

541a. The councils of cities and towns are authorized and empowered by a vote of two-thirds of the whole council to pass and enforce such by-laws as they may deem expedient ;

(a) To regulate and limit the distance from the line of the street in front thereof at which buildings on residential streets may be built ; such distance may be varied upon different streets or in different parts of the same street.

(b) And in the case of cities only, to prevent, regulate and control the location, erection and use of buildings for laundries, butcher shops, stores and manufactories.

The location, erection, construction or use of any buildings in contravention to any such by-law may, in addition to any other remedy provided by law, be restrained by action at the instance of the municipality passing such by-law ;

Provided that this section shall not apply to any buildings now erected or used for any of the purposes aforesaid so long as they continue to be used as at present.

#### Injunction to Restrain Breach of By-Law as to Fire Limits

20. The corporation or any ratepayer may by suit or motion or both apply to the High Court of Justice to restrain the breach by anyone of any by-law passed by any municipal council under clauses (a), (b), (c) and (d) of paragraph numbered 1 in section 542 of *The Consolidated Municipal Act, 1903*, or any amendment thereof ; and such Court shall thereupon restrain any threatened breach thus complained of or committed but not fully executed, and may in the said proceeding or in an action brought by any ratepayer for the purpose direct the pulling down or removal at the expense of the owner thereof of any building or erection which may have been constructed, repaired or placed in contravention of any such by-law.

#### Arbitration to Determine Site of Sewage Disposal Works.

21. Sub-section 2 of section 555 of the said Act is amended by inserting after the word "made" in the eighth line the words "and shall also determine the location of the sewage farm, filtering plant or other place at which any artificial means of sewage disposal may be provided."

#### County Telephone System.

22. Section 570 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "every" in the first line the word "county."

#### Trimming Trees.

23. The paragraph numbered 4 of section 574 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "in case there is no board of park management" in the third and fourth lines of the said sub-section.

#### Arrest Without Warrant for Non-Production of Peddler's License

24. The paragraph numbered 16 of section 583 of *The Consolidated Municipal Act, 1903*, amended by adding at the end thereof the following : "In case a constable or other police officer demands the production of a license by any person to whom the by-law passed under this paragraph or paragraph 14 of this section applies and such demand is not complied with, it shall be the duty of such constable or other police officer and he shall have power to arrest such person without a warrant and, upon his failure to produce a license, to take him before the nearest Justice of the Peace there to be dealt with according to the by-law."

#### Aid to Establishment, etc., of Hospitals.

25. Section 588 of *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following paragraph :

2a. For granting aid to any incorporated society or any association of individuals for the erection, establishment and equipment of public hospitals for the treatment of persons suffering from disease or from injuries caused by accident or violence.

#### Closing Up Streets and Conveying to Manufacturers.

26. Section 591a of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following :

Notwithstanding anything contained in this section or in section 591 of this Act the council of any municipality may pass by-laws for closing up any road, street, alley, lane or other public communication or any portion thereof and for conveying the same to any person for the particular use or benefit of a manufacturing industry, and it shall not be necessary to submit such by-law to the electors or to obtain their assent thereto where the passing of such by-law does not involve expense to the municipality ; provided that the council passing such by-law shall comply with the general provisions of this Act as to notice, compensation to persons affected and other matters with respect to by-laws for the closing up of any public road or highway. And provided further that any person injured by reason of the closing up of such road, street, alley, lane or other public

communication or any portion thereof shall be entitled to such compensation from the municipal corporation as may be agreed upon, or in case of disagreement may be determined by arbitration in the manner provided by this Act, and the amount of the compensation so agreed upon or awarded and the costs of arbitration proceedings shall be paid by the owner of the manufacturing industry for whose use or benefit the by-law was passed.

#### Bridges Between Municipalities.

27.—(1) Sub-section 3 of section 617 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words : "or of such width less than 80 feet as may be specified in such by-law."

(2) Sub-section 4 of the said section 617 is amended by striking out the words "of a less width than 80 feet" in the fifth line thereof and by adding at the end thereof the words "of a less width than 80 feet or such other reduced number of feet specified in the by-law as the case may be."

#### Arbitration as to Maintenance of Boundary Lines.

28. Section 654 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "thereof" in the fifth line the words "or of making a deviation where in the opinion of any of the said councils it is impracticable to construct a road along the said county boundary line."

29. Section 656 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "both" in the fourth line the words "whether by way of deviation or otherwise."

30.—(1) Sub-section 1 of section 657 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "township" in the first line the words "in that part of the Province lying south of the French river, Lake Nipissing and the River Mattawan."

#### Sale or Lease of Minerals on or Under Roads.

(2) The said section is further amended by adding thereto the following sub-sections :

(4) In the remaining portions of the Province the mines, minerals and mining rights in, on or under all common and public highways and road allowances shall be and are hereby vested in His Majesty, His Heirs and Successors, and may be sold, leased or otherwise disposed of under *The Mines Act*. Where any mining location or mining lands adjoin a common and public highway or road allowance, and the mineral vein or deposit thereon extends into or under the said highway or road allowance, the owner or owners thereof shall have the right to purchase or lease the mines, minerals and mining rights in, on or under the same, subject to the provisions of *The Mines Act* ; or where there are mining locations or mining lands on both sides of such highway or road allowance the said rights shall accrue to the owner or owners on both sides thereof as respects the half of the said highway or road allowance adjoining his or their lands. This sub-section shall not apply to highways on lands heretofore granted by the Crown under *The Mines Act*, or in the grant whereof the mines and minerals were not reserved to the Crown.

(5) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any uses of the granted rights which would interfere with public travel unless and until a road in lieu thereof has been provided and accepted by the municipality or municipalities having control of the said road.

(3) This section shall come into effect on and after 1st May, 1904, and shall in no wise affect any rights acquired from or any agreement made or entered into with any municipality under the section hereby amended prior to the said date.

#### Keeping in Repair of Works Constructed as Local Improvements.

31. Sub-section 1 of section 666 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "thereafter" in the fourth line the words "during the estimated lifetime of such work or improvement but no longer ;" and the said sub-section is further amended by adding at the end thereof the words :

"Provided however that nothing in this sub-section contained shall diminish or affect the responsibility of any municipal corporation for damages sustained by any person by reason of neglect to keep any public road, street, bridge or highway in repair as provided by section 606 and following sections of this Act."

#### Railway Bonuses, Construction of Line by Another Company.

32. Section 694 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following paragraph :

7. Where a bonus has been or shall be granted by a municipality to a railway company to aid in the construction of a railway,