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47 ELIZABETH II, 1998

# Bill Pr19

## An Act respecting the Municipality of Chatham-Kent

**Mr. Carroll**

**Private Bill**

1st Reading     June 15, 1998  
2nd Reading  
3rd Reading  
Royal Assent

*(Reprinted as amended by the Regulations and Private Bills Committee and  
as reported to the Legislative Assembly June 25, 1998)*

*(The provisions in this bill will be renumbered after 3rd Reading)*

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#### EXPLANATORY NOTE

The Bill gives the council of the Municipality of Chatham-Kent several new powers:

1. The power to vary the tax rate for property in specified areas of the municipality in order to adjust taxes relating to such municipal services as fire protection, refuse collection and street lighting.
- 1.1 The power to vary the tax rate for property in specified areas of the municipality in order to adjust taxes relating to the administrative costs of the drainage board.
2. The power to impose a special levy for special services and facilities provided for the benefit of residents and property owners in specified areas of the municipality.
4. The power to designate all or part of a road as a controlled-access road without the approval of the O.M.B. if no one objects to the proposed designation.
5. The power to establish a board and to delegate to the board any of council's powers and duties under the *Drainage Act*, other than its power to make by-laws and resolutions.
6. The power to appoint engineers for a term of three years to perform the duties of an engineer under the *Drainage Act* on an ongoing basis. That Act requires an engineer to be appointed on a case-by-case basis.
7. The power to appoint six drainage superintendents to perform the duties of a drainage superintendent under the *Drainage Act*. That Act allows for the appointment of only one drainage superintendent.
9. The power to establish staggered terms of office for the members of the Public Utilities Commission of Chatham-Kent.

Tile drain by-laws made by predecessor municipalities under the *Tile Drainage Act* are continued in force.

## An Act respecting the Municipality of Chatham-Kent

Preamble	<p>The Corporation of the Municipality of Chatham-Kent has applied for special legislation in respect of the matters set out in this Act.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>(1.2) Administrative costs of the board that are attributable to a specific drainage work shall be levied under subsection (1.1) only against the area or areas that benefit from that drainage work. <span style="float: right;">Limitation</span></p> <p style="text-align: right;">▲</p> <p>(2) The council may vary the tax rate with respect to an area if, in council's opinion, the residents and property owners in the area receive a different level of service than the residents and property owners in another area of the municipality. <span style="float: right;">Same</span></p>
	<p>INTERPRETATION</p>	
Definitions	<p><b>1.</b> In this Act,</p> <p>“council” means the council of The Corporation of the Municipality of Chatham-Kent;</p> <p>“municipality” means The Corporation of the Municipality of Chatham-Kent;</p> <p>“restructuring order” means the order establishing the municipality that was made on April 28, 1997 by the commission appointed under section 25.3 of the <i>Municipal Act</i>, as the order appears in <i>The Ontario Gazette</i> dated May 17, 1997.</p>	<p style="text-align: center;">▼</p> <p>(3) The tax rates for different classes of property (as established under the <i>Assessment Act</i>) must bear the same proportion to each other as the tax ratios established under section 363 of the <i>Municipal Act</i> for the property classes. <span style="float: right;">Same</span></p> <p style="text-align: right;">▲</p>
	<p>SPECIAL LOCAL TAX RATES AND LEVIES</p>	
By-law re tax rates	<p><b>2.</b> (1) The council may, by by-law, vary the tax rate to be levied on the rateable property in one or more areas of the municipality for the purpose of making adjustments in taxes relating to the provision of the following services within the area or areas:</p> <ol style="list-style-type: none"> <li>1. Fire protection.</li> <li>2. Refuse collection, recycling and disposal.</li> <li>3. Horticulture.</li> <li>4. Public transportation for disabled persons.</li> <li>5. Street lighting.</li> <li>6. Water.</li> <li>7. Sewage.</li> </ol>	<p><b>3.</b> (1) In this section,</p> <p>“predecessor municipalities” has the same meaning as former municipalities in the restructuring order; <span style="float: right;">By-law re special local levies</span></p> <p style="text-align: right;">▲</p> <p>“special local levy” means an amount to be raised on the rateable property within the boundaries of one or more of the predecessor municipalities;</p> <p>“special facility” means a facility that,</p> <ol style="list-style-type: none"> <li>(a) was provided by one or more of the predecessor municipalities on December 31, 1997,</li> <li>(b) is provided by the municipality on and after January 1, 1998, and</li> <li>(c) in the council's opinion, confers a benefit on the residents and property owners of one or more areas within the municipality that is not conferred on the residents and property owners of the rest of the municipality;</li> </ol> <p>“special service” means a service or activity that,</p> <ol style="list-style-type: none"> <li>(a) was being provided or undertaken by one or more of the predecessor municipalities on December 31, 1997,</li> <li>(b) is provided or undertaken by the municipality on and after January 1, 1998, and</li> <li>(c) is provided or undertaken at a level or in a manner that, in the council's opinion,</li> </ol>
Same	<p style="text-align: center;">▼</p> <p>(1.1) The council may, by by-law, vary the tax rate to be levied on the rateable property in one or more areas of the municipality for the purpose of making adjustments in taxes relating to the administrative costs of the board established under subsection 6 (1), including the salaries of the members of the board.</p>	

