



1989

## c 41 Sarnia-Lambton Act, 1989

Ontario

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## CHAPTER 41

### **An Act respecting the amalgamation of the City of Sarnia and the Town of Clearwater and the addition of the amalgamated City to the County of Lambton**

*Assented to July 13th, 1989*

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

## Definitions

**1.** In this Act,

“City” means The Corporation of the City of Sarnia-Clearwater as created by the amalgamation of the former municipalities under section 2;

“City of Sarnia” means the former municipality of The Corporation of the City of Sarnia;

“County” means The Corporation of the County of Lambton;

“County Council” means the council of the County;

“former municipalities” means The Corporation of the City of Sarnia and The Corporation of the Town of Clearwater as they existed before the 1st day of January, 1991;

“local municipality” means a city, town, village and township forming part of the County for municipal purposes but does not include a former municipality;

“Minister” means the Minister of Municipal Affairs;

“Municipal Board” means the Ontario Municipal Board;

“municipality” means a municipality, as defined in the *Municipal Affairs Act*, and a metropolitan, regional or district municipality and the County of Oxford or a local board of a metropolitan, regional or district municipality or of the County of Oxford; R.S.O. 1980,  
c. 303

“pre-election period” means the period from the 1st day of January, 1991 until the 30th day of November, 1991, inclusive;

“prescribed” means prescribed by regulations made under this Act;

“Town of Clearwater” means the former municipality of The Corporation of the Town of Clearwater.

## PART I

### LOCAL MUNICIPALITIES

2.—(1) On the 1st day of January, 1991, The Corporation of the City of Sarnia and The Corporation of the Town of Clearwater are amalgamated under the name of “The Corporation of the City of Sarnia-Clearwater”. Amalgamation

(2) Despite section 5 of the *Territorial Division Act*, the City forms part of the County for municipal purposes. City forms part of County  
R.S.O. 1980,  
c. 497

(3) The City shall not apply for the annexation or amalgamation of any land before the 1st day of January, 2016, unless the County Council and the council of every local municipality the lands of which are part of the proposed annexation or Future amalgamation, annexation by agreement

amalgamation agree, by resolution, to the proposed application being made.

Name of City  
to be put to  
a vote

**3.—(1)** The City shall submit the question “Do you want the new City to be named Sarnia” to the electors of the City at the 1991 regular election.

Change of  
name

(2) If the majority of votes cast in response to the question are in the affirmative, the name of the City shall become The Corporation of the City of Sarnia effective the 1st day of January, 1992.

Idem

(3) After the 1st day of January, 1992, the Minister may by order alter the name of the City.

Composition  
of interim  
City council  
R.S.O. 1980,  
c. 302

**4.—(1)** Despite subsection 30 (1) of the *Municipal Act*, during the pre-election period, the council of the City shall be composed of,

- (a) a mayor, who shall be the person who was the mayor of the City of Sarnia on the 31st day of December, 1990;
- (b) a deputy mayor, who shall be the person who was the mayor of the Town of Clearwater on the 31st day of December, 1990;
- (c) a reeve, who shall be the person who was the reeve of the Town of Clearwater on the 31st day of December, 1990;
- (d) a deputy reeve, who shall be the person who was the deputy reeve of the Town of Clearwater on the 31st day of December, 1990; and
- (e) twelve other members,
  - (i) eight of whom shall be the persons who were the members of the council, except the mayor, of the City of Sarnia on the 31st day of December, 1990, and
  - (ii) four of whom shall be the persons who were the members of the council, except the mayor, reeve and deputy reeve, of the Town of Clearwater on the 31st day of December, 1990.

First meeting

(2) The first meeting of the council shall be held not later than the 8th day of January, 1991.

(3) Each member of council has one vote.

One vote

(4) Despite section 72 of the *Municipal Act*, if the mayor of the City is absent from the municipality or is unable or unwilling to act or the office of mayor is vacant, the deputy mayor shall act in the place of the mayor and, while so acting, has all the rights and powers of the mayor.

Acting mayor  
R.S.O. 1980,  
c. 302

5.—(1) The City shall consist of four wards as described in the Schedule.

Wards

(2) All wards in the former municipalities are dissolved.

Dissolution  
of former  
wards

6.—(1) Despite sections 30, 31, 32, 34 and 36 of the *Municipal Act*, but subject to section 7, the council of each local municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the local municipality and who shall be the head of the council, and the following other members:

Composition  
of councils

1. The City—eight members consisting of,
  - i. four members who shall be elected by wards, one from each ward, as members of the council of the City and of the County Council, and
  - ii. four members who shall be elected by wards, one from each ward, as members of the council of the City.
2. A town—six members who shall be elected by a general vote of the electors of the town.
3. A township—four members who shall be elected by a general vote of the electors of the township.
4. A village—four members who shall be elected by a general vote of the electors of the village.

(2) Each member of the council of a local municipality has one vote.

One vote

(3) Despite section 37 of the *Municipal Act*, a person is qualified to be elected or hold office under paragraph 1 of subsection (1) if, in addition to being qualified under section 37 of the *Municipal Act*, that person at any time during the period commencing on the Tuesday following the first Monday in September in an election year and ending on the Monday in October that precedes polling day by twenty-eight

Qualifi-  
cations to  
hold office

days is a resident in or is the owner or tenant of land in or is the spouse of such an owner or tenant in the ward in which that person is seeking to be elected or to hold office.

O.M.B.  
order  
R.S.O. 1980,  
c. 302

7.—(1) Upon the application of a local municipality under subsection 13 (2) of the *Municipal Act*, or upon the petition of electors under subsection 13 (3) of that Act, the Municipal Board may, by order,

- (a) divide or redivide the local municipality into wards and designate the name or number each ward shall bear and declare the date when the division or redivision takes effect;
- (b) alter or dissolve any or all of the wards in the local municipality and declare the date when the alteration or dissolution takes effect; and
- (c) vary the composition of the council of the local municipality.

Limitation on  
order

(2) No order made under subsection (1),

- (a) shall take effect before the 1st day of December, 1994; or
- (b) shall alter the total number of members who represent the local municipality on the County Council or the number of votes assigned to the members under this Act.

Idem

(3) Despite subsection (1), the mayor of the local municipality shall continue to be elected by a general vote of the electors of the local municipality and shall be the head of council of the local municipality and a member of the County Council.

Where  
inquiry by  
Minister

(4) Where the Minister is inquiring into the structure, organization and methods of operation of a local municipality or the County, the Minister may give notice to the Municipal Board of the inquiry and request that any application or petition made under subsection (1) be deferred until the inquiry has been completed.

Idem

(5) If notice is given under subsection (4), all proceedings in the application or petition are stayed until the Minister gives notice to the Municipal Board that they may be continued.

No board of  
control

(6) A local municipality shall not have a board of control.

**8.—(1)** Every by-law and resolution of a former municipality shall be deemed to be a by-law or resolution of the City and shall remain in force in the area of the former municipality until the earlier of,

By-laws,  
resolutions of  
former  
municipalities

- (a) the date it is amended or repealed by the council of the City; or
- (b) the 31st day of December, 1992.

(2) Despite subsection (1), any by-law of a former municipality passed under section 34 of the *Planning Act, 1983*, or a predecessor of that section, and any official plan of a former municipality approved under the *Planning Act, 1983*, or a predecessor of that Act, shall remain in force until amended or repealed.

By-laws,  
official plans  
under  
1983, c. 1

(3) If a former municipality has commenced procedures to enact a by-law that requires the approval of a minister of the Crown, the Municipal Board or a provincial agency and the approval has not been obtained before the 31st day of December, 1990, the council of the City may continue the procedures to enact the by-law and subsection (1) applies with necessary modifications to the by-law.

