1937

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Ontario
CHAPTER 95.

The Burlington Beach Act.

1. The locality composed of the lands described in Schedule A hereeto together with any other lands now or hereafter vested in the commission and all accretion to such lands shall continue to form and be known as Burlington Beach under and subject to the jurisdiction of the commission. 1937, c. 11, s. 2.

2. The corporation heretofore known as the “Burlington Beach Commission” herein called the “commission” is continued and shall consist of not less than two nor more than five persons who shall be appointed, and one of them designated as chairman, by the Lieutenant-Governor in Council and who shall hold office during pleasure. 1937, c. 11, s. 3.

3.—(1) Except and subject as otherwise provided in this Act, the commission shall, with respect to Burlington Beach and the government and administration of its affairs and of its inhabitants, be deemed to be a municipal corporation and council of a city for the purposes and within the meaning of The Municipal Act, The Local Improvement Act, The Assessment Act, and every other general Act relating to municipal institutions.

(2) Except and subject as otherwise provided in this Act, the commission with respect to Burlington Beach and the government and administration of its affairs and of its inhabitants shall also for the purposes and within the meaning of the following mentioned Acts be deemed to be,—

(a) The Public Schools Act, an urban public school board;

(b) The Public Health Act, a local board of health;

(c) The Public Utilities Act and The Power Commission Act, a commission having the management and control of a public utility;

(d) The Public Libraries Act, a public library board;
(e) The Municipal Act, a board of police commissioners;

(f) The Public Parks Act, a board of park management;

(g) and, for the purposes of any other general Act pursuant to which the council of a city may appoint any board, commission or other body, such board, commission or other body.

(3) Except as to property of the Crown all real property and accretions thereto and personal property, and any interest therein, now vested in the commission and all rights, powers and privileges now belonging to or exerciseable by the commission shall continue to be vested in, belong to and be exerciseable by the commission.

(4) With respect to property now or hereafter vested in the commission or which it may manage or control, it may demand, collect and recover from any person having the occupation or use thereof any money due for rent or otherwise and with the approval of the Lieutenant-Governor in Council, may dispose of, by sale, lease or otherwise, any such property.

1937, c. 11, s. 4.

4.—(1) Burlington Beach shall continue to be and remain separate and withdrawn from the County of Wentworth and Township of Saltfleet for municipal and school purposes.

(2) For judicial purposes, Burlington Beach shall continue to remain a portion of the said county and, notwithstanding anything in The Municipal Act contained, the commission shall pay annually on or before the 1st day of December the sum of $250 to the corporation of the said county in full satisfaction of all liability to the said county.

(3) For purposes of elections to the Assembly, Burlington Beach shall continue to remain a portion of the Township of Saltfleet and all persons in Burlington Beach possessing the necessary qualifications shall for the said purposes be entitled to be placed on the voters’ lists of the said township; and for the said purposes the secretary of the commission shall annually, within thirty days after the return of the annual assessment roll of Burlington Beach, prepare and furnish to the clerk of the said township a list of persons so qualified and for his information shall furnish all particulars required in preparing a voters’ list pursuant to The Voters’ Lists Act.

1937, c. 11, s. 5.
5.—(1) At the first meeting of the commission in each year one of the members shall be elected as vice-chairman for the year who, in the absence of the chairman, shall have all the rights, powers, privileges and duties of the chairman, and in the absence at any meeting of the commission of the chairman and vice-chairman, the remaining members present shall elect one of their number to preside at such meeting.

(2) The chairman of the commission and, in his absence, the vice-chairman shall have all the rights, powers, privileges and duties of the mayor of a city.

(3) A majority of the members of the commission shall be necessary to form a quorum.

(4) The commission shall have a common seal which shall be affixed to or impressed on all its by-laws, contracts and engagements.

(5) No action of any kind whatsoever shall be brought against the commissioners or any of them, personally, for anything done or omitted to be done under the authority of this or any other Act, without the consent of the Lieutenant-Governor in Council. 1937, c. 11, s. 6.

6. No by-law, resolution, transaction or proceeding of the commission shall for its validity require to be submitted to or receive the assent of the inhabitants, electors or ratepayers of Burlington Beach. 1937, c. 11, s. 7.

