

1970

## c 123 The Regional Municipality of Niagara Amendment Act, 1970

Ontario

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## CHAPTER 123

## An Act to amend The Regional Municipality of Niagara Act, 1968-69

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

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

1.—(1) Clause *g* of subsection 1 of section 2 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out the third, fourth and fifth paragraphs of the description and substituting therefor: 1968-69,  
c. 106, s. 2,  
suba. 1, cl. g.  
amended

“THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road”.

(2) Clause *k* of subsection 1 of the said section 2 is amended by striking out the tenth, eleventh and twelfth paragraphs of the description and substituting therefor: 1968-69,  
c. 106, s. 2,  
subs. 1, cl. k.  
amended

“THENCE westerly along a line parallel to the south limit of the road allowance between the said town-

ships

ships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;"

1968-69,  
c. 106, s. 3,  
subs. 5,  
re-enacted

**2.** Subsection 5 of section 3 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Elections  
1972  
Niagara  
Falls

(5) The Minister, for the purposes of the election of council for the City of Niagara Falls for the years 1973 and 1974, may by order,

- (a) redivide the City of Niagara Falls into wards;
- (b) make provision that only persons whose principal place of residence is continuously from the 1st day of January, 1972, to the date of nominations in such wards are eligible to be elected as aldermen for such wards; and
- (c) provide for such other matters as he considers necessary to hold such election.

1968-69,  
c. 106, s. 81a  
(1968-69,  
c. 107, s. 4),  
subs. 1,  
amended

**3.**—(1) Subsection 1 of section 81a of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 4 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is amended by striking out "during the year 1970" in the fourth line, so that the subsection shall read as follows:

Existing  
speed limits  
continued  
R.S.O. 1960,  
c. 172

(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in

the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

(2) Subsection 3 of the said section 81a is amended by striking out "during the year 1970" in the seventh line, so that the subsection shall read as follows:

1968-69,  
c. 106, s. 81a  
(1968-69,  
c. 107, s. 4),  
subs. 3,  
amended

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Existing  
by-laws  
under  
s. 59 of  
R.S.O. 1960.  
c. 172  
continued

4. Clause a of section 116 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "Act" in the fourth line "except subsections 1 to 4 of section 7 thereof", so that the clause shall read as follows:

1968-69,  
c. 106,  
s. 116, cl. a,  
amended

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof; and

R.S.O. 1960,  
c. 298

. . . . .

5. Clause c of subsection 3 of section 118 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

1968-69,  
c. 106,  
s. 118,  
subs. 3,  
cl. c,  
re-enacted

(c) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality.

6. Subsections 2, 3 and 4 of section 130 of *The Regional Municipality of Niagara Act, 1968-69*, are repealed and the following substituted therefor:

1968-69,  
c. 106,  
s. 130,  
subss. 2-4,  
re-enacted

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of

Rates for  
public school  
purposes on  
commercial  
assessment

R.S.O. 1960,  
c. 361

the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for  
public  
school  
purposes on  
residential  
assessment

- (3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for  
secondary  
school  
purposes on  
commercial  
assessment

- (4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for  
secondary  
school  
purposes on  
residential  
assessment

- (5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Regulations  
under  
R.S.O. 1960,  
c. 362 to  
apply

- (6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*

the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

- (7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 126. Application of section

**7.** Section 131 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 106, s. 131, re-enacted

131. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. Transitional adjustments

**8.** Subsection 3 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "Sections 10, 11 and, subject to subsection 3 of section 2" in the first line and inserting in lieu thereof "Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of", so that the subsection shall read as follows: 1968-69, c. 106, s. 163, subs. 3, amended

- (3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations R.S.O. 1960, c. 249

**9.**—(1) Subsection 3 of section 182 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "1971" in the sixth line and inserting in lieu thereof "1972". 1968-69, c. 106, s. 182, subs. 3, amended

(2) Subsection 4 of the said section 182 is amended by striking out "1971" in the fifth line and inserting in lieu thereof "1972". 1968-69, c. 106, s. 182, subs. 4, amended

**10.** Subsection 2b of section 183 of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 8 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is repealed and the following substituted therefor: 1968-69, c. 106, s. 183, subs. 2b (1968-69, c. 107, s. 8), re-enacted

Licensing  
by-law may  
be passed  
by councils  
of cities  
R.S.O. 1960,  
c. 249

(2b) The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69,  
c. 106,  
amended

**11.** *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Courts of  
revision  
continued

184b. The courts of revision constituted for the counties of Lincoln and Welland in the year 1969 shall be deemed to have been and are continued for the purposes of section 85 of *The Assessment Act, 1968-69*, and the Regional Corporation shall be deemed to have been and is authorized to make all necessary expenditures required for such courts of revision.

1968-69,  
c. 6

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short  
title

**13.** This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1970*.