By-laws that  
require  
approval

(4) Nothing in this section repeals or authorizes the amendment or repeal of,

By-laws,  
resolutions  
not affected

(a) by-laws or resolutions of the former municipalities passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and

R.S.O. 1980,  
c. 126

(b) by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the councils of the former municipalities.

**9.** Except as otherwise provided in this Act, the assets and liabilities of the former municipalities and their local boards become assets and liabilities of the City or a local board thereof without compensation, and the City and its local boards stand in the place of the former municipalities and their local boards.

Assets and  
liabilities  
transferred to  
City

**10.** All taxes, charges or rates levied by a former municipality under any general or special Act that are due and unpaid on the 31st day of December, 1990 shall, after that date, be taxes, charges or rates due and payable to the City and may be collected and recovered by the City as if the taxes, charges or rates had been imposed by the City.

Taxes,  
charges, rates  
transferred to  
City



Dissolution  
of  
committees  
of adjustment

**11.**—(1) Subject to subsection (4), on the 1st day of January, 1991, the committees of adjustment of the former municipalities are dissolved.

City to  
establish  
committee of  
adjustment

(2) The City shall establish a committee of adjustment under section 43 of the *Planning Act, 1983*.

Applications  
continued

(3) All applications to the committees of adjustment of the former municipalities shall be deemed to be applications to and shall be continued by the committee of adjustment of the City.

Continuing  
matters

(4) The committees of adjustment dissolved under subsection (1) and the terms of office of the members of the committees shall continue to the 31st day of January, 1991 for the purpose of making a decision on any application for which a hearing is completed before the 1st day of January, 1991.

Dissolution  
of  
committees,  
boards under  
1982, c. 7,  
R.S.O. 1980,  
cc. 80, 417

**12.**—(1) The council of the City shall be deemed to be a recreation committee under the *Ministry of Tourism and Recreation Act, 1982*, a committee of management of a community recreation centre under the *Community Recreation Centres Act* and a board of park management under the *Public Parks Act* and all such committees and boards of the former municipalities are dissolved on the 1st day of January, 1991.

Idem

(2) All by-laws and resolutions of the boards and committees dissolved under subsection (1) are continued as by-laws and resolutions of the City, and shall remain in force until the earlier of,

- (a) the date they are amended or repealed by the City;  
or
- (b) the 31st day of December, 1992.

Certain  
by-laws,  
resolutions  
continue

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the boards and committees dissolved under subsection (1).

Repeal of  
certain  
by-laws,  
resolutions,  
appointments

**13.**—(1) Despite section 8,

- (a) the by-laws and resolutions of the City of Sarnia establishing and appointing members to the Canada Day Committee, Committee of Parks and Recreation, Committee of Management of Marshall Gowland Manor, Planning Advisory Committee,

Sarnia Heritage Committee and the Sarnia Museum Board, all of the City of Sarnia, are repealed;

- (b) the by-laws and resolutions of the Town of Clearwater establishing and appointing members to the Planning Advisory Committee of the Town of Clearwater are repealed; and
- (c) the terms of office of the appointees of the City of Sarnia to the Property Standards Committee of the City of Sarnia are terminated.

(2) Nothing in this section prevents the City from or relieves the City of any responsibility for establishing or making appointments to boards and committees. Appointments

**14.—**(1) Despite section 8, the City, on or before the 31st day of January, 1991, shall, Fire departments

- (a) repeal the by-laws of the City of Sarnia and the Town of Clearwater establishing their respective fire departments; and
- (b) establish a fire department for the City.

(2) Every person who is a member of the fire department of the City of Sarnia or the Town of Clearwater on the 1st day of July, 1990 and continues to be a member until the 31st day of December, 1990 becomes a member of the fire department established under clause (1) (b). Fire fighters

(3) In subsection (2), “member” means a full-time fire fighter and a volunteer fire fighter as defined in the *Fire Departments Act*. Definition  
R.S.O. 1980,  
c. 164

**15.** Except as otherwise provided in this Act, the City or a local board thereof shall offer to employ every person who was employed by a former municipality or a local board thereof on the 1st day of July, 1990 and who continued to be so employed until the 31st day of December, 1990. Offer of employment

**16.—**(1) The Police Village of Inwood and the Police Village of Florence are dissolved on the 1st day of January, 1991. Dissolution of police villages

(2) The Municipal Board, upon the application of a local municipality or a local board thereof or of its own motion, may exercise the powers under section 25 of the *Municipal Act* consequent upon the dissolutions. Further powers  
R.S.O. 1980,  
c. 302

No further  
appeal  
R.S.O. 1980,  
c. 347

(3) Sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of the powers under subsection (2).

## PART II

### COUNTY COUNCIL

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

**17.** This Part applies despite sections 27, 28 and 29 of the *Municipal Act*.

Interim  
County  
Council

**18.**—(1) During the pre-election period, the County Council shall have thirty-seven members consisting of,

- (a) the mayor, reeve and deputy reeve of the City;
- (b) the reeve of the Village of Alvinston, the Village of Arkona, the Village of Oil Springs and the Village of Thedford; and
- (c) the reeve and deputy reeve of the Town of Forest, the Town of Petrolia, the Village of Grand Bend, the Village of Point Edward, the Village of Watford, the Village of Wyoming, the Township of Bosanquet, the Township of Brooke, the Township of Dawn, the Township of Enniskillen, the Township of Euphemia, the Township of Moore, the Township of Plympton, the Township of Sombra and the Township of Warwick.

Distribution  
of votes

(2) The members of the County Council under subsection (1) shall have a total of seventy-three votes of which,

- (a) the mayor of the City shall have ten votes;
- (b) the reeve and deputy reeve of the City shall each have nine votes;
- (c) the reeve of the Township of Bosanquet and the Township of Moore shall each have three votes;
- (d) the reeve of the Town of Petrolia, the Township of Enniskillen, the Township of Plympton and the Township of Sombra shall each have two votes;
- (e) the deputy reeve of the Township of Bosanquet, the Township of Moore and the Township of Plympton shall each have two votes; and
- (f) all other members shall have one vote.

(3) The first meeting of the County Council shall be held after the council of the City has held its first meeting under subsection 4 (2) but, in any event, not later than the 15th day of January, 1991. First meeting

(4) Despite subsection 51 (1) of the *Municipal Act*, the County Council established under subsection (1) shall, at the first meeting at which a majority of the members is present, elect one of its members to be warden and, for such election, each member of County Council shall have one vote. Warden  
R.S.O. 1980,  
c. 302

(5) The term of the warden of the County holding office on the 30th day of November, 1990 is extended until a new warden is elected under subsection (4). Term of  
office

**19.—**(1) The County Council shall be composed of, Composition  
of County  
Council

- (a) the mayor of each local municipality; and
- (b) the four county ward members of the council of the City.

(2) The members of the County Council under subsection (1) shall have a total of thirty-seven votes of which, Distribution  
of votes

- (a) the mayor and each county ward member of the council of the City shall have three votes;
- (b) the mayor of the Township of Bosanquet, the Township of Moore and the Township of Plympton shall each have two votes; and

- (c) all other members shall have one vote.

(3) The County Council shall review the distribution of votes under subsection (2) on or before the 1st day of January, 2001. Review

(4) Despite subsection 18 (2) and subsection (2) of this section, upon the recommendation of the Minister, the Lieutenant Governor in Council may by order provide for the manner in which the County Council votes of the mayors of municipalities being amalgamated should be distributed to the local municipalities, other than the City, that would exist after such amalgamation. Distribution  
of votes of  
wardens

**20.—**(1) Despite subsections 19 (2), for the purposes of electing the warden of County Council, each member shall have one vote. Election of  
warden

County  
warden

(2) The warden of the County Council shall bear the title of county warden.

