises of such house is not emptied by means of a drain into any such sewer, and that there is or can be obtained on such premises, and at the control of the occupier, or, if there be no occupier, of the owner of such house, a supply of water sufficient to effectually convey all *feces*, excrement, and other contents of such closet or privy by means of a drain into such sewer, and to keep such closet, privy, and drain properly emptied, the Board may give notice to such occupier or owner to lay down and construct, within the reasonable time to be mentioned in such notice, a covered drain of such size and made of such materials and constructed and laid down in such manner as the Board shall direct, connecting such privy or closet with any such sewer for the purposes of emptying the contents of such closet or privy into such sewer; and, if such occupier or owner shall neglect to comply with the requirements of such notice, the Board may do all the matters and things so required to be done, and recover the costs and expenses of so doing from the owner as a debt in any Court of competent jurisdiction.

Persons can, with consent of Board, lay down privy drains.

17. Any person in the district, on receiving the written consent of the Board, may construct and lay down a covered drain connecting his privy or closet with any such sewer for carrying off *feces* and excrement; and such drain shall be of such size and materials and laid down in such manner as the Board shall direct, and its construction and laying shall be supervised by some officer of the Board appointed in that behalf.

Privy drains not to connect with drains or sewers used only for drainage.

18. No drain used for the purpose of carrying off surface water or draining land shall, without the consent of the Board, be connected with or empty itself into any sewer of the Board used for carrying off

feces, excrements, and other contents of closets and privies; and any person offending against any of the provisions of this section shall be liable to forfeit and pay a penalty of not exceeding ten pounds for every such offence, and a further penalty of not exceeding ten pounds a day for every day or part of a day such offence is continued; and the Board may remove, pull, or fill up such drain at the costs and expenses of the owner, and such costs and expenses may be recovered by the Board from the owner in a summary way as a penalty.

19. The Board may, by resolution made from time to time, regulate the size of the drain to carry off the contents of privies and closets, the materials and modes of their construction and laying down, and the time or times and manner at and in which such privies or closets shall be emptied of their contents.

Board to regulate size and construction of privy drains and times of emptying them.

20. If any occupier (or owner, if there be no occupier) of a house neglect or refuse to empty and keep emptied his privy or closet and the drain connecting it with such sewer as aforesaid, in the times and manner prescribed by the aforesaid regulation of the Board, he shall be deemed guilty of an offence, and for every such offence shall be liable to forfeit and pay a penalty of not exceeding five pounds, to be recovered by any informant in a summary way; and the Board, or the Local Board of Health, may cause such privy, closet, and drain to be properly emptied and cleared out at the costs and expenses of the owner, and such costs and expenses may be recovered as a debt from the occupier or owner of such house, or both, by the Board, or the Local Board of Health, in any Court of competent jurisdiction, with full costs of suit.

Refusal or neglect to empty privy drains an offence.

Board may do it at the occupier's or owner's expense.

21. The Board, or the Local Board of Health, can authorize, in writing, one of its officers to enter the yard or premises of any house in the district at any time, and without notice to the occupier or owner of such house, to examine and see if the provisions of the last preceding section have been complied with, and may empower him to root or dig up any ground and open any drain, cesspool, privy, or closet for the purpose of making such examination and inspection, and to use such assistants and tools as may be necessary and fit for so doing; but, if on such examination no breach of such provisions shall be discovered, such Board, or Local Board of Health, shall repair and make good, at their own costs and charges, all damage or injury done in making such examination.

Board can cause premises to be inspected to see if privies are kept emptied according to the regulation.

22. Neither the Board nor any person shall connect or empty any drain used to carry off feces, excrement, or other contents of closets and privies with or into any open drain or open sewer of the Board, nor empty nor cause nor permit to be emptied into such open drain or sewer any such feces, excrement, or other contents of closets or privies, or any such noxious or offensive matter as aforesaid; and if any person offend against any of the provisions of this section he shall forfeit and pay a penalty not exceeding twenty pounds for every such offence, and a further penalty of twenty pounds for every day and part of a day such offence continues, to be recovered from the offender in a summary way as a penalty under the principal Act.

Drains to carry faecal or noxious matter not to be connected with open main drains or sewers.

23. The Board, by resolutions passed from time to time, may define and appoint what drains shall be main drains and what shall be sewers for the purposes of the principal Act and this Act.

Board may define what are main drains and sewers, &c.

24. If any gorse growing in a fence or otherwise would, if not cut or trimmed, overhang or in any way damage or interfere with any open drain or sewer of the Board, the Board may give written notice to the occupier, and, if there be no occupier, to the owner or the agent of the owner, of the land or premises on which such gorse is growing to trim, cut, or remove the same in such manner that it shall not overhang, or damage, or interfere with such drain or sewer, and within a reasonable time to be mentioned in such notice; and, if such occupier

Gorse overhanging open drains to be trimmed or cut.

reasonable time to be mentioned in such notice; and, if such occupier

or owner refuse or neglect to comply with all or any of the requirements of such notice, and in a manner satisfactory to the Board, the Board may do all the matters and things so required to be done, and recover the costs and expenses of so doing from the owner or occupier as a debt in any Court of competent jurisdiction, or in a summary way as a penalty under the principal Act. 5

## Schedule.

## SCHEDULE.

## NORTH-EAST CHRISTCHURCH DISTRICT.

BOUNDED on the East by the eastern side of the East Town Belt; on the North by the northern side of the North Town Belt; on the South by a line in the middle of Worcester Street; and on the West by a line in the middle of Colombo Street.

## SOUTH-EAST CHRISTCHURCH DISTRICT.

Bounded on the North by the North-East Christchurch District; on the East by the eastern side of the East Town Belt; on the South by the southern side of the South Town Belt; and on the West by a line in the middle of Colombo Street.

