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Ontario
CHAPTER 83.

The Burlington Beach Act.

1.—(1) There shall continue to be a board of commissioners, composed of not less than two persons appointed by the Lieutenant-Governor in Council, which shall be a body corporate by the name of "The Burlington Beach Commission," hereinafter called the Commission.

(2) The Commissioners shall hold office during pleasure.

(3) The Commissioners shall at the first meeting of the Commission in each year elect one of their number as chairman and shall appoint a secretary, who for the purposes of this Act shall possess all the rights and powers and perform all the duties that pertain respectively to the offices of clerk and treasurer of a village. R.S.O. 1914, c. 53, s. 2.

2.—(1) 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 colored 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. Land under the waters of Burlington Bay and Lake Ontario adjoining the Beach which may be required for water lots and kindred purposes, in which the fee is vested in the Crown are vested in the Commission in trust for the Crown, and the Commission shall have jurisdiction over the whole thereof for the purposes of all powers granted to it under this Act. R.S.O. 1914, c. 53, s. 3.

(2) The expression “Burlington Beach” shall mean the lands hereinbefore described.

3. It shall be the duty of the Commission and it shall have power to enquire into and ascertain the facts concerning all franchise agreements, all sub-leases, all portions of Burlington Beach held under sub-leases from the Corporation of the City of Hamilton or otherwise, the names of the persons holding the same, the amounts of rents reserved, or other payments provided for in the same, the terms and conditions under which such agreements and sub-leases are made, and all other particulars in connection with the same. R.S.O. 1914, c. 53, s. 4.

4. The Commission shall have power to demand, collect and receive from any person in occupation or use of the lands in Burlington Beach under any such agreement or sub-lease any money due and unpaid for rent or otherwise in respect thereof. R.S.O. 1914, c. 53, s. 5.

5. The Commission shall, after making such enquiries, report to the Lieutenant-Governor in Council all facts in connection therewith, and shall make such recommendation to the Lieutenant-Governor in Council as to the terms and conditions upon which any land should be leased, sold or otherwise disposed of and any rights, privileges or franchises should be granted to the occupants or to other persons as to the Commission may seem just and proper under the circumstances of each case. R.S.O. 1914, c. 53, s. 6.

6. The Commission, subject to such regulations as may be approved by the Lieutenant-Governor in Council, may make such dispositions by agreement, lease, sale or otherwise as may be approved by the Lieutenant-Governor in Council. R.S.O. 1914, c. 53, s. 7.
7. The Commission shall collect all rents, taxes or other money accruing due in respect of land in Burlington Beach, and may expend so much of the money received therefrom as may in its opinion be necessary or expedient in beautifying or otherwise improving the same as a park and place of public resort, and for all purposes authorized by this Act, and shall annually remit on or before the 1st day of December in each year to the Treasurer of Ontario any surplus remaining in its hands. R.S.O. 1914, c. 53, s. 8.

8. The Commission may appoint one or more constables Constables, who shall have the same powers and perform the same duties in Burlington Beach as a constable appointed by the council of a village. R.S.O. 1914, c. 53, s. 9.

9.—(1) The Commission shall have all the powers conferred by The Municipal Act on the board of commissioners of police in a city having a population of not less than 100,000. License fees.

(2) The Commission may make regulations and pass by-laws for fixing the sums to be paid for licenses required under the by-laws passed under subsection 1.

(3) After the passing of any such by-law no general by-law of the township for any of the purposes provided for by such by-law shall apply. Effect of by-laws for regulation.

(4) The Commission may also make regulations and pass by-laws for protection from fire and for providing such fire appliances as it may deem necessary for the protection of life and property within the limits of Burlington Beach. Fire protection.

(5) The Commission may also make regulations and pass by-laws for letting contracts or employing labour and purchasing material for building sidewalks and culverts, putting in drains and improving and beautifying Burlington Beach as a park and place of public resort, and for erecting pavilions, shelters, lavatories and such other buildings as the Commission may deem expedient for the recreation, refreshment and accommodation of the public, and doing all things necessary for such purposes, and the Commission may pass by-laws for entering into and may enter into contracts for the supply of water, light or heat by any person, company or municipal corporation to Burlington Beach or the residents therein and doing all things necessary for such purposes within the limits of Burlington Beach. The Corporation of the City of Hamilton may pass by-laws for entering into contracts for the supplying of water, light, heat, or power to the Burlington Beach or the residents therein, and for doing all things necessary for the carrying out of such purposes, upon such terms as may be satisfactory to
(6) The Commission may also make such regulations and pass such by-laws for the proper government of Burlington Beach as may be approved by the Lieutenant-Governor in Council. R.S.O. 1914, c. 53, s. 10 (6).

