

Sydenham Borough Council Empowering Act 1880

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An Act to enable the Sydenham Borough Council to make and maintain such Parts of the City of Christchurch Town Belt as adjoin the Boundaries of the Borough of Sydenham, and for other Purposes.

Preamble.

WHEREAS it is expedient to give power to the Sydenham Borough Council to expend such portion of the borough fund as it may think fit in making, maintaining, and repairing such part or parts of the City of Christchurch Town Belts as adjoin and

skirt the boundaries of the said borough, and also to recover from the Christchurch City Council a portion of the expenses incurred by the said Borough Council for drainage purposes by reason of the City Council having altered the levels of the said town belts or any part thereof, and to act in relation to the said town belts for the convenience of the said borough:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act is “The Sydenham Borough Council Empowering Act, 1880.”

2 Sydenham Borough Council may expend portion of borough funds in formation of parts of Christ-church Town Belts.

Notwithstanding anything contained in “The Municipal Corporations Act, 1876,” or in any Act or Acts amending the same, the Sydenham Borough Council is hereby expressly empowered to expend from time to time out of the borough funds such sum or sums as it may deem fit in forming, making, maintaining, and repairing such part or parts of those streets or roads commonly known as the Christchurch Town Belts as adjoin and skirt the boundaries of the said borough, and lie between the medium line of the said belt or belts and the boundary-lines of the said borough.

3 Such formation to be carried out under direction of the City Surveyor.

Such formation, making, maintenance, and repairs of the aforesaid part or parts of the said town belts by the said Borough Council shall be done and carried out in such manner, and in such manner only, as the aforesaid City Council shall, by its Surveyor or other officer duly authorized in that behalf, appoint and direct; and the said City Council is hereby forthwith enjoined to cause its Surveyor or other officer aforesaid to appoint and direct the manner in which such formation, making, maintenance, and repairs are to be done and carried out, upon application for such appointment and direction being made in writing to the said City Council by or by the authority of the said Borough Council.

4 If Borough Council fail to carry out formation satisfactorily City Council may do so and recover expenses from borough.

If the aforesaid Borough Council refuse, neglect, or fail to do and carry out such formation, making, maintenance, and repairs of the aforesaid part or parts of the said town belts to the satisfaction of the said City Council Surveyor or other officer duly authorized by the said City Council to inspect such formation, making, maintenance, or repairs, and in accordance with the aforesaid direction and appointment, the said City Council may do and carry out such formation, making, maintenance, or repairs in accordance with such appointment and direction, at the sole costs and charges of the said Borough

Council, and may recover such costs and charges as money paid to the use of the said borough at its request, with full costs of action, from the said Borough Council, in any Court of competent jurisdiction.

5 Drainage from houses and erection of verandahs.

The aforesaid Borough Council may and can give, with such restrictions and under such conditions as it shall by any by-law appoint or direct, to the owners or occupiers of houses or lands in the said borough adjoining or near to the aforesaid town belts, authority and power to drain such houses or lands into the drains nearest such houses or lands, and running or made along that side of the said town belt or belts touching and forming part of the boundary line or lines of the said borough; and also to make a verandah or verandahs to any house or houses in the said borough abutting on or adjoining or near to the said town belts, such verandah to extend over and cover the footpath of that side of the said town belt or belts adjoining or nearest to the house to which such verandah belongs: Provided always, and it is hereby expressly enacted, that the power and authority given by this Act to the said Borough Council to make the drains aforesaid is given subject to the provisions of "The Christchurch District Drainage Act, 1875," and any Act or Acts amending the same; and nothing in this Act contained shall alter or affect or be deemed to in any way alter or affect the provisions of "The Christchurch District Drainage Act, 1875," or any Act or Acts amending the same: And provided further that such verandahs shall be only erected or made subject to and in accordance with the by-laws of the aforesaid City Council relating to the erection or making of verandahs in the said City of Christchurch, and under the superintendence and subject to the approval of the aforesaid City Surveyor or other officer duly authorized by the said City Council to supervise and approve the erection or making of such verandahs.

6 City Council shall pay to Borough Council expenses incurred for drainage by reason of levels of town belts being altered.

Where the aforesaid City Council shall, by having lowered or otherwise altered the level or levels of any part or parts of the said town belt or belts, have caused the aforesaid Borough of Sydenham to incur expenses in lowering or otherwise altering the level or levels of the streets of the said borough joining and opening into the said belt or belts, or of the South Town Belt, in order to allow the surface-water of the said streets to flow and drain into the drains running along, over, or through the said belt or belts, the said City Council shall pay to the said Borough Council the said expenses so incurred by the said Borough Council as aforesaid.

7 Arbitrator may be appointed, whose decision shall be final.

The Governor in Council shall, at the request of either of the aforesaid Councils, appoint an Arbitrator to finally settle and determine where and in what

case or cases, and how much, the aforesaid City Council ought to and shall pay to the aforesaid Borough Council as and for expenses incurred in lowering or otherwise altering the level or levels of the said borough for drainage purposes as aforesaid by the said borough by reason of the said City Council having lowered or otherwise altered the level or levels of the said town belt or belts as aforesaid; and the said Arbitrator's decision thereon shall be final and conclusive; and the said Borough Council may recover from the said City Council the sum so awarded by the said Arbitrator to be paid by the said City Council to the said Borough Council as compensation for expenses incurred in lowering or otherwise altering the levels of the aforesaid streets for drainage purposes as aforesaid in any Court of competent jurisdiction, with full costs of suit.

8 Borough Council may make by-laws regulating drainage, and erection of verandahs.

The aforesaid Borough Council is hereby empowered to make, alter, and repeal, in manner provided in "The Municipal Corporations Act, 1876," or any Act or Acts amending the same for the making of by-laws by Borough Councils, any by-law it thinks fit, to regulate the manner in which the aforesaid drainage is to be effected, and the verandahs to be erected or made under the provisions of this Act, and by such by-law or by-laws to impose a penalty not exceeding five pounds, to be recovered in a summary way, for any breach of any such by-law or by-laws: Provided always that such by-laws shall be made subject to, and shall not in any way repeal, alter, or affect, or be inconsistent with, any of the provisions of "The Christchurch District Drainage Act, 1875," or any Act or Acts amending the same, or any of the provisions of the by-laws of the Christchurch City Council.