



ANNO TERTIO

EDWARDI VII REGIS.

A.D. 1903.

No. 833.

An Act to amend "The Municipal Corporations Act, 1890," and for other purposes.

[Assented to, October 30th, 1903.]

BE it Enacted by the Governor, with the advice and consent of the Parliament of the State of South Australia, as follows:

1. This Act shall not come into operation until the first day of January, one thousand nine hundred and four. Date of coming into operation.

2. This Act may be cited for all purposes as "The Municipal Corporations Amendment Act, 1903," and shall be incorporated and read with "The Municipal Corporations Act, 1890" (hereinafter referred to as the principal Act). Short title.

3. This Act shall be divided into parts, as follows: Division of Act.

PART I.—Amendments and Repeals.

PART II.—Elections.

PART III.—Powers and Duties—

DIVISION I.—Streets and Buildings:

DIVISION II.—Permanent Works and Undertakings:

DIVISION III.—Abattoirs:

DIVISION IV.—Reclamation of Land:

DIVISION V.—Noxious Weeds.

PART IV.—By-laws.

PART V.—Miscellaneous.

PART VI.—Legal, Penalties, &c.

PART

*The Municipal Corporations Amendment Act.—1903.***PART I.****PART I.****AMENDMENTS AND REPEALS.**

4. The principal Act is hereby amended and repealed to the extent hereinafter set forth—

Elections to be on first Saturday in December.

Section 42—The words “the first day of December” wherever they appear, and substitute the words “the first Saturday in December”:

Returning Officer.

Section 43—After the word “appoint” insert the words “the Town Clerk or”:

Deputy Returning Officer may act on day of nomination.

Section 46—After the words “Returning Officer” insert “or his deputy”:

Section 48—After the word “eyesight” in the third line of the section insert “or other affliction”:

Repair of streets.

Section 112—Insert after the word “repaired” in the fourth line the words “by the Corporation or,” and after the word “owner” in the seventh line the words “or owners of the land abutting on such street”:

Land dedicated as street for five years to be public street.

Section 113—Insert at the end of the section the words “Except in such cases where an existing street is continued, in which case such continuation shall be at least of the same width as the street so continued: Provided, however, that if any land has been dedicated to the public by the owner thereof as a street previous to the passing of this Act, and used by the public as such for five years consecutively, the same may be set out or declared as a public street by the Corporation if such a street has been formed, made, paved, or repaired by the Corporation or at the cost of the owner or owners of land abutting on such street”:

Time for giving notice.

Section 116—The words “one month” wherever they appear are hereby repealed, and the words “three months” are substituted in lieu thereof:

Fencing of public and private streets.

Section 130—Repeal the word “place” wherever it occurs, and substitute in lieu thereof the words “private street”:

Completion of formation of private streets at expense of owners of property.

Section 152—Insert after the word “macadamised” in line eight the word “drained.” Strike out the word “or” in line fourteen and insert after the word “macadamised” in that line the words “or drain,” and strike out the words “and completed with such sewerage works (if any)” “and complete with the proper sewerage works” wherever appearing in the said section:

New streets to be forty feet wide.

Section 158—Repeal the whole section, and insert the following in lieu thereof: “Except within the City of Adelaide, no person shall within the boundaries of any Municipal Corporation make or lay out any new street unless the same shall be at least forty feet wide: Provided that any private ways, not being less than twelve feet wide, may be laid out for the purpose of giving access to the back of premises”:

Section

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PART I.

