

THE QUEENSTOWN SEWERAGE ACT 1939.

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1939.

ANNO TERTIO ET QUARTO
 GEORGHII VI. REGIS.

No. 40.

AN ACT to vest certain existing Sewer Mains, together with all connections therewith, within the Town of Queenstown in the Warden, Councillors, and Electors of the Municipality of Queenstown, and to confer upon the Council of such Municipality Authority to provide a System of Sewerage and Drainage for the Town of Queenstown, and to enable the Council of such Municipality to borrow certain sums of money, not exceeding in the whole the sum of Seventeen thousand five hundred Pounds for the purposes thereof, and to provide for other matters incidental thereto.

A.D.
1939.

[21 December, 1939.]

WHEREAS there now exists in and for the service of part of the Town of Queenstown certain sewers, the cost of providing which and the connections between the premises thereby served was borne partly by the Municipality of Queenstown (such sewers and connections being hereinafter called "the said existing sewers"):

Preamble.

Queenstown Sewerage.

A.D. 1939. And whereas it is expedient to vest the said existing sewers in the Warden, councillors, and electors of the Municipality of Queenstown (hereinafter called "the Corporation") and to bring the said existing sewers under the provisions of this Act:

And whereas it is expedient to provide a further drainage and sewerage system for the Town of Queenstown:

And whereas it is expedient to confer upon the Council of the Corporation all necessary powers in relation to the said existing sewers and in relation to the said proposed drainage and sewerage system and for making from time to time other further sewerage and drainage provision for the said Town and its surroundings:

And whereas the Governor has, by proclamation, declared certain portion of the abovementioned works to be a public work for the purposes of the *Local Authorities Public Works Subsidies Act 1936*:

And whereas the Council of the Corporation is desirous of obtaining legislative authority to borrow, under the provisions of the *Local Bodies Loans Act 1881*, the *Local Authorities Public Works Subsidies Act 1936*, and otherwise, the money necessary to carry out certain additional works in connection with the said drainage and sewerage system:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

Short title and Incorporation.

1—(1) This Act may be cited as the *Queenstown Sewerage Act 1939*.

(2) This Act shall be incorporated and read as one with the *Local Government Act 1906*.

Interpretation.

2 In this Act, unless the contrary intention appears—

"Drain" means any drain used for the drainage of one building only or premises within the same curtilage, and includes any drain for draining any group or block of premises by a combined operation under the order of the Council:

"Proper officer" means any officer of the Council generally or specially authorised by the Council in respect of, or whose duty is to deal with, or to act in regard to, any acts, matters, or things in connection with which the expression is used:

"Sewer" means any sewer or underground gutter or channel which is not a drain within the meaning of this Act, and any drain or portion of a drain laid between a sewer and the boundary line of any allotment or curtilage:

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“Sewerage district” means and includes all that part of the Town of Queenstown as described in the first schedule hereto: Provided that the sewerage district may, by special resolution of the Council and by notice thereof from time to time, be altered, increased, decreased, or (in the case of any error therein) amended: A.D. 1939.

“Sewered property” means, as well as any sewered land or premises, any land or premises that may be conveniently served by any sewer by the Council, and is ready to receive connections from any such land or premises to convey the sewerage or drainage therefrom to such sewer.

3 The said existing sewers are hereby vested in the Corporation, and the provisions of this Act apply to the same. Existing
sewers vested
in Corpora-
tion.

PART II.

POWER TO BORROW.

4 It shall be lawful for the Council (on behalf of the Corporation) to borrow— Power to
borrow.

- I. In accordance with the provisions of the *Local Authorities Public Works Subsidies Act 1936*, any sums of money, not exceeding in the whole twelve thousand five hundred pounds, for the purpose of defraying the cost of such drainage and sewerage works as may be undertaken by the Council under the provisions of Part III. of this Act and which have been, or hereafter may be, proclaimed to be a public work under the provisions of the *Local Authorities Public Works Subsidies Act 1936* and for all costs, outgoings, charges, and expenses incidental thereto: and
- II. By mortgage on its rates in accordance with the provisions of the *Local Bodies Loans Act 1881*, as hereinafter modified, or by advance from any bank by overdraft on current account upon the credit of the Municipality, any sums of money not exceeding in the whole five thousand pounds, in addition to the said sum of twelve thousand five hundred pounds, in order to carry out any of the works undertaken by the Council under the provisions of Part IV. hereof, and any expenses of and incidental thereto, and any sum or sums of money borrowed by the Council, under this section, by advance from any bank or banks on overdraft as aforesaid, shall be in addition to any sum or sums that may be borrowed under section one hundred and ninety-four of the *Local Government Act 1906*.

Queenstown Sewerage.

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Application
of 45 Vict.
No. 16.

5 In the application of the *Local Bodies Loans Act 1881* to the loan hereby authorised to be raised under the provisions of that Act, and the proceedings to be taken by the Council in connection therewith, sections fourteen to thirty-five inclusive of the *Local Bodies Loans Act 1881* shall have no effect.

Interest on
debentures.

6 The rate of interest payable in respect of the moneys to be secured by any debenture issued in pursuance of this Act shall not exceed five pounds per centum per annum.

PART III.

THE PROVISION OF A SEWERAGE SYSTEM.

Power to
construct
sewers,
&c.

7—(1) It shall be lawful for the Council, for and on behalf of the Corporation, within, and, as provided by sections sixteen and seventeen, beyond, the sewerage district—

- I. To make, perform, construct, lay down, establish, and maintain, such sewers, drains, and other works in connection therewith as the Council may think necessary or desirable for the purposes of this Act:
- II. To alter, change the course of, discontinue, close, take up, or remove such sewers, drains, or other works in connection therewith as the Council may consider necessary or desirable so to do.

(2) If the Council shall discontinue, close, take up, or remove any such sewer or drain or any part thereof—

- I. The Council, at its own cost, shall connect all premises then connected with the same with some other part of the sewerage and drainage system: and
- II. Such discontinuance, closing, taking up, or removal shall be done so as not to create any permanent nuisance.

