

Featherston
County Council.

Featherston-Longwood
Water Race By-Law

Featherston County Council

FEATHERSTON LONGWOOD WATER RACE DISTRICT.

NOTICE IS HEREBY GIVEN that at a Special Meeting of the Featherston County Council held on the 8th day of April 1936, a Resolution was passed by way of Special Order that the said Council make a By-law under and by virtue of "The Counties' Act, 1920," and "The Water Supply Act, 1908," and all other Acts and powers enabling it.

1. THE TITLE of the said By-law is "The Featherston Longwood Water Race By-law, 1936."

2. THE OBJECT and purport of the By-law is:—

- (a) TO prevent the fouling and obstruction of, or interference with, Water Race Works and water races in and used in connection with Featherston Longwood Water Race District.
- (b) TO provide for the repairing and cleaning of water races in the said district and the clearing and keeping clear of the banks thereof from vegetation, by the occupiers of land on or near to which such races are situate if and when required by Notice of the Council or its Authorised Officer.
- (c) TO provide for the repairing and cleaning of water races on roads in the said District, and the clearing from vegetation from the banks thereof by the occupiers of land abutting on such roads if and when required by notice by the Council or its Authorised Officer.
- (d) TO prevent the erection of buildings unreasonably close to such water races and to prevent fouling therefrom and providing for the cessation of use of

any Slaughter-house, Stable, Pig-sty, Poultry-house, Sheep-yard, Cow-yard or (Cow-bail, previously erected unreasonably close to such water races if such cessation is required by notice by the Council or its Authorised Officer.

(e) (GENERALLY to prevent nuisances and obstructions to water races in the said district and to make provisions for their proper protection and management.

(f) TO fix penalties for breaches of the By-law.

THE SAID RESOLUTION will be submitted for confirmation at the Ordinary Meeting of the Council to be held on the 12th June 1936 at 10.30 a.m. at the Council Chambers, Kitchener Street, Martinborough at which meeting the day of coming into force of the By-law will be fixed. A full copy of the By-law and of the proposed Special Order is deposited at the offices of the Council, Kitchener Street, Martinborough and is open to the inspection of the Public during Office Hours until the said 12th day of June 1936.

FEATHERSTON LONGWOOD WATER RACE DISTRICT.

THE COUNCIL of the County of Featherston **HEREBY MAKES BY SPECIAL ORDER THE FOLLOWING BY-LAW** under and by virtue of "The Counties' Act, 1920" and "The Water Supply Act, 1908," and all other Acts and powers whatsoever enabling it in that behalf:—

1. THIS By-law may be cited and referred to as "The Featherston Longwood Water Race By-law, 1936" and shall apply to the Featherston Longwood Water Race District and the works and races used in connection therewith.
2. IN this By-law by virtue of Section 2 of "The Water Supply Act, 1908," "occupier" has the meaning given to that term by Section 2 of "The Rating Act, 1925;" "Council" means the Council of the County of Featherston;

"District" and "the said District" mean the Featherston Longwood Water Race District; "Water Race" means a water race under "The Water Supply Act, 1908," within the district; "Road" means a road as defined by "The Public Works Act, 1928;" "Required" means (a) required by notice in writing under the seal of the Council or (b) required by notice in writing signed by a duly authorised officer of the Council or of the Managing Ratepayers exercising powers of management of Water Races in the District by virtue of appointment under Section 5 of "The Water Supply Amendment Act, 1913" (hereinafter referred to as the "Managing Ratepayers"). Any notice to be given under this By-law shall specify a period to be fixed by the Council or by the Authorised Officer signing the same within which the act or acts required to be done shall be performed. Any notice to be given under this By-law shall be deemed duly given if delivered to the person to whom it is addressed either personally or by registered letter addressed postage prepaid to such person at his last known place of abode. "Authorised officer" means any person appointed by the Council of the County of Featherston or by resolution of the Managing Ratepayers to be Authorised Officer for the purposes of this By-law. Production of a sealed copy of a resolution of the Council purporting to appoint any person an authorised officer for the purposes of this By-law shall be conclusive evidence of such appointment. Production of a copy of any resolution passed by the Managing Ratepayers, signed by the secretary of such Managing Ratepayers, purporting to appoint any person an authorised officer for the purposes of this By-law shall be conclusive evidence of such appointment. "Erect" unless inconsistent with the context shall include the conversion into use as a Slaughter-house, Stable, Pig-Sty, Poultry-house, Sheep Yard, Cow Yard or Cow Bail; "Poultry" shall include pigeons,

ducks, geese, turkeys and fowls and "Poultry house" means any building, shed or structure in which poultry are kept. "Obstructions" include earth, stone, timber and material of all kinds, and trees, and plants and weeds and growths of all kinds. "Noxious Weeds" means weeds as defined in "The Noxious Weeds Act, 1928," and includes those declared from time to time under Section 4 of that Act.

3. NOTHING in this By-law shall render any person liable to destroy any live hedge or any tree (not being scrub, broom, gorse, briar, blackberry or noxious weeds) cultivated garden plant, orchard or vineyard which is not actually interfering with the flow of water in any water race.

WATER RACES GENERALLY.

4. NO person shall erect or permit or suffer to be erected any building nearer than ten feet from any water race.

5. No person shall erect or permit or suffer to be erected any building, slaughter house, stable, pig sty, poultry house, sheep yard, cow yard, or cow bail in such a position that drainage therefrom will pollute or be likely to pollute the water in any water race.

6. WHERE any erection used for the purpose of a slaughter house, stable, pig sty, poultry house, sheep yard, cow yard, or cow bail has been erected before the date of coming into force of this By-law in such a position that if erected after such date its erection would have been an offence against this By-law, then the person in possession of any such erection when required shall cease to use such erection for the purposes of a slaughter house, stable, pig sty, poultry house, sheep yard, cow yard or cow bail.

