

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #2013 (1998)

Being a by-law of the Corporation of the Town of Pelham setting out additional areas of the Town of Pelham to be served with hydro electric power by the Pelham Hydro-Electric Commission.

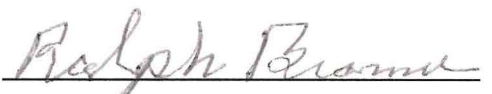
WHEREAS:

- (1) The Regional Municipality of Niagara Act, R.S.O. 1990, Chapter R.13 continues the establishment of a Hydro Electric Commission for the Town of Pelham to be known as the Pelham Hydro-Electric Commission ("The Commission").
- (2) The Commission provides hydro electric power to an area of the Town of Pelham ("the Town") previously known as the Village of Fonthill.
- (3) Ontario Hydro ("the Corporation") continues to distribute and supply power in some parts of the Town that the Corporation served before the establishment of the Commission.
- (4) The Power Corporation Act, R.S.O. 1990, Chapter P.18, as amended by the Power Corporation Amendment Act, 1994, provides that the Town may pass a by-law setting out additional areas of that Municipal Corporation (contiguous to an existing area) to be supplied with power by the Municipal Corporation or a Commission of that Corporation.
- (5) The Commission has made a proposal to the Council of the Town which recommends the expansion of areas served by the Commission to include the whole of the geographic area of the Town, which would be an area contiguous to the present area served by the Commission.
- (6) The Council of the Town of Pelham has considered:
 - (A) the long term potential growth and development of the Town;
 - (B) any effects on adjoining rural areas or power districts of the Town;
 - (C) the supply of power to or from adjacent municipal corporations;
 - (D) estimates of any price payable by the Commission for all transferred assets, liabilities, land, works and interests related to the distribution of power within the proposed expanded area presently supplied by the Corporation, together with additional costs that may be leviable as provided in subsection 83.8 (8) of the Power Corporation Act, R.S.O. 1990, Chapter P.18, as amended by the Power Corporation Amendment Act.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN
OF PELHAM ENACTS AS FOLLOWS:


- (1) In this by-law:
- “The Act” means Power Corporation Act, 1990, Chapter P.18 as amended by the Power Corporation Amendment act, 1994.
- “Commission” means the Pelham Hydro-Electric Commission as constituted by the provisions of the Regional Municipality of Niagara Act, R.S.O. 1990, Chapter R.13.
- “Corporation” means the body corporate referred to in Section 2 of the Power Corporation Act, R.S.O. 1990, Chapter P.18, which is Ontario Hydro.
- “Transfer Date” means the date as defined in subsection 83.2 (1) of the Act and is the date on which the assets, liabilities, land, works and interests related to the distribution of power within the expanded area presently supplied by the Corporation become the responsibility of the Commission.
- “Town” means the Corporation of the Town of Pelham.
- (2) The area of the Town supplied with Hydro Electric Power by the Commission shall be expanded pursuant to the provisions of Section 83.2 of the Act to include an area contiguous to the existing area supplied with Hydro Electric Power by the Commission, and this expanded area shall include the whole geographic area of the Town.
- (3) The transfer date shall be January 1st, 1999 or at such other date as may be agreed upon by the Corporation and the Commission pursuant to the provisions of subsection 83.3 (2) (b) of the Act and such transfer date shall not occur prior to the establishment of an agreement between the Corporation and the Commission and the acquiescence of the Council of the Town thereto as evidenced by Council Resolution therefor to establish a price payable by the Commission for all transferred assets, liabilities, land, works and interests related to the distribution of power within the expanded area supplied by the Corporation and for any costs established thereto in accordance with the expressed provisions of subsections 4 and 8 of Section 83.3 of the Act.

READ A FIRST AND SECOND TIME,
THIS 22ND. DAY OF JUNE, 1998 A.D.


MAYOR


CLERK

READ A THIRD TIME AND FINALLY PASSED
BY COUNCIL THIS 22ND. DAY OF JUNE, 1998 A.D.


MAYOR


CLERK