Vacancies

**21.** The seat of a mayor of a local municipality and the seat of a county ward member of the council of the City becomes vacant if his or her seat on the County Council is declared vacant by the County Council.

Offer of  
employment

**22.** The County or a local board thereof shall offer to employ every person who, on the 1st day of July, 1990, was employed in any undertaking carried on by or on behalf of any former or local municipality or local board thereof that is assumed by the County or a local board thereof under this Act and who continues to be so employed until the 31st day of December, 1990.

By-laws,  
resolutions  
continued

**23.—(1)** Every by-law and resolution of a former or local municipality in respect of any undertaking carried on by or on behalf of a former or local municipality that is assumed by the County under this Act shall be deemed to be a by-law or resolution of the County and shall remain in force in the area of the former or local municipality until the earlier of,

- (a) the date it is amended or repealed by the council of the County; or
- (b) the 31st day of December, 1992.

By-laws that  
require  
approval

(2) If a former or local municipality has commenced procedures to enact a by-law that requires the approval of a minister of the Crown, the Municipal Board or a provincial agency and the approval has not been obtained before the 31st day of December, 1990, the council of the County may continue the procedures to enact the by-law and subsection (1) applies with necessary modifications to the by-law.

By-laws,  
resolutions  
not affected

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the councils of the former municipalities.

Assets and  
liabilities  
transferred to  
County

**24.** All assets and liabilities of a former or local municipality or a local board thereof in respect of any undertaking carried on by or on behalf of any former or local municipality or local board thereof that is assumed by the County or a local board thereof under this Act become assets and liabilities of the County or a local board thereof without compensation, and the County and its local boards stand in the place of the former or local municipalities and their local boards.

## PART III

## FORMER MUNICIPALITIES

**25.—(1)** The City of Sarnia and the Town of Clearwater Agreement shall enter into an agreement with respect to,

- (a) fee structures;
- (b) capital improvements;
- (c) the adequacy of public buildings;
- (d) maintenance of current levels of services;
- (e) shared capital expenditures;
- (f) impost fees;
- (g) capital improvements;
- (h) cash in lieu of parkland;
- (i) organizational structures;
- (j) the financing of capital expenditures;
- (k) capital budgets;
- (l) equipment reserve accounts;
- (m) contributions to reserve accounts;
- (n) shoreline protection;
- (o) public transit;
- (p) rural water supply;
- (q) water meters; and
- (r) major recreation complexes.

(2) The councils of the County, the City of Sarnia and the Town of Clearwater shall establish a joint implementation committee to make recommendations with respect to the agreement and any other matter set out in this Act.

Joint  
committee

(3) The joint committee shall submit its recommendations to the Minister on or before the 1st day of May, 1990.

Recommen-  
dations to be  
submitted to  
Minister

Order  
effecting  
recommen-  
dations

(4) Subject to any other Act, the Lieutenant Governor in Council may, upon the recommendation of the Minister, by order give effect to any recommendation of the joint committee.

## PART IV

### SARNIA HYDRO

Hydro  
commission

**26.**—(1) A hydro-electric power commission for the City is hereby established on the 1st day of January, 1991 and shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

R.S.O. 1980,  
cc. 423, 384

Composition  
of  
commission

(2) Despite section 41 of the *Public Utilities Act*, the hydro-electric power commission shall,

(a) during the pre-election period, be composed of,

(i) the members of the commission dissolved under subsection (5), and

(ii) the deputy mayor and reeve of the City; and

(b) after the pre-election period, be composed of,

(i) the mayor of the City, and

(ii) four other members who are qualified electors in the City under the *Municipal Elections Act* who shall be elected by a general vote of the electors of the City.

R.S.O. 1980,  
c. 308

Term of  
office

(3) A member of the commission shall hold office for the same term as the members of council or until the successor of the member is elected or appointed.

Delegate of  
mayor

(4) The council of the City may by by-law, passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Dissolution

(5) The Hydro-Electric Commission of the City of Sarnia is dissolved on the 1st day of January, 1991.

Transfer of  
assets,  
liabilities

(6) On the 1st day of January, 1991, the assets of the Town of Clearwater, the assets under the control and management of the commission dissolved under subsection (5) and the liabilities of the Town of Clearwater and of such commission

that relate to the distribution and supply of electrical power become assets under the control and management of and liabilities of the commission established under subsection (1), without compensation.

(7) On the 1st day of January, 1991, the commission established under subsection (1) shall acquire the retail distribution facilities within the Town of Clearwater used by Ontario Hydro on the 31st day of December, 1990 in the retail distribution of power, including equipment leased by Ontario Hydro to retail customers within the Town of Clearwater for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Purchase of retail distribution facilities from Ontario Hydro

(8) In subsection (7),

Definitions

“accumulated net retail equity” means the portion of the equity accumulated through debt retirement appropriations recorded for the rural power district relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

“retail distribution facilities” means works for the transmission and supply of power at voltages less than 50 kilovolts other than works located within a transformer station that transforms power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

(9) All by-laws and resolutions of the Town of Clearwater and of the commission dissolved under subsection (5) that relate to the distribution and supply of electrical power are continued as by-laws and resolutions of the commission established under subsection (1), and shall remain in force until the earlier of,

Continuation of by-laws, resolutions

(a) the date they are amended or repealed by the commission; or

(b) the 31st day of December, 1992.

(10) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the Town of

Certain by-laws, resolutions remain effective



Clearwater or by the commission dissolved under subsection (5).

## PART V

### POLICE

Boards of  
Commissioners of  
Police

**27.**—(1) On the 1st day of January, 1990, The Board of Commissioners of Police of the City of Sarnia and The Board of Commissioners of Police of the Town of Clearwater are amalgamated and the new board shall be deemed to be a board established under section 8 of the *Police Act*.

R.S.O. 1980,  
c. 381

Interim  
board

(2) Despite section 8 of the *Police Act*, from the 1st day of January, 1990 to the 30th day of November, 1991, inclusive, the board shall be composed of the members of the boards amalgamated under this section.

Composition  
of board

(3) On and after the 1st day of December, 1991, the board shall be composed of those members provided for under section 8 of the *Police Act*.

Temporary  
name

(4) During 1990, the board shall be called "The Board of Commissioners of Police of the City of Sarnia and the Town of Clearwater".

Police service

(5) During 1990, the board is responsible for providing police service for the City of Sarnia and the Town of Clearwater and, for the purpose of exercising its powers under any general or special Act, the City of Sarnia and the Town of Clearwater shall be deemed to be amalgamated as a city municipality.

Idem

(6) On and after the 1st day of January, 1991, the board is responsible for providing police service for the City.

Local board

**28.**—(1) During 1990, the board shall be deemed to be a local board of the City of Sarnia and not of the Town of Clearwater.

Rights  
protected

(2) Despite subsection (1), a resident or elector of the Town of Clearwater has the same rights and privileges as a resident or elector of the City of Sarnia relating to police matters.

Transfer to  
City

(3) On the 1st day of January, 1991, the board shall continue as the board of commissioners of police of the City and a local board of the City.

**29.—**(1) The board shall, in preparing its 1990 estimates under subsection 14 (2) of the *Police Act*, show separately the amount required to provide police service in the Town of Clearwater and in the City of Sarnia.

Estimates  
R.S.O. 1980,  
c. 381

(2) The amount of the estimates for providing police service in the Town of Clearwater shall be deemed to be a debt of the Town of Clearwater falling due in 1990 for the purposes of section 164 of the *Municipal Act*, and the Town of Clearwater shall pay this amount to the City of Sarnia no later than the 30th day of June, 1990.

