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c 24 Municipal Amendment Act, 1982 (No. 1)

Ontario

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CHAPTER 24

An Act to amend the Municipal Act

Assented to July 7th, 1982

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

1. Subsection 10 (2) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 10 (2), re-enacted

(2) The Municipal Board, upon the application of the Ministry or of not less than thirty inhabitants of a locality situated in territory without municipal organization and having a population of not less than fifty, may incorporate the inhabitants of the locality or a larger or smaller locality as an improvement district. Improvement districts

2. The said Act is amended by adding thereto the following section: s. 39a, enacted

39a.—(1) If not already vacant by virtue of any Act, the seat of a reeve or deputy reeve on the council of a local municipality becomes vacant if his seat on the county council is declared vacant by the county council. County council vacancies

(2) Where a county council declares the seat of one of its members to be vacant and, as a result of the declaration, the seat of that member on the council of a local municipality becomes vacant under subsection (1), the county council shall forthwith cause a copy of its declaration to be forwarded to the council of the local municipality and that council shall forthwith declare the seat of the member on that council to be vacant. Idem

3. Subsection 62 (1) of the said Act is repealed and the following substituted therefor: s. 62 (1), re-enacted

(1) Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his vote openly, and any failure to vote by a Recorded votes

member who is not disqualified shall be deemed to be a negative vote and the clerk shall record each vote.

s. 82 (a),
re-enacted

4. Clause 82 (a) of the said Act is repealed and the following substituted therefor:

(a) open an account or accounts in the name of the municipality at such place of deposit as may be approved by the council.

s. 143 (4) (a),
amended

5. Clause 143 (4) (a) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five".

s. 143a,
enacted

6. The said Act is further amended by adding thereto the following section:

Extendible
and
retractable
debentures

143a.—(1) Notwithstanding any other provision of this Act, a local municipality may provide in any money by-law for the issuing of debentures, which by-law shall not require the assent of the electors, that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date not less than five years after the date of issue thereof with interest payable annually or semi-annually, subject to the obligation of the municipality,

- (a) to extend the term of all or any of the debentures at the request of the holder thereof given to the treasurer of the municipality at any time or times fixed in the by-law prior to the maturity date of the debentures on the terms and subject to the conditions as to notice and other relevant matters set forth in the by-law, which debentures shall be known as extendible term debentures; or
- (b) if the debentures have a maturity date longer than five years, to redeem all or any of the debentures at the request of a holder thereof at an earlier date or dates fixed in the by-law not earlier than five years after the date upon which the debentures are issued, on the terms and subject to the conditions as to notice and other relevant matters set forth in the by-law, which debentures shall be known as retractable term debentures.

Change of
interest
rate

- (2) A by-law passed under subsection (1) shall,

(a) with respect to extendible term debentures,

- (i) fix the rate of interest payable thereon during the initial term, and

(ii) provide that the rate of interest payable thereon with respect to any extended term,

(A) shall be the same as the amount fixed under subclause (i),

(B) shall be such different rate as is set out in the by-law, or

(C) shall be a rate determined by a further by-law of the municipality passed not less than six months prior to the maturity date of the debentures; and

(b) with respect to retractable term debentures,

(i) fix the rate of interest payable thereon prior to the first early redemption date,

(ii) provide that the rate of interest payable thereon with respect to any period commencing the day immediately following an early redemption date and expiring with the next early redemption date or with the maturity date, as the case may be,

(A) shall be the same as the amount fixed under subclause (i),

(B) shall be such different rate as is set out in the by-law, or

(C) shall be a rate determined by a further by-law of the municipality passed not less than six months prior to the beginning of the period.

