The Municipal Amendment Act, 1980 (No. 2)
CHAPTER 74

An Act to amend The Municipal Act

Assented to December 12th, 1980

HER 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 45 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of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 11, is repealed and the following substituted therefor:

   (3) Where a vacancy occurs in the office of a member of the council of a local municipality after the 31st day of March of an election year as defined in The Municipal Elections Act, 1977, the vacancy shall not be filled by a new election as provided in subsection 1 or 2 but the council shall fill such vacancy in accordance with the provisions of section 44 within forty-five days after the day that the vacancy occurs, but where the vacancy occurs less than forty-six days prior to nomination day for the election to be held in that year the vacancy need not be filled.

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

   239a. The council of every local municipality may pass by-laws for granting gratuities to the members of the fire brigade who have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows and children of persons killed by accident while in the discharge of their duties at fires, or who die from injuries received or from illness contracted while in the service of the municipality as fire fighters.

3.—(1) Subsection 1 of section 248a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 3 and amended by 1975, chapter 56, section 1, is repealed and the following substituted therefor:
(1) Notwithstanding any special provision in this Act or in any other general or special Act related to the making of grants or granting of aid by the council of a municipality, the council of every municipality may, subject to section 248, make grants, on such terms and conditions as to security and otherwise as the council may consider expedient, to any person, institution, association, group or body of any kind, including a fund, within or outside the boundaries of the municipality for any purpose that, in the opinion of the council, is in the interests of the municipality.

(2) Subsections 2 and 4 of the said section 248a, as enacted by the Statutes of Ontario, 1975, chapter 56, section 1, are repealed and the following substituted therefor:

(2) The power to make a grant includes,

(a) the power to guarantee a loan and to make a grant by way of loan and to charge interest on the loan;

(b) the power to sell or lease land for nominal consideration or to make a grant of land, where the land being sold, leased or granted is owned by the municipality but is no longer required for its purposes, and includes the power to provide for the use by any person of land owned or occupied by the municipality upon such terms and conditions as may be fixed by the council;

(c) the power to sell, lease or otherwise dispose of, at a nominal price, or to make a grant of, any furniture, equipment, machinery, vehicles or other personal property of the municipality or to provide for the use thereof by any person on such conditions as may be fixed by the council; and

(d) the power to make donations of foodstuffs and merchandise purchased by the municipality for such purpose.

(4) In this section,

(a) “land” includes a building or structure or a part thereof;

(b) “person” includes a municipality as defined in The Municipal Affairs Act and includes a metropolitan, regional and district municipality and the County of Oxford.

4. The said Act is further amended by adding thereto the following sections:
248b. The council of every municipality may provide for,

(a) offering awards and gifts to persons whose actions or achievements are, in the opinion of council, worthy of note; and

(b) establishing competitions and awarding prizes therefor.

248c.—(1) The council of every municipality may pass by-laws for providing fellowships, scholarships and other similar prizes and for paying all or part of the costs incurred or to be incurred by any person, including an officer or servant of the municipality, as a result of his attendance at an educational institution or as a result of his enrollment elsewhere in any program or course of instruction, training or education.

(2) In this section, “costs” includes tuition fees, costs of books and other materials used in connection with a course or program, and costs of food, travel and accommodation.

5. Section 249 of the said Act is amended by adding thereto the following subsections:

(3) Where a local board is a local board of more than one municipality, the local board may destroy its receipts, vouchers, instruments, rolls or other documents, records and papers,

(a) after having obtained the approval of the Ministry; or

(b) in accordance with a resolution passed by the board and approved by a majority of the municipalities for which the board is a local board if such majority of municipalities is represented by at least one-half of the municipally appointed members on the local board and also if the resolution has been approved by the auditor of the local board.

(4) A resolution passed under subsection 3 shall establish schedules of retention periods during which the receipts, vouchers, instruments, rolls and other documents, records and papers must be kept by the local board.

(5) For the purposes of subsection 3, a member of a municipal council who serves pursuant to this or any other Act as an ex officio member of a local board shall be deemed to be a municipally appointed member of that local board.

