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Ontario
CHAPTER 164

An Act respecting the City of Sault Ste. Marie

Assented to May 4th, 1970
Session Prorogued November 13th, 1970

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding paragraph 114 of subsection 1 of section 379 of The Municipal Act, the council of the Corporation may pass by-laws for regulating or prohibiting the making or causing of noises or sounds anywhere within the City of Sault Ste. Marie that disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or that are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and such by-law may make different regulations or prohibitions for different areas of the City of Sault Ste. Marie and may provide in exceptional cases that such noises may, with the permission of the Mayor, be permitted for limited periods.

(2) Without limiting the generality of subsection 1 and subject to the approval of the Minister of Transport, the council of the Corporation may pass by-laws prohibiting the driving or operating of motor vehicles in the City of Sault Ste. Marie that create undue noise.

2.—(1) By a by-law passed with the approval of the Ontario Municipal Board under paragraph 67 of section 377 of The Municipal Act, which provides that the capital cost or any part thereof, the annual rental payable under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area, or by a subsequent by-law or by-laws, the council of the Corporation may
may, in a manner that in its opinion is equitable, levy against lands in the same defined area one or more sums of money to be deposited in a reserve fund.

(2) All surplus moneys raised under any such by-law and on hand at the end of each year shall be deposited in a reserve fund.

(3) All moneys in a reserve fund created hereunder shall be applied,

(a) only within the defined area from which they were levied;

(b) for the acquisition, establishment, laying out or improvement of additional parking lots or facilities; and

(c) for such other purposes as the Department of Municipal Affairs may approve.

(4) Except in so far as they are inconsistent herewith, the provisions of section 298 of The Municipal Act apply to any such reserve fund.

(5) Any by-law passed hereunder may amend or repeal any by-law heretofore or hereafter enacted under this section or under paragraph 67 of section 377 of The Municipal Act or any other general or special Act.

(6) No by-law passed under this section comes into force without the approval of the Ontario Municipal Board.

3.—(1) The council of the Corporation may pass by-laws for requiring the owners and occupants of lands, buildings and structures to maintain such lands, buildings and structures in a rodent-free condition, and for that purpose the by-law may provide,

(a) for regulating,

(i) the keeping or storing of food or fodder,

(ii) the keeping of fowl or animals, and

(iii) the keeping and disposal of refuse, wastes and other things,

that may attract rodents;

(b) for authorizing the local board of health to order the owners or occupants of any premises,
(i) to clean or disinfect the same,
(ii) to keep food, fodder or refuse in rodent-free containers,
(iii) to keep fowl or animals only in rodent-free structures, and
(iv) to do such other things as may be considered necessary by the board,

to avoid the spread of disease or damage to property by rodents; and

(c) for authorizing the local board of health to prohibit the use of premises that are infested with rodents until the owner or occupant of such premises complies with an order of the board for disinestation of such premises.

(2) The medical officer of health, any member of the local board of health and any inspector or other municipal employee acting under the instructions of the medical officer of health may enter, inspect and examine, as often as may be necessary, any lands, buildings or structures within the municipality for the purpose of enforcing the provisions of a by-law passed under this section and for the purpose of ascertaining whether the owner or occupant has complied with any order made pursuant to such by-law, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person authorized by this section as may be necessary.

(3) The provisions of Part XXI of The Municipal Act relating to the power to impose penalties and enforce by-laws apply mutatis mutandis to any by-law, and to any order made thereunder, passed under this section.

4. The council of the Corporation may pass by-laws prohibiting the sale of fruits, candy, peanuts, ice cream, ice cream cones, frozen or iced milk, frozen or iced desserts, potato chips, French fried potatoes or other refreshments or confections 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 within the City of Sault Ste. Marie or any defined area or areas thereof.

5.—(1) In this section,

(a) "non-residential property" means a building or structure or part of a building or structure not occupied and not capable of being occupied in whole
or in part for the purposes of human habitation, and includes the land and premises appurtenant thereto and all outbuildings, fences and erections thereon;

(b) "owner" includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

By-laws for standard of fitness of non-residential property

(2) The council of the Corporation may, with the approval of the Ontario Municipal Board, pass by-laws,

(a) fixing standard of fitness to which all non-residential property shall conform;

(b) requiring the owners of non-residential property that does not conform to the standard to make it so conform;

(c) requiring the owners of buildings, structures or erections that form part of non-residential property and that do not conform to the standard to demolish all or any part thereof;

(d) prohibiting the use of non-residential property that does not conform to the standard;

(e) authorizing the placarding in such manner as the by-law may specify of non-residential property that does not conform to the standard, and prohibiting the pulling down or defacing of any such placard;

(f) governing and regulating persons in the use and occupancy of non-residential property; and

(g) providing for the appointment of a tribunal of inspectors, or both a tribunal and inspectors, for the administration and enforcement of the by-laws.

