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:—

1. This Act may be cited as The Municipal Franchises Act. 2 Geo. V. c. 42, s. 1.

2. 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. 2 Geo. V. c. 42, s. 2.

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 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.

(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.

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

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.

(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.

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

(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;

(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;

(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;

(d) Of a county or township which is approved by the Lieutenant-Governor in Council. 2 Geo. V. c. 42, s. 5.
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.