1970

c 135 The Municipal Amendment Act, 1970 (No. 4)

Ontario
CHAPTER 135

An Act to amend The Municipal Act

Assented to November 13th, 1970
Session Prorogued November 13th, 1970

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

1. The Municipal Act is amended by adding thereto the following section:

CHIEF ADMINISTRATIVE OFFICER

214a. The council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the council by by-law prescribes; and

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law.

2. Subsection 3 of section 236 of The Municipal Act is repealed.

3. Subsection 2 of section 239 of The Municipal Act, as enacted by section 9 of The Municipal Amendment Act, 1962, c. 249, 92, 260, subsection 2, and amended by section 10 of The Municipal Amendment Act, 1968-69, is further amended by inserting after “No” in the first line “chief administrative officer”, so that the subsection shall read as follows:

(2) No chief administrative officer, clerk, treasurer or engineer shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned.

4.
4. Section 240 of The Municipal Act, as amended by section 34 of The Municipal Amendment Act, 1961-62, is further amended by adding thereto the following subsection:

(1a) Where a council grants an annual retirement allowance to an employee under subsection 1, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

5. Section 302 of The Municipal Act, as re-enacted by section 12 of The Municipal Amendment Act, 1960-61, is repealed and the following substituted therefor:

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under The Loan and Trust Corporations Act, provided that the bonds, debentures or other evidences of indebtedness, term deposits or guaranteed investment certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested.

6. Section 377 of The Municipal Act is amended by adding thereto the following paragraphs:

42b. For granting money by way of contribution to a relief fund established in aid of persons who suffer loss, whether in Ontario or elsewhere, as a result of a common disaster.

69a. Without limiting the generality of section 333, and in addition to the powers set out therein, for acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical or dental practitioner on such terms and conditions as the council may determine, and such property may be so leased for residential, clinical or office purposes or a combination thereof.
7.—(1) Paragraph 30 of subsection 1 of section 379 of The Municipal Act, as amended by subsection 1 of section 16 of The Municipal Amendment Act, 1962-63, is further amended by inserting after “fireworks” in the first line and in the second line “or any class or classes thereof”, so that the paragraph shall read as follows:

30. For regulating the sale of fireworks or any class or classes thereof and for prohibiting the sale of fireworks or any class or classes thereof on any day or days during the year or to any person under such age as the by-law may prescribe.

(2) Paragraph 31 of subsection 1 of the said section 379 is amended by inserting after “fireworks” in the first line “or any class or classes thereof”, so that the paragraph shall read as follows:

31. For prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit.

(3) Clauses a and b of paragraph 50 of subsection 1 of the said section 379 are repealed.

(4) Paragraph 68a of subsection 1 of the said section 379, as enacted by subsection 3 of section 21 of The Municipal Amendment Act, 1968, is amended by inserting after “property” in the second line “or property of the municipality or any local board thereof”, so that the paragraph shall read as follows:

68a. For prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property.

(5) Paragraph 98 of subsection 1 of the said section 379 is amended by inserting after “power” in the second line “or supplying cooling energy” and by inserting after “steam” in the second line “or cooling energy”, so that the paragraph, exclusive of the clause, shall read as follows:

98. For authorizing any person supplying steam for heat or power or supplying cooling energy to lay down pipes or conduits for transmitting steam or cooling energy.
energy under the highways or public squares, on such terms and conditions as the council may deem expedient.

(6) Paragraph 122 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

122. For prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any by-law passed under this paragraph may provide that a sign or other advertising device that on the day the by-law comes into force does not comply with the by-law, shall be,

(a) made to comply with the by-law; or

(b) removed by the owner thereof or by the owner of the land on which it is situate,

on or before the expiration of three years from the day the by-law comes into force.

(7) Paragraph 129 of subsection 1 of the said section 379 is repealed.

8. Paragraph 3 of subsection 1 of section 399 of The Municipal Act is repealed and the following substituted therefor:

3. For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

9.—(1) Subsection 1 of section 522 of The Municipal Act is amended by inserting after “three” in the sixth line “or five”, so that the subsection shall read as follows:

(1)
(1) Every improvement district shall be deemed to be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three or five trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant Governor in Council.

(2) Subsection 3 of the said section 522 is amended by striking out “Two” and inserting in lieu thereof “A majority of the”, so that the subsection shall read as follows:

(3) A majority of the members of the board form a quorum.

11. Section 629 of The Municipal Act, as enacted by section 31 of The Municipal Amendment Act, 1968-69, is amended by adding at the end thereof “provided that the council shall charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause d or g of subsection 1 of section 76 of The Assessment Act, 1968-69”, so that the section shall read as follows:

629. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes, and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 11 of The Assessment Act, 1968-69, the council shall charge back a proportionate share thereof to every such body, provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause d or g of subsection 1 of section 76 of The Assessment Act, 1968-69.
12.—(1) Subsection 1 of section 651 of The Municipal Act, as enacted by section 31 of The Municipal Amendment Act, 1968-69, is amended by striking out “6” in the ninth line and inserting in lieu thereof “12”, so that the subsection shall read as follows:

(1) The treasurer of every township, town or village shall, on or before the 20th day of December in each year, pay to the treasurer of the county all moneys that were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 648, and, in case of non-payment of such moneys or any portion thereof on or before such date, the township, town or village so in default shall pay to the county interest thereon at the rate of 12 per cent per annum from such date until payment is made.

(2) Subsection 2 of the said section 651 is amended by striking out “6” in the second line and inserting in lieu thereof “12”, so that the subsection shall read as follows:

(2) The council of a county may by by-law provide for a rate of interest of less than 12 per cent per annum in case of non-payment of moneys assessed for county purposes and may also provide for payment of a discount at such rate per annum as the by-law may set forth for payment of moneys or any portion thereof assessed for county purposes if paid prior to the 20th day of December in the year in which the moneys are payable.

13. Form 21 of The Municipal Act is repealed.

14.—(1) This Act, except section 6, subsection 7 of section 7, and sections 11 and 12, comes into force on the day it receives Royal Assent.

(2) Sections 6 and 11 shall be deemed to have come into force on the 1st day of January, 1970.

(3) Section 12 comes into force on the 1st day of January, 1971.

(4) Subsection 7 of section 7 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

15. This Act may be cited as The Municipal Amendment Act, 1970 (No. 4).