Advances to owners and municipal debentures authorized

(3) Where the owner of any non-residential property is unable to pay the expense of making it conform to the standard required by the by-laws, the Corporation may advance money to or for the benefit of the owner to the extent necessary to pay the expense.

Lien for advances and repayment

(4) When the Corporation has advanced money as provided in subsection 3, it shall, upon the registration of a certificate under subsection 5, have a lien upon the non-residential property
property in respect of which the advance was made for the amount of the advance, together with interest thereon at a rate to be fixed from time to time by the council but which shall not exceed 6 per cent per annum, and the amount of the advance with the interest thereon is repayable to the Corporation by the owner of the non-residential property in equal consecutive annual payments, which shall be collected over a period of years to be determined by the council and which period shall not exceed ten years but need not be the same in the case of each advance, and, if default is made with respect to any of the payments hereinbefore provided, the whole of the balance of the advance, together with accrued interest thereon at the time of default, becomes due and payable forthwith, and the amount of such balance, including interest, shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as municipal taxes.

(5) A certificate of the clerk of the Corporation setting out the amount advanced to or for the benefit of any owner under subsection 3, the rate of interest thereon and a description of the property in respect of which the amount was advanced, sufficient for registration, together with an affidavit verifying the signature of the clerk of the Corporation, shall be registered in the proper registry office or land titles office and, upon repayment in full to the Corporation of the amount advanced and the interest thereon, a certificate of the clerk of the Corporation showing the repayment shall be similarly registered, and the property is thereupon freed from liability in respect of the advance and interest thereon and from the lien arising therefrom.

(6) If any owner of non-residential property fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the non-residential property conform to the standard required by a by-law passed under this section or fails to demolish all or any part of any building, structure or erection forming part of the non-residential property as directed by the Corporation or the tribunal, the Corporation or the tribunal, in addition to all other remedies, has the right to make the non-residential property conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the non-residential property, and to do any work on adjoining property necessitated by the work involved in making the non-residential property conform to the standard or by the demolition, and, for such purposes, with the servants and agents of the Corporation, from time to time to enter upon the lands of the owner and upon adjoining property, and neither the Corporation nor the tribunal is liable.
liable to compensate the owner or any person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under this subsection, the Corporation is entitled to a lien upon the non-residential property in respect of which the amount was expended, exercisable in the same manner as a lien for an advance under subsection 3, and, subject to the appeal provided by subsection 9, the certificate of the clerk of the Corporation as to the amount expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

(7) A by-law passed under this section is enforceable in the same manner as a by-law passed under The Municipal Act.

(8) Before proceeding under subsection 3 or 6, the Corporation or the tribunal appointed under subsection 2 shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the non-residential property is defective, and, if all defects are not remedied within one month from such notification, subsections 3 and 6 apply.

(9) Any person affected may appeal to the Ontario Municipal Board from a decision made under subsection 6 by the Corporation or by the tribunal appointed under subsection 2, and the decision of the Board is final.

(10) When a by-law under this section is in effect, any inspector appointed under subsection 2 and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any non-residential property to which the by-law applies.

6.—(1) Notwithstanding any special or general Act, where a person has heretofore been required to pay the entire cost of any work, as defined in The Local Improvement Act, pursuant to the provisions of a by-law of or agreement with any predecessor of the Corporation, or a by-law, resolution or requirement of or agreement with any predecessor of The Public Utilities Commission of the City of Sault Ste. Marie, and the work is in a highway upon which lots abut directly that are not owned by the person who has paid the entire costs thereof, the Corporation and the Public Utilities Commission shall not be required to permit the owners of such lots to connect to or use such works until the cost has been paid by such owners according to the extent of their respective frontages thereon, determined by an equal charge per foot of such frontage, and the actual cost paid and interest may be included in the cost of the work.
(2) The Corporation shall not be required to issue a building permit for such a lot or lots until such cost has been paid.

(3) The Corporation or the Public Utilities Commission, when they receive payment of any such frontage charge, shall repay the same to the person who in the first instance paid for the entire cost of the work.

(4) The Corporation and the Public Utilities Commission shall not incur any liability by reason only that it or they did not collect a frontage charge as provided hereunder, whenever, in the opinion of the council of the Corporation, it is inequitable so to do.

(5) When it is intended to collect a frontage rate as herein provided, the clerk of the Corporation shall register in the proper registry or land titles office a certificate setting out the amount to be collected, the rate of interest thereon and a description of the property in respect of which the rate is payable, sufficient for registration.