Power to
construct
works to
dispose of
sewage.

8 For the purpose of collecting, receiving, storing, disinfecting, purifying, distributing, or otherwise disposing of sewage and street and house refuse, and of cleansing and flushing the sewers and drains, the Council may—

- I. Construct any works that the Council may deem necessary, either within or without the sewerage district: and
- II. Contract for the use of, purchase, exchange, or take on lease, any land, buildings, engines, materials, or apparatus, either within or without the sewerage district—

Provided that no nuisance be created in the exercise of any of the powers given by this section.

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9 The Council may construct any sewer, drain, or other work connected with the sewerage or drainage system of the sewerage district through, across, or under any street or place laid out or intended as a street, or under any railway or tramway, and, after giving reasonable notice in writing to the owner or occupier, into, through, or under any lands or premises whatsoever within the sewerage district; and the Council may cause any shaft, pipe, tube, valve, or other apparatus for ventilating any sewer or drain to be attached to any wall or any building situate within the sewerage district.

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Power to
construct
under streets
and privat
property.

10 For the purposes of doing any of the things by this Act authorised to be done by the Council, it shall be lawful for the Council, its inspectors, overseers, contractors, and the workmen of the Council, and of such contractors, to enter upon any land or premises at all reasonable hours during the day-time and to do all things necessary or proper for such purposes or any of them.

Power to
enter land,
&c.

11—(1) The Council may, for the purposes, and subject to the provisions, of this Act, purchase, take, lease, sell, or exchange any lands situated within or without the sewerage district.

Power to
purchas
lease, &c.,
land.

(2) Any lands so acquired, and which are no longer required for the purpose for which they were acquired, may be sold at the best price that can be obtained for the same.

12 The Council shall keep in repair all sewers and drains vested in it, and shall cause to be made such sewers and drains as may be necessary for effectually draining the sewerage district or such part thereof as the Council may from time to time decide, and shall cause such sewers and drains to be properly constructed, covered, ventilated, and kept so as not to be a nuisance or injurious to health.

Council to
keep sewers
in repair.

13 Except as hereinafter provided, nothing in this Act shall authorise the Council to make or use any sewers, drains, or outfall for the purpose of conveying sewerage or filthy water into any freshwater stream or watercourse, or into any canal, pond, or lagoon until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter as would affect or deteriorate the purity or quality of the water in such stream, watercourse, canal, pond, or lagoon:

Prevention
of pollution
of streams,
&c.

Provided that nothing in this section shall prevent the construction of stormwater overflows from any sewer belonging to the Council to be used only in the case of rainfall exceeding the carrying capacity of the said sewers or any plant used in conjunction therewith: And provided that nothing in this section shall prevent the Council from causing the discharge from any sewer or drain or from locating the outfalls for the same into the Queen River.

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All sewers, &c., to be constructed so as not to be a nuisance.

14 The Council shall cause all sewers and drains vested in the Council and under its control to be constructed and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and, for the purpose of clearing, cleansing, and emptying the same, may construct and erect such works as are necessary, and may cause all or any of such sewers and drains to communicate with, and be emptied into, such places as they may deem fit or necessary, and no person shall, without the consent of the Council, cause any private drain or sewer to be emptied or to flow into any public drain or sewer under the control of the Council, nor do any act, matter, or thing, which in the opinion of the Council, tends to the injury or stopping of any such drain or sewer.

Power to drain under premises.

15—(1) In case, in the opinion of the Council or its proper officer, it is necessary or expedient, for the proper drainage of any land, street, lane, right-of-way, yard, passage, premises, or other place within the sewerage district that drains or sewers should be made through or under any one or more premises, whether occupied or not, it shall be lawful for the Council to serve a notice on the owner or owners of such premises requiring such owner or owners to permit the formation of such drains or sewers through or under such premises, and, after the expiration of a reasonable time from the service of such notice, the Council may form or make through or under such premises such drains or sewers as may, in the opinion of the Council, be necessary for the proper drainage of such land, street, lane, right-of-way, yard, passage, premises, or other places as aforesaid: Provided that such drains or sewers shall be made and maintained in good order so as not to be a nuisance or injurious to health.

(2) Where the Council has, under the powers conferred by this section, formed or made any drain or sewer through or under the premises, the Council shall not be required to pay any compensation therefor to the parties interested, except in reference to any building that may be injured or interfered with by such drain or sewer or the making thereof, and which the Council has not reinstated or repaired.

Council may, by agreement, sewer beyond the sewerage district.

16 The Council may enter into agreements with the owners of properties situated beyond the boundaries of the sewerage district for the provision of sewerage facilities upon such special terms and conditions as the Council may think fit.

Power to extend sewers, &c., beyond sewerage district.

17 It shall be lawful for the Council to make, construct, and establish such sewers and drains and things in connection therewith, and do and perform such works and things as may be necessary in connection therewith beyond the boundaries of the sewerage district as the Council may think fit.

Queenstown Sewerage.

18 The Council shall cause to be prepared a map or maps exhibiting the sewerage district and the sewerage and drainage system from time to time existing, and such map shall show all work proposed to be undertaken under the provisions of this Act before the same is performed, and may cause all necessary surveys to be made and levels to be taken for the purpose of making or preparing such map or maps and laying out such sewerage and drainage system; and a copy of such map or maps shall be kept at the office of the Council, and shall at all reasonable times be open to the inspection of the ratepayers of the Municipality.

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Council to provide a sewerage map.

PART IV.

THE SEWERAGE AND DRAINAGE OF PREMISES.

19—(1) The Council shall, after sewers have been laid in any part of the sewerage district, cause a general notice to be given that the Council has made provision for carrying off the sewage from each and every property situated in such part of the sewerage district, which may be conveniently served by any such sewer; and, after such time as is fixed by the Council in such notice, each and every such property shall be deemed and taken to be a sewerred property within the meaning of this Act.