- Section 228 Repeal the word “fourteen” in the seventh line, and insert “seven” in lieu thereof: Errors in assessment-book.
- Section 233—Repeal the word “commenced” in the first line and insert in lieu thereof the words “lodged at the Town Clerk’s office”: Time for appealing.
- Sub-section 1 of section 274 is hereby amended by substituting the words “from time to time for the purpose of repaying any loan previously contracted” for the words “for the purpose of repaying any loan contracted before the passing of the Act”: Power to borrow.
- Sub-section 3 of section 274 is hereby amended by substituting the words “an amount not less than one-fiftieth part of the total sum originally borrowed on such debentures” for the words “a proportionate amount against the principal owing on such debentures”: Rates may be appropriated.
- Section 284—After the word “Council” in the second line insert the words “when amounting to Ten Pounds or upwards”; and after the word “same” in the fifth line insert the words “except when the said bank is not situated within the town, and then within seven days”: Moneys of Corporation to be banked.
- Section 307—After the words “forty-eight hours” in the twenty-third line in page 82 insert the words “or within seven days, as provided in section 284”: Penalty for neglecting to bank moneys.
- Section 318—Repeal the whole section: Power to arrest (substituted section).
- Section 352—Insert at the end of the section the words “or by any process by which rates may be recovered, and every such instalment and interest shall remain until paid a charge upon the land, notwithstanding any change of ownership”: Charge on ownership.
- Section 358—Insert after the word “Act” in the fifth line the words “or under any by-law of a Council”: Appeal to Local Court.
- Second Schedule—Repeal the words “[insert the like]” wherever they occur, and insert in lieu thereof the words “[insert name, residence, and calling, and No. on the Citizens’ Roll].” Also repeal the words “[insert the description of candidate]” wherever they occur, and insert in lieu thereof “[insert name, residence, and calling]”. Amendment of Second Schedule.

PART II.

PART II.

ELECTIONS.

5. Notwithstanding the provisions of the principal Act, the Mayor and retiring Members of the Council, and one Auditor of every Corporation (subject as to auditors to the provisions of section 289 of the principal Act) shall go out of office on the first Saturday in December in every year, on which day the citizens of every Municipality shall elect the Mayor and the necessary Aldermen, Councillors, and Auditors for the then ensuing year.

Determination of and election for Municipal offices.

6. Should

*The Municipal Corporations Amendment Act.—1903.***PART II.**

No election necessary where office vacant three months before December.

6. Should the office of any member of a Corporation or any Auditor become vacant within two months before the first Saturday in December, it shall, notwithstanding the provisions of any Act to the contrary, not be necessary to fill such office by a supplementary election.

Candidate for Mayor shall have served in Corporation.

7. Notwithstanding the provisions of the principal Act, every candidate for the position of Mayor shall at the time of election have served one year as Mayor, or Alderman, or Councillor, in some Municipality in the State of South Australia.

PART III.**PART III.****POWERS AND DUTIES.****DIVISION I.****DIVISION I.—STREETS AND BUILDINGS.**

Altering names of streets.

8. A Corporation may, on the request of three-fourths of the adjoining owners of land abutting on any street, alter the name of such street.

The use of lanes, &c., to be appurtenant to the land of owners liable to contribution.

9. When any street, lane, yard or passage, roadway, byway or footway, or any part thereof, has been formed, levelled, drained, paved, flagged, macadamised, or otherwise made good, the right to use the same for the purposes for which the same has been so formed, levelled, drained, paved, flagged, macadamised, or made good shall be appurtenant to the land of every owner liable to contribute to the cost thereof.

Council may fence land which is not properly fenced.

10. When land abutting upon any public or private street shall not be fenced or enclosed to the satisfaction of the Corporation, such Corporation may, upon failure of the owner of such land for the space of two months after written notice in that behalf, fence the frontage of such land to any such public or private street with a substantial fence of posts and rails or posts and wires, as the Corporation may determine, or, in order to prevent drift sand, soil, or other material from being carried on to any public or private street, by a close fence of not less than five feet in height; and the expenses incurred by the Corporation in every such case may be recovered from the owner of the land in any Court of competent jurisdiction.

Council may destroy ruinous or dangerous building.

11. (1) If any building or wall, or anything affixed or attached thereto, shall be in a ruinous or dangerous condition, the Corporation may order that the owner shall, within a time to be limited in the order, take down, secure, or repair such building, wall, or other thing, or perform such work as the case may, in the opinion of the Corporation, require.