Idem  
R.S.O. 1980,  
c. 302

(3) If there is a disagreement between the City of Sarnia and the Town of Clearwater on how the estimates are broken down under subsection (1), the City of Sarnia or the Town of Clearwater may refer the matter to the Ontario Police Commission and the decision of the Ontario Police Commission is final.

Disagree-  
ments

**30.** On the 1st day of January, 1990, the assets under the control and management of the boards amalgamated under subsection 27 (1) and all liabilities of such boards become assets under the control and management of and liabilities of the board, without compensation.

Transfer of  
assets,  
liabilities

**31.—**(1) On the 1st day of January, 1990, all by-laws and resolutions of the boards amalgamated under subsection 27 (1) are continued as by-laws and resolutions of the board and shall remain in force in the former municipality for which they were passed until the earlier of,

Continuation  
of by-laws,  
resolutions

(a) the date they are amended or repealed by the board; or

(b) the 31st day of December, 1990.

(2) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the boards amalgamated under subsection 27 (1).

Certain  
by-laws,  
resolutions  
remain  
effective

**32.** On and after the 1st day of January, 1991, the board and the members of the police force of the City shall have the same duties with respect to by-laws of the County as they do with respect to by-laws of the City.

Responsi-  
bility for  
County  
enforcement

**33.** Every person who is a member of the police force of the Town of Clearwater or of the police force of the City of Sarnia on the 1st day of July, 1989, and who continues to be a

Transfer of  
police  
personnel

member until the 31st day of December, 1989, becomes on the 1st day of January, 1990 a member of the police force created by the amalgamation under subsection 27 (1).

## PART VI

### BOUNDARY ADJUSTMENTS

Application  
of  
1981, c. 70

**34.**—(1) This Part applies to applications made to the Minister under section 2 of the *Municipal Boundary Negotiations Act, 1981*, that are being processed on the day this Part comes into force, and to future applications made under that section before the 1st day of January, 1991, to resolve an intermunicipal boundary issue or an intermunicipal boundary-related issue in the County.

Idem

(2) Subsection (1) does not apply to an issue involving a boundary of the County unless, in the opinion of the Minister, that issue is of a minor nature.

1981, c. 70  
does not  
apply

(3) Except as otherwise provided in this Part, the *Municipal Boundary Negotiations Act, 1981* does not apply to an application to which this Part applies.

Exception

(4) Sections 15 to 21 of the *Municipal Boundary Negotiations Act, 1981* apply with necessary modifications to an application to which this Part applies and to an order made under section 40.

Boundary  
application  
committee

**35.**—(1) The warden of County Council shall, within thirty days of this Part coming into force, appoint a boundary application committee.

Composition  
of committee

(2) The committee shall have five members consisting of,

- (a) the warden;
- (b) two members of County Council representing towns or villages; and
- (c) two members of County Council representing townships.

Presiding  
officer

(3) The members of the committee shall appoint a presiding officer.

Guidelines

**36.** The committee shall establish guidelines for considering boundary applications in consultation with the Ministry of Municipal Affairs.

**37.—(1)** For each application to which this Part applies, the committee shall, having regard for the guidelines established under section 36, Duties of committee

- (a) determine and inquire into the issues raised by the application;
- (b) determine the party municipalities which have a substantial interest in the issues raised; and
- (c) obtain the opinion of the party municipalities and of any local board that the committee considers is affected by the application, on the issues raised by the application.

(2) Subject to subsections (4) and (5), the committee shall prepare and submit to County Council a report setting out, Idem

- (a) the issues;
- (b) the party municipalities in respect of each issue;
- (c) the extent of agreement or disagreement on the issues;
- (d) any agreement the party municipalities have reached on any of the issues;
- (e) the recommendations of the committee on how the issues raised by the application should be resolved; and
- (f) any other matters the committee considers appropriate.

(3) The committee may make recommendations under clause (2) (e) with respect to, Recommendations

- (a) the matters set out in paragraphs 1 to 24 of section 14 of the *Municipal Boundary Negotiations Act, 1981*; 1981, c. 70
- (b) the name of a local municipality; and
- (c) in the event the committee recommends an amalgamation, how the County Council votes of the mayors of the municipalities being amalgamated should be distributed to the local municipalities, other than the City, that would exist after such amalgamation.

Public  
meeting

(4) The committee shall, before preparing its report, hold at least one public meeting for the purpose of obtaining information, comments or opinions regarding the application.

Idem

(5) The committee shall, after preparing its report and before submitting it to County Council, hold at least one public meeting for the purpose of obtaining submissions and comments from the public in respect of the contents of the report.

Amendments  
to report

(6) The committee may amend its report after the public meeting required under subsection (5) and before submitting it to County Council.

Notice of  
meeting

(7) Notice of a public meeting required under subsection (4) or (5) shall be given at least fifteen days in advance of each meeting by publishing it in a newspaper having general circulation in the party municipalities.

County  
proposal

**38.**—(1) The County Council shall consider the report of the committee and shall, within sixty days after receiving the report and having regard to the guidelines established by the committee under section 36, submit to the Minister a proposal with respect to the resolution of the issues raised by the application.

Recommen-  
dations

(2) The proposal may contain recommendations with respect to the matters set out in subsection 37 (3).

Action by  
Minister

**39.** The Minister shall, within sixty days of receipt of the proposal,

- (a) submit to the Lieutenant Governor in Council a recommendation with respect to one or more of the matters set out in subsection 37 (3);
- (b) refer any issue back to County Council or the committee for further consideration;
- (c) terminate further consideration of the application;
- (d) refer any issue to the Municipal Board to hear any party municipality and, after a hearing, to make recommendations thereon; or
- (e) take such other action as the Minister considers appropriate.

Order

**40.** Upon receipt of the recommendation of the Minister, the Lieutenant Governor in Council may by order provide for one or more of the matters set out in subsection 37 (3).

PART VII

ASSUMPTION OF LOCAL POWERS BY THE COUNTY

41.—(1) In this Part, "local power" means a power that is conferred by any general or special Act on local municipalities or local boards thereof and that is prescribed by the Minister. Local power

(2) The County Council may pass by-laws to assume any local power for all of the local municipalities. Assumption of local power

(3) No by-law under subsection (2) shall be passed or repealed unless, Double majority vote

(a) a majority of all the votes on County Council are cast in its favour; and

(b) members of County Council representing a majority of the local municipalities cast their votes in its favour.

(4) For the purpose of clause (3) (b), the members of County Council representing the City shall only be considered to have cast their votes in favour of a by-law if at least three of the City representatives cast their votes in its favour. Idem

(5) When a by-law passed under subsection (2) comes into effect, Effect of by-law

(a) the County is responsible for the local powers assumed by the County in all of the local municipalities;

(b) the County has the powers conferred by any general or special Act upon the local municipalities or local boards thereof related to the local powers assumed by the County;

(c) no local municipality shall exercise the local powers assumed by the County and any by-law or other measure of a local municipality under that power is of no effect; and

(d) no local municipality shall provide any service or facility under the local power assumed by the County within the County without the consent of County Council, which consent may be given upon such conditions, including the payment of compensation, as may be agreed upon.

Appeal to  
O.M.B.

(6) If consent is refused under clause (5) (d) or the council of the local municipality and the County Council fail to agree on the conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter.

Decision of  
Board final

(7) The Municipal Board may impose such conditions as it considers appropriate and the decision of the Municipal Board is final.

No further  
appeal  
R.S.O. 1980,  
c. 347

(8) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (7).

Transfer of  
rights, obliga-  
tions, etc.

