

1977

c 48 The Municipal Amendment Act, 1977

Ontario

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Bibliographic Citation

The Municipal Amendment Act, 1977, SO 1977, c 48

Repository Citation

Ontario (1977) "c 48 The Municipal Amendment Act, 1977," *Ontario: Annual Statutes*: Vol. 1977, Article 50.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1977/iss1/50

CHAPTER 48

An Act to amend The Municipal Act*Assented to November 25th, 1977*

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

1. Section 38 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 11, is amended by striking out "or" at the end of clause *g*, by adding "or" at the end of clause *h* and by adding thereto the following clause:

(i) he dies, whether prior or subsequent to accepting office and making the prescribed declarations.

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

47.—(1) In the event that the council of any municipality or a local board thereof is unable, for a period of two months, to hold a meeting of the council or of the local board because of failure to obtain a quorum, the Minister may by order declare the seats of the members of the council or local board to be vacant and a new election shall be held in accordance with the provisions of *The Municipal Elections Act, 1977*.

(2) In the event that the seats of a majority of the members of a council or of a local board are for any reason declared vacant, the Minister may by order provide for the fulfilling of the duties and obligations of the council or local board until such time as a new election is held in accordance with *The Municipal Elections Act, 1977*, and the members so elected have taken office.

3. Section 198 of the said Act is repealed and the following substituted therefor:

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or

s. 38.
amended

s. 47.
enacted

Minister
may declare
seats vacant

1977, c. ...

Interim
adminis-
tration

s. 198.
re-enacted

Prohibition
as to member
voting to
appoint
himself to
office, etc.

fixing or providing his remuneration for any service to the corporation, but this does not apply to annual allowances to members of council or to allowances for attendance at meetings to be fixed by by-law pursuant to clauses *a* and *b* of subsection 1 of section 388.

s. 245.
re-enacted

4. Section 245 of the said Act is repealed and the following substituted therefor:

Fiscal year

245.—(1) Subject to subsection 2 but notwithstanding any other provision in this Act or any general or special Act, the fiscal year of every municipality and local board, as defined in *The Municipal Affairs Act*, is the calendar year from the 1st day of January to the 31st day of December and the accounts referred to in section 231 are those of the next preceding fiscal year.

R.S.O. 1970,
c. 118

Fiscal
year for
municipal
public
hospitals
R.S.O. 1970,
c. 378

(2) The fiscal year of every public hospital owned by the corporation of a municipality shall be the fiscal year of a public hospital as prescribed under *The Public Hospitals Act*.

Annual
statement
or report

(3) Notwithstanding the provisions of this or any general or special Act where an estimate of expenditures, revenue or capital or an annual statement or report, including a report of an auditor, in respect of a public hospital mentioned in subsection 2 is required to be prepared by the provisions of any special Act, such estimate, statement or report shall be prepared in respect of the fiscal year as prescribed under *The Public Hospitals Act* and not in respect of the calendar year and the date upon or prior to which such an estimate shall be prepared and certified for the consideration of a board of control or a council of a municipality shall be the 1st day of March in each year, or such other date as the council may by by-law provide, and the date upon or prior to which such annual report or statement shall be prepared and submitted to a board of control or a council of a municipality shall be the 15th day of May or such other date as the council may by by-law provide.

R.S.O. 1970,
c. 378

Application
of s. 307(1)

(4) Notwithstanding the provisions of this or any general or special Act, where the council of a municipality has considered the estimates of a public hospital referred to in subsection 3 and has determined the sum to be levied by it for the purposes of such hospital for the fiscal year of the hospital, that sum shall be deemed to be the sum required by law to be provided by the council for the hospital for purposes of subsection 1 of section 307.

s. 293(3)(e),
repealed

- 5.—(1) Clause *e* of subsection 3 of section 293 of the said Act is repealed.

