

1987

c 10 Municipal Statute Law Amendment Act, 1987 (No. 1)

Ontario

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CHAPTER 10

**An Act to amend the Municipal Act and
certain other Acts related to Municipalities**

Assented to February 12th, 1987

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

PART I

AMENDMENTS TO THE *MUNICIPAL ACT*

1.—(1) Paragraph 22 of subsection 1 (1) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

22. “regular election” means an election required to be held under section 10 of the *Municipal Elections Act*. R.S.O. 1980,
c. 308

(2) Paragraph 28 of the said subsection 1 (1) is repealed.

(3) Section 1 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 19, section 4, 1982, chapter 50, section 1 and 1986, chapter 64, section 37, is further amended by adding thereto the following subsection:

(3) For the purposes of this Act, a local municipality is in unorganized territory if it is in a territorial district mentioned in the *Territorial Division Act* and if it is not in The District of Muskoka or The Regional Municipality of Sudbury. Unorganized
territory
R.S.O. 1980,
c. 497

2.—(1) Subsections 30 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) The council of a city shall be composed of a mayor, the members of the board of control if the city has such a board, and the following number of other members of council: City councils

(a) three members for each ward; or

- (b) where the council by by-law so provides, two members for each ward; or
- (c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides, one member for every 1,000 of the population up to but not exceeding the maximum number provided by by-law.

By-law for election by general vote

(2) In the case provided for by clause (1) (c), or where the council of a city having a population of more than 15,000 by by-law so provides, the members of council to be elected under that clause shall be elected by general vote, and in the latter case the number of members shall be the same as if they were elected by wards.

(2) Section 30 of the said Act is amended by adding thereto the following subsections:

“Alderman” (8) The members of the council of a city, other than the mayor and members of the board of control, shall have the title “alderman”.

“Councillor” (9) Notwithstanding subsection (8) or any other Act, the council of a city may by by-law change the title “alderman” to “councillor” or *vice versa*.

Idem (10) A by-law to change the title “alderman” to “councillor” or *vice versa* passed after the 30th day of June in the year of a regular election and before the 1st day of December in that year is of no effect.

Idem (11) Not more than one by-law shall be passed during the term of a council to change the title of members of the council.

Idem (12) Subsection (8) does not apply to the office of metropolitan councillor in the City of Toronto.

Idem (13) Subsections (9) to (11) apply with necessary modifications to the change of the title “city alderman” to “city councillor” in the City of Toronto and *vice versa*.

3. Section 48 of the said Act is repealed and the following substituted therefor:

Declaration that all seats vacant

48.—(1) If, because of a failure to obtain a quorum, the council of a municipality or a local board thereof is unable to hold a meeting, or a subsequent meeting within sixty days of the meeting that was not held, the Minister may by order

declare all the seats of the members of the council or local board, as the case may be, to be vacant and a new election shall be held in accordance with section 92 of the *Municipal Elections Act*.

R.S.O. 1980,
c. 308

(2) If the Minister makes an order under subsection (1) or the seats of a majority of the members of a council or of a local board are for any reason declared vacant, the Minister may by order provide for the fulfilling of the duties and obligations of the council or local board until such time as a new election is held in accordance with section 92 of the *Municipal Elections Act*, and the members so elected have taken office.

Interim
adminis-
tration

4. Section 59 of the said Act is repealed.

5. Subsection 72 (2) of the said Act is repealed and the following substituted therefor:

(2) When the head of council is absent or refuses to act, or the office is vacant, the council may by resolution appoint one of its members to act in the place and stead of the head of council and while so acting, the member has and may exercise all the rights, powers and authority of the head of council.

Acting head

6. Subsection 77 (4) of the said Act is repealed.

7. The said Act is amended by adding thereto the following sections:

78a.—(1) Notwithstanding subsection 77 (1), the Archivist of Ontario and a municipal council may agree that any document of the municipality may be transferred to and kept by the Archivist.

Transfer of
documents to
Archivist

(2) The Archivist of Ontario and a local board, as defined in the *Municipal Affairs Act*, may agree that any document of the local board may be transferred to and kept by the Archivist.

Idem
R.S.O. 1980,
c. 303

(3) Where a council or local board agrees under subsection (1) or (2) to transfer the original of a by-law that, at the time of the transfer, is still in force or the operation of which is not spent, the clerk shall obtain and keep, until such time as the by-law is no longer in force or is spent, a photographic copy of the by-law.

