



ANALYSIS

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1962, No. 39

An Act to amend the Municipal Corporations Act 1954

[5 December 1962

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

1. Short Title—This Act may be cited as the Municipal Corporations Amendment Act 1962, and shall be read together with and deemed part of the Municipal Corporations Act 1954 (hereinafter referred to as the principal Act).

2. Annual allowance to Mayor or to Chairman of Town Council—(1) Section 45 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Mayor may be paid such annual allowance out of the District Fund as the Council from time to time fixes, not exceeding—

“(a) In the case of a borough having a population of not more than ten thousand, five hundred pounds:

“(b) In the case of a borough having a population of more than ten thousand but not more than twenty thousand, seven hundred and fifty pounds:

“(c) In the case of a borough having a population of more than twenty thousand but not more than fifty thousand, one thousand pounds:

“(d) In the case of a borough having a population of more than fifty thousand but not more than eighty thousand, one thousand two hundred and fifty pounds:

“(e) In the case of a borough having a population of more than eighty thousand, one thousand five hundred pounds,—

but no alteration in the amount of that allowance shall take effect during the term of office of any Mayor.”

(2) Section 48 of the principal Act is hereby amended by omitting from subsection (1) the words “fifty pounds”, and substituting the words “two hundred and fifty pounds”.

(3) Notwithstanding anything in subsection (1) of section 45 of the principal Act (as substituted by subsection (1) of this section) or in subsection (1) of section 48 of the principal Act, the allowance of the Mayor of any borough or of the Chairman of any town district who is in office at the date of the passing of this Act may, by resolution of the Council passed within six months after that date, be increased once during his term of office.

3. Remuneration of Councillors—(1) The principal Act is hereby further amended by inserting, after section 114, the following section:

“114A. The Council may pay to each Councillor, not being the Mayor of a borough or the Chairman of a town district, remuneration at the rate of thirty shillings in respect of each meeting of the Council or of any committee thereof attended by him:

“Provided that the total amount that may be paid under this section to any Councillor in any financial year shall not exceed the sum of seventy-eight pounds.”

(2) This section shall come into force on the first day of April, nineteen hundred and sixty-three.

4. Grade and width of streets—(1) Section 170 of the principal Act is hereby amended by omitting from subsection (3) the words “Except with the prior consent in writing of the Minister of Works, or of an officer of the Ministry of Works to whom that Minister may delegate the functions of granting that consent”, and substituting the words “Except pursuant to a special order in that behalf”.

(2) Section 170 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsection:

“(3A) Any street may be diminished in width for the whole or any part of its length to less than sixty-six feet but not less than forty feet, provided the Council first resolves that the proposed width will be adequate for present and future traffic over the street.”

(3) Section 170 of the principal Act is hereby further amended by repealing paragraph (e) of subsection (4) (which paragraph was substituted by section 2 of the Municipal Corporations Amendment Act 1956), and substituting the following paragraph:

“(e) To increase or diminish the width of any street subject to and in accordance with the provisions of this Act and any other Act:”.

(4) Section 186 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Where it is difficult or inexpedient to lay off a street at a width of sixty-six feet throughout the whole of its length as required by this Act, and the Council has resolved that any specified width (being not less than forty feet) is adequate for present and likely future traffic over that street, the Council may, pursuant to a special order in that behalf, lay off or permit the laying off of that street at that specified width for the whole or any part or parts of its length:

“Provided that, except where the street serves only industrial or commercial premises or where the Council is of opinion that such a requirement would be detrimental to the best utilisation of any land having a frontage to any part of the street, the Council shall in every such special order require that, when new buildings are erected or any buildings are rebuilt or re-erected or are substantially rebuilt or re-erected on land having a frontage to any part of that street which has a width of less than sixty-six feet, no part of any such buildings shall stand within a specified distance (being not less than thirty-three feet) of the middle line of the street.”

(5) The principal Act is hereby further amended—

(a) By omitting from subsection (2) of section 186 and also from subsection (3) of that section the words “paragraph (b) of” wherever they occur:

(b) By omitting from subsection (1) of section 188 the words “not greater than seventeen feet from the side line”, and substituting the words “not less than thirty-three feet nor more than fifty feet from the middle line”:

(c) By inserting in subsection (2) of section 188, after the words “being not”, the words “less than sixty-six feet nor”:

(d) By omitting from section 351F (as inserted by subsection (1) of section 28 of the Municipal Corporations Amendment Act 1959) the words “side line of that future street as the Council specifies, being not more than fifteen feet”, and substituting the words “middle line of that future street as the Council specifies, being not less than thirty-three feet”.

(6) Section 2 of the Municipal Corporations Amendment Act 1956 is hereby repealed.

5. Council may guarantee loans for erection of parking buildings—The principal Act is hereby further amended by inserting, after section 177A (as inserted by section 16 of the Municipal Corporations Amendment Act 1959), the following heading and section:

“Parking Buildings

“177B. (1) For the purpose of enabling any person to obtain funds required by him for the erection of parking buildings on land in the district, the Council may from time to time, with the prior consent of the Local Authorities Loans Board, and upon and subject to such terms and conditions as may be prescribed or approved by that Board, guarantee the repayment of the whole or any part of any money so borrowed by that person for that purpose and the payment of interest or any part of the interest on any money so borrowed.

“(2) Without limiting the general power of the Local Authorities Loans Board to prescribe conditions conferred by subsection (1) of this section, the Board may require a poll of ratepayers to be taken on the proposal to give such a guarantee.

“(3) Where the Council becomes liable to make any payment under any such guarantee as aforesaid, it may make the payment out of the General Account or out of any money borrowed under this section.

“(4) For the purpose of providing funds to enable it to make any payment for which it becomes liable pursuant to this section or for the purpose of refunding to the General Account any money paid thereout under this section, the Council may borrow money by way of special loan under the Local Authorities Loans Act 1956, by special order, and, notwithstanding anything in section 34 of that Act, without the prior consent of the ratepayers.”

This Act is administered in the Department of Internal Affairs.
