

B I L L

No. of 1910.

An Act to grant Additional Powers to the Town of Taber
for the purpose of Acquiring or Installing certain Public
Utilities, and to increase its Borrowing Power.

(Assented to _____ 1910.)

WHEREAS the town of Taber desires to acquire or instal certain
public utilities, consisting, among others, of a heating and
lighting plant, water and sewerage system, and to construct
and improve its roads and sidewalks:

AND WHEREAS the total assessment according to the last
revised assessment roll of said town, is the sum of
\$626,645:

AND WHEREAS the existing debenture debt of the said town does
not exceed the sum of \$55,000:

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

1. The town shall have power to construct, build,
purchase, drill, explore for, improve, extend, hold, main-
tain, manage and conduct waterworks, telephone systems,
street railways or tramways, irrigation ditches, sewers
(either storm or sanitary), gas (including natural gas),
electric or other artificial light or heat or power, either
in connection with gas or otherwise; and all buildings,
machinery and appurtenances necessary in connection therewith.

(2) The town may sell, lease or dispose of all fittings,
machines, apparatus, meters or other things used in connec-
tion with any public utility carried on by it, together with
every product, refuse or residue resulting from the conduct
of any such business.

(3) The town shall have power to enter upon or purchase
such lands or buildings as may be deemed necessary or
advantageous for the purposes aforesaid.

2. The council may from time to time make and enforce
by-laws, rules and regulations for the general maintenance
or management or conduct of any public works constructed
or maintained under this Act; and of the officers or others
employed in connection with them, and for the collection of

the rates and charges for the supplying of water, whether by waterworks or irrigation ditches, telephone, street railways or tramways, gas or electricity or other means of providing light or power hereunder; and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges and rents and the times and place where the same shall be payable, and may allow such discount as they may deem expedient for repayment or punctual payment.

3. And for enforcing payment of such rates, charges or rents by action in any court of competent jurisdiction, or by shutting off the water, gas or electricity, disconnecting or discontinuing the service, or by distress or sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found in the town, such distress and sale to be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable under the Ordinance respecting Distress for Rent and Extra Judicial Seizures; but an attempt to collect the rates or rents by any such process shall not in any way invalidate any lien which the town is entitled to upon the premises in respect of which the indebtedness has been incurred.

4. Any official authorized by the town for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made, or in the case of the written authority of the mayor given in respect of the special case without notice to all parts of every building or other premises in which water, gas or electricity is delivered and consumed, or which is served by a sewer, for the purpose of inspecting or repairing as aforesaid or for placing meters upon any service pipe or connection within or without any house or building as may be deemed expedient; and for this purpose or for the purpose of protecting or regulating the use of any such meter may set or alter the position of the same or of any pipe, connection or tap; and may fix the price to be paid for the use of such meter and the times when and the manner in which the same shall be payable and may also charge for and recover the expenses of such alterations; and such price and expense of such alterations may be collected in the same manner as the water rates.

5. Where any consumer discontinues the use of water, telephone, gas or any other utility furnished by the town under this Act, or the town lawfully refuses to continue any longer to supply the same, the officers and servants of the town may at all reasonable times enter the premises in or upon which such consumer was supplied with water, gas or other means of providing light or heat or power for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the town, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage.

6. The town, its engineer, servants and workmen, from time to time and at such times as the town shall see fit, may enter into and upon, take or use the land of any person, bodies politic or corporate, in the town or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of waterworks, gas,

telephones, sewers, electric light or power or any other public works which it is under this Act empowered to construct or operate, and may contract with the owners or occupants of the said land and any person having a right or interest therein for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of any such waterworks or other works, at the option of the town.

7. The town may construct, erect and maintain in and upon any land acquired under the provisions of this Act all reservoirs, waterworks, gasworks, or wells and shafts, dams, buildings, machinery or other things necessary or requisite for the undertakings authorized under this Act, and for conveying water, gas, electricity or power through the same by such lines of pipes, ditches, poles or wires as may from time to time be found necessary or expedient.