**42.**—(1) All rights, obligations, assets and liabilities of a local municipality or local board thereof pertaining to the local powers assumed by the County are vested in the County and financial adjustments, calculated in accordance with such criteria as may be prescribed, shall be made between the County and the local municipalities or local boards thereof.

Assumption  
by County of  
debt

(2) The County shall pay to the local municipality or local board thereof on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of that local municipality or local board in respect of the local powers assumed by the County.

Interest

(3) If the County fails to make any payment required under subsection (2) on or before the due date, the local municipality or local board may charge the County interest at the rate of 15 per cent per annum, or such lower rate as the local municipality or local board determines, from the due date until payment is made.

Agreements

**43.**—(1) If a local municipality or local board thereof had entered into an agreement with any municipality or other person in respect of the local power assumed by the County, the County shall be bound by and entitled to the benefit of the agreement and the local municipality or local board thereof is relieved of all liability under the agreement.

Idem

(2) The County Council may enter into agreements with any municipality or other person for establishing, constructing, operating or managing any service or facility that is within the jurisdiction of the County Council as a result of the passage of the by-law under subsection 41 (2).

Rates  
R.S.O. 1980,  
c. 302

**44.**—(1) Despite sections 368 and 368e of the *Municipal Act*, the County Council may by by-law provide for imposing on and collecting from the local municipalities for which it is providing services or facilities under the assumed local powers

a rate sufficient to pay the whole, or such portion as the by-law may specify, of the expenditures and capital costs including debenture charges related to the services or facilities and such rate may vary on any basis the County Council considers appropriate and specifies in the by-law.

(2) All rates under subsection (1) constitute a debt of the local municipality to the County and are payable at such times and in such amounts as may be specified by by-law of the County Council. Idem

(3) Despite sections 368 and 368e of the *Municipal Act*, a local municipality may, Collection of rates  
R.S.O. 1980,  
c. 302

- (a) pay the whole or part of the amount chargeable to it under this section out of its general funds;
- (b) pass by-laws for collecting the whole or part of the amount chargeable to it under this section in the same manner as that local municipality could have collected the amount if the local power had not been assumed by the County; and
- (c) include the whole or any part of an amount chargeable to it under this section as part of the cost of an urban service within an urban service area established in the local municipality under any general or special Act.

**45.—**(1) When a by-law under subsection 41 (2) is repealed, Repeal of  
by-law

- (a) the local powers assumed by the County revert to the local municipalities and local boards thereof as they exist on the day the by-law is repealed;
- (b) all rights, obligations, assets and liabilities of the County or local board thereof pertaining to the local powers are vested in the local municipalities or local boards thereof;
- (c) financial adjustments, calculated in accordance with such criteria as may be prescribed, shall be made between the County or local board thereof and the local municipalities or local boards thereof; and
- (d) the local municipalities or local boards thereof shall pay to the County or local board thereof on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of



the County or local board thereof in respect of the local powers reverting to the local municipalities or local boards thereof.

## Interest

(2) If the local municipalities or local boards thereof fail to make any payment required under clause (1) (d) on or before the due date, the County or local board thereof may charge the local municipalities or local boards thereof interest at the rate of 15 per cent per annum, or such lower rate as the County or local board thereof determines, from the due date until payment is made.

## Agreements

(3) If the County or local board thereof had entered into an agreement with any municipality or other person in respect of the local power reverting to the local municipalities or local boards thereof, the local municipalities or local boards thereof are bound by the agreement and the County or local board thereof is relieved of all liability under the agreement.

## Disputes

**46.**—(1) If a dispute arises in respect of the financial adjustments or the vesting of assets and liabilities under subsection 42 (1) or clause 45 (1) (b), or the transfer of agreements under subsection 43 (1) or subsection 45 (3), the County, local municipality or local board affected may apply to the Municipal Board for a resolution of the dispute and the Municipal Board shall hear and determine the matter and its decision is final.

R.S.O. 1980,  
c. 347, s. 94  
does not  
apply

(2) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (1).

## Regulations

**47.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) providing for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees affected by by-laws passed or repealed under this section;
- (b) prescribing the criteria for determining the amount of and the manner of payment of the financial adjustments under subsections 42 (2) and 45 (1) and for providing which body shall pay and which body shall receive the payments made under those subsections.

Minister's  
order

(2) The Minister may by order prescribe the local powers to which this Part applies.

## PART VIII

## WASTE DISPOSAL

**48.** In this Part, “waste” means garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other waste as may be designated by by-law of the County Council. Definition

**49.—(1)** On and after the 1st day of January, 1991, the County shall provide facilities for receiving, dumping and disposing of waste and no local municipality or local board thereof shall provide such facilities. County waste facilities

(2) For the purposes of subsection (1), the County Council has the powers conferred by any general or special Act upon the local municipalities and local boards thereof for the receiving, dumping and disposing of waste. County powers

(3) The County Council may, for each local municipality, designate one or more facilities for the receiving, dumping and disposing of waste or any class thereof. Designated facilities

(4) If a designation has been made, a local municipality shall not utilize any facilities except the facilities that have been designated for that local municipality. Idem

**50.—(1)** No facilities for the receiving, dumping and disposing of waste shall be provided in the County by any municipality or other person without the consent of the County Council, which consent may be given upon such terms, including the payment of compensation, as may be agreed upon. Waste disposal, County responsibility

(2) Subsection (1) does not apply to prevent any person or any municipality which does not form part of the County for municipal purposes from providing facilities for the receiving, dumping and disposing of waste if such facilities were being lawfully provided on the 1st day of January, 1991, so long as that facility continues to operate without interruption. Existing facilities

(3) If the County Council refuses its consent under subsection (1) or the applicant and the County Council fail to agree on the terms related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter and may impose such conditions as the Board considers appropriate. Disagreements to O.M.B.

(4) The decision of the Municipal Board is final.

Decision final

R.S.O. 1980,  
c. 347, s. 94  
does not  
apply

(5) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (3).

Agreements

**51.** The County Council may enter into agreements with any municipality or other person for establishing, constructing, operating or managing, facilities for the receiving, dumping and disposing of waste.

Adoption of  
certain  
provisions

**52.** Section 42, subsection 43 (1), section 44 and clause 47 (1) (b) apply with necessary modifications to the powers granted to the County under this Part to provide facilities for receiving, dumping and disposing of waste.

Disputes

**53.** If a dispute arises in respect of the financial adjustments or the vesting of assets and liabilities, or the transfer of agreements under this Part, the board of arbitrators established under section 80 has the power to hear and determine the matter.

## PART IX

### COUNTY ROAD SYSTEM

County roads

**54.** On and after the 1st day of January, 1991, all roads under the jurisdiction and control of the County shall continue to form part of the county road system together with,

- (a) the roads that on the 31st day of December, 1990 are under the jurisdiction and control of the Sarnia Suburban Roads Commission;
- (b) the roads within the City prescribed by the Minister; and
- (c) the roads that on the 31st day of December, 1990 are covered by an agreement under section 58 of the *Public Transportation and Highway Improvement Act*.

R.S.O. 1980,  
c. 421

Dissolution of  
roads  
commission

**55.—(1)** The Sarnia Suburban Roads Commission is dissolved on the 1st day of January, 1991 and the assets and liabilities of the commission are transferred to the County on that date.

Transfer of  
benefits,  
liabilities

(2) The County has, in respect of the roads included in the county road system, all the rights, powers and benefits conferred and is subject to all liabilities imposed by statute, by-law, contract or otherwise upon the Sarnia Suburban Roads Commission.

**56.**—(1) Despite subsections 270 (1), (2) and (4) of the *Municipal Act*, the County Council may by by-law assume as a county road any highway within a local municipality.