6. The said Act is further amended by adding thereto the following section:
254a.—(1) In this section, “Crown” means Her Majesty the Queen in right of Ontario and includes any agency, board or commission thereof.

(2) A municipality and the Crown may enter into and perform agreements on such terms and conditions as may be set out in the agreement,

(a) for the use of,

(i) any of the real and personal property, and

(ii) the services of any of the officers and servants,

of the municipality or the Crown;

(b) for the supply of any service, under the jurisdiction of the municipality;

(c) for jointly acquiring any real or personal property.

(3) For the purposes of carrying out agreements entered into under this section, the territorial jurisdiction of the council of a municipality is not confined to the municipality that it represents.

7.—(1) Clause e of subsection 2 of section 293 of the said Act is repealed and the following substituted therefor:

(e) agreements for area fire protection under clause c of paragraph 25 of subsection 1 of section 354.

(2) Clause b of subsection 3 of the said section 293, as amended by the Statutes of Ontario, 1972, chapter 124, section 5, is further amended by striking out “37, 44, 71” in the second line.

(3) Subsection 3 of the said section 293, as amended by the Statutes of Ontario, 1972, chapter 124, section 5, 1973, chapter 83, section 3, 1976, chapter 69, section 4, 1977, chapter 48, section 5 and 1979, chapter 63, section 5, is further amended by adding thereto the following clauses:

(q) under section 248a in respect of public hospitals, including municipal hospitals, public sanatoria, or municipal isolation hospitals and nurses’ residences therewith;

(r) under section 248a in respect of the maintenance or operation of a public park outside the municipality;
(s) under section 248a in respect of the Royal Botanical Gardens; or

(l) for providing money for the acquisition of land and the erection of buildings required for the purpose of a fire department and for the acquisition and installation of fire engines, apparatus and appliances for use in connection with the fire-fighting and fire protection services offered by the fire department.

8. Section 351 of the said Act is repealed.

9.—(1) The following paragraphs of section 352 of the said Act are repealed:

1. Paragraphs 11, 12, 15, 28, 30, 31, 36, 37, 38, 43, 44 and 71.


(2) Paragraphs 9 and 10 of the said section 352 are repealed and the following substituted therefor:

9. For establishing, operating, maintaining and improving aerodromes in compliance with the Air Regulations (Canada), and for entrusting the control and management of any aerodrome so established to a commission appointed by the council.

(a) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in any adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization, or may acquire by lease or otherwise an existing aerodrome in any municipality or in territory without municipal organization.

10. For any of the elected or appointed officers of the corporation becoming members of any municipal union or association or any other association for extending and improving the technical skill of such officers in the discharge of their municipal duties and for paying the whole or part of the fees for such membership and for paying the expenses of such officers attending any meeting of the association or upon its business.

(3) Paragraph 13 of the said section 352, as amended by the Statutes of Ontario, 1975, chapter 56, section 4, is repealed and the following substituted therefor:
13. For the corporation becoming a member of or for appointing a representative to the membership of any association or organization where in the opinion of council it would be in the interests of the municipality to do so, and for paying the fees for such membership and for paying the expenses of delegates or representatives to any meeting of the association or organization or upon its business and for making contributions for the expenses of the association or organization.

(4) The said section 352 is amended by adding thereto the following paragraphs:

21a. For regulating and governing public fairs.

23a. For providing for disseminating information respecting the advantages of the municipality as an industrial, agricultural, business, educational, residential or vacation centre.

(a) The power conferred by this section may be exercised jointly by two or more municipalities.

(5) Subparagraph ii of paragraph 66 of the said section 352 is repealed and the following substituted therefor:

(ii) group accident insurance or group sickness insurance for employees or any class thereof and their wives or husbands and children, and

10.—(1) Paragraph 24 of subsection 1 of section 354 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 175, section 5, is amended by adding thereto the following clause:

(a) A by-law passed under this paragraph may be made applicable to the whole municipality or to one or more defined areas thereof as set out in the by-law.