8. The town and its servants, under its authority, may for the said purposes enter and pass upon or over any such lands and the same may cut and dig up, if necessary, and may lay down pipes, excavate ditches, erect poles and wires through the same and in, upon, through, over and under the highways, streets, lanes, roads, squares, bridges or other passages, whether the same be within the town or not, and for such purposes may break up, dig and trench the same, and for the purpose of taking up, examining or keeping in repair and otherwise maintaining any public works, may exercise the same power, and any power given to the town under this section covering lands vested in the town as may, with the consent of the owner thereof, be exercised in regard to private property.

(2) All lands not the property of the town and all highways, streets, lanes, roads, squares, bridges, or other passages so dug up or interfered with shall be restored to their original condition without unnecessary delay.

(3) The town may enter upon, set out, ascertain, purchase, use and occupy such parts of the said land as the said town may think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of said land required for the protection and improvement of the said works or for the taking up, moving, altering or repairing the same, and for enabling the same to be used by the inhabitants of the community or the town or for the proprietors or occupants of the land through or near which the same may pass.

9. For the purpose of any such public works the town may sink and lay down pipes, wells, tanks, reservoirs, and erect poles, wires and buildings and other conveniences and may from time to time alter all or any of the said works as well in the position as in the construction thereof as they may deem advisable.

10. All works, wells, pipes, poles, erections and machinery requisite for any public work shall be vested in and be the property of the town.

11. Service pipes which may be required shall be constructed and laid down up to the outer line of the curb, which for the purpose of this Act shall be taken to be a line parallel with and perpendicularly distant ten feet from the outer line of the street, by the town, and the town shall be solely responsible for keeping the same in repair, but connections between private property and sewers shall be made by the town on payment by the owner of the charges therefor to the said curb at a point to be designated by the owner, and the owner shall be solely responsible for the repair thereof.

(2) In cases where vacant space intervenes between the curb and the wall of the building or other place into which the water is to be taken or with which the sewer is to be connected, the town may, with the consent of the owner, lay the service pipe or sewer connections across such vacant space and charge the cost thereof to the owner of the premises, or the owner himself may lay service pipes or sewer connections, provided that the same is done to the satisfaction of the town or person appointed by it in that behalf.

(3) The expense incidental to the laying and repairing as hereinafter provided of the service pipes or sewers if laid or repaired by the town (except the laying or repairing of the service pipes from the main pipe to the curb as aforesaid, which shall be borne solely by the town), or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the town, or if not paid may be collected forthwith in the same manner as water rates:

Provided that in no case shall the expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, exceed five dollars.

12. All service pipes or sewers to the interior face of the outer walls of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed therein by the town shall be under its control; and if any damage is done to this portion of the service pipe or sewer or its fittings, either by neglect or otherwise, the occupant or owner of the land shall forthwith repair the same to the satisfaction of the town, and in default of his so doing, whether notified or not, the town may enter upon the land where the service pipes or sewers are, and by its officers, agents or servants repair the same and charge the same to the owner of the premises as hereinbefore provided.

(2) The stop-cock placed by the town inside the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent the flooding of the premises.

(3) Parties supplied with water by the town may be required to place only such taps for drawing and shutting off the water as are approved by the town.

13. The town shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time may fix the prices for the use thereof and the times of payment; and it may erect such number of public hydrants and in such places as

it shall see fit and direct in what manner and for what purposes the same shall be used, all of which it may change at discretion, and may fix the rate or rent to be paid for the use of water by hydrants or fire-plugs and public buildings.

(2) The sum payable by the owner or occupant of any house, tenement, lot or part of a lot for the water or gas supplied to him there or for use thereof, and all rates, costs and charges imposed under any by-law passed in pursuance of this Act shall be a preferential lien and charge on the house, tenement, lot or part of a lot; and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

14. In the event of the rent or rate 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 rent or rate so in arrears, together with all costs and charges in connection therewith; and the same shall be returned by the collector to the secretary-treasurer of the town at least once in every year, and on such day or days as may be fixed by the council or by by-law in that behalf, and the same, together with interest at the rate of ten per centum 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.

