1978

c 101 The Municipal Amendment Act, 1978 (No. 3)

Ontario
CHAPTER 101

An Act to amend The Municipal Act

Assented to December 15th, 1978

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


2. Clause a of subsection 2 of section 312 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 12, and amended by 1976, chapter 51, section 9, is further amended by striking out "or" at the end of sub clause iv and by adding thereto the following subclause:

(v) term deposits accepted by a credit union as defined in The Credit Unions and Caisses Populaires Act, 1976; or

3. Section 352 of the said Act is amended by adding thereto the following paragraphs:

24a. For providing for keeping in the custody of the municipality things of historical value or interest donated or loaned to the municipality and for entering into agreements with the donor or lender for the keeping of such things.

(a) Section 216 does not apply to records, books, accounts and documents in the custody of a municipality pursuant to an agreement under this paragraph where the agreement contains provisions respecting the access of the public to such things.

(b) Notwithstanding clause a or the terms of the agreement, section 216 applies where an agreement under this paragraph is made with a person who at the time of executing the agreement was an
employee or a member of the council of the municipality.

61. For closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law any highway or portion of a highway under the jurisdiction of the council for such social, recreational, community or athletic purpose, or combination of such purposes, as may be specified in the by-law.

(a) Clauses a and b of paragraph 60 apply with necessary modifications to every municipality where the council of the municipality has passed a by-law under this paragraph.

(b) A by-law under this paragraph may prohibit the use, except for pedestrian traffic, of the highway or portion of the highway so closed during the period of closure except under the authority of a permit issued under the by-law upon such terms and conditions, including such fee for the permit, as may be set out in the by-law.

4.—(1) Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

62a. For entering into agreements with a condominium corporation incorporated under The Condominium Act for,

i. maintaining and repairing roads on the condominium property,

ii. clearing away and removing snow and ice from roads on the condominium property, and

iii. maintaining and repairing sewer pipes and water pipes installed on the condominium property for connecting buildings and other structures on the property with the sewage or water works of the municipality and for maintaining and repairing fire hydrants installed on the property,

and the agreement may be upon such terms and conditions, including terms as to the payment of fees, as are agreed upon.

(a) Where a municipality has entrusted the management of,
(i) its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements with condominium corporations for the purposes, in relation to water works, mentioned in subparagraph iii of this paragraph, or

(ii) its sewage works and its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements for the purposes mentioned in subparagraph iii of this paragraph.

(2) Paragraph 97 of subsection 1 of the said section 354, as amended by the Statutes of Ontario, 1976, chapter 69, section 10, is repealed and the following substituted therefor:

97. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

(a) A by-law changing the name of a highway has no effect until a copy of it, certified under the hand of the clerk and the seal of the corporation, has been registered in the proper land registry office.

(b) Before passing a by-law for changing the name of a highway,

(i) notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality, and

(ii) the council shall hear any person who claims that he will be adversely affected by the by-law and who applies to be heard.

(3) Subsection 1 of the said section 354 is further amended by adding thereto the following paragraphs:

107a. For,

i. allowing the parking of motor vehicles or any class or classes thereof on designated parts of highways for specified periods and during specified hours pursuant to permits issued,
ii. charging such fee as the council may determine for the privilege of parking for such periods and during such times as the by-law provides,

iii. providing for the commencement, expiry and cancellation of permits and the refunding of the fee for the unexpired portion of the permit period,

iv. prohibiting the parking, standing or stopping of motor vehicles on the designated highways or the designated parts of highways during specified hours except by authority of a permit, and

v. providing for exemptions from parking, standing or stopping prohibitions of any by-law of the corporation regulating traffic where a permit is used.

(a) A by-law passed under this paragraph that affects a highway designated as a connecting link or extension of the King's Highway under subsection 1 of section 19 of The Public Transportation and Highway Improvement Act has no effect until it is approved by the Minister of Transportation and Communications.

(b) Clause a of paragraph 107 applies with necessary modifications to a by-law passed under this paragraph.

107b. For exempting, pursuant to permits issued, the owners and drivers of vehicles operated by or carrying a physically handicapped person, as defined by the by-law, from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of motor vehicles on any highway or part thereof under the jurisdiction of the council.

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

(ii) may provide for the issuing of permits in respect of vehicles that are operated by or that carry a physically handicapped person, as defined in the by-law,

(ii) may provide for the manner by which such vehicles shall be identified,
(iii) may regulate or prohibit the parking, standing or stopping of motor vehicles in respect of which a permit has been issued pursuant to a by-law passed under this paragraph and the provisions authorized by this subclause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of motor vehicles on a highway or part thereof under the jurisdiction of the council, and

(iv) shall prohibit the improper use or acquisition of a permit or any decal or other identifying marker issued in connection with the permit.

(4) Paragraphs 112 and 113 of subsection 1 of the said section 354 are repealed and the following substituted therefor:

112. For prohibiting the parking or leaving of motor vehicles,

1. on private property without the consent of the owner or occupant of the property, and

ii. on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be.