Costs may be recovered from owner.

(2) If the order be not obeyed within the time limited, the Corporation may cause the same to be executed, and may recover the expenses incurred for such work in any Court of competent jurisdiction from the owner.

12. Where

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12. Where any land abutting on any public street has been raised or lowered by the owner above or below the level of such street, the owners thereof shall construct retaining walls of such material and dimensions as may be approved of by the Corporation; and upon default so to do, after notice in that behalf by the Corporation, the Corporation may construct the necessary retaining walls, and recover the cost thereof from the owner in any Court of competent jurisdiction: Provided that if the difference in such level is caused by or by the order of the Corporation, such retaining wall shall be constructed by and at the cost of the Corporation.

PART III.
DIVISION II.

Retaining walls to be constructed when property higher or lower than the level of the street.

DIVISION II.—PERMANENT WORKS AND UNDERTAKINGS.

13. In addition to the borrowing powers contained in the principal Act, any Corporation may, with the consent of the ratepayers, obtained in manner provided for obtaining the consent of ratepayers to loans under Part X. of the principal Act, borrow money for permanent works and undertakings on the security of the general rates by the issue of debentures, subject to the following conditions:—

Borrowing powers extended.

- i. The amount of money so borrowed shall never at any time exceed three times the amount which would result from a rate of One Shilling in the Pound on the assessed value of the ratable property within the Corporation: Limit of borrowing.
- ii. The amount of money so borrowed shall be repaid within a period of forty-two years, and a sinking fund shall be established to provide for such repayment: Repaid within forty-two years.
- iii. The annual interest on the said debentures, together with the amount to be annually invested as a sinking fund for repayment thereof, shall not exceed the amount which would result from a rate of Three Pence in the Pound on the assessed value of the ratable property within the Corporation: Restrictions.
- iv. The Corporation shall appropriate the general rates, in the first instance, to the payment of interest on the debentures, and the establishment of the sinking fund, and the interest of the sinking fund shall every half-year be added to the sinking fund. Interest to be first paid.

14. Permanent works and undertakings, within the meaning of this Act, shall consist of— Permanent works and undertakings defined.

- i. The opening and making of new streets: Streets.
- ii. The construction, purchase, and establishment of bridges, ferries, and jetties: Bridges, &c.
- iii. The construction and purchase of tramways to be worked by horse-traction, steam, electricity, or other motive power: Tramways, &c.
- iv. The construction, enlargement, and alterations of sewers and drains and works connected with sewerage and drainage: Sewers and drains.

v. The

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DIVISION II.

Waterworks, &c.

Market places, &c.

Machinery for refuse.

Baths and wash-houses.

Pleasure grounds.

Hospitals, &c.

Stone quarries.

Sanitary conveniences.

Abattoirs.

v. The construction and purchase of waterworks, gasworks, or electric light works:

vi. The construction and providing of municipal offices, pounds, and market places:

vii. The construction, purchase, or erection of machinery for the treatment of refuse or nightsoil:

viii. The construction of baths and washhouses:

ix. The providing of pleasure grounds, libraries, museums, and places of public resort and recreation:

x. The construction, establishing, or providing of hospitals, asylums, or other buildings or places for charitable purposes:

xi. The acquirement of stone quarries:

xii. The providing of sanitary conveniences and urinals:

xiii. The construction of abattoirs.

DIVISION III.

DIVISION III.—ABATTOIRS.

Provisions applicable to abattoirs.

15. The following provisions shall apply to any abattoir to be erected by any Corporation:—

Not to be constructed on park lands.

i. No abattoir shall be erected on any park lands:

Plans and specifications to be approved.

ii. The plans and specifications for any abattoir shall be approved by the Minister:

Abattoir to be deemed licensed slaughter-house.

iii. The abattoir when erected shall, for all purposes of the Health Act, be deemed to be a duly licensed slaughter-house:

Regulations.

iv. Regulations shall be made by the Governor, providing as to abattoirs for—

(a) Control, management, and supervision:

(b) Receiving, inspection, and slaughtering of stock:

(c) Condemnation, removal, or destruction of diseased meat:

(d) Appointment of inspectors:

(e) The payment of fees, travelling expenses, and charges:

(f) Penalties, not exceeding Twenty Pounds for any one offence and not exceeding Two Pounds each day for any continuing offence.