7. NO person shall do or cause or procure, permit or suffer to be done any of the following things:—

- (a) Bathe in any reservoir or water race.
- (b) Suffer any drainage to pollute the

water in any water race.

- (e) Suffer any goats or geese in his possession or care to trespass, stray or be in or upon any water race or to destroy or injure the same or the banks thereof or to pollute the water in such race.
- (d) Wash, scour or cleanse any animal carcass wool hide skin or any other substance or thing in any water race.
- (e) Throw pour or place or cause or permit to be poured thrown or placed into or in any water race any substance whatever.
- (f) Take or convey any machinery through or across any water race except at an appointed crossing place.
- (g) By any means obstruct the flow of water in any water race or permit any gorse, broom, or tree plant or other material to grow or spread from land in his occupation or from any hedge or fence growing on such land or on the boundary thereof, into or over any water race or into or over any land reserved or used for the purpose of the water race.
- (h) Without the consent of the Council interfere with any dam, reservoir, headworks or buildings connected with any water race.
- (i) Without the consent in writing of the Council widen or deepen any water race or alter the course thereof.
- (j) Commit a nuisance in or near any water race.
- (k) Obstruct any field crossing over a water race.
- (l) Destroy or injure anything constructed, erected, made or put or placed by the Council in or upon or about or in connection with any water race.
- (m) Remove, displace, alter, injure, or interfere with any water gauge, dam,

sluice pipe or other works or things used in supplying or distributing water from any water race.

- (n) Construct or permit or suffer to be constructed any bridge ford or field crossing across any water race without first obtaining the consent of the Council in writing.

8. WHEN required every occupier of land upon which a water race exists shall cleanse, repair, and maintain such water race within the boundaries of such land and shall remove therefrom all obstructions of any kind calculated to impede the free flow of water therein.

- 9. (a) WHEN required every occupier of land shall cut down all scrub, broom, gorse, briar, blackberry and other plants and noxious weeds growing on the land occupied by him within a distance of nine feet from the middle line of any water race.

- (b) WHEN and to the extent required every occupier of land upon which a water race exists shall cut off the branches of any tree which overhangs such water race or any part of the bank of such water race within a distance of nine feet from the middle line of such water race.

10. WHEN required every occupier of land which is within nine feet of the middle line of any water race shall clear such land from any fallen trees, loose branches of trees, and loose parts of scrub, broom, gorse, blackberry and other plants and noxious weeds.

11. CLAUSES 9 and 10 hereof shall apply to all lands within the County of Featherston notwithstanding that such lands may be outside the District.

WATER RACES AND ROADS.

- 12. WHEN required every occupier of land abutting upon a road upon which a water race exists shall cleanse repair and maintain such part of such water race as is included in the

space between the middle line of such road and the boundary of such road where it abuts on the said land and shall remove all obstructions of any kind, calculated to impede the free flow of water therein PROVIDED that nothing herein contained shall render any such occupier liable to repair any culvert constructed over such water race by the Council.

13. (a) WHEN required every occupier of land abutting upon a road upon which a water race exists shall cut down in the space between such land and the middle line of the road all scrub, broom, gorse, briar and blackberry, and other plants and noxious weeds growing on that part of the said road which is within nine feet of the middle line of such water race.

(b) WHEN and to the extent required every occupier of land abutting upon a road upon which a water race exists shall cut off up to the middle line of such road the branches of any tree which overhangs such water race or any part of the banks of such water race within the space between such land and such middle line within a distance of nine feet from the middle line of such water race.

14. WHEN required every occupier of land abutting on a road upon which a water race exists between such land and the middle line of the road shall clear from all fallen trees loose branches of trees and all loose parts of scrub, broom, gorse, blackberry, briar, and other plants and noxious weeds, that part of the said road which is within nine feet from the middle line of such water race.

15. ANY person who commits a breach of this By-law shall be liable to a fine not exceeding Five Pounds (£5) and where such breach is a continuing one, to a fine not exceeding Five Pounds (£5) for every day or part of a day during which such breach continues.

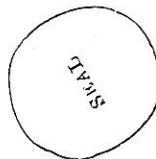
16. IN THE EVENT of the occupier of any land making default in cleansing repairing or maintaining any water race to cleanse repair or maintain which he has been required under this By-law, the Council or its Authorised Officer may do or cause to be done such cleansing repairing or maintaining and the Council may sue for and recover the cost of such work from such occupier as a debt in any Court of competent jurisdiction.

THE FOREGOING BY-LAW entitled "The Featherston Longwood Water Race By-Law, 1936" was made by the Council of the County of Featherston by Special Order passed at a Special Meeting of the said Council held on the 8th day of April, 1936 and confirmed at a meeting of the said Council held on the 12th day of June, 1936 at which latter meeting it was resolved that the said By-law come into force on the 20th day of June, 1936 and that the Common Seal of the Chairman, Councillors and Inhabitants of the County of Featherston be affixed thereto.

THE COMMON SEAL OF THE
CHAIRMAN, COUNCILLORS,
AND INHABITANTS OF THE
COUNTY OF FEATHERSTON

was hereto affixed this 12th day of June 1936 pursuant to the above recited resolution that the said Common Seal be affixed in the presence of:—

(Sgd) Q. DONALD
R. SMITH



CERTIFICATE OF CONFIRMATION.

In pursuance of the By-laws Act, 1910, I hereby confirm the within-written by-law and declare that the same came into force on the 20th day of June, 1936.

Dated this 6th day of August, 1937.

W. E. PARRY,

Minister of Internal Affairs.