1976

c 69 The Municipal Amendment Act, 1976 (No. 2)
CHAPTER 69

An Act to amend The Municipal Act

Assented to December 7th, 1976

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

1. Subsection 1 of section 227 of The Municipal Act, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 124, section 2, is repealed and the following substituted therefor:

   (1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable by the council for cause, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in The Municipal Affairs Act, except school boards established under Part III or Part IV of The Education Act, 1974, or under Part VIII of The Regional Municipality of Ottawa-Carleton Act, or under Part VII of The Municipality of Metropolitan Toronto Act.

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

   242a. Where the council of any municipality passes a comprehensive general by-law dealing with all or any of such matters within its jurisdiction as the council considers desirable to include therein (which by-law may be known as “The [name of municipality] Municipal Code”) and such by-law consolidates and includes therein the provisions of any by-law previously passed by the council,

   (a) the provisions in the comprehensive general by-law shall be deemed to have come into force on the day the original by-law came into force; and
(b) any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained in respect of the corresponding provision in the comprehensive general by-law in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the comprehensive general by-law.

3. Clauses b and c of subsection 1 of section 288 of the said Act are repealed and the following substituted therefor:

(b) if the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in twenty years;

(c) if the debt is for the purchase of roadmaking machinery and appliances, in ten years.

4. Clause g of subsection 3 of section 293 of the said Act is repealed and the following substituted therefor:

(g) by the council of an urban municipality for providing such sum as may be required for the purchase of a site in the municipality for an armoury or drillshed for any militia or volunteer corps having its headquarters in the municipality; or

5.—(1) Subsection 1 of section 296 of the said Act is repealed and the following substituted therefor:

(1) If the council of a municipality is of the opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the council may, without the assent of the electors, pass a by-law to amend such by-law so as to provide for,
(a) a different rate of interest;

(b) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;

(c) such other changes in the by-law or any other by-law as to the council may seem necessary to give effect thereto;

(d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

(e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) The said section 296 is amended by adding thereto the following subsections:

(1a) Notwithstanding subsection 1, the council of a municipality having a population of less than 20,000 as determined under The Ontario Unconditional Grants Act, 1975, shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained.

(1b) Notwithstanding subsection 1, the council of a municipality shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained where the by-law represents an increase of more than one-half of 1 per cent in terms of net borrowing cost on any municipal debentures that remain unsold or undisposed of.

6.—(1) Subsection 1 of section 306 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed and the following substituted therefor:

The council of a local municipality may by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the local municipality who are entered on the assessment roll in respect of land assessed as farm land as the annual membership fees of such persons in the Federation of Agriculture.

(2) Subsection 2 of the said section 306, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed.
(3) Subsection 3 of the said section 306 is repealed and the following substituted therefor:

(3) A by-law passed under subsection 1 remains in force until amended or repealed, and it is not necessary to pass such by-law annually.

7.—(1) Subsection 1 of section 308 of the said Act is repealed and the following substituted therefor:

(1) Every municipality as defined in The Municipal Affairs Act and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that, where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

(2) Subsection 4 of the said section 308, as amended by the Statutes of Ontario, 1974, chapter 136, section 10, is repealed and the following substituted therefor:

(4) The council may by by-law provide that the moneys raised for a reserve fund established under subsection 1 may be expended, pledged or applied to a purpose other than that for which the fund was established.

8. Subsection 4 of section 339 of the said Act is repealed and the following substituted therefor:

(4) The by-law shall be binding upon the corporation and shall not be repealed or altered except with leave of the Municipal Board, such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the revesting of the land taken and the payment to each owner of the damages, if any, sustained by him in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and his costs.
9.—(1) Clause f of paragraph 72 of section 352 of the said Act is repealed and the following substituted therefor:

\[\text{(f) Such reserve fund shall be applied,}\]

\[\begin{align*}
\text{(i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and} \\
\text{(ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and} \\
\text{(iii) thirdly, for such other purposes as the council may approve.}\end{align*}\]

(2) Clause a of paragraph 73 of the said section 352 is repealed and the following substituted therefor:

\[\begin{align*}
\text{(a) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be a person qualified to be elected as a member of the council of the municipality, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed.}\end{align*}\]

(3) Clause b of paragraph 73 of the said section 352 is repealed.