Assumption of highways by County  
R.S.O. 1980, c. 302

(2) A by-law passed under subsection (1) does not take effect until assented to by the council of the local municipality.

Consent required

(3) The County Council may by by-law assume as a county road any highway in a local municipality that connects with a county road.

Connecting roads

**57.**—(1) Sections 58 and 59 of the *Public Transportation and Highway Improvement Act* do not apply to the County or the local municipalities.

R.S.O. 1980, c. 421, ss. 58, 59 do not apply

(2) All existing agreements between the County and a local municipality under section 58 of the *Public Transportation and Highway Improvement Act* are terminated on the 1st day of January, 1991.

Existing agreements  
R.S.O. 1980, c. 421

**58.**—(1) Despite subsections 278 (1) and (2) of the *Municipal Act*, a bridge that, on the 31st day of December, 1990, is under the exclusive or joint jurisdiction and control of County Council is on the 1st day of January, 1991 transferred to and vested in the council of the local municipality that has jurisdiction over the highway on which the bridge is situate.

Bridges  
R.S.O. 1980, c. 302

(2) Subsection (1) does not apply to bridges,

Limitation

(a) on county roads;

(b) on a boundary line between local municipalities; or

(c) on a county boundary line.

**59.** The Minister may by order prescribe the roads within the City which are county roads.

Minister's order

## PART X

### HEALTH AND SOCIAL SERVICES

**60.**—(1) On and after the 1st day of January, 1991, the Lambton Health Unit shall be composed of,

Lambton Health Unit

(a) not more than six members appointed from and by the County Council; and

- (b) not more than two persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

County responsible for expenses under R.S.O. 1983, c. 10

(2) Despite any other Act, the expenses incurred by the Lambton Health Unit in establishing and maintaining the health unit and performing its functions under the *Health Protection and Promotion Act, 1983* or any other Act shall be paid by the County.

County responsible under R.S.O. 1980, c. 188

**61.** For the purposes of the *General Welfare Assistance Act*, no local municipality shall be deemed to be a municipality and the County shall have sole responsibility as a County for all matters provided for in that Act.

Homes for the aged

**62.**—(1) The homes for the aged known as Twilight Haven, North Lambton and Marshall Gowland, and all assets and liabilities thereof, vest solely in the County on and after the 1st day of January, 1991.

No local municipality has authority under R.S.O. 1980, c. 203

(2) No local municipality has authority to establish, erect or maintain a home for the aged under the *Homes for the Aged and Rest Homes Act*.

Costs

(3) The costs of operating and maintaining Twilight Haven, North Lambton and Marshall Gowland shall form part of the levy under section 164 of the *Municipal Act*.

R.S.O. 1980, c. 302

1984, c. 55 does not apply to local municipality

**63.** No local municipality shall be deemed to be a municipality for the purposes of the *Child and Family Services Act, 1984*.

Information to be provided to County

**64.** Every local municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish to the County officers any information they may require for the purposes of this Act.

## PART XI

### PUBLIC LIBRARIES

County library board

**65.**—(1) A county library board for the entire County to be known as "The Lambton County Library Board" is hereby established on the 1st day of January, 1991 and shall be deemed to be a county library board established under Part I of the *Public Libraries Act, 1984*.

1984, c. 57

(2) Subsection 9 (6) of the *Public Libraries Act, 1984* does not apply in the County.

1984, c. 57,  
s. 9 (6)  
does not  
apply

(3) All local municipalities shall be deemed to be participating municipalities for the purposes of subsection 26 (1) of the *Public Libraries Act, 1984*.

Apportionment of county levy

(4) All library boards of the County, local municipalities and former municipalities are dissolved on the 1st day of January, 1991 and their assets and liabilities are transferred to the county library board established under subsection (1), without compensation.

Transfer of assets, liabilities to county library board

(5) All by-laws, rules, regulations and fees passed or established by the boards dissolved under subsection (4) are continued as by-laws, rules, regulations and fees of the county library board and shall remain in force until the earlier of,

Continuation of by-laws, etc.

(a) the date they are amended or repealed by the board; or

(b) the 31st day of December, 1992.

(6) Nothing in this section repeals or authorizes the amendment or repeal of by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by a board dissolved under subsection (4).

Certain by-laws continued

**66.** The County shall pay to each local municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding debt of each local municipality in respect of public libraries and, if the County fails to pay the amounts before the due date, the local municipality may charge the County interest at the annual rate of 15 per cent, or such lower rate as the local municipality determines, from the due date until payment is made.

Debt transferred to County

**67.** Every person who was an employee of a board dissolved under this Part on the 1st day of July, 1990, and continues to be employed until the 31st day of December, 1990, becomes, on the 1st day of January, 1991, an employee of the county library board.

Transfer of employees

## PART XII

### FINANCES

**68.** In this Part,

Definitions

- R.S.O. 1980,  
c. 31
- “average municipal commercial mill rate” means, in respect of a local municipality, the rate obtained by dividing the total of taxes levied for all purposes, other than for school purposes and other than under sections 32 and 33 of the *Assessment Act*, on the commercial assessment for the preceding year by the total commercial assessment for the preceding year and multiplying the result by 1,000;
- R.S.O. 1980,  
c. 359
- “commercial assessment” means commercial assessment as defined in clause 1 (1) (b) of the *Ontario Unconditional Grants Act*;
- “discounted assessment” means, for a local municipality or for a merged area, the sum of,
- (a) the product obtained by multiplying the residential and farm assessment for that local municipality or that merged area by 0.5131, and
  - (b) the commercial assessment for that local municipality or that merged area;
- “discounted equalized assessment” means, for each local municipality, the sum of the discounted assessment and the equivalent assessment of that local municipality divided by its prescribed equalization factor and multiplied by 100;
- “discounted equalized assessment for each merged area” means the discounted assessment of the merged area divided by its prescribed equalization factor and multiplied by 100;
- R.S.O. 1980,  
c. 302
- “equivalent assessment” means, for a local municipality, that portion of its payments in lieu of taxes in the preceding year, as defined in clause 365 (1) (j) of the *Municipal Act*, not allocated for school purposes, divided by the average municipal commercial mill rate and multiplying the result by 1,000;
- “merged area” means the area of the City of Sarnia or the area of the Town of Clearwater;
- “net county levy” means the amount required for County purposes under subsection 365 (6) of the *Municipal Act* including the sums required for any board, commission or other body, apportioned to each local municipality by the County;
- “net lower tier levy” means the amount required for the purposes of a local municipality under section 164 of the

*Municipal Act* including the sums required for any board, commission or other body, but excluding amounts required to be raised for County and school purposes or for a special rate imposed under section 79; R.S.O. 1980,  
c. 302

“residential and farm assessment” means residential and farm assessment as defined in clause 7 (1) (e) of the *Ontario Unconditional Grants Act*. R.S.O. 1980,  
c. 359

**69.**—(1) For purposes of apportioning the net county levy or the net lower tier levy among the respective merged areas, the Minister may, in each year, prescribe the equalization factor to apply for that year to each local municipality within the County and each merged area. Prescribed  
equalization  
factor

(2) Despite subsection 365 (6) of the *Municipal Act*, the treasurer of the County shall determine, Annual  
County  
apportionment

- (a) the discounted equalized assessment of each local municipality in the County;
- (b) the discounted equalized assessment of the County; and
- (c) the percentage share of apportionment, correct to three decimal places, for each local municipality by dividing the discounted equalized assessment for each local municipality by the discounted equalized assessment of the County and multiplying the result by 100.

