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c 485 St. Clair Parkway Commission Act

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CHAPTER 485

St. Clair Parkway Commission Act

1. In this Act, Interpretation

(a) “Commission” means The St. Clair Parkway Commission;

(b) “Minister” means the Minister of Natural Resources or such other member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;

(c) “Parks” means all land and interests in land in the counties of Kent and Lambton and in the cities of Chatham and Sarnia hereafter acquired by, vested in or placed under the control of the Commission, including highways, roads and boulevards;

(d) “participating municipalities” means The Corporation of the County of Kent, The Corporation of the County of Lambton, The Corporation of the City of Chatham and The Corporation of the City of Sarnia. 1966, c. 146, s. 1.

2.—(1) The corporation without share capital known as The Commission continued. Composition
St. Clair Parkway Commission is continued and shall be composed of not more than eleven members as follows:

(a) two persons appointed annually by the council of the County of Lambton;

(b) two persons appointed annually by the council of the City of Sarnia;

(c) one person appointed annually by the council of the County of Kent;

(d) one person appointed annually by the council of the City of Chatham; and

(e) not more than five persons appointed by the Lieutenant Governor in Council for terms of not more than three years,

but each member shall hold office until his successor is appointed.
(2) The Lieutenant Governor in Council shall designate one member as chairman and may designate one member as vice-chairman.

(3) The chairman, the vice-chairman, if any, and the other members of the Commission may be paid such remuneration as is fixed by the Lieutenant Governor in Council.

(4) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chairman.

(5) Where a vacancy occurs on the Commission, the body that made the appointment of the member whose office is vacant may appoint a member to hold office for the remainder of the term of his predecessor.

(6) Notwithstanding the Legislative Assembly Act, any member of the Assembly may be appointed as a member of the Commission and is entitled to act as such and receive remuneration therefor without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly.

(7) Subsection 38 (1) of the Municipal Act does not apply to a member of a municipal council by reason only of his being a member of the Commission or of his being entitled to or receiving remuneration as a member of the Commission.

(8) The powers of the Commission may be exercised by a quorum of not fewer than seven members, but, where the number of members present at a meeting is fewer than ten, any decision of the Commission must have the approval of at least five members.

(9) The Commission is a local board within the meaning of the Municipal Affairs Act. 1966, c. 146, s. 2.

3. It is the duty of the Commission to develop, control, manage, operate and maintain the Parks, and, for the purpose of carrying out such duty, the Commission has power,

(a) to make such by-laws, rules and orders as may be deemed expedient for the administration and management of the affairs and the conduct of the business of the Commission;

(b) to acquire, construct, operate, maintain and generally manage and provide recreational facilities, archaeological and historic sites, restaurants, refreshment
booths, stands for the sale of souvenirs and other wares, shops, sanitary and toilet facilities, buses and other vehicles for use in connection with the Parks, boats and boat lines, camp sites and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of the Parks;

(c) to enter into agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;

(d) to study and investigate the Parks and to determine a scheme whereby the Parks may be most advantageously developed and maintained; and

(e) to enter into agreements with owners of lands to facilitate the development, operation or maintenance of the Parks. 1966, c. 146, s. 3.

4. (1) With the approval of the Lieutenant Governor in Council, the Commission has power to acquire by purchase, lease or otherwise and, with or without the consent of the owner, enter upon, take and expropriate and sell or otherwise dispose of any land or any interest in land.

(2) Where the Commission desires to expropriate land under the power conferred by subsection (1), it shall, in addition to the requirements of the Expropriations Act, register in the proper land registry office a certified copy of the order in council approving such expropriation. 1966, c. 146, s. 4.

5. (1) Notwithstanding any general or special Act, the Lieutenant Governor in Council may vest any highway under the jurisdiction and control of the Ministry of Transportation and Communications in the Commission, and thereafter the Commission shall have exclusive jurisdiction over it.

(2) The Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof. 1966, c. 146, s. 5.

6. The Commission may appoint such officers, clerks and other employees as may be necessary for the purposes of the Commission and shall fix their salaries, wages or other remuneration. 1966, c. 146, s. 6.
7.—(1) The Commission may from time to time determine what moneys will be required for capital expenditures in connection with the Parks.

(2) The portion of the moneys so required that each participating municipality shall raise shall be determined by the Commission, subject to the approval of at least three of the participating municipalities.

(3) When the Commission has determined the portion that each participating municipality shall raise, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by registered mail.

(4) Any participating municipality that is dissatisfied with any such apportionment may, within one month after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the Commission in writing by registered mail that it applies for a review of the apportionment by the Ontario Municipal Board.

(5) Upon such application, the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing.

(6) The Ontario Municipal Board has authority to take evidence, to confirm or vary the apportionment of the Commission and to fix and award costs, and its decision is final and conclusive and is not open to appeal.

(7) Subject to the approval of the Ontario Municipal Board, each participating municipality shall raise by the issue of debentures or otherwise its portion of the moneys required by the Commission for capital expenditure as apportioned by the Commission or by the Ontario Municipal Board on an appeal.

(8) Where the council of a participating city is of opinion that the major part of the benefit to be derived from a specific work accrues to a limited area of the city, the council may by by-law provide that a specified portion of the moneys required to be raised by the city for capital expenditure in connection with that work shall be raised by a special rate upon the rateable property in that area, which area shall be defined in the by-law, and the balance of such moneys shall be raised by a special rate upon the rateable property in the remaining portion of the city.