And for such other purpose as may be necessary to give effect to this part of the Act.

Powers of Central Board of Health.

16. Nothing herein contained shall lessen or annul any of the powers given to the Central Board of Health under “The Health Act, 1898.”

DIVISION

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DIVISION IV.—RECLAMATION OF LAND.

PART III.

DIVISION IV.

17. Where any Corporation shall raise, fill in, improve, drain, level, or reclaim any land in a Municipality, the expense of such work shall be apportioned between the owners of the adjacent or adjoining ratable lands improved by such raising, filling in, improvement, draining, levelling, or reclamation, in proportion to the amount of additional value which the work shall have added to such land. And every such owner shall pay to the Corporation his share of such expense, according to the valuation provided for in section 18 of this Act.

Cost of reclamation of lands to be borne by adjacent owners.

18. The Corporation shall, upon the completion of any such work—

Corporation to value and to give notice.

- i. Appoint a valuer, who shall fix the additional value which such work shall have added to the ratable lands adjacent to or adjoining the lands raised, filled in, improved, drained, levelled, or reclaimed:
- ii. Give notice of such valuation to each owner affected thereby in the same manner as notices of valuation are provided to be given under section 224 of the principal Act.

19. Within fourteen days after receiving such notice, any owner may appeal on the ground of error in the valuation, and all proceedings in connection with such appeal shall be conducted so far as practicable in the same manner as appeals against assessments.

Right of appeal.

DIVISION V.—NOXIOUS WEEDS.

DIVISION V.

20. Any Corporation may, notwithstanding the provisions of any Act to the contrary—

Power to destroy.

- i. Declare, by notice in the *Government Gazette*, any weed to be a noxious weed within its boundaries:
- ii. Give notice to any owner or occupier to destroy any noxious weed growing or being upon the land owned or occupied by him; and any such notice may be left or posted in the same manner as a rate notice under section 253 of the principal Act:
- iii. Should such notice not be complied with, authorise any person to enter upon such land and destroy any noxious weeds thereon:
- iv. Recover all costs and expenses incurred in such destruction from any such owner or occupier.

Noxious weeds to be gazetted.

Notice to owner.

Corporation may destroy.

Costs may be recovered.

21. Each corporation shall destroy noxious weeds growing on any road or land under its control.

Corporation to destroy weeds.

22. No person shall be liable to comply with any notice for the destruction of noxious weeds while the corporation giving such notice neglects to carry out the provisions of the immediately preceding section.

Notice need not be complied with where corporation fails to destroy weeds.

PART

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PART IV.

Hawking of
marketable com-
modities.

Packages, &c., to be
branded.

Rubbish receptacles.

Verandahs, balconies.

Trees, &c., over-
hanging footways.

Carts, stalls, or
vehicles.

Bootblacks, &c.

Dairies, &c.

Motor cars, &c.,
plying for hire.

Bicycle tracks.

Motor cars for
pleasure.

Horse and vehicular
traffic.

Flags, flagpoles, &c.

PART IV.

BY-LAWS.