(4) Any person holding office as the member of a parking authority established under paragraph 73 of section 352 of The Municipal Act, or any predecessor thereof, at the date this section comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to clause a of paragraph 73 of the said section 352, as re-enacted by subsection 2 of this section.

(5) Clause c of paragraph 74 of the said section 352 is repealed and the following substituted therefor:

\[\begin{align*}
\text{(c) Any such building may be established and equipped as a home or clubhouse for such persons or any class thereof or may be used for such purposes as the council considers proper.}\end{align*}\]
Paragraphs 1, 2 and 3 of subsection 1 of section 354 of the said Act are repealed and the following substituted therefor:

1. For prohibiting or regulating the keeping of animals, or any class thereof, and for restricting the number of animals or any class thereof that may be kept by any person within the municipality or defined areas thereof.

(a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

2. For regulating establishments for the breeding or boarding of animals, or any class thereof, within the municipality or defined areas thereof.

Paragraph 5 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

5. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the being at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law.

Paragraph 49 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

49. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by order of the Board:

i. For buying and storing fuel and such articles of food as may be designated by order of the Board and for selling them to dealers and residents of the municipality.

ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes.

iii. For appointing officers, clerks and servants to manage and conduct such businesses.
iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers.

v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.

(a) The by-law need not be assented to by the electors.

(b) After the by-law has been approved by the Municipal Board, it shall also be approved by the Lieutenant Governor in Council and may then be finally passed by the council.

(4) Clause d of paragraph 50 of subsection 1 of the said section 354, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 10, is repealed.

(5) Clause b of paragraph 53 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

(b) No such by-law requires the assent of the electors.

(6) Paragraph 86 of subsection 1 of the said section 354 is repealed.

(7) Paragraph 87 of subsection 1 of the said section 354, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is repealed and the following substituted therefor:

87. For licensing trailers located in the municipality, except in a trailer camp operated or licensed by the municipality, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer camp operated or licensed by the municipality, without a licence therefor.

(a) In this paragraph, “trailer” means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommoda-
tion of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.

(b) No by-law passed under this paragraph applies to a trailer when located in the municipality only for the purpose of sale or storage.

(c) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than $20 per month.

(d) No license fee shall be charged in respect of a trailer assessed under *The Assessment Act*.

(8) Paragraph 96 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

96. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

(9) Clause a of paragraph 97 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

(a) A by-law for changing the name of a highway does not have any force or 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.

(11)—(1) Subsection 6 of section 361 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 11, is repealed and the following substituted therefor:

(6) A Board of Management established under subsection 1 is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area or nominees of corporations so assessed, provided that such nominees are persons qualified to be elected as members of the council.

(2) Subsection 7 of the said section 361 is repealed and the following substituted therefor:
(7) Each member shall hold office from the time of his appointment until the expiration of the term of the council that appointed him, provided he continues to be qualified, as provided in subsection 6.

(3) Any person holding office as a member of a Board of Management established under section 361 of The Municipal Act at the date this subsection comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to subsection 6 of the said section 361, as re-enacted by subsection 1 of this section.

12. Subsection 18 of section 362 of the said Act is repealed and the following substituted therefor:

(18) The council of a local municipality for the purposes of subsection 16 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just, and where the sewage service rate is based on the water rate it shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of The Assessment Act.

13. Paragraph 4 of section 368 of the said Act is repealed and the following substituted therefor:

4. For purchasing and installing apparatus, appliances and equipment for a police signal system at a cost not exceeding $20,000 in the case of a city and $10,000 in the case of a town, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years.