Copies of
certain
by-laws to
be kept

(4) In this section and section 78b, “document” includes originals of by-laws, resolutions, books, records, accounts and papers of any nature.

Definition

Certified
copies of
documents
receivable
in evidence

78b.—(1) A copy of any document in the possession or under the control of the clerk of a municipality purporting to be certified by the clerk and under the seal of the corporation may be filed and used in any court or tribunal in lieu of the original and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court or tribunal otherwise directs.

Idem

(2) A copy of any document kept by the Archivist under subsection 78a (1) or (2) and certified by the Archivist may be filed and used in any court or tribunal in lieu of the original and shall be received in evidence without proof of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court or tribunal otherwise directs.

8. Subsection 87 (2) of the said Act is repealed.

9. Subsection 98 (5) of the said Act is repealed and the following substituted therefor:

Costs in
legal
proceedings
R.S.O. 1980,
c. 303

(5) Notwithstanding any other Act, in any proceeding to which a municipality or local board, as defined in the *Municipal Affairs Act*, is a party, costs adjudged to the municipality or local board shall not be disallowed or reduced merely because the solicitor or the counsel who earned the costs, or in respect of whose services the costs are charged, was a salaried officer of the municipality or local board or of a municipality acting on behalf of the local board performing the services in the discharge of the solicitor's or counsel's duty and remunerated therefor by a salary, and for that or any other reason was not entitled to recover any costs from the municipality or local board in respect of the services rendered, and,

- (a) the costs recovered by or on behalf of the municipality shall form part of the general funds of the municipality; and
- (b) the costs recovered by or on behalf of the local board shall form part of the general funds of the local board.

10.—(1) Subsection 100 (1) of the said Act is repealed and the following substituted therefor:

Retirement
allowance

(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise, to an employee, during the employee's life, who has had continuous service for at least twenty years with the municipality or with the municipal-

ity and any other municipality or local board as defined in the *Municipal Affairs Act* or any two or more of them and who,

R.S.O. 1980,
c. 303

- (a) is retired because of age; or
- (b) while in the service of any municipality or local board has become incapable of working through illness or otherwise.

(2) Subsection 100 (5) of the said Act is repealed.

11. Section 117 of the said Act is amended by adding thereto the following subsection:

(7) Notwithstanding any special Act, the approval of the Minister or Ministry is not required to amend any by-law of a municipality related to an approved pension plan.

By-laws
under
special Acts,
approval not
required

12. Section 120 of the said Act is repealed.

13. Subsection 126 (3) of the said Act is amended by striking out "without the assent of the electors" in the third and fourth lines.

14. Section 127 of the said Act is repealed.

15. Subsection 132 (2) of the said Act is repealed and the following substituted therefor:

(2) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it.

Synopsis

16. Section 135 of the said Act is repealed.

17. Subsection 137 (2) of the said Act is repealed and the following substituted therefor:

(2) Instead of publishing a true copy of the by-law, the council may publish a synopsis of it.

Synopsis

18. Subsection 148 (4) of the said Act is amended by striking out "without the assent of the electors but" in the sixth line.

19. Section 151 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 50, section 16, is repealed.

20.—(1) Clause (b) of paragraph 46 of section 208 of the said Act is repealed.

(2) Paragraphs 48 and 49 of the said section 208 are repealed and the following substituted therefor:

Insurance,
hospitali-
zation,
etc.
R.S.O. 1980,
cc. 197, 218,
388

48. Subject to the *Health Insurance Act*, for providing by contract either with an insurer licensed under the *Insurance Act* or with an association registered under the *Prepaid Hospital and Medical Services Act*,

- i. group life insurance for employees or retired employees or any class or classes thereof,
- ii. group accident insurance or group sickness insurance for employees or retired employees or any class or classes thereof and their spouses and children, and
- iii. hospital, medical, surgical, nursing or dental services or payment therefor for employees or retired employees or any class or classes thereof and their spouses and children,

and for paying the whole or part of the cost thereof.

(a) In this paragraph,

(i) “employee” means an employee as defined in paragraph 46, and

(ii) “retired employee” means a person who was formerly a salaried officer, clerk, worker, servant or other person in the employ of the municipality or of a local board and includes a former member of the police force of the municipality and any person or class of person designated as an employee by the Minister.