15. The town shall have power to employ the ordinary collectors and assessors and such other persons as in its opinion may be necessary to carry out the objects of this Act, and to specify their duties and to fix their compensations, and all such persons shall hold their offices at the pleasure of the council or as the council shall determine by by-law in that behalf; and shall give such security as the council shall from time to time require; and such assessors and collectors shall have full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the town may by law possess and enjoy in respect of municipal taxes.

16. The town shall not be liable for damages caused by the breaking of any gas or watermain service pipe or attachment, or the bursting of any ditches, or for any interference with the supply of water, gas or electricity necessary for the repair or proper maintenance of any public work, or generally for any accidents due to the operation of any public work, unless such accident is shown to be directly due to the negligence of the town or its employees.

17. The said town shall have power and authority to supply with water, gas, light and heat, power or telephone service, street railways or tramways upon special terms any person or corporation outside the town and may exercise all other powers necessary to the carrying out of their agreement with such town or person as well within the suburbs as within the town, and it may also from time to time make and carry out any agreement which it may deem expedient for the supply thereof to any railway company or manufactory, provided that where such supply is to be made in another municipality which itself possesses any similar public work no pipes,

poles or wires for this purpose shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without the consent of the council of such municipality; in such case the agreement may be for a term of years or otherwise as may be agreed upon.

18. The town may make such by-laws as to the council may seem requisite for the prohibiting by a fine not exceeding \$20 and costs any person being tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks from lending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, and from using it or applying it to the use or benefit of others or to any other than his, her or their own use and benefit or from increasing the supply of water agreed for with the town or from wrongfully neglecting or improperly wasting the water.

(2) And may also make by-laws regulating the time, manner, extent and nature of the supply by the works to the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith which it may be necessary or proper to direct, regulate or determine in order to secure the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the town with regard to the water so supplied.

19. Where there are buildings within the municipality, different parts thereof belonging to different tenants or lessees, the town may carry pipes, wires or rods to any part of any building so situate, passing over the property of one or more proprietors, or in the possession of one or more tenants, to convey the gas, electricity or other means of providing light or heat or power to the property of another or in the possession of another.

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building, unless consent is obtained to carry the same inside.

20. The town shall construct all public works and all apparatus or appurtenances thereto belonging or pertaining or therewith connected, and wheresoever situated, so as not to endanger the public health or safety.

21. Where the town has constructed any works for supplying the inhabitants with water, gas, light, heat or power, or hereinbefore provided, and where there is a sufficient supply thereof, it shall be its duty to supply all buildings within the town situate upon land lying along the line of supplies upon the same being requested by the owner or occupant or other person in charge of any such building at the customary charges and on the customary terms.

22. The council may by by-laws provide that any building heretofore or hereafter erected within the town situate upon property fronting or abutting upon any street in which both

a sewer and a water main exists, shall be connected with sewer and water main, and the necessary piping and fixtures, including water closets and basins, shall be placed in such building so that the cellar drains and privies may be properly drained into said sewer.

23. For the purpose of assisting in the payment of any debentures issued for the purpose of any waterworks constructed or acquired under this Act, or the interest thereon, it shall and may be lawful for the town, in addition to any other taxes which it may impose, to provide in any by-law authorizing the issue of such debentures, that the cost of constructing that portion of the system lying within the town limits (exclusive of the pumping plant and stand pipe) shall be met by levying a special frontage assessment on all properties fronting or abutting on any street, lane or other public place upon or along which the water mains may be laid, which rate may be computed by dividing the total charge to be provided by such special frontage assessment on said lands by the number of lines; feet frontage on the streets or places wherein or whereon such water mains are laid, but any by-law providing for exceptional assessment which the council may pass for the purpose of local improvement shall regulate and control the extent of the frontage on which such charge may be imposed.

24. The town shall do as little damages as may be in the execution of the powers by this Act granted to them, and shall make reasonable and adequate satisfaction to the owners, occupants or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the town or injuriously affected by the use of its powers, and in case of disagreement the compensation or damage shall be ascertained by a submission to arbitration in the manner provided for in The Arbitration Ordinance.

25. The town, its officers, agents and servants shall have like protection in the exercise of it and their duties as public officers have under the laws of the Province of Alberta.