23. In addition to the provisions of Part XIV. of the principal Act, in respect to by-laws, every Corporation may make, amend, or repeal by-laws for any of the following purposes:—

i. For regulating and licensing the hawking of all marketable commodities in a Municipality, or specified parts thereof:

ii. For compelling—

(a) The branding of packages, tins, and jars containing tea, coffee, honey, jams, or other edibles or condiments, with the “gross” or “nett” weight:

(b) Householders to provide proper receptacles for household rubbish:

(c) Verandahs and balconies over streets to be kept clean and watertight:

iii. For preventing trees and shrubs encroaching or overhanging on footways:

iv. For controlling and licensing—

(a) Ice cream and produce carts and stalls:

(b) Bootblacks and newsvendors:

(c) Dairies, dairymen, milk sellers:

v. (a) For regulating, licensing, and controlling all motor cars, motor cabs, and motor wagons plying for hire, and for appointing the stands for such, and regulating the conduct of the drivers, conductors, and other persons attendant thereon or in charge thereof, and the amount of fares to be charged:

(b) For constructing, controlling, and regulating the traffic on special tracks which may be made for such purposes as bicycle and motor traffic:

(c) For regulating the speed of motor cars, automobiles, and other cars or carriages not requiring to be licensed:

(d) For regulating, controlling, or prohibiting horse and vehicular traffic on any property, road, or seashore under the control of the Corporation.

vi. For regulating or prohibiting—

(a) The flying of flags and the erection of flagpoles in, over, or near any public place, or from or on any verandah, structure, or balcony in any public place:

(b) For

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PART IV.

(b) For regulating displays in public streets of dissolving views, magic lantern exhibitions, and cinematograph pictures:

Exhibition of pictures.

VII. For licensing premises for keeping, storing, or selling, and for preventing the keeping, storing, or selling of hides and skins of any description:

Hides and skins.

VIII. For prohibiting the hauling, drawing, or carrying of any timber other than scaffold poles, iron girders, or other thing whatsoever upwards of thirty feet in length, over or through any street or public place, otherwise than upon a suitable vehicle:

Drawing timber or girders through the streets.

IX. For licensing, regulating, and inspecting public restaurants and fish shops:

Restaurants.

X. For regulating the form and conditions of any licence heretofore or hereafter granted by the Corporation, and the transfer, renewal, suspension, or revocation thereof, the fees to be paid on any licence or any transfer or renewal thereof, and how such fees may be recovered.

Licences.

24. Any Corporation may pass by-laws for any purpose not mentioned in this Act, so long as the same shall not be repugnant to this Act or to the general spirit and intendment of the laws of the State: and provided also, that the same shall have no force and effect until the same shall have been passed and confirmed in the manner provided by section 316 of the principal Act.

General power to pass by-laws.

25. Any corporation or local authority which shall construct or purchase any tramways undertaking, gasworks, or electric light works, or other services, shall, once in every year after the first year's working of such tramways undertaking, gasworks, or electric light works, or other services, cause to be laid before it and published in one daily newspaper circulating in the municipality a statement of and balance-sheet of the accounts of such tramways undertaking, gasworks, or electric light works, or other services, and of the working thereof during the year then last past, drawn up in such form as to distinguish capital from income, and to show the original cost of the construction or purchase of such tramways undertaking, gasworks, or electric light works, or other services, and the receipts and expenditure of such year; and the local authority shall thereupon fix annually a schedule of fares and the charges to be made in connection with such tramways undertaking, or for the supply of gas or electric light (not exceeding the maximum rates, if any, specified in The Gas and Electric Lighting Act, 1891), or other services, in the then ensuing year at such rates so that, so far as is reasonably practicable, the revenue of that year shall not be less than the expenditure of that year.

Balance-sheet to be published in certain cases.

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PART V.

PART V.

MISCELLANEOUS.

Planting of trees.

26. Trees may be planted by any Corporation on any street or road in any Municipality, and tree-guards and all necessary stakes and supports may be erected for the protection of such trees, provided that the public traffic is not thereby obstructed, and provided also that the consent of the Commissioner of Public Works shall be obtained before trees are planted in any street or road in which water or sewer pipes have been laid by the Government.

Rubbish destructor.

27. No rubbish destructor, or machinery for the treatment of refuse or nightsoil, shall be erected on any park lands.

Statues and monuments.

28. Any Corporation may, from time to time, authorise or ratify the erection in or upon any road or land under its control of any statue or monument, and may maintain or remove the same.

Additional powers to expend revenue.