(b) Any local board may provide insurance and hospital, medical, surgical, nursing or dental services and payment therefor in the same manner and for the same classes of persons as the council of a municipality, and the provisions of this paragraph apply with necessary modifications thereto.

Contributions
to plans
under
R.S.O. 1980,
c. 197

49. For paying the whole or part of the cost to employees or retired employees of the plan of hospital care insurance or of health services insurance provided for under the *Health Insurance Act*.

(a) In this paragraph, “employee” means an employee as defined in paragraph 46 and “retired employee”

means a retired employee as defined in subclause (a) (ii) of paragraph 48.

- (b) Any local board may contribute toward the cost to employees or retired employees of the plan of hospital care insurance or of health services insurance provided for under the *Health Insurance Act* and the provisions of this paragraph apply with necessary modifications thereto.

R.S.O. 1980,
c. 197

(3) Paragraph 58 of the said section 208 is repealed and the following substituted therefor:

58. For entering into any agreement with Her Majesty in right of Ontario respecting regional economic development and any ancillary or subsidiary agreements with any person required as a result of entering into such an agreement with Her Majesty.

Regional
economic
development
agreements

58a. For establishing and carrying on the business of cold storage in connection with or upon the market property of the corporation.

Cold storage
business

21.—(1) Section 210 of the said Act is amended by adding thereto the following paragraphs:

6a. For requiring, within any defined area or areas of the municipality, any person who owns or harbours a dog to keep the dog leashed and under the control of some person when the dog is on any land of the municipality or of any local board thereof.

Leashing
of dogs

6b. For requiring any person who owns or harbours a dog to remove forthwith excrement left by the dog anywhere in the municipality and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law.

Dog waste

(2) Paragraph 71 of the said section 210 is repealed.

(3) Clause (d) of subparagraph ii of paragraph 125 of the said section 210, as amended by the Statutes of Ontario, 1982, chapter 24, section 10, is repealed and the following substituted therefor:

- (d) Notwithstanding subsection 321a (1) and subject to clause (f), the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under a by-law

passed under this paragraph except upon the written complaint of the owner or occupant of the property given to a constable or officer appointed for the carrying out of the provisions of the by-law.

(4) Paragraph 136 of the said section 210 is repealed.

22. Subsections 211 (17) and (18) of the said Act are repealed and the following substituted therefor:

Repeal of
by-law

(17) A council may amend or repeal any by-law passed under any predecessor of this section, whether or not the by-law was required to be passed upon the application of any number of occupiers of shops in the municipality.

23.—(1) Paragraph 2 of section 225 of the said Act is repealed.

(2) Clause (a) of paragraph 3 of the said section 225 is repealed.

24.—(1) Subsection 225a (1) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 14, section 1, is repealed and the following substituted therefor:

Definition

(1) In this section, “municipality” means,

- (a) a county or a city or other local municipality within a county that has been separated from the county for municipal purposes;
- (b) a local municipality in unorganized territory;
- (c) a metropolitan, regional or district municipality or the County of Oxford.

Gypsy moth
control
programs

(1a) By-laws may be passed by the councils of municipalities for establishing and operating aerial spraying programs to control actual or potential infestations of gypsy moths.

(2) Subsections 225a (3), (5) and (6) of the said Act are amended by striking out “county” and “county’s” wherever those words occur and inserting in lieu thereof in each instance “municipality” and “municipality’s”, as the case may be.

25. Section 253 of the said Act is repealed and the following substituted therefor:

Expenses for
entertaining
guests

253. Notwithstanding the provisions of any general or special Act, the council of any municipality may expend in

any year such sum as it may determine for the reception or entertainment of persons of distinction or the celebration of events or matters that the council considers to be of interest or importance.

26. Section 261 of the said Act is repealed and the following substituted therefor:

261.—(1) The council of a county has jurisdiction over every highway and boundary line assumed by the council and every bridge thereon.

Jurisdiction of county council over highways

(2) Where the council of a county has jurisdiction over a highway, the council of the county, at the expense of the county, shall cause to be erected and maintained or rebuilt or replaced and maintained the bridges on the highway.