26. All materials procured under the contract with the town, and upon which the town has made advances in accordance with such contract, shall be exempt from execution.

27. The land, buildings, machinery, reservoirs, pipes, poles, wires, rods, meters, fittings and all other real and personal property connected with or appertaining or belonging to any work under this Act shall be exempt from taxation for municipal, school or other purposes.

28. No property owned by the town under the authority of this Act shall be liable to seizure by way of distress for rent.

29. The town may dispose of any real or personal property acquired by it for the purpose of this Act when no longer required and until sold may lease or rent the same; any property so sold shall be free from any charge or lien on account of any mortgage, bond, debentures or other securities

issued by the town; but the proceeds of sale shall be added to and form part of the fund for the redemption and payment of any such security constituting a charge thereon; but may be reinvested in similar property under the authority of this Act, which substituted property shall immediately upon its being acquired be and become subject to such security as the property sold was subject to; or should no such security then exist, then the proceeds shall form part of the general fund of the town and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property, the town may take security by way of mortgage to secure the same; and the town shall have all the rights, powers or remedies expressed or implied by any mortgage given as fully as if the mortgage and the proceeds thereof shall be subject to the provisions of this section.

30. No member of the council of the town shall personally have or hold any contract in connection with any works under this Act, or be directly or indirectly interested in the same or any of them; but no person shall be held to be disqualified from being elected or sitting as a member of the council of the town by reason of his being a taker or consumer of water, light, heat or power supplied by the town or by reason of any dealing or contract with the town with reference to the supply of water, light, heat or power to such person.

31. All persons and corporations who shall by themselves, their servants or agents, by act, default, neglect or omission, occasion any loss, damage or injury to the public works, constructed under the provisions of this Act or to any plant, machinery, fitting or appurtenance thereof, shall be liable to the town for or in respect of such damage, loss or injury, and damages in respect thereof may be recovered by the town in court of competent jurisdiction.

32. If any person does or commits any of the following acts:

- (a) Wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted the said town, or its manager, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained;
- (b) Wilfully or maliciously lets off or discharges water or gas so that the same runs waste or useless;
- (c) Not being in the employment of the town and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, chamber-pipe or hydrant chamber by placing on it any building, material, rubbish or other obstruction;
- (d) Throws or deposits any injurious, noisome or offensive matter in the water or waterworks or upon the ice in case such water is frozen, or in any way fouls the water, or commits any wilful damage or injury to the works, pipes or water, or encourages the same to be done;

- (e) Wilfully alters any meter placed upon any service pipe or connected therewith within or without any house, building or other place so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specially authorized by the town for that particular purpose and occasion;
- (f) Lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe or main or wire or rod of the works, or in any way obtains or uses any water, gas or electricity thereof without the consent of the town;
- (g) Washes or cleanses cloth, woollen, leather, skin or animals, or places any nuisance or offensive thing within a distance of one mile above the source of supply of such waterworks in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained, or conveys, casts, throws or puts any filth, dirt, dead carcase or other noisome or offensive thing therein or within the distance as above set forth, causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled;

and if such person is convicted of such act before a justice of the peace he shall for every such offence forfeit and pay a sum not exceeding \$20 and not less than \$1 together with the costs and charges attending the proceedings and conviction.

33. The penalties in money under the last preceding section or any portion of them which may be recovered shall be paid to the convicting justice; and by him paid to the town.

34. Any public work provided for in this Act may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted either separately or in conjunction as one entire undertaking.

35. It is hereby provided that any public works or work constructed or acquired under this Act and all lands required for the purpose thereof and every matter and thing pertaining thereto and all revenues derived therefrom shall be held to be entirely separate from all other assets of the municipality, and shall not be liable for any debt of the municipality heretofore or hereafter contracted by the municipality on the credit of the municipality at large, and such public works, land, appurtenances and revenues shall be and are hereby specially charged with the repayment of any sum or sums of moneys which may be borrowed on the credit therefrom by the town for the purposes thereof and for any debentures which may be issued therefor; and the holders of such securities shall have a preferential lien and charge on the said works and land appurtenances and revenues for the securing of the payment of the same, and the interest thereon, irrespective of the order in which the same are issued.