(7) The Commission shall have power to construct and maintain a water main or mains and all other necessary works to connect the Beach pump house of the corporation of the City of Hamilton with the distributing mains of the Burlington Beach Commission and for the purpose of distributing water to the inhabitants of Burlington Beach or for the uses of the Commission shall have and may exercise in any township in the County of Wentworth all the rights, powers and privileges of a commission elected under The Public Utilities Act for the construction and the control and management of water works, and the provisions of law applicable to a water works commission shall apply mutatis mutandis to the Burlington Beach Commission. 1926, c. 11, s. 2 (2).

(10) (1) The Commission, with the approval of the Lieutenant-Governor in Council may from time to time pass by-laws for contracting debts and for issuing debentures for the construction or erection of any permanent works or improvements authorized by this Act, and may include the amount required to meet the payment of such debt or debentures in the general rate levied annually by the Commission, but the total amount of any debentures so issued and outstanding at any one time shall not exceed $100,000.

(2) The debentures may be for such amounts, and for such term and in such form and payable in such manner as the Lieutenant-Governor in Council may approve and when issued with such approval shall not be open to question in any manner whatsoever and unless otherwise directed by the Lieutenant-Governor in Council it shall not be necessary to obtain the assent of the electors or to comply with any of the provisions of The Municipal Act, relating to the contracting of debts by a municipal corporation.

(3) The amount falling due for principal and interest in each year on account of such debentures shall be payable out of the general revenues of the Commission.

(4) The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenue of the Commission, and the Commission shall pay such debenture debts in priority to all other debts. 1926, c. 11, s. 3.
11.—(1) The Commission may raise by loan a sum not exceeding $20,000 for the purpose of constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting water works and all buildings, materials, machinery and appurtenances thereto belonging, and other permanent works for a proposed water works system of the Commission and a sum not to exceed $20,000 for enlarging and improving the Park on Burlington Beach and may raise by loan a further sum in an amount to be approved by the Minister of Lands and Forests for the purpose of constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting waterworks and all buildings, materials, machinery and appurtenances thereto belonging and other permanent works for the proposed waterworks system of the commission. R.S.O. 1914, c. 53, s. 11 (1); 1921, c. 34, s. 3.

(2) The Commission may pass by-laws for contracting debts for any of such purposes by borrowing money and for issuing debentures therefor, and it shall not be necessary to levy any special rate therefor.

(3) The whole debt and the debentures to be issued therefor shall be made payable in thirty years at furthest from the time or times when the debentures are issued.

(4) The amount falling due for principal and interest in each year on account of such debentures shall be payable out of the general revenues of the Commission.

(5) The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenues of the Commission, and the Commission shall pay such debenture debts in priority to all other debts. R.S.O. 1914, c. 53, s. 11 (2-5).

12. The provisions of The Public Utilities Act except as inconsistent with the provisions of this Act shall apply to the Commission. R.S.O. 1914, c. 53, s. 12.

13.—(1) By-laws passed by the Commission shall be authenticated by the signatures of the chairman and secretary and the seal of the corporation; and a copy of any such by-law so authenticated shall be of the same force and shall have the same effect as a copy of a municipal by-law duly certified in the manner provided by The Municipal Act. R.S.O. 1914, c. 53, s. 13.

(2) The provisions of The Municipal Act, relating to the approval of municipal by-laws by the Ontario Railway and Municipal Board shall apply to any by-law hereof or hereafter passed by the Commission in the same manner and to the same extent as if the Commission were a municipal corporation. 1926, c. 11, s. 4.
14. The Commission may in any by-law provide that any one contravening such by-law shall incur a penalty not exceeding $50 or be liable to imprisonment for a term not exceeding sixty days, and such penalty may be enforced by any justice of the peace having jurisdiction within the County of Wentworth. R.S.O. 1914, c. 53, s. 14 (1).

15. All sums collected for license fees or for penalties for offences against any by-law passed by the Commission shall be paid over to the Commission. R.S.O. 1914, c. 53, s. 15.

16. It shall be the duty of the Commission to keep the highways in Burlington Beach in proper repair. R.S.O. 1914, c. 53, s. 16.

17. In case a railway operated by electricity upon a highway or any portion of which is so operated has been heretofore constructed in Burlington Beach under any agreement with the corporation of the Township of Saltfleet, then so far as such agreement relates to the maintenance and repair of the tracks and roadbed of the railway or the remaining portions of the highways in Burlington Beach over which the railway is operated and to the removal of snow and ice from the tracks of the railway and the disposal of such snow and ice upon the highway or elsewhere, the Commission shall, in respect of that portion of the railway in Burlington Beach, be substituted for and have all the rights and may exercise all the powers and be subject to the same duties as the corporation of the Township of Saltfleet under such agreement and any officer or person named therein and charged with the performance of any duty in respect to such matters thereunder. R.S.O. 1914, c. 53, s. 17.

18. All railway companies occupying highways in Burlington Beach shall cause their tracks to conform to the grades of the highways and shall maintain the same in such manner as shall least obstruct the free and ordinary use of the highways and the passage of vehicles over the same; and the upper surface of the rails shall be laid flush with the surface of the highways and shall conform to the grade thereof. R.S.O. 1914, c. 53, s. 18.