All properties in the sewerage district to be deemed to be sewerred after notice given by Council.

(2) The Council may also, by a further general notice, order that the owner of each and every such property, as mentioned in the last preceding subsection, shall, within such time as is specified in such further notice or within such further time as the Council may allow, provide such proper water-closet or water-closets, drains, appliances, apparatus, and connections with such sewer or sewers or drains as are prescribed or directed by the Council.

Authority, upon giving notice, to require owners in sewerage district to provide connections, water-closets, &c.

(3) The general notice referred to in subsection (1) of this section shall—

Form of general notice.

- I. Be in the form contained in the second schedule: and
- II. Be advertised once in the *Gazette* and once in a newspaper.

(4) The further general notice referred to in subsection (2) of this section shall—

Form of further general notice.

- I. Be in the form contained in the third schedule: and
- II. Be given by serving the same on the owner of any property which, or any part of which, may be conveniently served by any sewer, or by leaving the same on such property.

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Owners to submit plans for providing water-closets and connections.

20—(1) Within one month after a date to be specified in the said further general notice or within such further time as the Council (either before or after the expiration of such month) may allow, the owner of each and every property which, or any part of which, may be conveniently served by any sewer, shall, if there are any houses or buildings on such property—

I. Submit, for the approval of the Council, a plan (including a plan drawn to scale) and specification for providing such property with such water-closet or water-closets, and such drains, appliances, apparatus, and connections fitted and laid in such manner as set forth in any by-law or direction of the Council or any modification thereof which the proper officer, on written application made to him, may approve in writing under his hand; and such owner shall, in writing, undertake to carry out such plan within one month, or such further time as the Council may allow if the plan is approved by the Council: or

II. Submit, for the approval of the Council, a plan and specification as aforesaid, and, in writing, request the Council, if it does not approve thereof, to make such alterations and amendments therein as the Council may consider necessary; and thereupon the Council shall do so or give its approval to the first-named plan and specification, and, if any alterations are required, the owner shall forthwith make the same to the satisfaction and approval of the Council; and, as soon as the Council gives its approval, such owner shall, in writing, undertake to carry out such plan and specification within one month or such further time as the Council may allow, or shall, in writing, request the Council to carry out the same at the cost and expense of the said owner, and thereupon the Council shall do so: Any expenses connected with the preparation of plans and estimates by the Council for an owner shall be paid by the owner.

In default of owner complying, Council may carry out works at his expense.

(2) If within such period of one month or such further time as aforesaid any such owner has not complied with any of the foregoing requirements, or if, after undertaking so to do, any such owner has not within the time limited provided such water-closet or water-closets and such drains, appliances, apparatus, and connections as aforesaid, then the Council may order such owner to comply with such of the requirements of the further general notice or the said undertaking as it deems to be necessary, and, in default of such compliance, may itself carry out such undertaking at the cost of such owner.

Power to inspect.

(3) The Council, by its proper officer, may at any reasonable time in the daytime, after twenty-four hours' notice, in writing, has been given to the occupier or left upon the prem-

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ises with some person residing thereon, without notice, enter any premises and ascertain and determine whether any such further general notice or undertaking has or has not been complied with.

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(4) The Council may cause the works hereinbefore mentioned to be inspected while in progress, and, from time to time during their execution the proper officer may, in writing, order such reasonable alterations therein or additions thereto as he may think necessary.

(5) All such work as is mentioned in this Part shall be carried out only by persons authorised in writing by the Council to carry out such work, and such authority may be specially limited to a particular installation or to particular classes of work or otherwise or may be general, and it shall be illegal for any unauthorised person to carry out or perform any such work.

Work to be done by authorised persons.

(6) When such work of providing such water-closet or water-closets, or such drains, appliances, apparatus, and connections as aforesaid has been provided or carried out by the Council as aforesaid, the cost thereof, including all fittings, and materials used and including interest upon capital expended thereon during the period of installation at such rate as may have been agreed upon between the Council and the owner, or failing agreement at the date of completion, at the rate payable by the Council to its bankers upon overdraft advances, shall, until paid, be charged upon the said land as if it were an expense levied and payable under the *Local Government Act 1906*, and shall be payable and paid by such owner immediately upon demand being left by the Council upon such premises: Provided, however, that, should such owner so elect in writing lodged at the office of the Council within seven days from such demand being so left on the said premises, such cost inclusive as aforesaid, together with interest at the like rate, and an administration charge at the rate of two pounds ten shillings per centum per annum upon the amount thereof for the time being unpaid from the date of such completion until final payment shall be payable and paid by such owner to the Council by ten equal payments, of which the first shall be made within one month after such completion and the remaining nine half-yearly thereafter: Provided that the Council may, at its discretion, extend the period for payment thereof and may arrange with owners other terms for the payment thereof.

Payment by owners for installations.

(7) Every such owner who fails to pay any moneys payable by him as aforesaid within seven days after demand has been made for payment thereof, by posting the same to his last known address, shall, as from the expiration of such period of seven days until the same are paid, pay interest thereon at such rate not exceeding six pounds per centum per annum as the Council may determine.

(8) Every owner shall, at his own cost, maintain such water-closet and other apparatus, including fittings, in such

Owners to keep installations in repair.

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A.D. 1939. condition and repair as the Council may from time to time require, and no person, not being an authorised person as aforesaid, shall be employed in the work of maintaining or repairing such fittings.

Power to enter on land to carry out work authorised by the Act.

21 For the purpose of making, performing, constructing, and establishing such drains, conveniences, connections, and things as aforesaid, or of cleansing, renewing, repairing, or amending the same (the cost of which shall be payable by such owner or owners as aforesaid, and in like manner), it shall be lawful for the Council, its inspectors, overseers, contractors, and workmen, to enter upon any land or premises at all reasonable hours during the daytime, and to do all things necessary or proper for the abovementioned purposes, or any of them: Provided that in every such case entry shall be made so as to interfere as little as possible with the occupier of such land or premises or his business.