(2) Paragraphs 25 and 26 of subsection 1 of the said section 354 are repealed and the following substituted therefor:

25. For providing fire-fighting and fire protection services and for establishing, operating, promoting and regulating life and property saving companies.

(a) A municipality under this paragraph may establish, maintain and operate a fire department to serve only a
defined area of the municipality, in which case, a special annual rate may be levied by the municipality on all the rateable property in the defined area sufficient to pay all or part of the costs incurred in the establishment, maintenance and operation of the fire department including any amounts owing in respect of debentures issued in connection therewith.

(b) The power conferred by this paragraph may be exercised jointly by two or more municipalities upon such basis as to the distribution of cost as the municipalities may agree and each municipality shall issue its own debentures for its share of the capital cost of providing the joint fire service.

(c) The power conferred by this paragraph includes the power,

(i) to enter into agreements with any other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed or, failing agreement, as may be determined by the Municipal Board for the use of the fire-fighting equipment of the other municipality or person, or any of it, in the event of fire in any defined area of the municipality, and

(ii) to levy a special annual rate on all the rateable property in the defined area to defray the expenses incurred under and incidental to the agreement referred to in subclause i,

but, notwithstanding any provision in the agreement, no liability accrues to the other municipality or person for failing to supply the use of the fire-fighting equipment or any of it.

(3) Paragraph 33 of subsection 1 of the said section 354 is amended by striking out “defined areas of” in the third line.

(4) Paragraph 38 of subsection 1 of the said section 354 is repealed.

(5) Paragraph 44 of subsection 1 of the said section 354 is amended by adding thereto the following clause:

(a) by-laws passed under this paragraph and paragraphs 33 to 43 may be made applicable to the whole municipality or to one or more defined areas thereof as set out in the by-law.
(6) Subsection 1 of the said section 354 is amended by adding thereto the following paragraphs:

44a. For authorizing the head of council or, in case of the absence of the head of council, any member of the council, in the event of an emergency arising in the municipality by reason of timber or forest fires, to call out such number of inhabitants of the municipality as may be necessary to fight and put out any such fires, and for fixing the amount of the remuneration to be paid to such inhabitants for the services rendered by them.

62b. For acquiring land in the municipality for a drill-shed or armoury for any militia or volunteer corps having its headquarters in the municipality.

62c. For establishing, erecting and maintaining an institution for the treatment of alcoholics.

62d. For establishing, maintaining and operating markets and for regulating such markets and any other markets located within the municipality.

(a) A by-law passed under this paragraph may,

(i) provide for charging market fees to vendors in a market established by the council and for prohibiting persons from selling or exposing things for sale in such a market if the fee has not been paid, and

(ii) regulate the hours of operation of any market within the municipality.

62e. For prohibiting or regulating sales by retail in the highways or on vacant lots adjacent to them and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

(a) A by-law passed under this paragraph may be made applicable to the whole municipality or to any defined areas thereof.

62f. For erecting and maintaining weigh scales within the municipality or within an adjacent municipality, and charging fees for the use thereof.
69a. For purchasing any wet land in the municipality, the price for which, in case of Crown lands, shall be fixed by the Lieutenant Governor in Council, and for draining such land.

75a. For acquiring, with the consent of the council thereof, land in any other municipality required for preventing the municipality or any part of it from being flooded by surface or other water flowing from such other municipality, or for an outlet for such water, and for constructing, maintaining and improving drains, sewers and watercourses in the land so acquired.

81a. For requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used.

81b. For regulating the construction, erection, alteration or repairing of water tanks and water towers whether on buildings or elsewhere, and for prohibiting the construction, erection, altering or repairing of them contrary to such regulations.

97a. For numbering the buildings and lots along any highway, beach, park, reserve or any other property in the municipality that it is considered necessary to number by the council, and for affixing numbers to the buildings and for charging the owner or occupant with the expense incident to the numbering of his lot or property.