confers a benefit on the residents and property owners of one or more areas within the municipality that is not conferred on the residents and property owners of the rest of the municipality.

the day after the time for filing an objection expires, to have come into force on the day it was passed.

By-law re special facilities and services

- (2) The council may, by by-law,
  - (a) identify a special facility or special service;
  - (b) define the basis of determining the additional cost of providing the special facility or providing or undertaking the special service;
  - (c) determine whether the additional cost should be raised by a special local levy, in whole or in part, and if in part, determine its proportion of the whole;
  - (d) designate the area or areas of the municipality within which the special local levy is to apply; and
  - (e) determine the amount of the special local levy.

POWERS RESPECTING DRAINAGE MATTERS

6. (1) The council may, by by-law, establish a board for the purposes of section 7.

(2) Only those persons who are eligible to be elected as members of the council or who are members of the council are eligible to hold office as members of the board.

(3) Members of the board are entitled to be paid such remuneration and expenses as the council authorizes.

7. (1) The council may, by by-law, delegate to the board established under subsection 6 (1) any of its powers and duties under the *Drainage Act*, except for its power to make by-laws and resolutions.

(2) The council may impose conditions with respect to the matters delegated to the board.

(3) The council may, by by-law, provide for the board to hold hearings or to afford a party an opportunity to be heard in respect of any matter under the *Drainage Act* in which the council is required by law to hold hearings or afford an opportunity to be heard and section 105 of the *Municipal Act* applies to the council and to the board as if the board were a committee of the council.

8. (1) The council may, by by-law, appoint one or more engineers to exercise the powers and perform the duties of an engineer under the *Drainage Act* for the period specified by the council.

(2) The term of a person's appointment as engineer must not exceed three years and the appointment may be renewed.

(3) Each engineer appointed under this section shall exercise his or her powers and perform his or her duties in respect of matters relating to the geographic areas specified by the council.

9. (1) The council may, by by-law, appoint a maximum of six drainage superintendents to exercise the powers and perform the duties of the drainage superintendent under the *Drainage Act*.

(2) Each drainage superintendent shall exercise those powers and perform those duties in respect of the geographic area specified by the council.

Annual special local levy

(3) For each year that a by-law passed under subsection (2) is in force, the council shall pass a corresponding by-law levying a separate tax rate on the assessment in each property class in the designated area of the municipality.

Tax rates

(4) The tax rates to be levied under subsection (3) shall be determined in accordance with paragraphs 1 and 2 of subsection 368 (4) of the *Municipal Act* as if the special local levy were a special local municipality levy as defined in subsection 368 (1) of that Act.

DESIGNATION OF CONTROLLED-ACCESS ROADS

Designation - when approval not required

5. (1) The approval of the Ontario Municipal Board is not required for a by-law passed by the council under section 95 of the *Public Transportation and Highway Improvement Act* if,

- (a) the Ontario Municipal Board has a procedure in place to give public notice of the by-law and to give persons the right to object to the by-law; and
- (b) no objection is filed in accordance with that procedure within the time established by the Ontario Municipal Board.

Same

(2) If the approval of the Ontario Municipal Board is not required for a by-law pursuant to subsection (1), the by-law shall be deemed, on



TILE DRAIN BY-LAWS OF PREDECESSOR MUNICIPALITIES

Tile drain by-laws continued

13. (1) A by-law of a predecessor to the municipality made under the *Tile Drainage Act* remains in force until it is amended or repealed.

Conflicts

(2) Subsection (1) applies despite subsection 11 (1) of the restructuring order and subsection 25.2 (12) of the *Municipal Act*.

PUBLIC UTILITY COMMISSION

Terms of office for members of public utility commission

14. (1) The council may specify the term of office of the members of the public utilities

commission of the municipality and may do so in such a way that the members' terms of office are staggered.

(2) The members of the commission shall continue to hold office until their successors are appointed.

COMMENCEMENT AND SHORT TITLE

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

17. The short title of this Act is the *Municipality of Chatham-Kent Act, 1998*.

Same  
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↓

Commencement

Short title