Payment by owners.

22 The amount or amounts of money payable by any person to the Council as provided by section twenty-one hereof in respect of each particular premises shall be deemed to be expenses within the meaning of the *Local Government Act 1906*, and shall be recoverable as therein provided.

Power to cause drainage of group of premises.

23 If it appears to the Council that a group or groups of premises, or any number of premises in the same vicinity, adjacent or separated by vacant land, or that any block or blocks of vacant land, may be sewered and drained more economically or advantageously in combination than separately, and a sewer of sufficient size already exists or is about to be constructed within such reasonable distance as is prescribed or determined by the Council or any part of any such group or number of premises or such block or blocks of land, the Council may order that any such group or number of premises or such block, or blocks, of vacant land, be sewered, or drained by a combined operation, and the Council may order that any new building or premises shall be connected with any sewer or drain used, or to be used, for sewerage and draining by such a combined operation.

Drainage of houses.

24 All premises within any such part of the sewerage district as aforesaid shall have such drains leading to such sewers or other places, and having such a fall, and constructed of such material, and in such manner as shall be satisfactory to the Council. No drain shall, without the written consent of the Council, and then only upon complying with such conditions as the Council may impose, be made; and the Council may, in the case of there not being any such satisfactory drain to any premises within the sewerage district, cause such drains to be made.

No building to be newly erected over sewer.

25 Any person who, in the sewerage district, without the written consent of the Council, causes any building to be newly erected over any sewer or drain shall forfeit to the

Queenstown Sewerage.

Council the sum of five pounds, and a further sum of forty shillings for every day during which the offence is continued after written notice in this behalf from the Council; and the Council may cause any building erected in contravention of this section to be altered, pulled down, or otherwise dealt with as it thinks fit, and may recover in any court of competent jurisdiction any expenses incurred by it in so doing from the offender.

A.D. 1939.

26—(1) The Council, by its proper officer, may inspect and test any drain, water-closet, sink, trap, pipe, or other apparatus connected therewith within the sewerage district, and for that purpose at all reasonable times in the daytime, after twenty-four hours' notice in writing has been given to the occupier of the premises whereon the inspection is to be made, or left upon the premises, or, in case of emergency, without notice, and such proper officer may enter by himself or with workmen and cause the ground to be opened in any place he may think fit, doing as little damage as may be possible.

Power for Council to inspect.

(2) In case any such drain, water-closet, sink, trap, pipe, or other apparatus be found, on inspection or testing, to have been made contrary to the provisions of this Act, or by-laws thereunder, or to be in bad order and condition, or to require cleansing or repairing, the Council may give notice, in writing, to the owner of the premises requiring him to do the necessary works within such time as may be specified in such notice.

(3) If such notice be not complied with by the owner of the premises, the Council may, if it thinks fit, execute such works, and the expenses incurred by it in so doing shall be paid to it by the owner of the premises.

(4) If such drain, water-closet, sink, trap, pipe, or other apparatus be found, on inspection as aforesaid, to be made to the satisfaction of the Council, and in proper condition and order, the Council shall cause the same to be reinstated and made good, and the whole expenses of the inspection and reinstatement shall be defrayed by the Council.

27—(1) In any case where it is deemed necessary by the Council that the owner of any premises shall do any act, matter, or thing, or construct any works, the Council may, if it thinks fit, at the option of the Council, require the person occupying or in possession of the premises to do any such act, matter, or thing, or construct any works, the Council may deem necessary; and any such owner, and also the person occupying or in possession of the premises, who refuses or neglects to comply with such direction, order, or notice after service thereof, and within a certain time specified to be named therein, shall be liable to a penalty for each and every day after the expiration of such specified time of not more than five pounds and not less than five shillings.

If owner required to do any act, occupier also liable at option of Council.

Queenstown Sewerage.

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(2) Any expense incurred by the person occupying or in possession of the premises, in complying with the said direction, order, or notice of the Council shall be recoverable by the person occupying or in possession of such premises from the owner thereof, or other person to whom he is a tenant of premises, in any court of competent jurisdiction, as money paid to the use of such owner or other person, or may be deducted from or set off against the rent then due, or thereafter at any time, and from time to time to become due; and the owner from, and against, whom such expenses are so recovered, deducted, or set off, if he be a tenant to another person of the same premises, may in like manner recover, deduct, or set off the said expenses, any covenant or agreement whatsoever to the contrary notwithstanding.

(3) In the event of the neglect or failure of the person to whom any such order or notice shall be addressed to comply therewith, the Council may, if it sees fit, carry out the requirements of such order or notice, and may recover in manner hereinafter provided from such person all costs and expenses which the Council shall thereby have incurred.

(4) When the owner or occupier of any premises is, from poverty or otherwise, unable, in the opinion of the Council, effectually to carry out the requirements of any order, regulation, by-law, or of any of the provisions of this Act relating to the construction of any works or the doing of any matter or thing for the purposes of this Act, and the value of the property is insufficient to defray such costs, the Council may, without enforcing such requirements on such owner or occupier, enter the said premises, and, out of the rates or moneys applicable to the execution of this Act, construct such work.

(5) No occupier of any premises shall be liable to pay more in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which shall, at any time after such demand, and notice not to pay such rent to his landlord, have accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Council, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall lie upon the occupier.

(6) Nothing herein contained shall be taken to affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

All drains,
&c., to be kept
so as not to
be a nuisance.

28 All drains whatsoever, water-closets, sinks, grids, stables, cow-houses, yards, and places shall be constructed and kept so as not to be a nuisance or injurious to health, and so that there is no overflow, or leakage, or soakage therefrom.

Queenstown Sewerage.

A.D. 1933.

PART V.

SEWERAGE CHARGES AND RATES.

29—(1) For the purpose of carrying out the provisions of this Act, it shall be lawful for the Council, once in every year—

Authority to
levy service
charge and
sewerage
rate.