19.—(1) The Commission may provide for the assessment of all land situate within Burlington Beach and of the income of any person resident therein which is liable to assessment under The Assessment Act, and shall as to it perform and possess all the duties and powers provided for by The Assessment Act and The Voters’ Lists Act in the ease of clerks, assessors and collectors in townships and for the collection of all money due from the owners or occupants of such land, and may expend such money for the purposes hereinbe-
fore set forth, and for such other purposes as may from time to
time be approved by the Lieutenant-Governor in Council.
R.S.O. 1914, e. 53, s. 19 (1); 1926, e. 11, s. 5 (1).

(2) Subsection 1 of section 2 of The Statute Labour Act
shall apply mutatis mutandis to Burlington Beach and to the
Commission in the same manner and to the same extent as
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to a city, town or village and to the council thereof. 1926,
e. 11, s. 5 (2).

20. The Commission shall have power to employ such
Officers and
workmen as may be deemed necessary for the
purposes of this Act. R.S.O. 1914, e. 53, s. 20.

21.—(1) The Commission shall cause books to be pro-
provided and true and accurate accounts to be entered therein
of all sums of money received and paid out and of the sev-
eral purposes for which the same were received and paid out;
and such books shall be at all times open to the inspection
of the Treasurer of Ontario and of any person appointed by
him, or by the Lieutenant-Governor in Council, or by a
majority of the ratepayers in Burlington Beach for such
purposes, and any such person may take copies or extracts
from such books. R.S.O. 1914, e. 53, s. 21 (1).

(2) Sections 10, 30, 32 and 33 of The Audit Act shall
apply to the accounts of the Commissioners in respect of
receipts and expenditures. R.S.O. 1914, e. 53, s. 21 (2); e. 25.
1914, e. 2, Sched. (17).

(3) A summary of the receipts and expenditures shall be
published annually in a newspaper published in the City of
Hamilton. R.S.O. 1914, e. 53, s. 21 (3).

22. The Commission shall on or before the 1st day of
December in each year report to the Lieutenant-Governor in
Council the receipts and expenditures of the year and such
other matters as may appear to it to be of public interest
in relation to the government of Burlington Beach, or to
anything arising out of this Act, and shall in all cases sup-
ply to the Lieutenant-Governor in Council such information
relating thereto as he may direct. R.S.O. 1914, e. 53, s. 22.

23. No action shall be brought against the Commission-
ers personally for anything done or omitted to be done under
this Act without the authority of the Lieutenant-Governor
in Council. R.S.O. 1914, e. 53, s. 23.

24.—(1) Burlington Beach shall be deemed to be sepa-
rated from and shall not form part of the Township of Salt-
fleet or of the County of Wentworth for municipal or school
purposes and shall cease to be subject to the jurisdiction
thereof except for judicial purposes.
(2) The school house in school section number 4 shall be the exclusive property of the school section 4 as constituted after the separation of Burlington Beach therefrom.

(3) The residents of Burlington Beach shall not send any pupils to the school without the consent of the trustees of the section.

(4) The Commission shall also pay annually on or before the 31st day of December the sum of $250 to the corporation of the County of Wentworth in full satisfaction of all liability to the County. R.S.O. 1914, c. 53, s. 24.

25. No action shall be maintainable against the corporation of the County of Wentworth or the corporation of the Township of Saltfleet by reason of the non-repair of the highways, streets, sidewalks or bridges in Burlington Beach or by reason of any misfeasance or nonfeasance in relation to them. R.S.O. 1914, c. 53, s. 25.

26. The corporation of the Township of Saltfleet may collect in the manner provided by The Assessment Act all arrears of taxes up to and inclusive of the year 1906 and still remaining unpaid, and for that purpose the Treasurer and Warden of the County of Wentworth shall have power respectively to take all the proceedings which treasurers and wardens under The Assessment Act can take for the sale and conveyance of lands in arrears for taxes in respect to lands in arrears for taxes in Burlington Beach of which a return had been made to the Treasurer of the County of Wentworth for arrears prior to the 31st day of December, 1906. R.S.O. 1914, c. 53, s. 26.

27. For purposes of elections to the Assembly, Burlington Beach shall be and remain a portion of the Township of Saltfleet, and all persons in Burlington Beach possessing the necessary qualifications shall be entitled to be placed on the voters' lists of that township; and for such purposes the Commission shall annually before the 15th day of July prepare and furnish to the clerk of the township a list of persons so qualified and, for the information of the clerk, shall furnish all particulars required in preparing his lists under The Voters' List: Act. R.S.O. 1914, c. 53, s. 28.

28. For all judicial purposes Burlington Beach shall be and remain a portion of the County of Wentworth. R.S.O. 1914, c. 53, s. 29.