

UNEDITED

The Municipal Telephone Act

being

Chapter 95 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 95

An Act respecting Municipal Telephone Systems

SHORT TITLE

Short title

- 1 This Act may be cited as *The Municipal Telephone Act*.

R.S.S. 1909, c.95, s.1; R.S.S. 1920, c.95, s.1.

INTERPRETATION

Interpretation

- 2(1) Section 2 of *The Telephone and Telegraph Department Act* shall, so far as applicable to this Act, be deemed to be enacted herein.

- (2) In this Act, unless the context otherwise requires, the expression:

“Municipality”

1. “**Municipality**” means a city, town, village or rural municipality;

“Electors”

2. “**Electors**” means all persons entitled to vote on a money bylaw of the municipality as provided by the municipal law in force in the particular municipality concerned.

R.S.S. 1909, c.95, s.2; R.S.S. 1920, c.95, s.2.

POWERS OF MUNICIPAL COUNCILS

Powers of municipal councils

- 3 The council of every municipality shall have power:

1. To construct, maintain and operate a telephone system within the limit of the municipality, and to improve, enlarge, add to or extend any telephone system which it has constructed or acquired;
2. To acquire by purchase, lease or otherwise any telephone system situated and operated wholly or partly within the limits of the municipality;
3. To dispose of by sale, lease or otherwise any telephone system which it has constructed or purchased or any portion thereof;
4. To issue debentures of the municipality for the purpose of raising the funds necessary to construct, acquire, enlarge, add to or extend any municipal telephone system or for all or any of the said purposes.

R.S.S. 1909, c.95, s.3; R.S.S. 1920, c.95, s.3.

APPROVAL OF ELECTORS AND MINISTER

Approval of electors

4 The powers or any of them conferred upon municipal councils by section 3 shall be exercised by the council of any municipality only with the assent of the electors thereof, which assent shall be obtained in the manner provided by law for securing the assent of the electors of the municipality to money bylaws.

R.S.S. 1909, c.95, s.4; R.S.S. 1920, c.95, s.4.

Requisites of bylaws

5 Every bylaw providing for the construction, extension or acquisition of any telephone system by a municipal council shall set forth the amount of money required for all or any of these purposes, and a statement of the rates, rentals, tolls and charges which the municipal council propose to fix for telephone service.

R.S.S. 1909, c.95, s.5; R.S.S. 1920, c.95, s.5.

Minister's approval

6 Before any such bylaw is submitted to the electors for their assent a certified copy thereof together with plans, specifications, drawings and estimates of the telephone system proposed to be constructed, extended or acquired shall be transmitted to the minister for his approval.

R.S.S. 1909, c.95, s.6; R.S.S. 1920, c.95, s.6.

TELEPHONE DEBENTURES

Telephone debentures issue

7 Upon receiving the assent of the electors to a bylaw for the issue of debentures for any of the purposes herein provided, the municipal council shall issue such debentures accordingly and every such debenture when issued and sold or otherwise disposed of shall be a charge or lien upon all real property situated within the municipality and upon. all rates and taxes of the municipality.

R.S.S. 1909, c. 95, s.7; R.S.S. 1920, c.95, s.7.

Form

8 Every such debenture shall be as nearly as may be in such form and shall be dealt with in such manner as is prescribed by law for other debentures of the municipality. and shall in the case of towns and cities not run for a longer period than twenty years and in the case of villages and rural municipalities fifteen years.

R.S.S. 1909, c.95, s.8; R.S.S. 1920, c.95, s.8.

Limit of powers to borrow

9 The amount of money which any municipality may raise by the issue of debentures for the purposes of this Act shall be in excess of all sums which such municipality is authorised by law to raise by debentures for other purposes of the municipality, provided that the amount raised under the provisions of this Act in the case of cities, towns and villages shall not exceed two per centum of the total assessed value of the real property of the municipality as shown by its last revised assessment roll and in the case of rural municipalities shall not exceed twenty-five cents per acre for each acre of land assessed by the municipality as shown by its inst revised assessment roll.