- I. To make and levy upon each property within the sewerage district a charge (to be called a service charge), not exceeding two pounds, in respect of each and every water-closet installed on such property: and
- II. To make and levy a rate (to be called a sewerage rate), not exceeding threepence in the pound upon the annual value, as shown in the assessment roll for the time being in force, upon each property in the sewerage district or such portion or portions thereof as has or have been notified as provided by section twenty hereof, excepting such properties upon which the said service charge has been levied.

(2) Any such service charge or sewerage rate shall be made upon, and be payable by, the owner of the property in respect of which the same is levied, and shall be recoverable under the provisions of the *Local Government Act* 1906, as if the same were a rate made under that Act.

(3) Where portion only of a property is included in the sewerage district or the portion or portions thereof from time to time notified, it shall be lawful for the Council to make a separate assessment of such portion of such property for rating purposes in respect of this Act.

(4) In every case of new installation of water-closets and in every case of any property being included for the first time in the sewerage district or portion or portions thereof notified as herein provided, then the said service charge and sewerage rate for the current year shall be apportioned and a proportion thereof shall be payable as from the date of such new installation or notification, as the case may be.

(5) In every case of new installations of water-closets and the consequent discontinuance of the existing cleansing charge, then the charge payable in respect of the said cleansing charge for the current year shall be apportioned and a proportion thereof shall be payable up to the date of such discontinuance.

30—(1) Every property upon which any building is erected belonging to, or used by, or on behalf of, the Crown, or any person or body of persons, corporate or incorporate, notwithstanding that such property may be exempt from any tax or rate which may be imposed or levied by the Council, shall be subject to the service charge and sewerage rate, made and levied in pursuance of the last preceding section, the assessment being on the same principle as on other property within the sewerage district.

Property used
by the
Crown, &c.,
shall be sub-
ject to the
rate.

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Power to
Crown and
others to pay
annual sum
in lieu of rate.

(2) The Crown or any person or body of persons, corporate or incorporate, may, in every such case as is mentioned in the last preceding subsection, commute its liability to pay any such charge or rate by contribution of an annual sum, to be agreed upon by the Council and the Treasurer of the State or Commonwealth, or any person or body of persons, corporate or unincorporate, as the case may be.

PART VI.

OFFENCES.

Buildings
not to be
erected in,
over, or
under sew-
ers.

31—(1) If any person knowingly erects or constructs any building, wall, bridge, fence, mound, embankment, excavation, tunnel, or work in, upon, or under any of the said sewers without the previous consent, in writing, of the Council—

- I. The Council may demolish and remove the same and perform any works necessary for restoring or reinstating such sewer: and
- II. Such person and the person who has directed the same to be done shall each be guilty of an offence against this Act, and shall be jointly and severally liable for the expenses incurred by the Council, and such expenses may be recovered in any court of competent jurisdiction or in a court of petty sessions as a civil debt recoverable summarily.

(2) Every person who—

- I. Knowingly erects or places any obstruction, annoyance, or encroachment in, upon, or under any of the said sewers: or
- II. Obstructs, fills in, or diverts any of the said sewers without the previous consent, in writing, of the Council—

shall, in addition to any other proceeding to which he may be liable therefor, be liable to a penalty of twenty pounds and to a further daily penalty of five pounds.

(3) Nothing herein contained shall extend to prevent or impede the maintenance, repair, or renewal of any building, wall, bridge, fence, or other structure under which any of the said sewers have been constructed, but so, nevertheless, that the same does not injure or obstruct such sewers.

Sweeping dirt
into sewers.

32 Every person who sweeps, rakes, or places any house refuse, soil, rubbish, or filth, or any other thing into or in any of the said sewers, or over or contiguous to any grate communicating therewith, or into any dock or inlet communicating with the mouth of any such sewer or drain, or into which any of the said sewers discharge their contents. shall be liable to a penalty of ten pounds.

*Queenstown Sewerage.***33** Every person who—

- I. Takes up, removes, demolishes, or otherwise interferes with, or causes to be taken up, removed, demolished, or interfered with, any of the said sewers or part thereof without having previously obtained the permission, in writing, of the Council:
- II. Wilfully damages any sewer, bank, defence-wall, penstock grating, gully, side-entrance, valve, flap, work, or thing vested in the Council:
- III. Causes or permits to be discharged into any of the said sewers any solid or liquid (other than ordinary domestic sewage) liable to cause the generation of gases injurious to human life or health, or to cause injury to any of the said sewers or the said works or to lessen or interfere with the carrying or treatment capacity thereof:
- IV. Causes or permits to flow or pass, or to be carried from, any manufactory or business or other premises of any person into any of the said sewers—
 - (a) Any benzine, naphtha, ether, or carbon bisulphide; or
 - (b) Any inflammable or explosive materials which will not readily mix with water; or
 - (c) Any other material or materials which, separately or in conjunction with or in combination with water or sewage or other materials, are liable to form inflammable or explosive compounds:
- V. Does any act by which the sewerage or drainage of the said areas, or any part thereof, may be obstructed or injured:
- VI. Without the consent in writing of the Council, does any act in relation to any of the said sewers which the Council is authorised by Part III. hereof to do: or
- VII. Employs any person, not being a qualified person, to do any work by section twenty-one hereof required to be done by an authorised person, or himself, not being an authorised person, does or undertakes to do any such work—

shall be liable to a penalty of twenty pounds and to a further daily penalty of five pounds.

34 Every occupier of any premises who prevents any authorised person from carrying into effect, with respect to such premises, any of the provisions of this Act, or any order of the Council made in pursuance thereof, shall be liable to a daily penalty of five pounds.

35—(1) Every person guilty of an offence against this Act shall be liable to the penalty expressly imposed by this Act or by the by-law or regulation constituting such offence.

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Penalties on persons interfering with sewers.

Penalty on occupier disobeying Act or orders of sewerage authority.

Penalty for offence against this Act.