Duty with respect to bridges

(3) Subject to a by-law passed under subsection 278 (1), the council of a county continues on and after the day this section comes into force,

Continued jurisdiction over certain bridges

- (a) to have jurisdiction over all bridges over which it had jurisdiction immediately before this section comes into force;
- (b) to have joint jurisdiction over all bridges over which it had joint jurisdiction immediately before this section comes into force,

and the council of the county, at the expense of the county or at the joint expense of the municipalities, as the case may be, shall cause every such bridge to be rebuilt or replaced and maintained.

27. Section 262 of the said Act is amended by inserting after “is” in the first line “to maintain or”.

28. Section 263 of the said Act is amended by inserting after “is” in the first line “to maintain or”.

29. Section 266 of the said Act is repealed.

30.—(1) Subsection 270 (1) of the said Act is repealed and the following substituted therefor:

(1) The council of a county may by by-law assume as a county road any highway within a town, not being a separated town, or within a village or township.

Assumption by county councils of highways

(2) Subsection 270 (7) of the said Act is repealed and the following substituted therefor:

Effect of repeal

(7) When a by-law passed under this section is repealed, the highway and the bridges thereon cease to be under the jurisdiction of the council of the county and fall and are under the jurisdiction of the council or councils that had jurisdiction over it at the time of the passing of the by-law for assuming it.

31. Sections 273, 274 and 275 of the said Act are repealed.

32. Sections 276, 277 and 278 of the said Act are repealed and the following substituted therefor:

Bridges on highways under different jurisdictions

276.—(1) Where a bridge joins or is to join a highway under the jurisdiction of one municipal corporation to a highway under the jurisdiction of another municipal corporation, it is the duty of the municipal corporations whose highways are joined or to be joined to maintain or erect and maintain the bridge.

Bridges on boundary lines

(2) Where a bridge forms part of a boundary line, it is the duty of the municipal corporations that are responsible for maintaining the boundary line to maintain or to erect and maintain all necessary bridges on the boundary line.

Maintenance of boundary lines

277.—(1) Boundary lines between local municipalities, including those that also form county boundary lines, shall be maintained by the corporations of such municipalities.

Exceptions

(2) Subsection (1) does not apply to boundary lines assumed by the council of the county or to such bridges as are under this Act to be maintained or erected and maintained by another corporation.

Local municipalities to erect and maintain certain bridges

278.—(1) Where a bridge that is not on a county road or that is not on a boundary line assumed by the county is under the exclusive or joint jurisdiction of the council of a county, the council of the county may transfer by by-law its jurisdiction and control over the bridge to the council or councils of the local municipality or local municipalities in the county that has or have jurisdiction over the highway or boundary line on which the bridge is situate and the transfer may be made on such terms and conditions as the councils may agree upon.

Approval

(2) A by-law passed under subsection (1) does not take effect until it is approved by a by-law of the local municipality or the local municipalities to which the jurisdiction and control over the bridge is being transferred.

(3) On the day that a transfer under subsection (1) takes effect, all rights, liabilities and obligations of the county in respect of the bridge are transferred to and are vested in and imposed upon the local municipality or, where the jurisdiction is transferred to the council of more than one local municipality, the local municipalities, jointly.

Effect of
transfer

33.—(1) Subsection 298 (3) of the said Act is repealed and the following substituted therefor:

(3) A by-law passed under clause (1) (b) for altering or diverting any highway or part of a highway or under clause (1) (c) or (d) in respect of an allowance for road reserved in the original survey,

Minister's
approval

- (a) along the bank of any river, stream or other water;
- (b) along or on the shore of any lake or other water;
- (c) leading to the bank of any river or stream; or
- (d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Minister and, where the by-law is one to which subsection (7) applies, it shall not be submitted to the Minister until it has been passed in compliance with subsection (8) or (9), but the approval of the Minister is not required for a by-law for leasing a stopped-up highway or part of a highway to an owner of land that abuts on it for a period not in excess of thirty years.

(2) Subsections 298 (6) and (7) of the said Act are repealed and the following substituted therefor:

(7) Where the council of a township that forms part of a county for municipal purposes intends to pass a by-law under clause (1) (c), it shall so notify in writing the clerk of the county by registered mail or by personal service.

Notice to
clerk of
county

(3) Subsection 298 (12) of the said Act is repealed and the following substituted therefor:

(12) A by-law passed under subsection (1), or any predecessor of subsection (1), for closing any street, road or highway or for opening upon any private property, any street, road or highway does not take effect until it has been registered in the land registry office of the land titles division or registry division in which the land is situate, and the by-law shall be registered without further proof by depositing a copy

Registration
of by-laws

certified under the hand of the clerk and the seal of the municipality.