7.—(1) The commission shall appoint a secretary thereof who, subject to the by-laws of the commission shall, with respect to Burlington Beach and the administration of its affairs and of its inhabitants, have and may exercise all the authority, power and rights and shall perform all the duties which, by statute or by-law, are or may be conferred or imposed upon the clerk, treasurer, assessment commissioner and collector of a city and the secretary and treasurer of the several boards, commissions and other bodies referred to in section 3.

(2) The commission may by by-law confer or impose upon the secretary the powers and duties of any other officer who may be appointed by the council of a city and when so conferred or imposed the secretary shall have authority and duty to exercise and perform the same.

(3) The commission may appoint such assessors, assistant collectors and other officers, servants and employees as it may deem requisite for its purposes and confer upon them such
authority and impose upon them such duties as to the com-
mission may seem expedient.

(4) The secretary and every other officer, servant and employee of the commission shall hold office during its plea-
sure and the provisions of section 257 of The Municipal Act with respect to furnishing surety shall apply to them. 1937, c. 266, c. 11, s. 8.

8.—(1) The commission shall appoint an auditor to hold office during pleasure who shall monthly or otherwise, as the commission may require, audit all accounts affecting the commission.

(2) The auditor shall on or before the 15th day of February in each year make and submit to the commission, in duplicate, an annual audit report upon the accounts, affairs and trans-
actions of the commission of the preceding calendar year, and shall at the same time transmit a triplicate copy thereof to the Department of Municipal Affairs for Ontario.

(3) The auditor shall have the same authority, power and duty as the auditor of a city.

(4) The commission shall as soon as the annual report of the auditor is received cause one copy thereof to be and remain posted up in a public place in its office where it may be inspected at any ordinary office hours by any adult inhabitant of Burlington Beach, and the commission shall within one month after receipt of the annual audit report either cause to be published once a week for two weeks in a daily newspaper published in the City of Hamilton or by such other means as the said Department of Municipal Affairs may approve make available to the ratepayers of Burlington Beach such extracts from, summaries of or information from the auditor's report as the said Department may prescribe.

(5) Any officer of the Government of Ontario, authorized by the Provincial Auditor or the said Department, may at any time inspect and audit the accounts, books and records of the commission. 1937, c. 11, s. 9.

9. The chief constable and every other member of the police force appointed by the commission for Burlington Beach shall have the same authority, power and immunities and shall perform the same duties as are conferred and im-
posed upon the chief constable and members of the police force of a city. 1937, c. 11, s. 10.
10. The secretary, as assessment commissioner, and any assessor appointed by the commission shall, with respect to Burlington Beach, have and may exercise all the powers and authorities and shall perform all the duties of an assessment commissioner and assessor of a city under The Assessment Act and any other general Act for the purposes of the said Acts. 1937, c. 11, s. 11.

11.—(1) The provisions of The Municipal Act, The Assessment Act and any other Act relating to assessment and taxation for municipal and school purposes, liens in respect thereof and rights and means for collection and enforcement of payment of rates and taxes and as to penalties and interest to be added thereto and discounts therefrom shall apply to Burlington Beach, the commission and its officers in the same manner and to the same extent as if Burlington Beach were a city, and all the powers and duties of an assessment commissioner and of an assessor for a city shall be exerciseable and be performed by the secretary of the commission as assessment commissioner and by any assessor appointed by it.

(2) The commission may by by-law provide for the taking of the assessment of the rateable property at Burlington Beach at and during such time of the year as it may determine, notwithstanding that such time may be different from that mentioned in section 59 of The Assessment Act, and such by-law shall provide for the time when the assessment roll shall be returned, appeals to the court of revision and to the judge shall be heard and the roll shall finally be revised.

(3) The court of revision shall be composed of three persons to be appointed by the commission to hold office during pleasure, and it shall not be necessary that any of such persons be a member of the commission.

(4) An appeal shall lie from the decision of the court of revision to the judge of the county court of the County of Wentworth.

(5) All assessment rolls of the commission heretofore finally revised, all collectors' rolls for taxes of the commission heretofore returned by the collectors thereof, and all collectors' returns of said rolls heretofore made are hereby validated and confirmed and declared to be binding upon and conclusive against all persons, parties or corporations affected thereby, notwithstanding any irregularity, fault or omission in the said assessment rolls, collectors' rolls or collectors' returns, or in any matter or thing done or omitted to be done in relation thereto (including failure to distrain) and notwithstanding anything contained in any Act or Acts to the contrary. 1937, c. 11, s. 12.
12.—(1) The commission for any of its purposes shall have and may exercise any of the powers of the corporation and council of a city with respect to the incurring of debt, borrowing of money and issuing of debentures.