(6) Upon payment in full of the frontage rate and interest thereon to the Corporation, the clerk shall similarly register a certificate to that effect and the property is thereupon freed from liability in respect of the frontage rate and interest.

7. Such municipal officer of the Corporation as is assigned the responsibility of administering or enforcing any regulatory or licensing by-law of the Corporation, including the building and zoning by-laws of the Corporation and any by-law to provide for the safety of buildings or structures, may, at all reasonable times and upon producing proper identification, enter and inspect, either by himself or accompanied by one assistant, any land, building, structure or premises for the purpose of carrying out any of his duties under such by-law or by-laws.

8. The acquisition, assembly, holding, clearing, grading, subdivision, re-subdivision, development, and sale of land, whether alone or by agreement with others, to be used for residential, commercial, industrial or other purposes shall be deemed to be a purpose of the Corporation within the meaning of section 333 of The Municipal Act.

9. — (1) Where farm lands containing not less than five acres and used exclusively for farm purposes and having a greater frontage than 200 feet abutting directly on the work have been herebefore or are hereafter specially assessed with a special rate per foot frontage imposed under The Local Improvement Act, The Municipal Act, or The Ontario Water Resources Commission Act in respect of the owner's portion of the
the cost of construction of watermains, storm sewers, sanitary sewers, sidewalks or curbs, the council of the Corporation, upon the application of the owner of such lands, may by by-law or by-laws postpone the payment of the amount of the special assessment referable to such part of the assessed frontage of the said lands in excess of 200 feet as the by-law may provide until such time as the said lands cease to be used exclusively for farm purposes.

(2) In each year during which payment of special assessments has been postponed in accordance with this section, there shall be levied and raised for the payment of part of the principal and interest on any debentures issued to pay for the cost of the work specially assessed, a sum equal to the aggregate of the amounts of the special assessments for which payment has been postponed and such sum shall be levied and raised in the manner provided in The Municipal Act upon all rateable property in the urban service area of the City of Sault Ste. Marie as established by the Ontario Municipal Board by its order dated the 17th day of May, 1965 bearing file No. N4804-63 (part 2) and as altered by by-laws of the Corporation approved by the Ontario Municipal Board.

(3) When the lands in the opinion of the council of the Corporation cease to be used exclusively for farm purposes, the amount of any special assessment for which payment has been postponed together with simple interest thereon at the rate provided in any debentures issued to pay for the cost of the work specially assessed, shall become due and payable forthwith upon demand by the Corporation and all sums so received shall, during the currency of any such debentures, be applied on account of the amount being levied for annual instalments of principal and interest on such debentures against the rateable property in the urban service area and after such debentures have been retired shall be applied in reduction of the general urban service area rate.

(4) The clerk of the Corporation shall forthwith give notice by registered mail to each assessed owner of land affected by a by-law passed under subsection 1, and any demand under subsection 3 shall be made by registered mail addressed to the assessed owner.

(5) The treasurer of the Corporation shall keep a record of all special assessments in respect of which a by-law has been passed under subsection 1 and of the amounts of such special assessments which have been paid and for which payment has been postponed, respectively, in each year.
(6) Every by-law passed under subsection 1 shall be registered against the land affected in the proper registry or land titles office.

(7) Where a by-law postponing the payment of part of a special assessment has been registered under subsection 6 and the whole of such special assessment has been paid to the Corporation in respect of a particular parcel of land affected by the by-law, the Corporation shall register a certificate of such payment against such parcel of land in the proper registry or land titles office.

(8) Any person complaining that a demand under subsection 3 should not have been made may appeal to the court of revision constituted under The Local Improvement Act by giving notice of his appeal to the clerk of the Corporation within fourteen days after the mailing of such demand and on any such appeal the court of revision shall have regard to the provisions of this section.

(9) The provisions of The Local Improvement Act as to appeals to the court of revision, shall, so far as applicable, regulate and govern the procedure to be followed on appeals under this section.

(10) The court of revision, in dealing with appeals under this section, has full power to decide the amount, if any, of the frontage in excess of 200 feet in respect of which payment of the special assessment should be postponed and whether or not lands have ceased to be used exclusively for farm purposes and the council of the Corporation shall take such action, including, where necessary, the passing of any by-law or amending by-law, as may be required to give effect to such decision.

10. Part XXI of The Municipal Act applies to any by-laws passed under the authority of sections 1, 2, 3, 4, 5 and 6 of this Act.

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

12. This Act may be cited as The City of Sault Ste. Marie Act, 1970.