(3) Where a by-law passed under subsection (1) contains a provision authorized by sub-subclause (2) (a) (ii) (C) or (b) (ii) (C), notice of the change in the interest rate shall be sent by the treasurer of the municipality by prepaid mail at least seventy days prior to the date set for such change to the person, if any, in whose name the debenture is registered at the address shown in the Debenture Registry Book and shall be published at least sixty days prior to the maturity or redemption date in such manner as the by-law may provide. ^{Notice of change}

(4) A by-law passed under subsection (1) shall, with respect to extendible or retractable term debentures, provide for raising by a special rate on all the rateable property in the municipality, ^{Mandatory provisions in by-law}

- (a) in each year of the currency of the debentures, a sum sufficient to pay the interest thereon; and
- (b) in each year of the currency of the debentures, a specified amount to form a retirement fund for the debentures which amount shall be equal to or greater than the amount that would have been required to have been raised in each year in respect of principal if the principal amount of the debentures had been payable in equal annual instalments and the debentures had been issued for the maximum period of years that was approved by the Municipal Board for the repayment of debentures issued for the debt for which the debentures were issued, commencing on the date of the debentures,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Retirement
fund

(5) The retirement fund referred to in clause (4) (b) shall be administered in all respects in the same manner as a sinking fund established under section 146, and subsections 146 (3) to (9) apply with necessary modifications to the retirement fund.

Debentures
to refund
existing
debentures
at maturity

(6) To the extent that it has not otherwise been raised or is not otherwise available, the money required to refund extendible or retractable term debentures issued under a by-law passed under this section shall be raised by the issue of debentures under the appropriate clause of subsection (7).

Exchange
and refund

(7) A municipality may, by by-law, authorize the issue of debentures,

- (a) to be exchanged for extendible term debentures extended by the holders thereof in accordance with this section and the by-law authorizing the issue of such debentures;
- (b) to refund at maturity extendible term debentures; and
- (c) to refund retractable term debentures at maturity and at early redemption dates.

Maximum
term of
debentures

(8) Debentures issued under subsection (7) shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the debentures were issued, commencing on the date of the debentures that are being refunded or for which the exchange is being made.

(9) A by-law passed under subsection (7) shall provide for the amounts of principal and interest payable on the debentures to be raised by a rate or rates on the rateable property of the same class or classes of ratepayers as were subject to the rates levied to raise amounts to pay the principal and interest payable on the debentures that are being refunded or for which the exchange is being made.

Mandatory provision in by-law

(10) A by-law passed under subsection (2) to fix rates of interest or to change rates of interest shall express the rates in terms of a specific percentage rate and not in terms of a percentage rate based on another rate or amount to be ascertained in the future.

Method of expressing interest rate

(11) The period by which an extendible term debenture may be extended under clause (1) (a) shall be not less than five years and the period shall expire within the maximum period of years that was approved by the Municipal Board for the repayment of debentures issued for the debt for which the extendible debenture was issued, commencing on the date of the extendible debenture.

Term of extensions

(12) Early redemption dates fixed by a by-law passed under clause (1) (b) shall be at least five years apart and the last early redemption date shall precede the maturity date of the debentures by at least five years.

Early redemption dates

(13) Notwithstanding any other provision of this Act or any other Act, the assent of the electors and the approval of the Municipal Board is not required for the extending of debentures under clause (1) (a) or the issuing of debentures under subsection (7).

Assent of electors, O.M.B. approval not required

7. Clause 146 (3) (a) of the said Act is repealed and the following substituted therefor:

s. 146 (3) (a), re-enacted

(a) with a bank named in Schedule A or B to the *Bank Act* (Canada) or a trust company that is registered under the *Loan and Trust Corporations Act*; or

1980-81, c. 40 (Can.) R.S.O. 1980, c. 249

8. Subclause 169 (2) (a) (iii) of the said Act is amended by striking out "chartered bank to which the *Bank Act* (Canada) applies" in the fourth and fifth lines and inserting in lieu thereof "bank named in Schedule A or B to the *Bank Act* (Canada)".

s. 169 (2) (a) (iii), amended

9.—(1) Paragraph 23 of section 208 of the said Act is repealed and the following substituted therefor:

s. 208, par. 23, re-enacted

Agreements respecting use of employees and equipment

s. 208, par. 42 (a, b), repealed

23. For providing for the use by any person of any of the employees or mechanical equipment of the municipality and for fixing the terms, conditions and charges therefor.