(2) The provisions of *The Ontario Municipal Board Act*, with respect to such debts, borrowings and debentures shall apply as if Burlington Beach were a municipality and as to the approval of the Ontario Municipal Board being obtained in respect thereof.

(3) The commission shall not incur any debt to be provided for by the issue of debentures or issue any debentures when the debenture debt of the commission at any time exceeds in the whole five per centum of the assessed value of all the real property in Burlington Beach according to the last revised assessment roll, nor when the rate of taxation for the then current or last preceding year for general and school purposes is or was in excess of 35 mills in the dollar.

(4) The provisions of *The Municipal Act* as to the issue, sale and hypothecation of debentures, the borrowing of money for capital or current purposes and the imposition and levying of rates for the payment of any debentures issued, money borrowed and interest thereon shall apply to the commission, except that it shall not be necessary in any case that the assent of any of the inhabitants, ratepayers or electors be thereto requisite. 1937, c. 11, s. 13.

13.—(1) Sections 2, 7 and 32 of *The Statute Labour Act* shall apply to Burlington Beach and the inhabitants thereof and to the commission in the same manner and to the same extent as if Burlington Beach were a city.

(2) Every money penalty for an offence against the provisions of any statute or by-law which if committed in a city would become payable to the corporation thereof shall, if the offence is committed in Burlington Beach, become payable and shall be paid to the commission and form part of its revenues. 1937, c. 11, s. 14.

14. The commission may enter into agreements with any school board of a municipality respecting the admission to a high school or vocational school under the jurisdiction of such board, of pupils who are not entitled to attend the same as resident pupils and who or whose parents or guardians are resident in Burlington Beach and for the payment of fees for the education of such pupils as in the case of the council of a municipality under the provisions of section 47 of *The
High Schools Act, and the commission may in each year levy the necessary rates for the payment of such fees as part of its general rates upon the whole of the rateable property in Burlington Beach according to the last revised assessment roll thereof. 1937, c. 11, s. 15.

15. The commission shall furnish to the Department of Municipal Affairs for Ontario such annual and other returns and reports as to the affairs of Burlington Beach and of the commission as the said Department may from time to time require or prescribe. 1937, c. 11, s. 16.

SCHEDULE A.

All those parcels or tracts of land and premises known as portions of Burlington Beach in the Township of Saltfleet, as shown and coloured red on parts of a plan of survey by Thomas C. Brownjohn, P.L.S., dated Hamilton, September 25th, 1874, of record in the Department of Lands and Forests, which are abutted and bounded as follows:

First. Commencing at the point A as shown on the plan in the southern limit of the County of Halton; thence easterly along that limit to the easterly shore of the Beach at the point B as shown on the plan; thence southerly along the said Beach to the point C as shown on the plan at the intersection of the northerly limit of the Burlington Canal Reserve; thence westerly along the northerly limit of the Reserve to the westerly shore of the Beach at the point D as shown on the plan; thence northerly along the Beach to the point A as shown on the plan, the place of beginning;

Second. Commencing at the point E on the plan in the southern limit of the Burlington Canal Reserve; thence easterly along that limit to the easterly shore of the Beach at the point F as shown on the plan; thence southerly along the Beach to the point G as shown on the plan, being the point of intersection with the north side of the road between Lots Nos. 28 and 29 in the 1st Concession of the Township of Saltfleet, produced easterly to the Beach; thence westerly along the northerly side of that road produced to the westerly shore of the Beach at the point H as shown on the plan; thence northerly along the said Beach to the point E as shown on the plan, the place of beginning;

Third. The Burlington Canal Reserve;

Fourth. The promontory extending into Burlington Bay from the Beach, which is not coloured red on the plan, and which promontory extends from a point a little north of the northerly boundary of the lands granted to Frank E. Walker by letters patent dated 18th May, 1896, southerly to a point opposite the lands granted to James Crooks by letters patent dated 7th April, 1897;

Fifth. Lands under the waters of Burlington Bay and Lake Ontario adjoining the Beach and to a distance into the said waters of five hundred feet parallel to and measured from high water mark at the Beach.

1937, c. 11, Schedule A.