

1927

## c 240 Municipal Franchises Act

Ontario

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## 2. MISCELLANEOUS MUNICIPAL MATTERS.

## CHAPTER 240.

## The Municipal Franchises Act.

Interpretation.

"Franchises."

"Highway."

"Public utility."

1. In this Act,—

- (a) "Franchises" shall include any right or privilege to which this Act applies;
- (b) "Highway" shall include a street and a lane;
- (c) "Public Utility" shall include waterworks, natural and other gas works, electric light, heat or power works, steam heating works, and distributing works of every kind. R.S.O. 1914, c. 197, s. 2.

Consent of electors required for contracts or franchises for supply, etc., of electrical power.

Rev. Stat. c. 233.

2. A municipal corporation shall not enter into or renew any contract for the supply of electrical power or energy to the corporation or to the inhabitants thereof, until a by-law setting forth the terms and conditions of such contract has been first submitted to, and has received the assent of the municipal electors in the manner provided by *The Municipal Act*. 1927, c. 28, s. 17.

Franchise not to be granted without assent of electors.

3.—(1) A municipal corporation shall not grant to any individual, firm or company, nor shall any individual, firm or company acquire the right to use or occupy any of the highways of the municipality or to construct or operate any railway, street railway, or public utility in the municipality, or to supply to the corporation, or to the inhabitants of the municipality, or to any of them, gas, including natural gas, electric light, heat or power or steam unless or until a by-law setting forth the terms and conditions upon which and the period for which such right is to be granted has been assented to by the municipal electors, as provided by *The Municipal Act*, with respect to by-laws requiring the assent of the electors.

In police villages.

(2) Where the trustees of a police village request the council of the township in which the village is situate to grant any such right with respect to the village, or where the board of trustees of a police village desire to grant such a right it shall be a sufficient compliance with subsection 1 if the by-law receives the assent of the municipal electors of the village.

Renewals and extensions.

(3) This section shall apply to the renewal or extension of an existing franchise. R.S.O. 1914, c. 197, s. 3.

**4.** The council of a local municipality shall not grant any franchise upon any highway of the municipality within a radius of five miles of the boundary of any city without notice in writing to the council of such city, and if the council of the city, within four weeks after the receipt of such notice, gives a notice in writing to the council of such local municipality that it objects to the granting of the franchise the approval of the Railway and Municipal Board, shall be obtained, and if the council of such city does not give such notice within such time, it shall be deemed to have no objection and the council of such local municipality may grant such franchise with the assent of the municipal electors of such local municipality as provided by the next preceding section. 1919, c. 51, s. 1.

Consent of council of city over 200,000 when required.

**5.—(1)** Where a by-law granting a franchise or right in respect of any of the works or services mentioned in subsection 1 of section 3, which has not been assented to by the municipal electors as provided by that subsection, was passed before the 16th day of April, 1912, no extension of or addition to the works or services constructed, established or operated under the authority of such by-law as they existed and were in operation at that date shall be made except under the authority of a by-law hereafter passed with the assent of the municipal electors, as provided by subsection 1 or subsection 2 of section 3, and such consent shall be necessary, notwithstanding that such last mentioned by-law is expressly limited in its operation to a period not exceeding one year.

Extension of certain existing works not to be made without by-law.

(2) Subsection 1 shall not apply to any franchise or right granted by or under the authority of any general or special Act of this Legislature before the 16th day of March, 1909, but no such franchise or right shall be renewed, nor shall the term thereof be extended by a municipal corporation except by by-law passed with the assent of the municipal electors as provided in section 3. R.S.O. 1914, c. 197, s. 4.

Exceptions as to franchises granted before 16th March, 1909.

**6.** Except where otherwise expressly provided this Act shall not apply to a by-law,

Exceptions.

(a) granting the right of passing through the municipality for the purpose of continuing a line, work or system which is intended to be operated in or for the benefit of another municipality and is not used or operated in the municipality for any other purpose except that of supplying natural gas or electric light or power in a township to persons whose land abuts on a highway along or across which the same is carried or conveyed, or to persons whose land lies within such limits as the council by by-law passed from time to time determines should be supplied with any of such services; R.S.O. 1914, c. 197, s. 5 (a); 1915, c. 38, s. 1.

Works originating in another municipality.

Oil, natural  
gas and  
waterworks.

(b) conferring the right to construct, use and operate works required for the transmission of oil, natural gas or water not intended for sale or use in the municipality;

Limited to  
one year.

(c) which is expressly limited in its operation to a period not exceeding one year and is approved by the Railway and Municipal Board;

Counties and  
townships.

(d) of a county or township which is approved by the Lieutenant-Governor in Council. R.S.O. 1914, c. 197, s. 5 (b-d).

Extensions  
of one year  
franchise  
from year  
to year  
prohibited.

**7.** Where a by-law to which clause *c* of section 6 applies is hereafter passed that clause shall not apply to any subsequent by-law in respect to the same works or any part of them or to an extension of or addition to them, although such subsequent by-law is expressly limited in its operation to a period not exceeding one year, and no such subsequent by-law shall have any force or effect unless it is assented to by the municipal electors as provided by subsection 1 of section 3. R.S.O. 1914, c. 197, s. 6.

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