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c 36 The Municipal Amendment Act, 1980

Ontario

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CHAPTER 36

An Act to amend The Municipal Act

Assented to June 19th, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1, and amended by the Statutes of Ontario, 1973, chapter 83, section 2 and 1974, chapter 85, section 1, is further amended by adding thereto the following subsection:
 - (6) A person is not ineligible to be elected or to hold office as a member of council only by reason of being a volunteer fire fighter as defined in *The Fire Departments Act* and subsections 3, 4 and 5 do not apply to a person who is a volunteer fire fighter but who is not otherwise employed by the municipality or a local board thereof.

s. 36,
amended

Volunteer
fire
fighters
R.S.O. 1970,
c. 169

- 2.—(1) Paragraph 67a of section 352 of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 16, is amended by adding thereto the following clauses:
 - (c) A by-law passed under this paragraph may provide that it applies to a person who was an employee at the time the cause of action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be an employee.

Former
employees

 - (d) This paragraph does not apply to an act or omission that occurred prior to the 20th day of June, 1978.

Application

- (2) Clause c of paragraph 68 of the said section 352 is repealed and the following substituted therefor:
 - (c) Where land is acquired under this paragraph for park purposes and there is no board of park management, the council may appoint such number of persons qualified to hold office as a member of council as it considers appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

s. 352,
par. 68 (c),
re-enacted

s. 361,
amended

3.—(1) Section 361 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 69, section 11 and 1978, chapter 32, section 18, is further amended by adding thereto the following subsection:

Approval
of
C.M.B.

(3a) Subject to subsection 3, where a petition objecting to the passing of a by-law referred to in subsection 2 signed by one or more persons entitled to notice as set out in that subsection is received by the clerk of the municipality within thirty days next following the latest day of the mailing of any of such notices, the by-law shall not come into force without the approval of the Municipal Board.

s. 361 (5),
repealed

(2) Subsection 5 of the said section 361 is repealed.

s. 361 (6),
re-enacted

(3) Subsection 6 of the said section 361, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 11, is repealed and the following substituted therefor:

Board of
Management

(6) A Board of Management established under subsection 1 is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be individuals assessed for business assessment in respect of land in the area or nominees of such individuals or of corporations so assessed.

s. 361 (12),
re-enacted

(4) Subsection 12 of the said section 361 is repealed and the following substituted therefor:

Borrowing
prohibited,
restrictions
on incurring
indebtedness

(12) The Board of Management shall not borrow money and, without the prior approval of the council, it may not incur any indebtedness extending beyond the current year.

Assent of
electors, etc.,
R.S.O. 1970,
c. 323

(12a) Section 293 of this Act and sections 64 and 65 of *The Ontario Municipal Board Act* apply to the giving of an approval of indebtedness by a council under subsection 12 as though the giving of the approval were the incurring of the indebtedness by the municipality.

s. 361 (16),
re-enacted

(5) Subsection 16 of the said section 361 is repealed and the following substituted therefor:

Special
charge

(16) Subject to such maximum and minimum charges as the council may specify by by-law, the council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in

the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

(16a) Notwithstanding subsection 16, the council may by by-law provide that the sum required for the purposes mentioned therein shall be levied as a special charge upon and shall be borne and paid by persons in the area assessed for business assessment who in the opinion of the council derive special benefit from the establishment of the area, and the sum chargeable to such persons shall be equitably apportioned among them in accordance with the benefits that, in the opinion of the council, accrue to them from the establishment of the area.

Special charge where special benefit derived

(16b) Before the council passes a by-law specifying maximum and minimum charges under subsection 16 or a by-law under subsection 16a, notice of the proposed by-law shall be,

Notice

- (a) published at least once a week for four successive weeks, and the by-law shall not be passed until after the expiry or fourteen days following the day on which the notice was last published; or
- (b) given in the same manner as a notice of a proposed by-law under subsection 2, and the by-law shall not be passed until the expiry of thirty days next following the latest day of the mailing of any such notices.

(16c) Any person who would be liable to a special charge levied in accordance with a by-law proposed to be passed by the council of a municipality under subsection 16 specifying maximum or minimum charges or under subsection 16a may object to the proposed by-law by filing written notice of the objection with the clerk of the municipality before the expiry of the period mentioned in clause *a* or *b* of subsection 16b, as the case may be.

Objections

(16d) Where an objection to a proposed by-law is made under subsection 16c, the proposed by-law shall not come into force without the approval of the Municipal Board.

Approval of O.M.B.

(16e) Subsections 16b, 16c and 16d do not apply to a by-law passed under subsection 16 or 16a to comply with an order of the Municipal Board under subsection 18.

Application

(16f) Notice of a proposed by-law required under subsection 16b may be given in the same notice as notice of a proposed by-law under subsection 2.

Separate notices not required

Proviso

(16g) Notwithstanding anything in subsection 16 or 16a, where moneys borrowed by the municipality are provided in any year by the council for the purposes of the Board of Management and where only a portion of such moneys are required to be repaid by the municipality to the lender in that year or in any subsequent year, only the portion of the moneys required to be repaid to the lender in any such year together with any interest repayable in that year in respect of the total of such moneys shall be included in the sum to be provided in that year by the levy under subsection 16 or 16a.

s. 361 (17),
amended

(6) Subsection 17 of the said section 361 is amended by inserting after "16" in the first line "or 16a".

s. 361,
(17b, 17c),
re-enacted

(7) Subsections 17b and 17c of the said section 361, as enacted by the Statutes of Ontario, 1978, chapter 32, section 18, are repealed and the following substituted therefor:

Application of
subs. 2-4

(17b) Subsections 2, 3, 3a and 4 apply with necessary modifications to the passing of a by-law under subsection 17a.

When by-law
comes into
effect

(17c) A by-law passed under subsection 17a shall not come into force until the 1st day of January next after its passing, or, where the approval of the Municipal Board is required before such by-law may come into force, until the day specified by the Municipal Board.

s. 361 (18, 19),
re-enacted

(8) Subsections 18 and 19 of the said section 361 are repealed and the following substituted therefor:

Approval
of
O. M. B.

(18) Where the approval of the Municipal Board of a by-law passed under this section is required, the Municipal Board as a condition of giving its approval may by its order impose such restrictions, limitations and conditions with respect to such matter as may be necessary or expedient.

Repeal
of
by-law

(19) A by-law designating an improvement area may be repealed to take effect upon the 31st day of December in the year in which it is passed.

Non-
application of
subs. (2-3a)

(19a) Notwithstanding anything in this section, subsections 2, 3 and 3a do not apply to,

(a) a by-law passed under subsection 1 or 17a to comply with an order of the Municipal Board under subsection 18; or

(b) a by-law passed under subsection 19.

4. Notwithstanding section 3, where a notice of intention to pass a by-law under subsection 1 or 17a of section 361 of *The Municipal Act* has been sent under subsection 2 of that Act prior to the coming into force of this section, the passing of the by-law shall be subject to section 361 as it read immediately prior to the coming into force of this section. Transition
R.S.O. 1970,
c. 284
5. Section 390a of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 101, section 11, is amended by adding thereto the following subsections: s. 390a,
amended
- (3) A by-law passed under this section may provide that it applies to a person who was a member of council or a local board, as the case may be, at the time the cause of action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be a member of the council or local board. Former
members
of council
- (4) This section does not apply to an act or omission that occurred prior to the 15th day of December, 1978. Application
6. This Act comes into force on the day it receives Royal Assent. Commence-
ment
7. The short title of this Act is *The Municipal Amendment Act, 1980*. Short title