29. In addition to the powers conferred by the principal Act, a Council may expend its moneys in—

- (a) Band concerts :
- (b) Organ recitals :
- (c) In contributing to any pension fund for its employes :
- (d) Honorariums to officers and others for special services rendered :
- (e) Retiring allowances to any of its officers :
- (f) Purchasing and erecting, or contributing to the purchase and erection of, monuments and statuary in the municipality :
- (g) Contributing towards the cost of district trained nurses.

Additional expenditure.

30. It shall be lawful for the Corporation of Adelaide, in addition to the powers conferred by "The Municipal Corporations Act, 1890," to expend during any year a sum not exceeding Five Hundred Pounds for any special public function or public entertainment for the benefit or credit of the Corporation ; and any other Corporation may expend for similar objects a sum not exceeding two and a half per centum on the annual revenue received from rates, rents, and profits during the preceding year, or Two Hundred Pounds, whichever will be the larger amount.

Balance-sheet to be prepared on the first Saturday in December.

31. The balance-sheet, as provided in section 288 of the principal Act, shall, notwithstanding the provisions therein contained, be prepared for the twelve months ending on the thirtieth day of November in every year.

Exercise of votes of public companies.

32. While any ratable property in any ward is held by public companies, or bodies corporate, or trustees, the directors of such companies,

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companies, or bodies corporate, or the trustees shall have power to nominate, by writing, not later than the thirty-first day of August in any one year, one or more persons, not exceeding three in number, in any one ward to be enrolled on the citizens' or ratepayers' roll, and such persons when so nominated and enrolled shall have and exercise the rights of voters.

PART V.

33. The Corporation may reimburse any Returning Officer appointed pursuant to section 43 of the principal Act all reasonable and necessary expenses incurred by him in discharge of his duties, and shall pay him such remuneration as shall be fixed by the Corporation.

Payment of Returning Officer.
Sec. 65, District Councils Act, 1887.

PART VI.**LEGAL, PENALTIES, ETC.****PART VI.**

34. No person shall wilfully or carelessly damage or destroy any tree, tree-guard, stake, or support planted or erected by or by the consent of a Corporation. Penalty, Ten Pounds.

Penalty for damaging trees.

35. Any officer or servant of a Corporation may demand the name and address of any person who is found committing a breach of any of the provisions of any Municipal Corporations Act or by-law; and no person shall refuse to give his true name and address, or shall give a false name or address to any such officer or servant. Penalty, Five Pounds.

Person neglecting to give name when demanded liable to penalty.

36. No person shall—

- i. Obstruct any street within the Municipality, whether by standing in the street or by allowing any carriage, perambulator, or animal to remain on such street, or by placing any goods or other thing thereon, or otherwise howsoever, whereby the public are hindered in the free and proper use of such street longer than may be necessary:

Perambulators, animals, goods, &c.

- ii. Throw, cast, deposit, place, lay, or leave, or permit to be thrown, cast, deposited, placed, laid, or left, any dirt, litter, ashes, human excreta, nightsoil, carrion, fish, offal, or rubbish, or any dead animal or any part thereof, or any urine or liquid, or any other offensive matter of any description whatsoever, upon any street or public place within the Municipality. Penalty, Five Pounds.

Depositing offensive matter on streets.

37. Any person offering for sale any commodity in any street within any Municipality shall not linger or loiter in such street, nor occupy any fixed stand therein, but shall, except when actually serving any customer, keep moving along such street on the side thereof situate on his left hand, at a walking pace of not less than one mile per hour, and shall not travel the same route more than once within the period of one hour. Penalty, Five Pounds.

Goods hawked in streets.

38. The

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PART VI.**Penalties.**

38. The penalties referred to at the foot of the sections indicate that any contravention of the section, whether by act or omission, shall be an offence against this Act, punishable upon conviction by a penalty not exceeding the penalty mentioned.

In the name and on behalf of His Majesty, I hereby assent to
this Bill.

GEORGE R. LE HUNTE, Governor.