Exception (13) Subsection (12) does not apply, and shall be deemed never to have applied, so as to require the registration of a by-law passed before the 29th day of March, 1873.

Idem (14) Subsection (12) does not apply so as to require the registration of a by-law passed before the day this subsection comes into force in respect of land registered under the *Land Titles Act*.

R.S.O. 1980,
c. 230

Moneys to
be paid into
special
account

(15) All moneys received by the municipality from the selling or leasing of a stopped-up highway or part of a highway, the stopping-up of which is subject to the approval of the Minister under subsection (3), less any amount expended by the municipality out of its general funds for the purpose of stopping-up and selling or leasing the highway or part thereof, shall be paid into a special account and the provisions of subsection 50 (12) of the *Planning Act, 1983* apply to such account and the moneys therein.

1983, c. 1

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

Noise
abatement
works

309a.—(1) By-laws may be passed by the council of every municipality for constructing noise abatement works on the untravelling portion of any highway.

Definition

(2) For the purposes of subsection (1), “municipality” includes a metropolitan, regional and district municipality and the County of Oxford.

Application
of
R.S.O. 1980,
c. 250

(3) The *Local Improvement Act* applies to a county, metropolitan, regional and district municipality and the County of Oxford for the purpose of constructing noise abatement works as if each of them were a municipality as defined in that Act.

Special
assessment
and
collection of
special
assessments

(4) If a municipality described in subsection (3) (herein referred to as an upper tier municipality) proceeds under the *Local Improvement Act*, a local municipality shall provide all information requested by the upper tier municipality for the purpose of the preparation of the special assessment rolls, and the clerk of the upper tier municipality, after certifying the special assessment rolls, shall forward the same to the treasurer of the local municipality concerned who shall enter the special assessments on the collector’s roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the upper tier municipality.

35. Section 316 of the said Act is repealed and the following substituted therefor:

316.—(1) Subject to sections 317 and 318, where a highway or any part of a highway over which a municipality has jurisdiction has been closed under this Act, the *Registry Act* or the *Land Titles Act* and the council of the municipality determines to sell the land forming the highway or the part of the highway so closed, the land shall be sold in accordance with this section.

Sale of closed highway
R.S.O. 1980, cc. 445, 230

(2) The council shall by by-law set the sale price of the land to be sold and shall offer to sell it to the owner of the land abutting the land to be sold and where,

Sale to abutting owners

- (a) there are parcels of land abutting on opposite sides of the land to be sold, the owner of each parcel has the right of first refusal to purchase the land to its middle line;
- (b) the land to be sold is abutted on one side by a highway that has not been closed or by a stream, river or other body of water over which the public has rights of navigation or of floating timber, the owner whose land abuts the land to be sold on the other side has the right of first refusal to purchase the land;
- (c) the land to be sold does not include the whole width of the former highway, the owner whose land abuts on the land to be sold has the right of first refusal to purchase the land.

(3) If a person entitled under subsection (2) to purchase the land does not exercise the right to purchase within such period as may be fixed by by-law, the municipality may sell the land that the person had the right to purchase to any other person at the price set under subsection (2) or at a greater price.

Sale to other persons

(4) Where the municipality is unable to sell the land at or above the sale price set under subsection (2), the council may set a lower price under that subsection and this section applies to a sale at the lower price.

Sale at lower price

(5) Where land is sold to an abutting owner under this section, the sidelines of the parcels abutting the land to be sold shall be extended to include the land to be sold in such manner as the council considers fair and reasonable.

Sidelines

Limitation

(6) A municipality shall not use the power conferred by this section to sell land that is covered with water.

36. Section 325 of the said Act is amended by striking out “without obtaining the assent of the electors” in the eleventh and twelfth lines.

PART II

AMENDMENTS TO OTHER ACTS

37.—(1) Subsection 2 (1) of the *Local Improvement Act*, being chapter 250 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(s) constructing noise abatement works on the untravelled portion of a street.

