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The Township of Gloucester Act, 1973

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CHAPTER 189

An Act respecting the Township of Gloucester

Assented to May 18th, 1973
Session Prorogued March 5th, 1974

WHEREAS The Corporation of the Township of Gloucester, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; 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. (1) By-laws may be passed by the council of the Corporation for prohibiting, requiring or regulating the provision, establishment, construction, preservation and maintenance of the following facilities within the Township of Gloucester, or within any defined area or areas thereof, as a condition precedent to the development or redevelopment of any land, and for regulating and controlling such facilities:

1. Access ramps between private land and the travelled portion of a public street, lane or highway, the location thereof and the direction of traffic thereon.

2. The grading of private lands and the disposal of storm and waste water therefrom.

3. Floodlighting of any building or structure.

4. Garbage vaults and central garbage storage and collection areas.

5. Surfacing of parking areas.

6. Walls, fences, hedges and planting of trees or shrubs, to provide a buffer zone between land use zones.

(2) A by-law passed under subsection 1 may,

(a) provide that, without cost, easements necessary for public utilities serving the proposed development shall be conveyed to the Corporation;
(b) prohibit the issuance of building permits until all requirements of the by-law have been met or an agreement as hereinafter provided has been executed and registered and, in the case of undeveloped commercial or multi-family blocks or the redevelopment thereof, until site plans have been submitted to and approved by the Corporation;

(c) provide that all works required by the by-law or of any nature incidental or necessary to the development shall be carried out by the owner of the lands being developed at his risk and expense and, where such works are on a road allowance, to the satisfaction of the Corporation;

(d) provide that the owner of the lands for which development or redevelopment is proposed shall pay to the Corporation development charges at the same rate as that required to be paid by the owner of lands within the Township of Gloucester, which are developed under the terms of a subdivision agreement for a registered plan of subdivision, as established from time to time by by-law of the Corporation; and

(e) provide that any loss, costs and damages, which the Corporation may suffer, be at or be put to for or by reason or on account of the construction, maintenance or existence of such works, shall constitute a lien and charge upon such lands and shall be collectable in the same manner as municipal taxes.

2. (1) By-laws may be passed by the council of the Corporation requiring, as a condition precedent to the issuance of a building permit for the development or redevelopment of any land within the Township of Gloucester or within any defined area thereof, by the erection thereon of multiple family residential units, that five acres of land per one thousand persons of population shall be conveyed to the Corporation for park purposes.

(2) In calculating the population of the units referred to in subsection 1, each bachelor, one bedroom, and two bedroom apartment shall be deemed to accommodate two, two and three persons respectively, and each additional bedroom shall be deemed to accommodate one additional person.

(3) The council of the Corporation may authorize, in lieu of the conveyance for park purposes required under subsection 1, the acceptance by the Corporation of money to the value of such land required to be conveyed, and subsection...
11 of section 33 of The Planning Act applies mutatis mutandis to all moneys received under this subsection.

(4) Land conveyed or money paid in lieu thereof pursuant to section 33 of The Planning Act shall be deducted from the conveyance or payment required under subsections 1 and 3.

3. By-laws may be passed by the council of the Corporation for requiring that any person who makes an application to council requesting the enactment of a by-law to amend its restricted area by-laws shall pay to the Corporation part or all of the expenses incurred by the Corporation in processing the application, preparing the proposed by-law and in the giving of notice of the enactment or proposed enactment of the amending by-law to the owners of lands affected or to be affected by the by-law as required by the Rules of Procedure of the Ontario Municipal Board, whether such notice is given by publication in a newspaper or by the mailing of notice and in the latter case, the cost of giving notice shall include the cost of preparation of the required mailing list and the said by-law may provide that the applicant shall provide security for the estimated expenses of the Corporation prior to the enactment of the by-law for which application has been made.

4. The Corporation may enter into agreements providing for fulfillment by the owner of the lands of all or any of the conditions and requirements imposed by by-law enacted under the authority of this Act and such agreements, when registered on the title of the land, shall run with the land to the benefit of the Corporation.

5. Any person aggrieved by the provisions of a by-law or an amending by-law passed under the authority of section 1, 2 or 3 may, within thirty days after the passage of the by-law or amending by-law, or within such extended period of time as the Ontario Municipal Board may allow, appeal to the Ontario Municipal Board, and the Board shall hear the appeal and dismiss the same or direct that the by-law or amending by-law be amended in accordance with its order.

6. Where an appeal has been made to the Ontario Municipal Board in respect of a by-law passed under section 1, 2 or 3, a copy of the decision of the Board with respect to the appeal shall be supplied by the Board to the person who appealed and to each person who appeared in person or by counsel at the hearing of the appeal and who filed with the Board or the secretary of the Board a written request for notice of the decision.

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

8. This Act may be cited as The Township of Gloucester Act, Short title 1973.