R.S.S. 1909, c.95, s.9; R.S.S. 1920, c.95, s.9.

SPECIAL TELEPHONE ASSESSMENT

Bylaw for special telephone assessment

10(1) The council of every municipality shall have power to provide by bylaw for such proportion of the cost, not exceeding one-fifth, of the construction, maintenance and operation of a telephone system within the municipality as may be deemed expedient by a special annual assessment upon all the assessable property in such municipality, and such assessment shall not be deemed to be part of nor shall it be taken into account in determining the amount which any such municipality is otherwise by law entitled to raise by taxation.

(2) No such bylaw shall have any force or effect until it has received the assent of the electors of the municipality in the manner provided by law for securing the assent of the electors to money bylaws.

R.S.S. 1909, c.95, s.10; R.S.S. 1920, c.95, s.10.

Service to every applicant

11 If in any municipality a special assessment is made as provided by section 10, it shall be the duty of the municipal council to furnish telephone service to every elector of the municipality who applies for such service.

R.S.S. 1909, c.95, s.11; R.S.S. 1920, c.95, s.11.

POWER TO ENTER LAND OR PREMISES

Power to enter on lands and premises

12 For the purposes mentioned in this Act and in the exercise of any power conferred upon municipal councils, every municipal council by its surveyors, engineers, agents, workmen or servants may at any and all times enter upon, take; use or acquire any land or property in whomsoever vested, and it shall have full power and authority through such officers, agents and servants to do all acts and things on or in relation to any such land or property which it deems necessary, advisable or expedient in order to carry out any authority or power conferred upon it by this Act:

Provided that the municipal council shall, whenever required so to do, make reasonable compensation to the owner or owners or persons interested in any land or property which it may enter upon, take, use or acquire as provided by this section and for all damages sustained by such person in or by the execution of all or any of the powers conferred upon the said council; and, in case the amount of the said compensation cannot be mutually agreed upon by the municipal council and the said owner or owners or persons, the same shall be determined in the manner provided by the appropriate municipal Act for determining the amount of compensation or damages to be paid for land taken or injuriously affected in the exercise of the powers conferred by such Act.

R.S.S. 1909, c.95, s.12 (redrawn) ; R.S.S. 1920, c.95, s.12.

DISPOSITION OF PROPERTY NOT REQUIRED

Disposition of property not required

13 Every municipal council shall have power to dispose, by sale, lease or otherwise, of any property real or personal which forms a part of any telephone system belonging to the municipality and which in the opinion of the council is no longer required for the purposes of the said system, and the proceeds arising from any disposition of the said property shall be added to and form part of the funds for the construction and extension of the said system.

R.S.S. 1909, c.95, s.13; R.S.S. 1920, c.95, s.13.

RATES, TOLLS AND CHARGES

Rates, tolls and charges

14 It shall be the duty of the council of every municipality in which a telephone system is constructed and operated as herein provided to charge the subscribers for telephone service such rates, rentals and tolls as shall at all times be sufficient to produce a revenue adequate to cover the cost of maintenance, operation and other necessary expenses and to meet all debentures, payments of principal and interest as they fall due:

Provided that, in case a special assessment of the municipality is made as provided by section 10, the said rates, rentals and tolls shall be so fixed as to provide only for such proportion of the said cost and expenses as is not provided for by such special assessment.

R.S.S. 1909, c.95, s.14; R.S.S. 1920, c.95, s.14.

BOOKS AND ACCOUNTS

Books and accounts

15 Every municipality operating a telephone system shall cause to be kept separate books and accounts of the receipts and disbursements for and on account, of such system, distinct from the books and accounts relating to the other property, undertakings, funds and assets of the municipality.

R.S.S. 1909, c.95, s.15; R.S.S. 1920, c.95, s.15.