(2) Subsection 27 (1) of the said Act is repealed and the following substituted therefor:

(1) Subject to subsection (3), the council of the corporation of a municipality in which there is not in force a by-law passed under section 70 applicable to the work may, by by-law passed at a general or special meeting by a vote of three-fourths of all the members of the council, provide that such part as the council considers proper of the cost of any of the following works constructed as a local improvement that otherwise would be chargeable upon the land abutting directly on the work shall be paid by the corporation:

Corporation
may assume
part of cost
of certain
works

1. Any granolithic, stone, cement, asphalt or brick sidewalk.
2. Any pavement or curbing.
3. Any works, plant, appliances and equipment for street lighting.
4. Any noise abatement works.

(3) Subsection 31 (1) of the said Act is amended by inserting after “watermain” in the second line “or noise abatement works”.

(4) Subsection 32 (1) of the said Act is amended by striking out “or (r)” in the eighth line and inserting in lieu thereof “(r) or (s)”.

(5) Subsection 68 (2) of the said Act is amended by inserting after “pavement” in the second line “noise abatement works”.

38.—(1) Subsection 44 (3) of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is amended by adding at the end thereof “or councillor”.

(2) Subsection 92 (1) of the said Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding thereto the following clause:

- (d) the Minister makes an order under section 48 of the *Municipal Act*,

R.S.O. 1980,
c. 302

39.—(1) Subclause 5 (2) (a) (iii) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “aldermen” in the fifth line and inserting in lieu thereof “other members of council”.

(2) Clause 5 (2) (b) of the said Act is amended by striking out “aldermen” in the second line and inserting in lieu thereof “other members of council”.

(3) Subsection 5 (4) of the said Act is amended by striking out “alderman, or aldermen” in the third and fourth lines and inserting in lieu thereof “other member or members of council”.

(4) Clause 152 (1) (c) of the said Act is repealed and the following substituted therefor:

- (c) the following number of other members of council:
- (i) if elected by general vote, not fewer than four members, or
 - (ii) if elected by wards and the area municipality has four or more wards, one, two or three members for each ward, or, if the area municipality has fewer than four wards, two or three members for each ward.

(5) Subsection 152 (2) of the said Act is repealed and the following substituted therefor:

Borough of
East York,
use of
designation
councillor;
board of
control
R.S.O. 1980,
c. 302

(2) The Borough of East York shall be deemed to be a city municipality for the purposes of subsections 30 (8), (9), (10) and (11) and section 68 of the *Municipal Act*.

(6) The definition of "city alderman" in subsection 152a (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 2, section 4, is repealed and the following substituted therefor:

"city alderman or councillor" means a person described in clause (2) (b).

(7) Subsection 152a (4) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 2, section 4, is amended by adding at the end thereof "or councillors".

(8) Subsection 152a (6) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 2, section 4, is amended by inserting after "aldermen" in the fourth line "or councillors".

(9) Subsection 152a (7) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 2, section 4, is amended by inserting after "alderman" in the third line "or councillor".

40. Subsection 3 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Composition
of councils

(1) The council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and the following number of other members of council:

1. Town of Lincoln—eight members elected by wards.
2. Town of Fort Erie—eight members elected by wards.
3. Town of Grimsby—eight members elected by general vote.
4. City of Niagara Falls—twelve members elected by wards.
5. Town of Niagara-on-the-Lake—eight members elected by general vote.
6. Town of Pelham—six members elected by wards.

7. City of Port Colborne—eight members elected by wards.
8. City of St. Catharines—twelve members elected by wards.
9. City of Thorold—ten members elected by general vote.
10. Township of Wainfleet—four members elected by general vote.
11. City of Welland—twelve members elected by wards.
12. Township of West Lincoln—six members elected by wards.

(1a) Subsections 30 (8), (9), (10) and (11) of the *Municipal Act* apply to an area municipality which is a town or township as if it were a city municipality.

Application
of
R.S.O. 1980,
c. 302

41.—(1) Paragraph 1 of subsection 3 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out “aldermen” in the first line and inserting in lieu thereof “members”.

(2) Clause 6 (b) of the said Act is repealed and the following substituted therefor:

- (b) the council of the City of Sudbury so long as the total number of members of council, excluding the mayor, does not exceed nine.

42. Subsections 57 (2) to (9) of the *Surveys Act*, being chapter 493 of the Revised Statutes of Ontario, 1980, are repealed.

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

Commence-
ment

44. The short title of this Act is the *Municipal Statute Law Amendment Act, 1987*.

Short title