**70.**—(1) In each year, the Ministry of Municipal Affairs shall calculate and notify the City of the discounted equalized assessment for each merged area. Annual  
merged area  
apportionment

(2) Despite subsection 7 (2) of the *Ontario Unconditional Grants Act*, the net county levy and the net lower tier levy of the City shall be levied against the whole rateable property, including business assessment thereon, of the City and apportioned between the merged areas of the City in the proportion that the discounted equalized assessment for each merged area bears to the total discounted equalized assessment of both merged areas. How levies  
apportioned  
R.S.O. 1980,  
c. 359

(3) The rates to be levied in each merged area of the City shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*. Determi-  
nation of  
rates

**71.**—(1) Despite section 70, the council of the City may by by-law in any year, before the adoption of the estimates for Interim levy



that year, levy in each of the merged areas, on the whole of the assessment for real property, including business assessment in the merged area, according to the last returned assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Adjustments (2) The amount of any levy under subsection (1) shall be deducted from the amount of the levy made under subsection 70 (2).

Application of R.S.O. 1980, c. 302, s. 159 (5) (3) Subsection 159 (5) of the *Municipal Act* applies to levies made under subsection (1).

Merged areas under R.S.O. 1980, c. 129 **72.**—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each merged area.

Regulations (2) The Lieutenant Governor in Council may each year make regulations providing for the apportionment of the sums required by the Lambton County Board of Education and The Lambton County Roman Catholic Separate School Board with respect to any local municipality or merged area or parts thereof that are wholly or partly within their area of jurisdiction.

Where county-wide assessment R.S.O. 1980, c. 302 **73.** Sections 69, 70, 71 and 72 of this Part and sections 365, 366 and 368 of the *Municipal Act* cease to apply to the County and the local municipalities if the County has been subject to an assessment update under section 368b of the *Municipal Act*.

Direction of Minister of Revenue **74.**—(1) Despite subsections 368b (3) and (3a) of the *Municipal Act*, in 1991, for the purposes of taxation in 1992, the Minister of Revenue shall make a direction under subsection 368b (2) of the *Municipal Act* for changes to be made to the assessment rolls of the local municipalities.

Grants (2) If the Minister is of the opinion that taxes for school purposes in a local municipality may be unduly increased because of changes made to the assessment rolls of local municipalities as a result of a direction under subsection (1), the Minister may make a grant to the local municipality under such terms as the Minister considers necessary in the circumstances.

(3) If, in any year, a local municipality receives a grant under subsection (2), the local municipality shall, in that year, use the grant to reduce the increases in the amounts the local municipality is required to levy for school purposes.

Grant to be used to reduce increases

(4) Nothing in this Part prevents or restricts a local municipality from passing by-laws under section 362 or 363 of the *Municipal Act*.

Certain by-laws not affected R.S.O. 1980, c. 302

**75.—**(1) In 1991, the council of the City shall, in the manner prescribed by the Minister, levy on the whole of the assessment for real property and business assessment according to the last returned assessment roll pertaining to the merged area of the Town of Clearwater rates of taxation for general purposes which shall not be increased over the 1990 rates by more than the lesser of,

1991 City rates

- (a) 3.5 per cent of the rates of taxation for general purposes in the Town of Clearwater in 1990; and
- (b) the rate of inflation for the calendar year of 1990, as determined by the Consumer Price Index published by Statistics Canada.

(2) In 1992, the council of the City shall, in the manner prescribed by the Minister, levy on the whole of the assessment for real property and business assessment according to the last returned assessment roll pertaining to the merged area of the Town of Clearwater rates of taxation for general purposes which shall limit the aggregate levy for general purposes upon the merged area to the lesser of,

1992 City rates

- (a) 103.5 per cent of the dollar amount levied for general purposes in the merged area of the Town of Clearwater in 1991; and
- (b) 100 per cent plus the rate of inflation for the calendar year of 1991, as determined by the Consumer Price Index published by Statistics Canada, of the dollar amount levied for general purposes in the merged area of the Town of Clearwater in 1991.

(3) In 1993, the council of the City shall, in the manner prescribed by the Minister, levy on the whole of the assessment for real property and business assessment according to the last returned assessment roll pertaining to the merged area of the Town of Clearwater rates of taxation for general purposes which shall not be increased over the 1992 rates by more than the lesser of,

1993 City rates

- (a) 3.5 per cent of the rates of taxation for general purposes in the merged area of the Town of Clearwater in 1992; and
- (b) the rate of inflation for the calendar year of 1992, as determined by the Consumer Price Index published by Statistics Canada.

Rates,  
subsequent  
years

(4) In 1994, 1995, 1996, 1997, 1998, 1999 and 2000, the council of the City shall, in the manner prescribed by the Minister, levy on the whole of the assessment for real property and business assessment according to the last returned assessment roll pertaining to the merged area of the Town of Clearwater rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for this subsection.

Where taxes  
reduced

(5) If the Minister has made an order under this section which results in a reduction in the taxes which would have otherwise been levied in any year, the amount of the reduction shall be charged to the general funds of the City in that year.

Adjustments  
of grant total

R.S.O. 1980,  
c. 359

**76.**—(1) The Minister may by order on such conditions as the Minister considers appropriate provide for payments to be made to the City so that in each of the years 1991, 1992 and 1993 the total of all grants received by the City under the *Ontario Unconditional Grants Act* pertaining to the merged area of the Town of Clearwater and payments under this subsection is not less than the total of all grants received by the Town of Clearwater under the *Ontario Unconditional Grants Act* in 1990.

Minister's  
order

(2) The Minister may by order before the 1st day of January, 2000, on such conditions as the Minister considers appropriate, make grants or loans to the County and the local municipalities to achieve the purposes of this Act.

Appropriations

**77.** The money required for the purposes of this Act shall be paid out of the money appropriated therefor by the Legislature.

Adjustments  
of grants  
under  
R.S.O. 1980,  
c. 359

**78.**—(1) A grant under the *Ontario Unconditional Grants Act* to the County or a local municipality in any year in which an incorporation, a major boundary change or a major change in responsibility for the delivery of any service took place during that year shall be revised to reflect the incorporation, the boundary change or the change in the delivery of services.

(2) If, in any year, there is an overpayment or underpayment of grants paid to the County or a local municipality as a result of a revision under subsection (1), the Minister shall adjust any grant paid to the County or a local municipality in the immediately following year by the amount of the overpayment or underpayment.

Adjustment  
of grants by  
Minister

**79.**—(1) In this section,

Definitions

“urban service” means a service of the City not being provided generally throughout the City or not benefiting lands in the City equally, and includes any liability incurred by a former municipality with respect to such service;

“urban service area” means the area or rateable property, including the business assessment thereon, designated in a by-law under clause (2) (c) or in an order under clause (5) (c).

(2) The council of the City may, with the approval of the Municipal Board, by by-law,

By-laws  
respecting  
urban  
services

- (a) identify an urban service;
- (b) define which costs of the City are related to that urban service;
- (c) designate upon what area or rateable property, including the business assessment thereon, of the City the related costs should be raised; and
- (d) levy a special rate on that area or rateable property, including the business assessment thereon, to raise the whole or part of the related costs.

(3) The rates to be levied within each urban service area shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*.

Determi-  
nation of  
rates  
R.S.O. 1980,  
c. 359

(4) The council of the City may establish, amend or dissolve any number of urban service areas designated under subsection (2).

Dissolution  
of urban  
service areas

(5) Before the 1st day of January, 1991, the Minister, upon the joint application of the councils of the City of Sarnia and the Town of Clearwater, may make an order to be effective no earlier than the 1st day of January, 1991, that,

Minister's  
order

- (a) identifies an urban service;

- (b) defines which costs of the City will relate to that urban service; and
- (c) designates upon what area or rateable property, including business assessment thereon, of the City the related costs shall be raised.