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(2) If no penalty is so expressly imposed, he shall be liable to a penalty of twenty pounds and to a daily penalty of five pounds.

Penalties recoverable by the Council.

36 Save as otherwise expressly provided—

- I. All penalties imposed by this Act or by any by-law or regulation thereunder for offences committed within the sewerage district, or in respect of any part of the undertaking of the Council, may be recovered by the Council or by any person thereto authorised by it:
- II. The said penalties may be recovered from the person actually committing the offence, or the person causing the commission of the offence, or by whose order or direction the offence was committed.

Recovery of penalty not to prejudice right to take other proceedings.

37—(1) Every penalty imposed upon any person by this Act or by any by-law or regulation thereunder shall be without prejudice to the right of the Council to recover from such person—

- I. Any sum for damage sustained by it through his act or default:
- II. The costs and expenses incurred by it in remedying any such damage: and
- III. The value of any water wasted, misused, unduly consumed, illegally diverted, or illegally taken by him.

(2) The payment of any such penalty shall not bar or effect the right of the Council to bring any action, or take any proceedings, against such person.

Complaint, &c., in name of Council.

38—(1) In any proceedings for the recovery of penalties under this Act or under any by-law or regulation thereunder, the complaint, where not required to be made on oath, may be laid and made in the name of the Council, and in any case may be laid and made by the Council Clerk or some officer of the Council appointed generally or in respect of any special proceeding or by any member of the police force.

(2) The Council Clerk or other officer shall be reimbursed out of the sewerage account any damages, costs, charges, or expenses to which he is put or with which he is chargeable by reason of anything contained in this section.

PART VII.

GENERAL.

Protection for trustees.

39 Any trustee, being owner of any lands or property, as such trustee, may apply any of the funds under his control in relation to such lands or property in defraying any rates, charges, costs, or expenses necessarily or properly incurred by him under this Act as such owner.

Queenstown Sewerage.

40 Any agent may deduct from any moneys held by him for his principal, all rates, charges, costs, and expenses necessarily or properly incurred and paid by him under this Act as owner of any houses, lands, or premises, for which he is the agent of such principal, or he may, in any court of competent jurisdiction or in a court of petty sessions as a civil debt recoverable summarily, recover from such principal the amount so incurred and paid.

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Power of agents.

41 Where under a lease, whether executed before or after the passing of this Act, a lessee has the right to remove buildings at the end of his term, he shall not be entitled to remove the same or any part thereof—

Lessee's right of removing buildings controlled.

- I. Unless he first pays to the lessor or to the Council all the costs, and expenses, and interest paid or payable under this Act by the lessor in respect of any drains, appliances, apparatus, and connections constructed by or at the cost of such lessor for the purposes of the buildings or part so removed: or
- II. Unless the removal of the buildings or part can be effected without injury to such drains, appliances, apparatus, and connections.

42 The Council may make by-laws (not repugnant to this Act) for the better carrying out the purposes and provisions of this Act and for the prescribing the mode in which the duties imposed upon, and the authorities and powers conferred upon, or exercisable by, the Council shall, or may, be performed, and for fixing all charges, and for fixing a penalty for every offence not herein provided, such by-laws to be in accordance with and passed, enforced, and repealed according to the provisions of the *Local Government Act 1906*.

By-laws.

43 It shall be lawful for the Council, in each year, after providing for the payment of interest and the repayment of any moneys borrowed for the purposes of this Act or such portion thereof as shall be repayable and after providing for all necessary expenditure for the purposes of maintaining the sewerage system and all works authorised by this Act, out of the moneys levied and raised by the service charge and sewerage rate provided for by section thirty hereof, to appropriate an amount not exceeding three hundred pounds per annum for the purposes of providing, for that portion of the Town of Queenstown which from time to time may be served by the sewerage system, a garbage removal service, the cost of which was hitherto defrayed by the cleansing charge: Provided that nothing in this section shall affect the levying or collection of a cleansing charge on or in respect of properties situated outside the area or areas from time to time served by the sewerage system.

Appropriation for garbage service.

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THE FIRST SCHEDULE.

DESCRIPTION OF THE SEWERAGE DISTRICT.

All that portion of the Town of Queenstown bounded as follows (that is to say)—

Commencing at the mid-point of the bridge over the Queen River immediately above the junction with that river of a stream flowing westerly and south-westerly and joining the said river in the vicinity of Mary-street by a line extending north-easterly and easterly in various bearings along the centre lines of the said river and the said stream to a point on the said stream distant 120 feet westerly from the mid-point of the bridge built over the said stream near the south-eastern corner of the Recreation Reserve. Thence by a straight line of 240 feet extending north-easterly through portion of the said Recreation Reserve. Thence by a straight line of 480 feet extending south-easterly to a point distant 40 feet north-westerly from the centre line of the stream hereinbefore mentioned. Thence by straight lines in two bearings extending north-easterly and northerly to and along the centre line of Batchelor-street to a point distant 340 feet north-easterly from the mid-point of the Batchelor-street bridge. Thence by a straight line of 180 feet extending north-westerly at right angles to Batchelor-street. Thence by straight lines extending north-easterly in two bearings parallel to and distant 180 feet north-westerly from the centre line of Batchelor-street to a point distant 140 feet northerly from the centre line of Scott-street extended westerly. Thence by a straight line extending easterly parallel to and distant 140 feet northerly from the centre line of Scott-street and crossing Batchelor-street and extending to the centre line of Rex-street. Thence by a straight line extending south-westerly along the centre line of Rex-street and continuing in the same direction to the mid-point of the stream hereinbefore mentioned. Thence in various bearings south-westerly and southerly along the centre line of the said stream to a point distant 90 feet north-easterly from the mid-point of the Batchelor-street bridge. Thence by a straight line extending south-westerly to the north-eastern angle of the north-eastern side of Bent-street. Thence by a straight line extending south-westerly parallel to and distant 120 feet southerly from the southern side of Mary-street to a point distant 200 feet south-westerly from the railway junction in Mary-street. Thence by a straight line of 120 feet extending northerly to the southern branch of the railway lines in Mary-street. Thence by a curved line extending south-westerly along the last-mentioned branch line to the junction of that line with another line near Sticht-street. Thence by straight lines extending south-westerly and southerly in two bearings parallel to and distant 120 feet northerly and easterly from the centre lines of Sticht-street to a point 140 feet north-east of the extension north-easterly of the centre line of Wilmot-street. Thence by a straight line extending south-easterly parallel to and distant 140 feet north-easterly from the centre line of Wilmot-street to a point 120 feet north-westerly from the centre line of Bowes-street. Thence by straight lines extending north-easterly in two bearings parallel to and distant 140 feet north-westerly from the centre line of Bowes-street to the centre line of Latrobe-street. Thence by a straight line extending north-easterly along the centre line of Latrobe-street to a point distant 280 feet north-easterly from the centre line of Bowes-street. Thence by a straight line extending south-westerly to the north-western angle of the intersection of Jenico and Ware streets and continuing in the same direction to the centre line of Jenico-street. Thence by a straight line extending south-easterly to the north-western angle of the junction of Jenico-street with a narrow unnamed street running north-westerly from Jenico-street and crossing Pontifex-street. Thence by a straight line extending south-westerly to the south-western angle of the junction of Hunter-street with a lane running from that street southerly to Young-street. Thence by a straight line extending southerly along the western side of the last mentioned lane to Young-street and continuing in the same direction to the centre line of Cutten-street.