(a) Such expense may be collected in the same manner as taxes, and, if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

97b. For keeping, and every such council shall keep, a record of the highways, beaches, parks, reserves and of the numbers of the buildings, lots, and other property, if any, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection.
107c. For authorizing and assigning stands on the highways and in public places for motor vehicles not kept for hire, and for motor vehicles and other vehicles kept for hire, and regulating the use of the stands, and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places for the protection or shelter of the drivers of such motor vehicles and other vehicles kept for hire, but no such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land.

113a. For prohibiting any person driving or in charge of a motor vehicle, other than a commercial motor vehicle, from allowing such motor vehicle to stand unattended unless it is locked in such a manner as to prevent its operation by any person not authorized by the owner, driver or person in charge.

(a) In this paragraph, “motor vehicle” and “commercial motor vehicle” mean “motor vehicle” and “commercial motor vehicle” as defined in The Highway Traffic Act.

117a. For requiring vacant lots to be properly enclosed.

120a. For empowering officers of the municipality upon the complaint of the owner or occupant of any premises, to enter upon such premises and the land and any buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed pigeons that are causing annoyance to the owner or occupant or damages to such premises.

139a. For licensing, regulating and governing laundries.

(a) A by-law passed under this paragraph shall not apply to or include individuals carrying on a laundry business in private dwelling houses.

139b. For licensing, regulating, governing and inspecting massage parlours and such by-laws may provide for the enforcement thereof through the medical health department or the police department of the municipality.
139c. For licensing, regulating and governing sandblasters and other persons who for gain use chemicals or pressurized air, water, steam, sand or other abrasives to clean or restore the exteriors of buildings or other structures.

(7) Subsections 2 and 3 of the said section 354 are repealed.

11. Subsection 22 of section 355 of the said Act is repealed.

12. The following sections of the said Act are repealed:

1. Section 363, as amended by the Statutes of Ontario, 1979, chapter 63, section 8.


4. Section 370.


6. Section 375.

7. Section 379.

8. Section 380.

9. Section 395, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 11.


11. Section 459.

13. Section 368 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 69, section 13, is repealed and the following substituted therefor:

368. By-laws may be passed by the councils of cities and towns for placing the control and management of sewage works under a commission established under The Public Utilities Act but the by-law shall not be passed without the assent of the electors.

14. Paragraphs 1 and 9 of section 373 of the said Act are repealed.
15. Paragraphs 1 and 2, as re-enacted by the Statutes of Ontario, 1972, chapter 124, section 12, and paragraphs 3, 4 and 7 to 15 of section 376 of the said Act are repealed.

16. Clause (d) of paragraph 1 of subsection 1 of section 381 of the said Act is repealed and the following substituted therefor:

(d) Nothing in this paragraph affects the powers to pass by-laws under paragraph 62d of subsection 1 of section 354, paragraph 1 of section 382, and paragraphs 16 and 17 of section 383.

17. Clauses (a) and (b) of paragraph 1 of section 382 of the said Act are repealed and the following substituted therefor:

(a) Nothing in this paragraph affects the powers conferred by paragraph 62d of subsection 1 of section 354.

18. Paragraphs 1 and 2 of section 386 of the said Act are repealed.

19. Section 389g of the said Act, as enacted by the Statutes of Ontario, 1979, chapter 101, section 9, is repealed and the following substituted therefor:

389g.—(1) Notwithstanding sections 389a to 389f, a conservation authority is responsible for establishing and paying the remuneration and expenses of the members of the conservation authority appointed by its participating municipalities, unless the conservation authority on or before the 15th day of November in the year preceding the year for which such resolution applies passes a resolution transferring the responsibility for establishing remuneration and expenses to the participating municipalities, in which case the remuneration and expenses shall be established and paid in accordance with section 389f.

(2) A resolution passed by a conservation authority under subsection 1 in any year shall take effect on the 1st day of January in the immediately following year.

