

1973

## c 139 The Regional Municipality of Sudbury Amendment Act, 1973

Ontario

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## CHAPTER 139

**An Act to amend The Regional Municipality  
of Sudbury Act, 1972**

*Assented to December 4th, 1973  
Session Prorogued March 5th, 1974*

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

1. Subsection 3 of section 8 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is amended by inserting after "Sudbury" in the third line "and the Town of Nickel Centre". s. 8 (3),  
amended
2. Subsection 4 of section 23 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*". s. 23 (4),  
amended
3. Section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 3, is further amended by adding thereto the following subsection: s. 27,  
amended

(11a) Where, under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. Pension  
rights and  
sick leave  
credits

4. Section 29 of the said Act is amended by adding thereto the following subsections: s. 29,  
amended

(7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify of the regional expenditures for the maintenance, operation and debt service of the regional waterworks system, and if any area municipality considers Special  
rates

itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Raising of  
money by  
area  
municipality

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality, subject to the approval of the Regional Corporation, may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

s. 31,  
re-enacted

5. Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 4, is repealed and the following substituted therefor:

Regional  
Corporation  
responsible  
for sanitary  
sewage

31.—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 9, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area  
municipality  
to collect  
sanitary  
sewage

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 9.

Vesting of  
sanitary  
sewage  
facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 9, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system.



(5) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

Regional  
Corporation  
liability

R.S.O. 1970,  
c. 255

(6) If the Regional Corporation fails to make any payment as required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Default

(7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 9, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Special  
rates

(8) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 9, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(9) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Land  
drainage

(10) Where the Regional Corporation undertakes a program provided for in subsection 9, the Regional Corporation

Assumption  
of area  
municipality  
land drainage  
systems

may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 5 and 6 shall apply thereto, *mutatis mutandis*.

Raising  
of money  
by area  
municipality

(11) An area municipality, subject to the approval of the Regional Corporation, may,

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

R.S.O. 1970,  
c. 284

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

s. 35,  
amended

6. Section 35 of the said Act is amended by adding thereto the following subsection:

Power to  
acquire real  
property for  
purpose of  
leasing to  
doctor or  
dentist

(1a) Nothing in subsection 1 prevents any area municipality from acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical practitioner or dental practitioner on such terms and conditions as the council of such area municipality may determine, and such property may be leased for residential, clinical or office purposes or a combination thereof.

s. 48 (1),  
amended

7.—(1) Subsection 1 of section 48 of the said Act is amended by striking out "2 to 7" in the sixth line and inserting in lieu thereof "5 and 11a".

s. 48 (5) (b),  
re-enacted

(2) Clause *b* of subsection 5 of the said section 48 is repealed and the following substituted therefor:



(b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.

(3) The said section 48 is amended by adding thereto the <sup>s. 48, amended</sup> following subsection:

(5a) Every civilian employee and assistant of the Sudbury <sup>Civilian employee retirement</sup> Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.

8. Subsection 9 of section 53 of the said Act is amended by <sup>s. 53 (9), amended</sup> striking out "10" in the first line and inserting in lieu thereof "12".

9. Section 73 of the said Act is amended by adding thereto the <sup>s. 73, amended</sup> following subsection:

(3) No area municipality shall open up, establish or <sup>Approval required to intersect regional road</sup> assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

10. Section 91 of the said Act is amended by adding thereto the <sup>s. 91, amended</sup> following subsection:

(5a) The signature of the chairman or any other person <sup>Idem</sup> authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

11.—(1) Subsection 1 of section 115 of the said Act is amended <sup>s. 115 (1), amended</sup> by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

(2) Subsection 8 of the said section 115 is amended by <sup>s. 115 (8), amended</sup> striking out "until" in the fourth line and inserting in lieu thereof "but may be amended or".

12. The said Act is amended by adding thereto the following <sup>s. 115a, enacted</sup> section:

115a.—(1) On and after the 1st day of January, 1974, <sup>Application of R.S.O. 1970, c. 284</sup> paragraphs 75, 126, 127, 128, 135, 136 and 137 of sub-section 1 of section 354, paragraphs 6, 11, 12, 13 and 14 of section 364, paragraph 8 of subsection 1 of section 381

R.S.O. 1970,  
c. 284

and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 383 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs.

Idem

(2) Section 246 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Deemed  
municipality  
for  
R.S.O. 1970,  
c. 332

(3) For the purposes of sections 63 and 64 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a municipality.

Deemed  
municipality  
for  
R.S.O. 1970,  
c. 273, s. 19

(4) For the purposes of section 19 of *The Milk Act*, the Regional Corporation shall be deemed to be a municipality and no area municipality shall exercise any powers under the said section.

s. 132 a,  
enacted

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

Acquiring  
land for  
parks, etc.

132a.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

R.S.O. 1970,  
c. 384

Sale of  
spirituous,  
etc., liquors  
in parks

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1970,  
c. 250

Application  
of  
R.S.O. 1970,  
c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional  
Corporation  
a muni-  
cipality under  
R.S.O. 1970,  
cc. 337, 73

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*.

Park lands  
owned by  
conservation  
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
- (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*. R.S.O. 1970, c. 202

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payment in lieu of taxes

14. Paragraph 4 of Form 2 of the said Act is repealed.

Form 2, par. 4.  
repealed

15.—(1) This Act, except sections 3, 5, 6, 7, 8 and 11, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 3, 5, 6, 7, 8 and 11 shall be deemed to have come into force on the 1st day of January, 1973. Idem

16. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1973*. Short title



