c 124 The City of Hamilton Act, 1979 (No. 1)

Ontario
CHAPTER 124

An Act respecting the City of Hamilton

Assented to November 13th, 1979

WHEREAS The Corporation of the City of Hamilton hereby applies for special legislation in respect of the establishment, operation, maintenance and management of pedestrian malls and ways in the City of Hamilton; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

(a) "authority" means a pedestrian mall or way authority established under subsection 1 of section 3;

(b) "Corporation" means The Corporation of the City of Hamilton;

(c) "council" means the council of the Corporation.

2. Where council has passed a by-law under paragraph 110 of subsection 1 of section 354 of The Municipal Act and subject to the approval of the Ontario Municipal Board, the costs of establishing, operating, maintaining and managing a pedestrian mall or way, including the cost of providing appurtenances, street furniture, municipal services and amenities for the purpose of a pedestrian mall or way, in the City of Hamilton shall be,

(a) paid by the owners of the property abutting the pedestrian mall or way; or

(b) apportioned between the Corporation and the owners of the property abutting the pedestrian mall or way,

as the council may prescribe and the owners' portion of the cost shall be specially assessed upon the lots abutting directly on the pedestrian mall or way, and the provisions of The Local Improvement Act apply thereto with necessary modifications.
3.—(1) The council may pass by-laws for establishing one or more pedestrian mall or way authorities, each to be known as "The .................. Pedestrian Mall Authority".

(2) The council may entrust to each authority the construction, reconstruction, maintenance, control, operation and management of a pedestrian mall or way and for doing all such things as council determines in respect of the pedestrian mall or way for each location.

(3) An authority is a body corporate and shall consist of at least three members appointed by council, of whom at least one member shall be a member of council.

(4) The members of an authority shall hold office until the expiration of the term of the council that appointed them.

(5) Members of an authority shall hold office until their successors are appointed and be eligible for reappointment and, where a person ceases to be a member before the expiration of his or her term, the council shall appoint another person for the unexpired term of the person who ceases to be a member.

(6) The council may at any time terminate the office of a member of an authority.

(7) The members of an authority shall elect annually a chairman and vice-chairman, from amongst themselves, who shall have the power to sign any document on behalf of the authority.

(8) The vice-chairman shall act in the place and stead of the chairman when the chairman is absent.

(9) A majority of members of an authority constitutes a quorum.

(10) Each member of an authority shall have only one vote.

(11) An authority may appoint, hire, or otherwise engage a secretary to the authority, and such other persons as it requires to carry out the objects entrusted to it under subsection 2.

(12) An authority may determine the qualifications, responsibilities, duties, positions, remuneration, terms and conditions of employment or service of the secretary, officers, servants, employees or other persons engaged or employed by the authority.

(13) A record of all meetings of an authority shall be kept in a book for that purpose and all by-laws, resolutions, minutes of the
meetings, orders, directions and proceedings shall be entered in the book and be duly signed by the chairman or, in the chairman's absence, by the vice-chairman of the meeting and by the secretary of the authority.

(14) An authority shall keep all such proper books of account and accounting records with respect to the financial transactions of the authority and the books and records shall be kept and maintained to the satisfaction of the City Treasurer and audited as council may require.

(15) An authority shall prepare an annual budget at the commencement of each calendar year, being a detailed budget of revenue and expenditure and shall submit the estimates to council not later than the 14th day of January in each year.

(16) No budget of estimated revenues and expenditures shall be adopted and implemented by an authority for a fiscal period prior to approval by the council.

(17) An authority may incur within the limits of the approved budget, expenses and pay salaries, fees and any other sums of money required by the authority as it requires to carry out the objects entrusted to it under subsection 2.

(18) The accounts and transactions of an authority shall be audited by the auditor of the City.

(19) An authority shall prepare an audited annual report which shall be submitted to council not later than the 31st day of March in each year.

(20) The fiscal year of an authority shall be the same as the fiscal year of the Corporation.

(21) The council may require an authority to make all such reports as it requires relating to the objects entrusted to it under subsection 2.

(22) In addition to the powers vested in, and the duties upon the authority by section 26 of The Interpretation Act, an authority has the following powers:

1. To enact by-laws and pass resolutions for the operation, government and control of its affairs and undertakings.

2. With the approval of the council, unless council otherwise provides by by-law, to carry out all or any of the objects entrusted to it under subsection 2.
3. With the approval of the council, unless council otherwise provides by by-law, to do all such things as are incidental or conducive or necessary to the attainment of the objects entrusted to it under subsection 2.

(23) Upon the dissolution of an authority, its undertakings, assets and liabilities shall vest in and be assumed by the Corporation.

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

5. The short title of this Act is *The City of Hamilton Act, 1979.*