(a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

14. Paragraph 4 of section 373 of the said Act is repealed and the following substituted therefor:

4. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands
and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

(b) A county council that has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture and Food for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Ministry of Agriculture and Food for such periods and upon such terms and conditions as from time to time may be agreed.

15. Paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, 1972, chapter 124, section 14, and 1974, chapter 136, section 19, is repealed and the following substituted therefor:

15. For licensing, regulating and governing tourist camps, trailer camps and motels.

(a) In this paragraph,

i. “tourist camp” includes auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and

ii. “trailer camp” means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

(b) Any by-law passed under this paragraph, may, among other things,
i. require trailer camps to be divided into lots, each to be made available for the occupancy of one trailer,

ii. provide for the issue of licences for a period of one month or longer to the owner of a trailer camp for each such lot to be made available by such owner for the occupancy of a trailer during the currency of a licence and prohibit the use of any lots for the occupancy of trailers without a licence therefor,

iii. require a licence fee of not more than $20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance, except that where a lot is to be made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence or for occupancy by a trailer that is assessed under The Assessment Act, no licence fee shall be charged.

16. Section 431 of the said Act is repealed and the following section substituted therefor:

431. The corporation of a city or town in which an iron, steel or concrete bridge is constructed may pass a by-law authorizing the issue of and may issue debentures to pay the cost of refooling the bridge, for any term not exceeding ten years and at such rate of interest as the council may determine, provided that such by-law is approved by the Municipal Board.

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

521a.—(1) Notwithstanding section 521, in cities, towns, villages and townships, the council may by by-law authorize the preparation and giving of two separate notices, one notice specifying the amount of taxes payable for all purposes except school purposes and one notice specifying the amount of taxes payable for school purposes, and where a by-law has been passed under this subsection, the collector shall give the notices prepared in accordance with this section and shall not give a notice prepared in accordance with section 521.

(2) Where a council has passed a by-law under subsection 1, each notice prepared pursuant to such by-law
shall have written or printed thereon or attached thereto a schedule specifying the rate or rates, as the case may be, and the total thereof used in calculating the taxes referred to in the notice and also containing any information required to be entered in the collector's roll under section 516 that pertains to the taxes referred to in the notice.

(3) A notice prepared pursuant to a by-law under subsection 1 that specifies the amount of taxes payable for school purposes shall clearly indicate the tax imposed for public, secondary and separate school purposes.

(4) The provisions of subsections 1 and 2 of section 521, relating to the manner of delivering or mailing of the notice, and section 522 apply mutatis mutandis to a notice prepared pursuant to a by-law passed under this section, and such notice shall be deemed for all purposes to be a notice given under section 521.

18. Subsection 3 of section 527 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 15, is repealed and the following substituted therefor:

(3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

(4) As an alternative to a by-law passed under subsection 3, the council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 12 per cent per annum, or such lower rate as the council determines, from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier.

19. Subsection 1 of section 553 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 16, is repealed and the following substituted therefor:

(1) Notwithstanding any special Act, but subject to subsection 2, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law
may increase such rate to a rate not exceeding 1 per cent per month.

(2) Notwithstanding subsection 1 or any special Act, the council of a local municipality may, by by-law, require that the treasurer, collector or county treasurer, as the case may be, add to the amount of all taxes due and unpaid interest at such rate not exceeding 12 per cent per annum as the council determines, from the 31st day of December in the year in which the taxes were levied until the taxes are paid.

(2a) No interest or percentage added to taxes shall be compounded.

20.-(1) This Act, except subsections 6 and 7 of section 10 and sections 12 and 15, comes into force on the day it receives Royal Assent.

(2) Section 12 shall be deemed to have come into force on the 1st day of January, 1975.

(3) Subsections 6 and 7 of section 10 and section 15 come into force on the 1st day of January, 1979.

21. This Act may be cited as The Municipal Amendment Act, 1976.