## NORTH-WEST CHRISTCHURCH DISTRICT.

Bounded on the North by the northern side of the North Town Belt and by the north side of the River Avon; on the East by the North-East Christchurch District; on the South by a line in the middle of Worcester Street, continued westerly to Rural Section No. 10; and on the West by Rural Sections Nos. 10 and 163 to the River Avon.

## SOUTH-WEST CHRISTCHURCH DISTRICT.

Bounded on the North by the North-West Christchurch District; on the East by the South-East Christchurch District; on the South by the south side of the South Town Belt; and on the West by Rural Sections Nos. 9 and 10.

## SYDENHAM DISTRICT.

Bounded on the East by the east side of Wilson's Road from the Ferry Road to Wilson's Bridge over the River Heathcote; thence along the southern side of the said river to Piper's Road, the same being the southern boundary of Rural Section No. 227; thence along the southern side of Piper's Road to Colombo Road South; thence along the southern side of Colombo Road South to the road which forms the south-west boundary of Rural Section No. 238; thence along the southern side of the latter road to the road which forms the southern boundary of Rural Section No. 72; thence along the southern side of the last-mentioned road to the Lincoln Road; thence by a line along the northern side of the latter road to the South-West Christchurch District; thence along the southern boundary of the South-West and South-East Christchurch Districts to the south-east corner of the latter district; thence northerly along the eastern boundary of the South-East Christchurch District to the Ferry Road; thence along the southern side of the last-mentioned road to the commencing point.

## AVON DISTRICT.

Bounded on the North by an east and west line running from the sea to the intersection of the western side of the North Road, by the north side of the Purarekanui Stream; thence by the northern side of that stream to the western boundary of Section No. 243; on the East by the sea; on the Southward by a line in the centre of the River Avon from the sea to the North-East Christchurch District; thence along the eastern boundary of the last-named district to its north-east corner; thence westerly along the northern boundaries of the North-East and North-West Christchurch Districts to the south-west corner of Rural Section No. 6; thence along the western boundary of Sections Nos. 6, 52, and 105 to the most southern boundary of Section No. 133; thence westerly along the said boundary to the western boundary of the last-named section; thence northerly along the western boundary of Rural Sections Nos. 133, 142, 299, 135, and 151 to the northern boundary of the latter section; thence easterly along the said northern boundary to the south-west corner of Reserve No. 64; thence along the north-west boundary of said reserve to the south-west boundary of Rural Section No. 203; thence following the latter boundary of said section to its north-west corner; thence north-easterly along the north-west boundary of Rural Sections Nos. 203, 5, and 3 to the north-east corner of the latter section; thence along the western boundary of Rural Section No. 25 and a line in continuation thereof to the southern boundary of Rural Section No. 292; thence westerly along the last-named boundary to the western boundary of Rural Section No. 292; thence along the western boundary of Rural Sections Nos. 292, 291, 290, 280, 279, and a line in continuation thereof, to the southern boundary of Rural Section No. 243; thence in a westerly direction along the latter boundary to the south-west corner of the last-mentioned section; thence along the north-west boundary of the said section to the north side of the Purarekanui Stream before mentioned.

## HEATHCOTE DISTRICT.

Bounded on the North by the Avon District; on the East by the Avon and Heathcote Estuary; on the South by the River Heathcote from the Estuary to the road which forms the eastern boundary of Rural Section No. 245; thence southerly along the said road to the road along the foot of the Port Hills which forms the northern boundary of Rural Section No. 388; thence following the said road to its junction with road forming the eastern boundary of Rural Section No. 82; thence along the southern side of the River Heathcote to Colombo Road South; thence northerly along the eastern side of the last-mentioned road to the southern boundary of the Sydenham District; thence easterly along the said boundary to the southern side of the River Heathcote; being bounded on the West by the Sydenham District from the River Heathcote to the Ferry Road; thence along the northern boundary of the Sydenham District to the South-east Christchurch District; thence northerly along the South-east and North-east Christchurch Districts to the southern boundary of the Avon District.

## RICCARTON DISTRICT.

Bounded on the Eastward by the South-west and North-west Christchurch Districts and the Avon District; on the North by the road which forms the northern boundary of Rural Section No. 902 to the road which forms the western boundary of Rural Section No. 533; thence in a southerly direction along the latter road, the same being the western boundary of Rural Section No. 529 to the southern side of the Harewood Road; thence westerly along the Harewood Road to the road which forms the western boundary of Rural Section 140; thence southerly along the latter road to the road which forms the southern boundary of Rural Section No. 117; thence in a south-easterly direction along the last-mentioned road and the northern side of the Wai-mairi branch of the River Avon to the road which forms the western boundary of Rural Section No. 12; thence in a southerly direction along the latter road to the road which forms the southern boundary of Rural Section No. 85; thence in an easterly direction along the last-mentioned road to the road forming the western boundary of Rural Section No. 180; thence southerly along that road to the road south of Rural Section No. 180; thence in a north-easterly direction to the road which forms the western boundary of Rural Section No. 488; thence along the latter road to the Lincoln Road; and on the South-east by a line along the northern side of the Lincoln Road to the South-west Christchurch District; thence in a westerly direction along the southern boundary of the South-west Christchurch District to the commencing point, being partly bounded on the South-east by the Sydenham District.

## SPREYDON DISTRICT.

Bounded on the Northward by the Sydenham District from Colombo Road South to the Lincoln Road; on the North-west by the Riccarton District and the Lower Lincoln Road as far as the north side of the River Heathcote; thence easterly along the northern side of the said river to the Heathcote District; thence northerly along the Heathcote District to the commencing point.