Disposition of surplus

16 If in any year the moneys received on account of the operation of a municipal telephone system exceeds the cost of construction, maintenance and repair of such system during the year, the excess or surplus shall be set aside and be used for payment of the principal of any debenture indebtedness incurred on account of the system or for providing for its extension or improvement.

R.S.S. 1909, c.95, s.16; R.S.S. 1920, c.95, s.16.

INTERCHANGE OF TELEPHONE SERVICE

Interchange of telephone service

17 Every municipal council shall have power to enter into an agreement or agreements with any person controlling, owning or operating any private, foreign, rural or other telephone system, for the purpose of providing for connection, intercommunication, joint operation, reciprocal use or transmission of business as between such system and a municipal telephone system, and may make such arrangements as shall be deemed advisable for the proper apportionment of expenditures and commissions, the division of receipts and profits, payment of compensation or such other adjustments as may be necessary under any such agreement.

R.S.S. 1909, c.95, s.17; R.S.S. 1920, c.95, s.17.

Minister may require system to enter into agreement

18 In case for any cause any person controlling, owning or operating any private or rural telephone system refuses, fails or neglects to enter into an agreement with a municipal council for any or all of the purposes mentioned in section 17, the council shall report the matter to the minister who shall have power to take all steps necessary or expedient to provide therefor upon such terms and conditions as may be determined by him.

R.S.S. 1909, c.95, s.18; R.S.S. 1920, c.95, s.18.

INSPECTION OF MUNICIPAL SYSTEMS

Inspection of municipal system

19 Every municipal telephone system constructed under the provisions of this Act shall, during construction, be subject to the inspection of an engineer or officer appointed by the minister.

R.S.S. 1909, c.95, s.19; R.S.S. 1920, c.95, s.19.

EXCHANGES, TERMINALS AND EXTENSIONS

Exchanges, terminals and extensions

20 Every rural municipality owning and operating a telephone system shall have the right to place its local exchange or switching terminals in any neighbouring city, town or village outside the boundaries of such rural municipality upon such terms for the ownership or joint ownership of such local exchanges or switching terminals as may be mutually agreed upon between councils of the municipalities respectively concerned, or, in case such councils are unable to agree upon such terms, as shall be prescribed and ordered by the minister, and every such order of the minister shall be forthwith complied with.

R.S.S. 1909, c.95, s.20; R.S.S. 1920, c.95, s.20.

Power to construct beyond limits of municipality

21 In case for any cause it is satisfactorily shown that any municipal council shall have power and authority to construct, extend, maintain and operate its telephone system beyond the limits of the municipality, the Lieutenant Governor in Council may grant such power and authority subject to such terms, conditions and restrictions as may be deemed advisable.

R.S.S. 1909, c.95, s.21; R.S.S. 1920, c.95, s.21.

RULES, REGULATIONS AND BYLAWS**Rules, regulations and bylaws**

22 Every municipal council shall have power from time to time to make and enforce all necessary bylaws, rules and regulations for the general management, maintenance and operation of any telephone system under its control and for the collection of all charges, rents and rates; and for the purposes of this Act all charges, rents, rates, tolls and accounts due to a municipality by any subscriber or other person for the use of a telephone or for telephone service may be recovered by the council by action before any court of competent jurisdiction or may be treated in every way as if the same were taxes due to the municipality.

R.S.S. 1909, c.95, s.22; R.S.S. 1920, c.95, s.22.

Operation of this Act suspended

23 Until otherwise provided by the Lieutenant Governor in Council the operation of the provisions of this Act is suspended save and except in respect of the town of Carnduff, the town of Melfort, the village of Abernethy, and the village of Gainsborough:

Provided, however, that the provisions of this Act shall continue to apply with full force and effect to the above mentioned towns and villages.

1910-11, c.23, s.23; R.S.S. 1920, c.95, s.23.