(2) Clauses (a) and (b) of paragraph 42 of the said section 208 are repealed.

s. 208, par. 55 (d), repealed

(3) Clause (d) of paragraph 55 of the said section 208 is repealed.

s. 210, par. 45 (b, d), repealed

10.—(1) Clauses (b) and (d) of paragraph 45 of section 210 of the said Act are repealed.

s. 210, par. 117 (a), repealed

(2) Clause (a) of paragraph 117 of the said section 210 is repealed.

s. 210, par. 118(b), repealed

(3) Clause (b) of paragraph 118 of the said section 210 is repealed.

s. 210, par. 125 (b), re-enacted

(4) Clause (b) of paragraph 125 of the said section 210 is repealed and the following substituted therefor:

(b) Subsection 147 (13) of the *Highway Traffic Act* applies with necessary modifications to a by-law passed under this paragraph.

s. 210, par. 125 (d), amended

(5) Clause (d) of paragraph 125 of the said section 210 is amended by inserting at the commencement thereof “Notwithstanding subsection 321a (2) and”.

s. 243 (2), re-enacted

11. Subsection 243 (2) of the said Act is repealed and the following substituted therefor:

Idem

(2) A statement submitted under subsection (1) shall also indicate the by-law or resolution and the statutory provision under the authority of which the remuneration or expenses were paid.

Statements by local boards

(3) Where in any year a local board or other body pays remuneration or expenses to a member of the local board or body who was appointed by a municipality or who is a member by virtue of his membership on a municipal council, the local board or body shall, on or before the 31st day of January in the next following year, submit to the treasurer of the municipality that the member represents a statement of the remuneration and expenses so paid and the statement shall be itemized to the extent required by the treasurer of the municipality.

s. 315, par. 8 (b), repealed

12.—(1) Clause (b) of paragraph 8 of section 315 of the said Act is repealed.

s. 315, par. 9, re-enacted

(2) Paragraph 9 of the said section 315 is repealed and the following substituted therefor:

9. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law, and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law and for prohibiting and regulating the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Establishment of bus lanes

(a) For the purposes of this paragraph,

(i) "any other municipality" includes a metropolitan, regional and district municipality and the County of Oxford,

(ii) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the municipality, or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

(3) Paragraph 11 of the said section 315 is amended by striking out "as a lane solely or principally for the use of public transit motor vehicles or bicycles" in the second and third lines and inserting in lieu thereof "for the uses referred to in the said paragraphs".

s. 315,
par. 11,
amended

(4) Where a by-law has been passed by a local municipality for a purpose referred to in paragraph 9 of section 315 of the *Municipal Act*, as re-enacted by subsection (2) of this section, under a provision of the *Municipality of Metropolitan Toronto Act*, the *County of Oxford Act* or an Act establishing a regional municipality and the provision of the Act, under which the by-law was passed, is repealed, the by-law shall continue in full force and effect until amended or repealed, as if the provision of the Act under which the by-law was passed had not been repealed.

Transition

R.S.O. 1980,
cc. 302, 314,
365

13. Section 321 of the said Act is repealed and the following substituted therefor:

s. 321,
re-enacted

321. By-laws may be passed by the councils of all municipalities and by the boards of commissioners of police for providing that any person who contravenes any by-law of the council or of the board, as the case may be, passed under the authority of this Act, is guilty of an offence and for providing for the imposition of fines of not more than \$2,000 on every person who is convicted of an offence under any such by-law.

Power to impose fines

Illegally parked vehicles, owner's liability

321a.—(1) A by-law passed for the purposes of section 321 may provide that, where a vehicle has been left parked, stopped or left standing in contravention of a by-law passed under this Act, the owner of the vehicle, notwithstanding that he was not the driver of the vehicle at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent.

Payment out of court

(2) A by-law passed for the purposes of section 321 may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a by-law related to the parking, standing or stopping of vehicles has been contravened.

s. 386 (8), amended

14. Subsection 386 (8) of the said Act is amended by striking out "chartered bank of Canada" in the fifth line and inserting in lieu thereof "bank named in Schedule A or B to the *Bank Act (Canada)*".

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Municipal Amendment Act, 1982*.