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Thence by a straight line extending south-westerly along the centre line of Cutten-street to a point distant 110 feet north-westerly from the centre line of Sale-street. Thence by a straight line extending south-westerly parallel to and distant 110 feet north-westerly from the centre line of Sale-street to the centre line of an unnamed street lying between and parallel to Cutten and Crotty streets. Thence by a straight line extending north-westerly along the centre line of the last mentioned unnamed street to a point distant 140 feet south-easterly from the centre line of Weld-street. Thence by a straight line extending south-westerly parallel to and distant 140 feet south-easterly from the centre line of Weld-street to the centre line of Crotty-street. Thence by a straight line extending north-westerly along the centre line of Crotty-street to the centre line of Clarke-street. Thence by a straight line extending south-westerly along the centre line of Clarke-street to the angle in that street. Thence by a straight line extending south-westerly parallel to and distant 200 feet south-easterly from the centre line of the south-western portion of Peters-street to the north-eastern side of Colville-street. Thence by a straight line extending southerly to a point on the western side of Colville-street distant 80 feet southerly from the south-western angle of the junction of that street with an unnamed street running westerly to Dixon-street. Thence by a straight line extending westerly parallel to and distant 80 feet southerly from the southern side of the last mentioned unnamed street to the centre line of Dixon-street. Thence by a straight line extending northerly along the centre line of Dixon-street to the centre line of Brooklyn-street. Thence by straight lines extending south-westerly in two bearings along the centre lines of Brooklyn-street to the centre line of Bowes-street. Thence by a straight line extending north-westerly along the centre line of Bowes-street to the centre line of Counsel-street. Thence by straight lines extending north-easterly in two bearings along the centre lines of Counsel-street to the south-western side of Dixon-street. Thence by a straight line extending northerly along the western side of the southern portion of Dixon-street and continuing in the same direction across an unnamed street and to the centre line of Beardsley-street. Thence by a straight line extending north-westerly along the centre line of Beardsley-street to a point distant 150 feet south-easterly from the centre line of Provis-street. Thence by a straight line extending south-westerly parallel to and distant 150 feet south-easterly from the centre line of Provis-street to the centre line of Knox-street. Thence by a straight line extending south-easterly along the centre line of Knox-street to a point distant 100 feet south-easterly from the centre line of Latham-street. Thence by a straight line extending south-westerly parallel to and distant 100 feet south-easterly from the centre line of Latham-street and crossing Davis and Stokell streets and extending to the centre line of Counsel-street. Thence by a straight line extending westerly along the centre line of Counsel-street to a point in line with the western boundary of the Cemetery Reserve. Thence by a straight line extending southerly to and along the western boundary of the said Cemetery Reserve to the south-western corner thereof. Thence by a straight line extending south-westerly to a point on the western side of Fysh-street distant 420 feet northerly from the north-western angle of the intersection of that street with Bradshaw-street. Thence by a straight line extending southerly along the western side of Fysh-street to the centre line of the western portion of Bradshaw-street. Thence by a straight line extending easterly along the centre line of the western portion of Bradshaw-street and continuing in the same direction to a point distant 150 feet easterly from the centre line of Fysh-street. Thence by a straight line extending southerly parallel to and distant 160 feet easterly from the centre line of Fysh-street to the centre line of Walpole-street. Thence by a straight line extending easterly along the centre line of Walpole-street to a point distant 370 feet easterly from the centre line of Hall-street. Thence by a straight line extending southerly parallel to and distant 190 feet easterly from the centre line of Hall-street to the centre line of a creek flowing south-westerly to the Queen

