

1937

c 35 Colonization Roads Act

Ontario

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CHAPTER 35.

The Colonization Roads Act.

1. In this Act,—

Interpreta-
tion.

- (a) "Department" shall mean The Department of Northern Development; "Depart-
ment."
- (b) "Minister" shall mean that member of the Executive Council to whom for the time being, the administration of this Act is assigned. 1928, c. 13, s. 2. "Minister."

2. Grants may be made of such sums as may be appropriated for that purpose from time to time by this Legislature for the construction or repair or to aid in the construction or repair of such colonization roads as may be deemed necessary in any unsurveyed or unorganized portions of Ontario, or in organized townships where roads are required to give access through unoccupied or sparsely occupied districts, or through districts unfit for cultivation or settlement, and such other roads as this Legislature upon the recommendation of the Minister deems necessary for the proper settlement and development of that portion of Ontario referred to in section 3. R.S.O. 1927, c. 37, s. 2. Grants for
colonization
roads.

3.—(1) The council of any municipality comprising one or more townships or a portion of a township or portions of one or more townships in any provisional judicial district or in the Provisional County of Haliburton, and the council of any township or union of townships in that portion of Ontario in which money is being expended in the building of colonization roads, may prepare and approve a by-law or by-laws designating any highway or highways in the municipality as highways to be improved under this Act, stating the amount to be expended therefor, but such by-law shall not be finally passed until the same has been submitted to the Minister who may approve, alter or modify the same. By-laws
designating
highways
for improve-
ment.

(2) The council may finally pass any by-law which has been so submitted to the Minister and approved, altered or modified by him, and it shall not be necessary to introduce and resubmit any by-law so modified or altered. Confirma-
tion.

By-laws
validated.

(3) A by-law passed with the approval of the Minister shall not be open to question in any court upon any ground whatever. R.S.O. 1927, c. 37, s. 3.

Width of
roads.

4. No road shall be constructed under this Act of a less width than sixty-six feet. R.S.O. 1927, c. 37, s. 4.

Powers of
municipality
under Act.

5. Every municipal corporation which avails itself of the provisions of this Act shall have and may exercise all the powers necessary for the carrying out of the work undertaken. R.S.O. 1927, c. 37, s. 5.

Amount of
grant.

6. Upon the report and recommendation of the Minister the Lieutenant-Governor in Council may direct that any sum being not more than two-thirds of the estimated cost of the work upon the highways designated by such by-law as approved or modified by the Minister may be paid to the municipality out of any appropriation made by this Legislature for that purpose. R.S.O. 1927, c. 37, s. 6.

Supervision
and in-
spection.

7. Any work undertaken under this Act shall be carried out under the supervision of an engineer or inspector approved by the Minister for that purpose, and shall conform to the regulations prescribed by the Department of Northern Development. R.S.O. 1927, c. 37, s. 7; 1928, c. 13, s. 3.

Payment of
grant.

8. Upon the completion of any work of road improvement in pursuance of a by-law passed in accordance with section 3 or at any time during the progress of such work, the corporation of the municipality undertaking such work may submit to the Minister a statement setting forth the cost of such work to date together with the declaration of the treasurer of such municipality that such statement is correct and also the report of the inspector, approved by the Minister, that such work is in accordance with the regulations of the Department, and on receipt of such statement and certificate by the Treasurer of Ontario, certified and approved by the proper officer of the Department, the Lieutenant-Governor in Council may direct the payment to the corporation of such municipality out of any money appropriated for such purpose of a sum not more than two-thirds of the amount of such cost. R.S.O. 1927, c. 37, s. 8.

Right of
municipality
to contribute
labour in
lieu of
money.

9. The proportion of the cost to be borne by any township or union of townships receiving aid under this Act may be paid in money, or may, with the approval of the Minister, be contributed in labour or partly in money and partly in labour estimated at the actual cost of such labour to the municipality, but all such work shall be done under the con-

trol and to the satisfaction of the inspector approved by the Minister and shall be certified by him. R.S.O. 1927, c. 37, s. 9.

10.—(1) The council of any municipality mentioned in section 3 may submit to the Minister a proposed by-law for the purchase of road-making machinery, appliances and equipment and material for road-making or road improvement, or any of them, and the Minister may by writing under his hand approve such by-law or may approve of the same subject to such amendments or alterations as he may deem proper.

By-laws for purchase of machinery or material.

(2) The council may pass the by-law as so approved, or as amended or altered in accordance with the directions of the Minister, and may expend the amount stated therein for the purposes aforesaid. R.S.O. 1927, c. 37, s. 10 (1, 2).

By-law, when council may pass.

(3) Upon proof to the satisfaction of the Minister that any amount has been properly expended under the by-law, the Minister may direct the payment to the corporation of the municipality of a sum not exceeding fifty per centum of the amount so expended, and the sum named in the direction of the Minister shall be payable out of any moneys appropriated by the Legislature for the purposes of this section. R.S.O. 1927, c. 37, s. 10 (3); 1931, c. 12, s. 2.

Aid from province.

(4) The corporation of any two or more of the municipalities mentioned in section 3 may enter into an agreement for the purchase of road-making machinery, appliances and equipment and materials for road-making or road improvement or any of them for the common use of such municipalities, and may pass by-laws for that purpose and such by-laws and agreements may be submitted to the Minister and may be approved, amended or altered and dealt with as provided in subsections 1 and 2 and the Minister may direct the payment to the corporation or to any one of them of the aid provided for in subsection 3 and the same shall be payable accordingly. R.S.O. 1927, c. 37, s. 10 (4).

Agreements between two or more corporations.

11. The council of any township municipality in which colonization roads money is being expended under a by-law of the municipality may by by-law appoint a road overseer or foreman, who, subject to the direction of the council, shall supervise all work and expenditure under such first mentioned by-law on the roads included therein or under any by-law of the municipality authorizing work and expenditure on the said roads, and upon the report and recom-

Appointment of road overseer or foreman and aid in payment of salary.

mentation of the Minister, the Lieutenant-Governor in Council may direct that out of any moneys appropriated for the purposes of this Act, fifty per centum of the salary paid yearly to such overseer or foreman by the municipality shall be reimbursed to the municipality, but the amount so paid shall not in any one year exceed the sum of \$400. R.S.O. 1927, c. 37, s. 11; 1928, c. 13, s. 4.

Payment
of grants.

12. The money required to meet any expenditure under this Act shall be paid by the Treasurer of Ontario to the persons entitled thereto upon the recommendation of the Minister out of such money as may be from time to time appropriated by this Legislature for that purpose. R.S.O. 1927, c. 37, s. 12.

Time for
presenting
petitions.

13. All petitions or by-laws for work under this Act, the cost of which is to be paid in whole or in part by the Province of Ontario, shall be submitted to the Minister not later than ten days after the commencement of the session of the Assembly at which the money may be voted. R.S.O. 1927, c. 37, s. 13.

Disqualifica-
tion from
service as
inspector,
etc.

14. No member of the council of any municipality receiving grants of money for road purposes from the Province of Ontario shall be appointed or act as inspector, foreman or in any other capacity upon the road work carried out under section 3; and any such member who is appointed or who acts or is employed in contravention of this section shall be disqualified from sitting or voting in the council of which he was a member at the time of his appointment or employment. R.S.O. 1927, c. 37, s. 14.

When
Rev. Stat.,
c. 56 not
to apply.

15. *The Highway Improvement Act* shall not apply to any municipality in which money is expended under this Act. R.S.O. 1927, c. 37, s. 15.
