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No. 222.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act respecting the Municipal Institutions
of Upper Canada so far as relates to Local
Improvements in Cities and Towns.

Received and read, first time, Thursday, 31st
March, 1859.

Second reading, Saturday, 2nd April, 1859.

HON. MR. BROWN.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the Act respecting the Municipal Institutions of Upper Canada, so far as relates to local improvements in Cities and Towns.

WHEREAS it is desirable to amend the Act "respecting the Municipal Institutions of Upper Canada," passed in the twenty-second year of Her Majesty's reign, and to provide for the effecting of local improvements in Cities and Towns at the expense of the parties interested therein; Therefore Her Majesty, &c., enacts as follows:

Preamble.

1. In addition to the purposes mentioned in the said Act, the Council of every City and Town may respectively pass By-laws for the following purposes:

City and Town Councils make By-laws for certain purposes.

1. For providing the means of ascertaining and determining what real property will be immediately benefitted by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefitted thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of the real estate so benefitted; subject in every case to an appeal to the County Court Judge, in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision in the case of an ordinary assessment.

Ascertaining the property to be benefitted by a local improvement.

2. For assessing and levying upon the real property to be immediately benefitted by the making, enlarging or prolonging of any common sewer, or the opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking of any street, lane, or alley, public way or place, or of any sidewalk therein, on the petition of at least two-thirds in number and one-half in value of such real property of the owners of such real property, a special rate, sufficient to include a sinking fund, for the repayment of Debentures which such Councils are hereby authorized to issue in such cases respectively on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same:

Assessing such property for such improvement:—and in what manner.

(1.) By an annual rate in the pound on the real property so benefitted, according to the assessed value thereof, including the improvements thereon;

(2.) Or by an annual rate in the pound on the real property so benefitted, according to the value thereof, exclusive of the improvements thereon;

(3.) Or by an annual rate of so much per foot, equally, according to the frontage of the real property so benefitted, without reference to the comparative value of the different portions thereof;

(4.) Or by an annual rate on each portion of the real property so benefitted in proportion, as nearly as may be, to the benefit derived by such portion;

(5.) Or partly by each of these methods, or partly by each of any two or three of them.

3. For regulating the time or times and manner in which the assessments to be levied under this Act are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums.

4. For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected.

Under what conditions such improvements may be undertaken.

II. No such local improvement as aforesaid shall be undertaken by the Council of any City or Town, except under a By-law passed in pursuance of the fourth sub-section of the preceding section, otherwise than on the petition of two-thirds in number and one-half in value of real property to be directly benefitted thereby, of the owners of such real property, the number of such owners, and the value of such real property having been first ascertained and finally determined in the manner and by the means provided by By-law in that behalf; and if the contemplated improvement be the construction of a common sewer of more than having a sectional area of four feet, one-third of the cost thereof shall also first be provided for by the Council of the City or Town, by By-law for borrowing money, which every such Council is hereby authorized to pass for such purpose, or otherwise.

What conditions shall be requisite to the validity of the By-laws.

III. It shall not be essential to the validity of any By-law passed in virtue of the first section of this Act, that it be in accordance with the restrictions and provisions contained in the two hundred and twenty second section of the said Act; but no such By-law shall be valid which is not in accordance with the following restrictions and provisions:

1. The By-law shall name a day in the financial year in which the same is passed when it shall take effect.

2. The whole of the debt and the obligations to be issued therefor shall be made payable in *twenty* years at furthest from the day on which such By-law takes effect;

3. The By-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year on the real property described therein and rateable thereunder for paying the debt and interest.

4. Such special rate shall be sufficient, according to the value of such real property, as ascertained and finally determined in virtue of this Act, to discharge the debt and interest when respectively payable, irrespective

of any future increase in the value of such real property, and also irrespective of any income from the temporary investment of the sinking fund, or of any part thereof.

5 5. The By-law shall recite: (1) The amount of the debt which such By-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the By-law; (3) The value of the whole of the real property rateable under the By-law as ascertained and finally determined as
1 6resaid.

(4.) The annual special rate in the pound or per foot frontage, or otherwise, as the case may be, for paying the interest and creating an equal yearly sinking fund for paying the principal of the debt, according to this Act.

15 (5.) That the debt is created on the security of the special rate settled by the By-law, and on that security only.

IV. Every Debenture issued under the first section of this Act shall bear on its face the words "Local Improvement Debenture," and shall contain a reference, by date and number, to the By-law under which it is
20 issued, and also a statement of its being issued in virtue of this Act. Debentures under section one to be specially distinguished.

V. The two hundred and twenty-third section of the said Act shall not apply to any By-law passed in virtue of this Act. Section 223, of 22 Vict., c. 99 not to apply.

VI. Nothing in this Act contained shall be construed to apply to any work of ordinary repair or maintenance; and every common sewer made,
25 enlarged, or prolonged, and street, lane, alley, public way and place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or planked under this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the City or Town generally. Act not to apply to certain works.

30 VII. The first sub-section of the three hundred and twenty-fourth section of the said Act is hereby repealed as respects Cities and Towns. Sub-section 1 of section 324 of 22 Vict., cap. 99, repealed.