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River. Thence in various bearings south-westerly along the centre line of the said creek to a point distant 250 feet south-westerly from the centre line of Bury-street. Thence by a straight line extending north-westerly parallel to and distant 250 feet south-westerly from the centre line of Bury-street and continuing in the same direction to the centre line of the Queen River. Thence in various bearings northerly by the centre line of the Queen River to a point in line with the easterly extension of the southern side of Douglas-street. Thence by a straight line extending westerly to the mid-point of the western side of the junction of Pillinger-street and Bailey-street. Thence by straight lines extending south-westerly westerly and north-westerly in three bearings along the centre lines of Bailey-street to a point in line with the centre line of Henry-street extended southerly. Thence by a straight line extending northerly in line with and along the centre line of Henry-street to the centre line of Braddon-street. Thence by a straight line extending westerly along the centre line of Braddon-street to a point distant 150 feet westerly from the centre line of Henry-street. Thence by a straight line extending northerly parallel to and distant 150 feet westerly from the centre line of Henry-street and crossing Huntley-street and to a point distant 340 feet northerly from the centre line of Huntley-street. Thence by a straight line extending easterly parallel to and distant 340 feet northerly from the centre line of Huntley-street to the centre line of Henry-street. Thence by straight lines extending northerly and north-westerly in three bearings along the centre lines of Henry-street to a point distant 360 feet southerly from the centre line of Moore-street. Thence by a straight line extending westerly parallel to and distant 360 feet southerly from the centre line of Moore-street to a point distant 150 feet westerly from the centre line of Henry-street. Thence by straight lines extending northerly and north-easterly in three bearings parallel to and distant 150 feet westerly and north-westerly from the centre lines of Urquhart-street and crossing Moore and Joy streets and reaching a point distant 230 feet westerly from the western boundary of the Esplanade. Thence by a straight line extending northerly parallel to and distant 230 feet westerly from the western boundary of that portion of the Esplanade between Urquhart and Miles streets and continuing in the same direction across Miles and Taylor streets to a point distant 170 feet northerly from the centre line of Taylor-street. Thence by a straight line extending easterly parallel to and distant 170 feet northerly from the centre line of Taylor-street to a point distant 180 feet westerly from the centre line of Preston-street. Thence by straight lines extending northerly north-easterly and north-westerly in five bearings parallel to and distant 180 feet westerly north-westerly and south-westerly from the centre lines of Preston-street to a point distant 80 feet southerly from the centre line of an unnamed street joining Preston-street south of the junction of Queen-street with Preston-street. Thence by a straight line extending easterly parallel to and distant 80 feet southerly from the centre line of the last mentioned unnamed street to a point on the north-eastern side of Preston-street. Thence by straight lines extending south-easterly in two bearings along the north-eastern side of Preston-street to a point distant 520 feet measured in a straight line northerly from the north-western angle of the junction of Arthur-street with Preston-street. Thence by a straight line extending easterly parallel to the northern boundary of that part of the Esplanade between Darling and Sorell streets to a point distant 180 feet westerly from the centre line of the southern portion of Sorell-street. Thence by straight lines extending northerly north-easterly and easterly in three bearings parallel to and distant 180 feet westerly north-westerly and northerly from the centre lines of Sorell-street to a point in line with the eastern boundary of Darling-street. Thence by a straight line extending south-easterly to a point on the centre line of the Queen River distant 110 feet south-westerly from the mid-point of the Sticht-street bridge. Thence in various bearings north-easterly and northerly along the centre line of the Queen River to the point of commencement.

Queenstown Sewerage.

THE SECOND SCHEDULE.

A.D. 1939.

MUNICIPALITY OF QUEENSTOWN.

GENERAL NOTICE.

The Queenstown Municipal Council, having made sewers for carrying off the sewage from each and every property which, or any part of which, is included within the area hereinafter described, doth hereby declare that on and after the _____ day of _____, 19____, each and every property which, or any part of which, is included in the said area shall be deemed to be a sewered property within the meaning of the *Queenstown Sewerage Act, 1939*. The boundaries of the sewerage area hereinbefore referred to are (*here describe them*).
By order of the Council,

Council Clerk.

THE THIRD SCHEDULE.

MUNICIPALITY OF QUEENSTOWN.

FURTHER GENERAL NOTICE.

WHEREAS, under the provisions of the *Queenstown Sewerage Act 1939*, the Queenstown Municipal Council has made and provided certain sewers, and has issued a general notice, advertised in the *Gazette* on the _____ day of _____, 19____, and in the _____ on the _____ day of _____, 19____, to the effect that each and every property which, or part of which, is included within the area described in such general notice, shall be deemed to be a sewered property: And whereas the property shown on the assessment roll now in force, as appears in the margin hereof, is a property which, or part of which, is included in the said area:

Notice is hereby given as follows:—

(1) Within one month after the _____ day of _____, 19____, or within such further time as the Council may allow, the owner of the said property shall, if there are any houses or buildings thereon—

- I. Submit, for the approval of the Council, a plan (including a plan drawn to scale) and specification for providing such property with such water-closet or water-closets, and such drains, appliances, apparatus, and connections fitted and laid in such manner as set forth in any by-law or direction of the Council or any modification thereof which the proper officer, on written application made to him, may approve, in writing under his hand, and such owner shall, in writing, undertake to carry out such plan within one month or such further time as the Council may allow if the plan is approved by the Council: or
- II. Submit for the approval of the Council a plan as aforesaid, and, in writing, request the Council, if it does not approve thereof, to make such alterations and amendments therein as the Council may consider necessary, and thereupon the Council shall do so or give its approval to the first named plan and specification, and if any alterations are required the owner shall forthwith make the same to the satisfaction and approval of the Council, and as soon as the Council gives its approval such owner shall, in writing, undertake to carry out such plan and specification within one month or such further time as the Council may allow, or shall, in writing, request the Council to carry out the same at the cost and expense of the said owner, and thereupon the Council shall

Annual Value.	
Occupier.	
Owner.	
Situation.	
Area.	
Description.	
Number.	

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do so. Any expenses connected with the preparation of plans and estimates by the Council for an owner shall be paid by the owner.

(2) If the owner of the said property should fail to comply with the foregoing requirements, the Council may order such owner to comply with such of the said requirements as it may deem necessary, or may carry out any work which it may deem necessary at the cost of such owner as provided by the said Act (as the case may be), and such order shall be an order, disobedience of which is punishable by a penalty of Twenty Pounds and a continuing penalty of Five Pounds per day.

(3) All such work as is hereinbefore mentioned shall be carried out only by persons authorised, in writing, by the Council to carry out such work.

(4) The said Act, the by-laws made thereunder, the said general notice, and a sewerage map may be inspected at the office of the Council.

By order of the Council,

Council Clerk.