20. Subsection 4 of section 443 of the said Act is repealed and the following substituted therefor:

(4) The powers conferred by subsection 1 shall not be exercised without the consent of the Governor General in Council in respect of,
(a) any street, lane or thoroughfare made or laid out by Her Majesty's Ordinance or the Provincial Secretary of State in whom the Ordinance estates became vested under the Act of the late Province of Canada passed in the 19th year of the reign of Her Late Majesty Queen Victoria, Chapter 45, or under Chapter 24 of the Consolidated Statutes of Canada, or made or laid out by the Government of Canada;

(b) any land owned by the Crown in right of Canada; or

(c) any bridge, wharf, dock, quay or other work vested in the Crown in right of Canada,

and the consent of the Governor General in Council shall be recited in the by-law, but the by-law shall not be quashed or open to question because of the omission to recite it if the consent has been given.

21. Section 452 of the said Act is repealed and the following substituted therefor:

452. The council of a municipality in unorganized territory may pass by-laws for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or unorganized township or in adjoining unsurveyed territory.

22. Paragraph 4 of section 453 of the said Act is repealed and the following substituted therefor:

4. For setting apart and laying out so much of any highway as the council may consider expedient for the purposes of a bicycle path or foot path and for the regulation of the use of such a bicycle path or foot path.

23. Subsection 7 of section 457 of the said Act is repealed.

24. Paragraph 7 of section 460 of the said Act is repealed and the following substituted therefor:

7. To provide for placing, regulating and maintaining upon the public highways traffic signs for the purposes of guiding and directing traffic.

25. Section 466 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 17, is repealed and the following substituted therefor:
466. By-laws may be passed by the councils of all municipalities and by boards of commissioners of police for imposing fines of not more than $2,000, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act.

266.—(1) Section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25 and amended by 1973, chapter 175, section 9, 1974, chapter 136, section 25, 1979, chapter 50, section 2 and 1979, chapter 101, section 11, is further amended by adding thereto the following subsections:

(6a) Where a council or the Assessment Review Court has made a decision in any year under subsection 6 to cancel, refund or reduce taxes for that year in respect of a building mentioned in clause c of subsection 1 and where subsequently the council or the Assessment Review Court, as the case may be, is satisfied that the building has been reconstructed or repaired and has been returned to use prior to the end of that year, the council or the Assessment Review Court, as the case may be, may direct that such portion as it considers appropriate of the tax reduction or of the taxes that were cancelled or refunded be restored to the collector’s roll as taxes owing for that year and such a direction may be made at any time up to the 28th day of February of the immediately following year.

(6b) No direction shall be made under subsection 6a in respect of taxes on any building without first affording an opportunity to be heard to any person who, according to the collector’s roll, would be chargeable for the taxes if a portion thereof were restored to the collector’s roll.

(6c) The provisions of this section respecting an appeal of a decision made under subsection 6 apply with necessary modifications to a direction made under subsection 6a.

(6d) Taxes restored to a collector’s roll for any year pursuant to a direction made under subsection 6a shall, upon notice to the person chargeable therewith, become payable as part of the next installment of taxes payable by that person in that year following the giving of a notice or demand therefor and where no installment remains payable in the year following the giving of the notice or demand or where the notice or demand is given in the next following year, the taxes mentioned in the notice shall become due and payable or in arrears, as the case may be, on the fifteenth day following the giving of the notice or demand, and where the notice or demand was given in the next following year interest added under section 553 shall accrue from the date that the taxes became due and payable, or in arrears, and not from the 31st day of December of the year in which the taxes were levied.
(2) Subsection 7 of the said section 636a, as amended by the Statutes of Ontario, 1973, chapter 175, section 9, is further amended by striking out "31st day of March" in the second line and inserting in lieu thereof "30th day of April".

(3) Subsection 7a of the said section 636a, as enacted by the Statutes of Ontario, 1973, chapter 175, section 9, is amended by striking out "31st day of March" in the third and fourth lines and inserting in lieu thereof "30th day of April".

(4) Subsection 9 of the said section 636a is amended by striking out "31st day of March" in the seventh line and inserting in lieu thereof "30th day of April".

27.—(1) This Act, except paragraph 8 of section 12, comes into force on the day it receives Royal Assent.

(2) Paragraph 8 of section 12 comes into force on the 1st day of January, 1983.