(a) A by-law passed under this paragraph may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

(b) Subsection 13 of section 116 of The Highway Traffic Act and clause a of paragraph 107 of this section apply, with necessary modifications, to a by-law passed under this paragraph.

(c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent.
(d) Subject to clause f, the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the owner or occupant of the property given to a constable or officer appointed for the carrying out of the provisions of the by-law.

(e) Where an owner or occupant of property affected by a by-law passed under this paragraph has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.

(f) A special constable appointed under The Police Act, in respect of a particular property, to enforce a by-law passed under this paragraph shall be deemed to have the written authority of the owner or occupant of the property to enforce the by-law, and such special constable is not required to receive a written complaint before enforcing the by-law.

(g) In this paragraph,

(i) “owner” when used in relation to property means,

(A) the registered owner of the property,

(B) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property,
(C) the spouse of a person described in sub-subclause A or B,

(D) where the property is included in a description registered under *The Condominium Act*, the board of directors of the condominium corporation,

(E) a person authorized in writing by the property owner as defined in sub-subclause A, B, C or D to act on the owner’s behalf for requesting the enforcement of a by-law passed under this paragraph,

(ii) “occupant” means,

(A) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,

(B) the spouse of a tenant,

(C) a person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,

(D) a person authorized in writing by an occupant as defined in sub-subclause A, B or C to act on the occupant’s behalf for requesting the enforcement of a by-law passed under this paragraph.

113. Requiring all residents in the municipality owning and using any wheeled vehicle or any class or classes thereof, other than a motor vehicle and a trailer as defined in *The Licences for wheeled vehicles*
Highway Traffic Act and a wheeled vehicle used for farming purposes, to obtain a licence therefor before using it upon any highway of the municipality.

(a) A by-law under this paragraph,

(i) may limit the weight or size of loads that may be carried on wheeled vehicles to which the by-law applies,

(ii) may regulate the issuing of the licences, and

(iii) may fix, and provide for the collection of, an annual fee for such licences which may be in different amounts for different classes of vehicles.

(5) Subsection 1 of the said section 354 is further amended by adding thereto the following paragraph:

131a. For requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for the sole use of vehicles operated by or conveying a physically handicapped person and in respect of which a permit has been issued under a by-law passed by the council under paragraph 107b and for prohibiting the use of such spaces by other vehicles.

(a) A by-law passed under this paragraph may specify the dimensions of parking spaces to be provided for the sole use of vehicles operated by or carrying a physically handicapped person and for the number of such spaces to be provided by each owner or operator of a parking lot or other parking facility, which number may be based upon a proportion of the total number of parking spaces in the parking lot or parking facility to which the public has access.

5. Section 362a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 83, section 7, is amended by adding thereto the following subsection:

(1a) A by-law passed under subsection 1 may provide for exempting owners of buildings, or any such class or classes thereof as may be specified in the by-law, in the municipality or in any defined area thereof from the application of the provisions of the by-law requiring the connection of such buildings or such class or classes thereof to the sewage works or water works of the municipality upon payment by the owner.
to the municipality of such amounts or of amounts computed by such method as may be provided for in the by-law, and the amounts or method of computation provided for may be different for owners of different classes of buildings, and the by-law may provide for the manner in which and the period for which the payments shall be made.

6. Section 377 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 136, section 17, is further amended by adding thereto the following paragraph:

1b. A by-law passed under paragraph 1 for the licensing of owners and drivers of cabs may provide that its provisions, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the Department of Transport Act R.S.C. 1970, c. T-15.

7. Section 389 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by adding thereto the following subsection:

(3) A by-law passed under subsection 1 may provide for the payment of a specified amount or amounts calculated according to a specified rate in lieu of the amount of actual expenses incurred in respect of items of expenditure specified in the by-law where the specified amounts or rates, in the opinion of the council, reasonably reflect the actual expenses that would be incurred.

8. Section 389b of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor:

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section 389a as are actually incurred as a result of their acting in their capacity as members of the local board or other body, and as are authorized by the by-law, and subsections 2 and 3 of section 389 apply with necessary modifications to a by-law passed under this section.
9. Section 389c of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor:

389c.—(1) Notwithstanding the provisions of any general or special Act but subject to subsection 2, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e in respect of his membership on the local board.

(2) Notwithstanding subsection 1, where a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e is the chairman or vice-chairman of a local board, the board may provide for the payment to such chairman or vice-chairman of such remuneration and expenses as may be established by the council of the municipality, or, where more than one municipality is concerned, as established by the board, and such remuneration or expenses may be in addition to the remuneration or expenses paid to such person under any other section of this Act or under any other general or special Act in respect of his membership on the board.

10. Subsection 1 of section 389d of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by inserting after "or" in the fifth line "as".