- (2) Subsection 3 of the said section 293, as amended by the Statutes of Ontario, 1972, chapter 124, section 5, 1973, chapter 83, section 3 and 1976, chapter 69, section 4, is further amended by adding thereto the following clauses:

(n) pursuant to section 16 of *The Housing Development Act* respecting the acquisition of land for housing purposes; or

(o) by the council of a local municipality for providing money for the paving or repaving of highways and the construction, reconstruction or reflooring of bridges, under the jurisdiction of the council of the municipality or under the joint jurisdiction of the council of the municipality and the council of another municipality.

6. Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

26a. For adopting and participating in an emergency fire service plan and program established by the fire co-ordinator of a regional, district or metropolitan municipality, or by a county or district fire co-ordinator, upon such terms and conditions as the council considers appropriate, provided that notwithstanding the provisions of any such plan and program, no liability accrues to a municipality for failing to supply the use of fire fighting equipment in accordance with the plan and program.

7. Section 388 of the said Act is repealed and the following substituted therefor:

388.—(1) The council of a municipality may pass by-laws,

(a) for paying the members of council for attendance at meetings of council or of its committees such *per diem* rate as the council may determine;

(b) for paying the members of council such *per diem* rate as council may determine for attendance, when such attendance is authorized by resolution of council, at meetings or at any place, whether held or located within or outside the boundaries of the municipality, other than meetings of any body in respect of which the members of council are paid remuneration pursuant to clause a or pursuant to any other provision of this Act or any other general or special Act.

1. A by-law passed pursuant to this clause may define a class or classes of meetings or attendances at a place in respect of which a *per diem* rate may be paid and may authorize payment of a *per diem* rate only in respect of such class or classes of meetings or attendances.
2. For the purpose of this clause, "attendance at meetings" includes attendance by a member of council at any place to meet with one or more other persons for the purpose of pursuing any matter in the interests of the municipality and "attendance at any place" means attendance by a member of council at a place for the purpose of pursuing any matter in the interests of the municipality whether or not any other person is present at such place.

Where member receives salary

(2) Where a member of a council is paid remuneration under section 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings or at a place, referred to in clause *a* or *b* of subsection 1.

Mileage allowance

(3) In the case of a council of a county or a township, a by-law passed pursuant to clause *a* or *b* of subsection 1 may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings or at such place.

Fees to head of council on public utility commission

(4) The head of the council of a municipality may be paid for his services as a member of any public utility commission the same *per diem* rate as is determined by the council under clause *a* of subsection 1.

s. 455, re-enacted

8. Section 455 of the said Act is repealed and the following substituted therefor:

Purchasing or renting machinery

455.--(1) Subject to subsection 2, the council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

Purchase of road-making machinery

(2) Where a by-law is passed by the council of a municipality under subsection 1 for the purchase of road-making

machinery or appliances, the by-law may provide for the borrowing of money for the purpose of paying the purchase price for any period not exceeding ten years and for issuing debentures for the money so borrowed or for issuing to the vendor debentures payable within that period in payment of the purchase money.

9. Subsection 10 of section 527 of the said Act is repealed and the following substituted therefor: s. 527 (10), re-enacted

(10) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes, and, where such taxes are required to be paid by instalments under a by-law passed under subsection 1, the remainder of such payment shall be credited first against the instalment first due and secondly against the instalment next due, and so on, until the whole of the remainder of the payment has been credited against such taxes. Disposition of part payment of taxes

10. Section 542 of the said Act is repealed and the following substituted therefor: s. 542, re-enacted

542. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes and shall credit the remainder of such payment against that part of the taxes that has been in arrears for the greatest period of time; but no such payment shall be received after a warrant has issued for the sale of the land for taxes. Receiving payment on account of arrears

- 11.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent. Commencement

(2) Section 4 shall be deemed to have come into force on the 1st day of January, 1977. Idem

12. The short title of this Act is *The Municipal Amendment Act, 1977*. Short title