36. After the construction of the works and all the revenues arising from and out of the supplying of water, gas, light, heat or power, or from the real and personal property connected with the works to be acquired by the town by this Act shall after payment of the amount payable for principal and interest or a sinking fund and interest up to the end of the then current year, year by year be transferred to and form a part of the general fund of the town, and may be applied accordingly.

37. The town, before supplying water, gas, electric, or power to any building or other premises or as a condition or continuing to supply the same may require any consumer to give reasonable security for the payment of the proper charges of the town therefor, or for carrying the water, gas, electric light, or power into such building or premises.

38. After the system of waterworks has been constructed by the town it may require that the costs of any extension of branch, mains or pipes within the limits of the town and all other work necessary for connecting the properties of the property owner to receive the benefit of such waterworks shall be constructed as a legal improvement and for the purpose of giving effect to this provision the sections in part VI of the Municipal Ordinance shall *mutatis mutandis* apply.

39. In addition to any other taxes which the town may lawfully impose it shall and may be lawful for the town to provide by by-law for the assessment of a special tax or rate in each year not exceeding four mills in the dollar upon the several properties according to the assessed value thereof fronting or abutting upon the street, in, through and along which the water mains are laid, as well as all other property which may enjoy the advantage of the use of the water from the said mains not more than three hundred feet distant therefrom for the purpose of protecting against fire, whether the owners or ratepayers thereof use the water or not for general purposes which will be known as a waterworks charge, provided that the collector of taxes, upon production by the owner, or occupant using said water of the receipt for payment of the rent chargeable for the use thereof during the year or such portion thereof as equals such special tax, shall remit or allow such owner or occupant the amount so paid as a payment *pro tanto* on account of the special tax authorized to be levied by this section.

40. The town may pass by-laws for contracting debts by borrowing money or otherwise and for the levying rates for the payment of such debts on the rateable property of the municipality for the acquisition or construction of any of the public works mentioned in this act, and the debt may be made payable within any period not exceeding forty years; Provided that it shall be lawful in the case of any debentures made repayable in installments to provide in the by-law that nothing shall be repaid on account of the principal during the first ten years or any portion thereof of the debenture period.

41. The town shall have power to pass by-laws for contracting debts and for levying rates for the payment of such debts on the rateable property of the municipality for any purpose within the jurisdiction of the municipality or on roads and bridges or waterworks outside the limits of the municipality provided that such by-laws shall not contract debts to a greater extent than twenty per cent. of the assessed value of the assessable property in the said town.

42. Notwithstanding anything contained in section 143 of the Municipal Ordinance the council may levy rates not to exceed three cents on the dollar in any year.

43. The town may from time to time levy such water rate as may be deemed proper, and charge and impose the same on the owners or occupants of lots and real estate abutting or fronting on streets where water mains are laid down; and in doing so may make such distinction and difference as may be deemed proper between lots or real estate occupied, or with dwellings or buildings thereon erected, and unoccupied real estate or without buildings and such water rates shall be payable whether there be connections with the water mains or not so long as the said town is ready to supply the water, such water rate to be made collectable in such form and manner as the said town may decide and independent of ordinary collection of taxes. The town may also fix such prices for water connections and service pipes to be paid for connection with the different mains as the town deems advisable, and may discriminate in prices between different mains and the regard to the time at which connection is made with the same so as to equalize as much as possible the burden to be borne by water consumers and nonconsumers, and also to impose a share of the cost of laying mains and extensions on nonconsumers owning real property on the streets, lanes or public places where mains or extensions or branch pipes are laid, and may make such other regulations in this respect as may be deemed advisable in addition to the powers hereby specifically mentioned.

FIRST SESSION

STANDARD LEGISLATURE

JO EDWARD VII

1910.

BILL

An Act to grant Additional
Powers to the Town of Taber
for the purpose of Acquiring
or installing certain Public
Utilities, and to increase
its Borrowing Power.

Received and read the

First time.....
Second time.....
Third time.....

Member in charge: Mr. McLean.