

AN ACT RELATING TO THE TOWN OF MAGRATH

.....

~~The Lieutenant Governor~~, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:—

1. The council of the Town of Magrath in addition to any powers now possessed by it shall have power to enter into contracts and agreements with any person or corporation for such period not in the first instance to exceed thirty years as may be thought desirable for the supply of water to the town or the inhabitants thereof whether by waterworks or irrigation ditches or otherwise for domestic, irrigation or other purposes and to contract and agree to purchase from any such person or corporation for such consideration as to the council may seem proper any water or water rights.
2. Any contract entered into under the preceding section of this Act may be renewed from time to time for such period not to exceed ten years as the council may determine.
3. The council may in addition to all powers now possessed by it possess also the power to regulate the distribution and use of water to the inhabitants of the town whether by waterworks, irrigation ditches or otherwise in all places and for all purposes in or for ^{which} the same may be required and from time to time to fix prices for the supply and use thereof and the manner of payment; to determine the person and persons liable to make such payment and to make a difference between the rates and prices charged to different users of water in respect of the quantity of water used or the purpose for which it is required; to construct, maintain and operate such hydrants,

ditches or reservoirs and in such places as they shall see fit and to direct in what manner and for what purpose the same may be used; all of which they may alter and change at their discretion.

(2) Any sum payable by the owner or occupant of any house, tenement, lot or parcel of land for water supplied to him or for use in or upon any such house, tenement, lot or parcel, and all rates, costs and charges imposed under any bylaw or resolution passed in pursuance of this Act shall be a lien or charge on the said house, tenement, lot or parcel and may be levied or collected in like manner as municipal rates and taxes are by law collectable.

4. The council, their agents, officers or servants shall have power to enter upon, take, use and acquire either by agreement with or without the consent of the owner so much real property as may be required for the purpose of carrying water by ditches throughout the town and to make such compensation for any real property so acquired as may be agreed with the owner;

Provided however that no such real property shall be acquired without the consent of the owner or owners thereof unless the same is necessary for the purpose of reaching a point where distribution of such water is required when such point could not otherwise conveniently be reached by the ditch; and

Provided also that due compensation shall be made for any real property so acquired to the parties entitled thereto and due provision made for bridges where required such compensation and provision to be determined by arbitration under the provisions of THE MUNICIPAL ORDINANCE where a mutual agreement is not possible.

5. The council may from time to time make and enforce necessary bylaws, rules and regulations not inconsistent with

any law in force in the Province of Alberta for the general management maintenance and conduct of the waterworks or irrigation works or ditches and of the officers and others employed in connection with them, for the collection of the rates and charges for water supplied thereby, for the prevention and punishment of any unauthorized interference with or damage or injury done to any such water or irrigation works or ditches, attachments or connections, for fixing the time or times when and the places where the rates and charges shall be payable and for allowing a discount for repayment, and for prescribing the penalties to be incurred by any person improperly using removing or appropriating water from said ditches or works.

(2) In case of default of payment of any such water rates or charges the council may enforce payment by shutting off the water or by action in any court of competent jurisdiction or by distress and sale of the goods and chattels of the owner or occupant or of any goods or chattels in his possession wherever the same may be found in the municipality or of any goods and chattels the property of or in the possession of any other occupant of the premises but where the arrears exceed three months no distress shall be made of any goods or chattels which are not the property of the person liable for the rate.

(3) The distress and sale may be conducted in the same manner as sales are conducted for arrears of taxes and the costs chargeable shall be those prescribed for distress under THE MUNICIPAL ORDINANCE.

(4) The attempt to collect the rate or charge by any process hereinbefore authorized shall not in any way invalidate the lien upon the premises as hereinbefore provided.

(5) In the event of the rate or charge remaining uncollected and unpaid and continuing a lien upon the said premises as aforesaid the collector shall make a return showing the amount of the rate so in arrear together with all costs and charges in connection therewith; and the same shall be returned by the collector to the secretary-treasurer of the municipality at least once in every year and on such day

or days as may be fixed by the council by bylaw in that behalf; and the same together with interest at the rate of ten per cent per annum thereon shall be collected by the secretary-treasurer by the sale of the land and premises in the same manner and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes.

6. The municipality shall not be liable for damages caused by the breaking of any service pipes or attachments or the bursting of any ditches, flumes, gates or other portion of such water or irrigation works, ditches or connections or for any interference with the water supply necessary for repair or proper maintenance of the said pipes, attachments or ditches or connections of the same.