

County of Ellesmere

BY-LAWS

RELATING TO

Drains, and Crossings over
Watercourses and Drains.

Leeston:
The Ellesmere Guardian,
1944

County of Ellesmere

SPECIAL ORDER

UNDER the authority of "The Counties Act, 1920," and "The Land Drainage Act, 1908" and its Amendments, the Council of the County of Ellesmere doth hereby make and ordain the following by-laws relating to drains and to crossings over watercourses and drains within the said County:—

1. IN the construction of these By-laws the words and expressions following shall have the meanings hereby assigned to them respectively, that is to say—

"County" means the County of Ellesmere constituted under "The Counties Act, 1920."

"Council" means the Council of the said County, constituted as aforesaid.

"Drain" and "Watercourse" shall have the respective meanings prescribed in Section 2 of "The Land Drainage Act, 1908."

"Crossing" includes a bridge or culvert or other thing placed or built across a drain or watercourse.

"Owner" includes the owner of land through which a watercourse or drain runs or land on the banks of any watercourse or drain running upon a road where such road fronts the land of such owner.

2. THE control of any drain constructed by the Council or over which the Council has exercised management or control shall remain with the Council.

3. THE conditions on which any other constructed drain or drains, whether public or private, may be connected with any constructed drain so under the control of the Council, and the continuance of the connection of any drain or drains shall be determined by resolution of the Council in respect of any such connection.

4. THE conditions so imposed may include the payment to the Council of such annual or other charges by way of contribution to the cost of the construction maintenance or extension of the constructed drainage-system under the control of the Council as the Council may determine by resolution.

5. THE owner of any crossing existing at the date hereof over any drain or watercourse shall at his own expense maintain the said crossing and keep the same in good condition and state of repair to the satisfaction of the Council.

6. NO new crossing shall be placed or constructed over any drain or watercourse without the prior consent of the Council. If any person shall wish to erect any such new crossing he shall first make application to the Council in writing for permission to do so and in such application shall give the specifications of the crossing he proposes to erect. Upon such permission being given by the Council such person shall erect such crossing to the satisfaction of the Council.

7. THE Council may by notice in writing to the owner delivered either personally or by registered post addressed to the last known place of address of such owner requiring such owner within the time stated in such notice (being not less than two weeks after the date of the delivery of such notice) to effect such repairs or renewal of any crossing as may seem to the Council to be reasonably required to ensure the safety of the public and/or the proper functioning of any drain or watercourse. If such owner shall fail to effect such repairs or renewal within the time so specified then it shall be lawful but not obligatory upon the Council to do and effect the same and in this case all costs and expenses incurred by the Council in so doing shall be deemed to be a debt due by such owner to the Council and the Council may sue for and obtain judgment for such debt forthwith without any prior notice or demand.

8. IF the Council shall widen any existing drain or watercourse running upon a road and thereby make the existing crossing inadequate, then, either the owner may give to the Council notice in writing that he requires a new crossing to be built, or the Council may give notice in writing to the owner (delivered either personally or by registered post addressed to his last known place of address in New Zealand) that the Council proposes to build a new crossing, and in either of such cases and within three calendar months thereafter the Council will erect a new crossing and the owner shall bear

such proportion of the cost of such new crossing as the Council may determine but not more than half of such cost and the Council may sue for and obtain judgment against the owner for his proportion of such cost without any prior notice or demand.

9. ANY person committing a breach of any of these By-laws shall for each offence forfeit and pay a penalty not exceeding £10.

10. IN addition to the penalties hereby imposed for breaches of these By-laws, the Council may sue for and recover from any person the amount of damage done or caused by such person (including the cost of any work done by the Council) by reason of the failure of such person to comply with the provisions of these by-laws.

THE Resolution to make this By-law was passed by the Ellesmere County Council at a Special Meeting of the Council held on the 4th day of October, 1943, and was confirmed at a subsequent meeting of the Council held on the 1st day of November, 1943.



The Common Seal of the Chairman, Councillors, and inhabitants of the County of Ellesmere was hereunto affixed at the offices of and pursuant to a resolution of the County Council on the 1st day of November, 1943, in the presence of

A. ANDERSON. Chairman.

ROBT. T. McMILLAN, Deputy Chairman.

J. McALLISTER, County Clerk.