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

390a.—(1) The council of every municipality may pass by-laws for contracting for insurance to protect the members of the council or of any local board thereof, as defined in The Municipal Affairs Act, against risks that may involve liability on the part of such members and for paying premiums therefor or for paying any damages or costs awarded against any such members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as members or officers of the municipality or local board including while acting in the performance of any statutory duty imposed by any general or special Act or for paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding.

(2) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members.
12. Section 391 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 24, is amended by adding thereto the following subsection:

(2) No payments shall be made under subsection 1 to,

(a) the members of a school board;

(b) the members of a hydro-electric commission;

(c) the members of a public utilities commission;

(d) the trustees of a police village; or

(e) the members of a board of trustees of a police village.

13.—(1) Notwithstanding this Act or The Municipal Amendment Act, 1978, being chapter 32, for the period commencing on the 20th day of June, 1978, and ending on the 31st day of December, 1979, any rate, remuneration, expense or allowance paid to a member of the council of a municipality or a local board thereof or to an officer or servant of a municipality or a local board thereof in accordance with the provisions of The Municipal Act or any other general or special Act, as such Acts existed on the 19th day of June, 1978, shall be deemed not to be improperly paid by reason only of the fact that the payment was not made in accordance with the provisions of The Municipal Act, as amended by this Act, or The Municipal Amendment Act, 1978, being chapter 32.

(2) Notwithstanding this Act or The Municipal Amendment Act, 1978, being chapter 32, a conservation authority shall, for the year 1979, continue to be responsible for the payment of the remuneration and expenses of the members of the authority appointed by its participating municipalities, unless prior to the 15th day of February, 1979 the conservation authority passes a resolution transferring such responsibility to the participating municipalities.

(3) Notwithstanding section 389d of The Municipal Act, as enacted by The Municipal Amendment Act, 1978, being chapter 32, that section shall be deemed not to require the filing of a statement in respect of remuneration and expenses paid for the years 1978 and 1979.

(4) In this section, “municipality” includes a regional, metropolitan and district municipality and the County of Oxford.
§ 14. Section 429 of the said Act is repealed.

§ 15. Sub-section 6 of section 443 of the said Act is repealed and the following substituted therefor:

(6) A by-law of the council of a township passed under clause c of subsection 1,

(a) in the case of a township in unorganized territory, does not have any force until approved by a judge of the district court of the district in which the township is situated; and

(b) in the case of a township separated for municipal purposes from the county in which it is situated, does not have any force until approved by a judge of the county court of the county in which the township is situated.

(6a) Where the council of a township, other than a township mentioned in subsection 6, intends to pass a by-law under clause c of subsection 1, it shall so notify, in writing, the clerk of the county in which the township is situated by registered mail or by personal service.

(6b) If the council of the county objects to the passing of the proposed by-law in respect of which a notice is given under subsection 6a, it shall so notify the clerk of the township, in writing, by registered mail or by personal service within sixty days of the receipt of the notice by the clerk of the county, and thereupon the proposed by-law shall not be passed except by agreement between the council of the county and the council of the township and, failing agreement, the Municipal Board, upon application, may determine the matter and its decision is final.

(6c) After giving the notice required under subsection 6a, the council of the township may pass a by-law under clause c of subsection 1 where,

(a) the council of the county has by by-law consented to the passing of the by-law by the township; or

(b) the sixty-day period referred to in subsection 6b has elapsed and no notice of objection has been received by the clerk of the township from the council of the county.
and the council of the county shall have no further right of objection.

16. Clause b of subsection 1 of section 446 of the said Act is repealed and the following substituted therefor:

(b) the council shall hear any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

17.—(1) Subsection 1 of section 472 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 13, is repealed and the following substituted therefor:

(1) Every person is qualified to be elected a trustee or to vote at the election thereof.

(a) who is entitled to be an elector under section 12 or 13 of The Municipal Elections Act, 1977 for the election of members of the council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; and

(b) who is not disqualified by this or any other Act from holding the office of trustee or from voting at the election to such office.

(2) Notwithstanding subsection 1 of section 472 of the said Act, as re-enacted by subsection 1 of this section, where in any municipality or locality proceedings in respect of the regular election in 1978 were taken in accordance with subsection 1 of section 472 as it existed on the 19th day of June, 1978, the proceedings shall be deemed not to be invalidated by reason only of the fact the proceedings were not taken in accordance with subsection 1 of section 472 as re-enacted by subsection 1 of this section.

18. Subsection 2 of section 502 of the said Act is repealed and the following substituted therefor:

(2) The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 388 and 389 and section 389d applies with necessary modifications to the secretary-treasurer appointed under subsection 9.
19.—(1) This Act, except sections 2, 7, 8, 9 and subsection 1 of section 17, comes into force on the day it receives Royal Assent.

(2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Sections 7, 8 and 9 and subsection 1 of section 17 shall be deemed to have come into force on the 20th day of June, 1978.

The short title of this Act is The Municipal Amendment Act, 1978 (No. 3).