Where  
O.M.B.  
approval not  
required

(6) Where an order under subsection (5) creating an urban service area is in force and has not been amended under subsection (7), the council of the City may pass a by-law under clause (2) (d) related to that urban service area without the approval of the Municipal Board.

Amendments  
or repeal of  
order by City

(7) The council of the City may, with the approval of the Municipal Board, by by-law amend or repeal an order under subsection (5).

## PART XIII

### MISCELLANEOUS

Board of  
arbitrators

**80.**—(1) The Minister shall appoint three persons as a board of arbitrators to make adjustments of assets and liabilities arising from any amalgamation, dissolution, other than the dissolution of a police village, and transfer of functions or services under Parts I, II, V, VIII, IX, X, XI and this Part.

Certain  
provisions of  
R.S.O. 1980,  
c. 25 apply

(2) Sections 3 to 5, 7, 9 to 11 and 13 to 15 of the *Arbitrations Act* and the Schedule to that Act apply to an arbitration under this section.

Decisions of  
board  
binding

(3) The decisions of the board of arbitrators are binding on the County, local municipalities and local boards and are not subject to appeal.

Hearing

(4) The board of arbitrators shall hold a hearing with respect to any matter set out in subsection (1) that is in dispute.

Industrial  
sites  
R.S.O. 1980,  
c. 302

**81.** Paragraph 50 of section 210 of the *Municipal Act* applies with necessary modifications to the County.

By-laws  
respecting  
emergency  
measures

**82.**—(1) If there is a conflict between a by-law passed by County Council under subclause 209 (b) (ii) or (iii) of the *Municipal Act* and a by-law passed by the council of a local municipality under those subclauses, the by-law of County Council prevails to the extent of the conflict.

(2) When a by-law passed by County Council under sub-clause 209 (b) (ii) of the *Municipal Act* is in force, the County may pass by-laws, Idem  
R.S.O. 1980,  
c. 302

- (a) with the consent of the local municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the local municipality or local board concerned, for training employees of the local municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of the departments or utilities throughout the County, as provided in the by-law, when an emergency occurs;
- (d) for acquiring alternative headquarters for the County Government outside the County; and
- (e) for obtaining and distributing emergency materials, equipment and supplies.

(3) The County shall be deemed to be a regional municipality and the local municipalities shall be deemed to be area municipalities of that regional municipality for the purposes of the *Emergency Plans Act, 1983*. Deeming  
provision  
respecting  
1983, c. 30

**83.** The County Council, before the 31st day of December, 1992, shall prepare, adopt and forward to the Minister for approval an amendment to the official plan of the County to cover the area of the former municipality of The Corporation of the City of Sarnia. Amendment  
to official  
plan

**84.—(1)** The County Council shall not request an amendment to this Act unless, Double  
majority vote

- (a) a majority of all the votes on County Council are cast in favour of the request; and
- (b) members of County Council representing a majority of the local municipalities cast their votes in favour of the request.

(2) For the purposes of clause (1) (b), subsection 41 (4) applies with necessary modifications. Idem

Regulations  
respecting  
employees

**85.**—(1) The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations providing for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees affected by this Act.

Limitation

(2) Subsection (1) does not apply to employees affected by a by-law passed or repealed under Part VII.

Repeal of  
ss. 4 and 18

**86.** Sections 4 and 18 of this Act are repealed on the 1st day of December, 1991.

Repeals

**87.** *The City of Sarnia Act, 1925*, being chapter 103, *The City of Sarnia Act, 1977*, being chapter 101 and the *County of Lambton Act, 1981*, being chapter 92, are repealed on the 1st day of January, 1991.

Commence-  
ment

**88.**—(1) This Act, except sections 5, 6, 7, 13, 19, 20 and 21, Parts IX and X and section 87, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 5 and 13, Parts IX and X and section 87 come into force on the 1st day of January, 1991.

Idem

(3) Sections 6, 7, 19, 20 and 21 come into force on the 1st day of December, 1991.

Transition,  
regular  
elections  
R.S.O. 1980,  
c. 308

(4) Despite subsection (3), the regular elections to be held in 1991 under the *Municipal Elections Act* in the area municipalities shall be conducted as if sections 6, 7 and 19 were in force.

Short title

**89.** The short title of this Act is the *Sarnia-Lambton Act, 1989*.

## SCHEDULE

### WARD 1

Beginning at the intersection of the southerly boundary of the Town of Clearwater and the centre line of the Blackwell Sideroad;

Thence northerly along the centre line of the Blackwell Sideroad and the northerly prolongation thereof to a point distant 500 metres measured northerly from the southerly high water mark of Lake Huron;

Thence easterly and parallel with the southerly high water mark of the said Lake to the easterly boundary of the Town of Clearwater;

Thence southerly along the easterly boundary of the said Town to the south easterly angle of the said Town;

Thence westerly along the southerly boundary of the said Town to the place of beginning.

#### WARD 2

Beginning at the intersection of the centre line of the King's Highway No. 402 and the centre line of the Blackwell Sideroad;

Thence northerly along the centre line of Blackwell Sideroad and the northerly prolongation thereof to a point distant 500 metres measured northerly from the southerly high water mark of Lake Huron;

Thence westerly and parallel with the southerly high water mark of the said Lake to the International Boundary between the Province of Ontario and the United States of America;

Thence southerly along the said International Boundary to the northerly boundary of the Village of Point Edward;

Thence easterly and southerly along the northerly and easterly boundaries of the said Village to the centre line of Michigan Avenue;

Thence easterly along the centre line of Michigan Avenue to the centre line of Indian Road North;

Thence southerly along the centre line of Indian Road North to the centre line of the King's Highway No. 402;

Thence easterly along the centre line of the said King's Highway to the place of beginning.

#### WARD 3

Beginning at the intersection of the westerly boundary of the City of Sarnia and the centre line of Michigan Avenue;

Thence easterly along the centre line of Michigan Avenue to the centre line of Indian Road North;

Thence southerly along the centre line of Indian Road North to the centre line of the King's Highway No. 402;

Thence easterly along the centre line of the said King's Highway to the centre line of the Blackwell Sideroad;

Thence southerly along the centre line of the Blackwell Sideroad to the northerly limit of Concession V of the former Township of Sarnia;

Thence westerly along the northerly limit of the said Concession to the easterly limit of the King's Highway No. 40;

Thence westerly to and along the centre line of Wellington Street to the centre line of Indian Road South;

Thence northerly along the centre line of Indian Road South to the centre line of London Road;

Thence westerly along the centre line of London Road and the westerly prolongation thereof to the International Boundary between the Province of Ontario and the United States of America;



Thence northerly along the said International Boundary to the southerly boundary of the Village of Point Edward;

Thence easterly and northerly following the boundaries between the Village of Point Edward and the City of Sarnia to the place of beginning.

#### WARD 4

Beginning at the intersection of the southerly boundary of the Town of Clearwater and the centre line of the Blackwell Sideroad;

Thence northerly along the centre line of the Blackwell Sideroad to the northerly limit of Concession V of the former Township of Sarnia;

Thence westerly along the northerly limit of the said Concession to the easterly limit of the King's Highway No. 40;

Thence westerly to and along the centre line of Wellington Street to the centre line of Indian Road South;

Thence northerly along the centre line of Indian Road South to the centre line of London Road;

Thence westerly along the centre line of London Road and the westerly prolongation thereof to the International Boundary between the Province of Ontario and the United States of America;

Thence southerly along the said International Boundary to the southerly boundary of the City of Sarnia;

Thence easterly along the southerly boundary of the City of Sarnia and the Town of Clearwater to the place of beginning.