(9) Where the council of a participating county is of opinion that the major part of the benefit to be derived from a specific work accrues to a certain local municipality or local municipalities that form part of the county for municipal purposes, the council
may by by-law provide that a specified portion of the moneys required to be raised by the county for capital expenditure in connection with that work shall be raised by a special rate upon the rateable property of such local municipality or municipalities, and the balance of such moneys shall be raised by a special rate upon the rateable property in the remaining local municipalities that form part of the county for municipal purposes. 1966, c. 146, s. 7.

8.—(1) The Commission in each year shall prepare and adopt Estimates of all sums required during the year for the purposes of the Commission, and such estimates,

(a) shall set forth the estimated revenues and expenditures of the Commission;

(b) shall make due allowance for a surplus of the previous year that will be available during the current year;

(c) shall provide for any deficit of any previous year; and

(d) may provide for capital expenditures to be made out of current funds.

(2) After the adoption of the estimates, the Commission shall, subject to the approval of at least three of the participating municipalities, determine the proportion of the moneys required for the purposes of the Commission to be raised by each participating municipality.

(3) The chairman of the Commission shall, on or before the last day of February in each year, give notice in writing to the treasurer of each participating municipality of the amount that such participating municipality shall raise for the Commission. 1966, c. 146, s. 8.

9. All moneys required to be raised by a participating municipality under the authority of section 7 or 8 shall be deemed to be taxes and are a debt of the participating municipality to the Commission, and the treasurer of each participating municipality shall pay the moneys so required to be raised to the Commission in equal quarterly payments. 1966, c. 146, s. 9.

10. Notwithstanding sections 7 and 8, no participating municipality shall be required to raise in any year,

(a) an amount under section 7 that exceeds the proceeds of a rate of one-quarter mill on the dollar of the rateable property of the participating municipality according to the last revised assessment roll as adjusted by the latest
equalization factor provided by the Ministry of Revenue; and

(b) an amount under section 8 that exceeds the proceeds of a rate of one-quarter mill on the dollar of the rateable property of the participating municipality according to the last revised assessment roll as adjusted by the latest equalization factor provided by the Ministry of Revenue,

unless in that year the council of the participating municipality agrees with the Commission to raise an amount in excess of that provided for in clause (a) or (b). 1966, c. 146, s. 10.

11. The Commission and any municipality within which any of the Parks are situate or that adjoin or are within five kilometres of the Parks may enter into agreement as to any work of any of the characters or descriptions mentioned in the Local Improvement Act, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise. 1966, c. 146, s. 11; 1978, c. 87, s. 31 (1).

12. Where by this Act any power is conferred or duty imposed upon a municipality or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the assent of the electors. 1966, c. 146, s. 12.

13. All moneys required by this Act to be raised for the purposes of the Commission shall be paid to the Commission, and the Commission may spend such moneys for its purposes. 1966, c. 146, s. 13.

14. The Minister may make grants to the Commission, which shall be paid out of the moneys appropriated therefor by the Legislature. 1966, c. 146, s. 14, revised.

15. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, or any person designated by a participating municipality for that purpose, and any such person may make copies of or take extracts from the books. 1966, c. 146, s. 15.

16. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment
shall give security in the manner and form provided by the Public
Officers Act. 1966, c. 146, s. 16.

17. The accounts and financial transactions of the Commiss-

ion shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council designates. 1966, c. 146, s. 17.

18. The Commission shall make a report annually to the Minister and to each of the participating municipalities, contain-
ing such information as the Minister may require. 1966, c. 146, s. 18.

19.—(1) The Commission, with the approval of the Lieuten-

ant Governor in Council, may make regulations,

(a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;

(b) providing for the protection and preservation from damage of the property of the Commission;

(c) prescribing tolls for the occupation and use of the Parks and the works, vehicles, boats and recreational facilities and services under the jurisdiction of the Commission and for entrance to places of historic and scenic interest or any other occupation or use of a similar nature;

(d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof, and pre-
scribing fees for such permits;

(e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof, and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;

(f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within 400 metres of any part thereof;

(g) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;

(h) for imposing fines not exceeding $300 for any breach of any regulation;
(i) for such other purposes and objects as are deemed necessary for the carrying out of this Act. 1966, c. 146, s. 19 (1); 1978, c. 87, s. 31 (2).

(2) An offence against any regulation made under this Act is punishable under the *Provincial Offences Act*, and the fine for any such offence is payable to the Treasurer of Ontario. 1966, c. 146, s. 19 (2).

20. The *Corporations Act* does not apply to the Commission. 1966, c. 146, s. 20.

21. After the Commission has adopted its estimates in any year, it may borrow from time to time by way of promissory note such sums as it may consider necessary to meet, until its revenues are received, the current expenditures of the Commission for the year, but the amount that may be borrowed at any one time, together with the total of any similar borrowings that have not been repaid, shall not exceed 70 per cent of the unreceived balance of the estimated revenues of the Commission as set forth in its estimates adopted for the year. 1966, c. 146, s. 21.

22.—(1) Any lost, mislaid or abandoned property coming into the custody of the Commission or any employee of the Commission in charge of part of the Parks and not claimed by the owner within three months is the property of the Commission and may be sold under the direction of the Commission, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed.

(2) Where a person establishes to the satisfaction of the Commission within one year of the date of the sale that he was the owner of property sold under subsection (1), the Commission may direct the payment to such person of an amount equal to the price received for the property less the cost of the sale and other expenses incurred in connection with the property. 1966, c. 146, s. 22.