

Session XXIII 1865 (May to June 1865)

1. The Christchurch City Council Ordinance Amendment Ordinance 1865.

Analysis.

Preamble.

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Whereas it is expedient to amend the "Christchurch City Council Ordinance 1862"

Be it therefore enacted by the Superintendent of the said Province by and with the advice and consent of the Provincial Council thereof as follows:

1. Repealing Clause.

Clauses 18 36 and 67 of the "Christchurch City Council Ordinance, Session 19 No. 21 1862" shall be and the same are hereby repealed.

2. Property jointly occupied how to be rated.

When any rateable property is jointly occupied or if unoccupied is jointly owned by more persons than one each of such persons shall for the purpose of voting be deemed to be the occupier or owner of rateable property of equal annual value to that of the whole of such first-mentioned property divided by the number of such joint occupiers or owners thereof.

3. In certain case the Chairman not to preside at meeting of Ratepayers.

In case the Chairman of the Council shall at any meeting of the Ratepayers held under Clause 5 of the said Ordinance himself be a candidate he shall not preside at such meeting but shall appoint a Ratepayer to act as Chairman in his stead.

4. The Chairman to call a meeting in case of election not holden or void.

In case any election shall not be held on the day specified in Clause 5 of the said Ordinance or shall be or become void from any cause whatsoever the Chairman of the Council shall by notice advertised in one or more newspapers published within the Province of Canterbury and circulating within the City call a meeting of Ratepayers for the purpose of holding such election and every person elected at such meeting shall hold office as if he had been duly elected in pursuance of Clause 5 of the said Ordinance.

5. Rates how to be levied.

The Rates shall be levied on the net annual value of all buildings or tenements (that is to say) upon the rent upon which the same might reasonably be expected to be let for the year in which the rate is levied subject to a reasonable reduction not exceeding fifteen per centum for repairs insurance and other outgoings and on all lands the rates shall be levied on the annual value of all such lands (that is to say) upon the annual rent at which the same might reasonably be expected to let if leased for a period of seven years.

6. Declaration to be made by Assessors.

No person who shall be appointed by the Council to make any valuation or assessment of the rateable property within the City shall be authorised to enter upon such valuation or assessment until he shall have made and subscribed a solemn declaration before a Justice of the Peace that he will make such valuation or assessment impartially and truly according to the best of his judgment and shall have delivered such declaration as subscribed and attested by such Justice to the Chairman of the Council who shall cause an entry to be made in the Minute Book of the Council of the making and subscribing such declaration and of the date thereof.

7. Power of entry for purposes of assessment.

Every valuer or assessor shall have authority upon such notice to the occupier as the Council may order to enter at all hours in the daytime into or upon any rateable property within the City and to do all such acts therein as may be necessary in the due discharge of the duties of his office as such valuer or assessor.

8. List of objections not to be invalidated by informality.

No irregularity omission or informality in the preparation or publication of or in the hearing of objections to the Ratepayers List shall invalidate the same but it shall be lawful for the Council for the purpose of amendment to withdraw the List at any time previous to the signing of the same by the Justices and it shall be in the discretion of the Justices to determine whether any adjudications which may have been made previous to such withdrawal shall stand or come on again for rehearing at an adjourned meeting such withdrawals may take place and such amendments may be made from time to time until the provisions of the said Ordinance shall be complied with.

9. Notice of objection how to be given.

Every notice of objection which shall be given under Clause 26 of the said Ordinance shall be in writing, and shall in addition to the particulars required by the said Ordinance specify the particular amendment required by the person giving the same and shall be given to the Clerk of the Council by delivery at his Office within the time specified in the said Clause.

10. List of objections may be amended.

It shall be lawful for the Council at any time prior to the hearing of objections by the Justices of the Peace to consent to any amendment so required in any such

notice of objection and to amend the list accordingly and in such case such objection shall not be heard by the Justices.

11. Rates how to be payable.

It shall be lawful for the Council to make all Rates payable either in one sum or by instalments and any Rates or instalments shall be payable upon such day or days as shall be appointed in that behalf by the Council at the time of making such Rate.

12. Rates how to be recovered.

All Rates and other moneys which may from time to time be due to or recoverable by the Council shall be recoverable at the suit of any Collector appointed by the Council.

13. Expenses incurred in removal of refuse how to be recovered.

The expenses which may be incurred by the Council in the removal conveyance or deposit of refuse as provided by Clause 66 of the said Ordinance shall be forthwith recoverable from the occupier or if at the time of such expenses being sued for there shall be no occupier from the owner of the house or other building in respect of the refuse whereof such expenses shall be incurred.

14. Power of entry for purpose of removal of refuse, &c.

It shall be lawful for any person duly authorised by the Council upon such notice to the occupier as the Council may order to enter at all reasonable hours whether by day or by night into and upon any premises within the City for the purpose of removing night soil dung slops ashes and other filth and rubbish.

15. Penalty for non-removal of noxious matter upon notice given.

If any Officer of the Council or any duly qualified medical practitioner practising within the City shall represent to the Council that any stagnant water dung soil filth or other noxious or offensive matter within the City is or is likely to become injurious to health and ought to be removed it shall be lawful for the Council to give notice to the owner or occupier of the land or premises in or upon which such stagnant water dung soil filth or other obnoxious or offensive matter may be to remove the same forthwith and if such owner or occupier shall refuse or neglect forthwith to comply with such notice he shall be liable to a penalty not exceeding Five Pounds and to a further penalty of One Pound for every day after such notice during which such stagnant water dung soil filth or other noxious or offensive matter shall remain unremoved.

16. Repayment of expenses to Council how to be recovered.

If the owner or occupier of any premises made liable by this Ordinance for the repayment to the Council of any expenses incurred by it do not as soon as the same becomes due from him repay all such expenses the Council may recover the same from such owner or occupier by legal proceedings.

17. List of Ratepayers for 1865 to be prepared.

It shall be lawful for the Council within three calendar months next after the passing of this Ordinance to prepare a new list of Ratepayers for the year 1865 in lieu of the list heretofore prepared by the Council for the said year and such new list shall be deemed to have been prepared in accordance with the terms of the said Ordinance and public notice thereof shall be given and a true copy thereof kept and all notices of objection thereto shall be made heard and determined respectively and corrections therein shall be made as provided in the said Ordinance and in this Ordinance.

18. Fines and penalties how to be recovered.

All fines and penalties imposed under this Ordinance shall be recoverable in a summary way.

19. This Ordinance to be construed as part of "Christchurch City Council Ordinance, 1862."

This Ordinance shall be construed as and be considered a part of the "Christchurch City Council Ordinance 1862."

20. Title.

This Ordinance shall be entitled the "Christchurch City Council Ordinance Amendment Ordinance 1865."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 6th June 1865, and assented to by the Superintendent on 7th August.