

1914

c 197 Municipal Franchises Act

Ontario

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2. MISCELLANEOUS MUNICIPAL MATTERS.

CHAPTER 197.

An Act respecting the Granting of Franchises by
Municipal Councils.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

- Short title. **1.** This Act may be cited as *The Municipal Franchises Act*.
2 Geo. V. c. 42, s. 1.
- Interpretation. **2.** In this Act,
- “ Franchises,” (a) “Franchises” shall include any right or privilege
to which this Act applies;
- “ Highway.” (b) “Highway” shall include a street and a lane;
- “ Public
utility.” (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. 2 Geo. V. c. 42, s. 2.
- Franchise
not to be
granted
without
assent of
electors. **3.**—(1) The Council of a municipality 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 munici-
pality, 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.
- Rev. Stat.
c. 192. (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
- In police
villages.

if the by-law receives the assent of the municipal electors of the village.

(3) This section shall apply to the renewal or extension of an existing franchise. 2 Geo. V. c. 42, s. 3. Renewals and extensions.

4.—(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. 2 Geo. V. c. 42, s. 4. Exceptions as to franchises granted before 16th March, 1909.

5. 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; Works originating in another municipality.
- (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; Oil, natural gas and waterworks.
- (c) Which is expressly limited in its operation to a period not exceeding one year and is approved by the Ontario Railway and Municipal Board; Limited to one year.
- (d) Of a county or township which is approved by the Lieutenant-Governor in Council. 2 Geo. V. c. 42, s. 5. Counties and townships.

Extensions
of one-year
franchise
from year
to year
prohibited.

6. Where a by-law to which clause (c) of section 5 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. 2 Geo. V. c. 42, s. 6.