

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW NO. 2408 (2002)

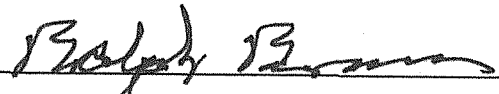
Being a by-law to authorize the Mayor & Clerk to enter into a Service Sharing Agreement with the City of Welland with respect to the Long Term Care Facility to be constructed at 920 Pelham Street.

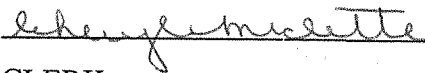
WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to enter into a service sharing agreement with the City of Welland with respect to the long term care facility to be constructed at 920 Pelham Street;

NOW THEREFORE THE CORPORATION OF THE TOWN OF PELHAM ENACT AS FOLLOWS:

- (1) THAT the Service Sharing Agreement attached hereto and made part of this by-law between the Corporation of the Town of Pelham & the Corporation of the City of Welland be and the same is hereby approved.
- (2) THAT the Mayor & Clerk be and each of them is hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute the said Service Sharing Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
15th. DAY OF JULY, 2002 A.D.


MAYOR


CLERK

This **SERVICE SHARING AGREEMENT** made this 18th day of **June, 2002**,

BETWEEN:

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter referred to as the "**Town**"

and

THE CORPORATION OF THE CITY OF WELLAND

Hereinafter referred to as the "**City**"

WHEREAS the Regional Municipality of Niagara wishes to construct a long term care facility building on the land municipally known as 920 Pelham Street and more particularly described in Schedule "A" attached hereto;

AND WHEREAS the lands described in Schedule "A" and the building are located partly within the municipal boundary of the Town and partly within the municipal boundary of the City;

AND WHEREAS the Councils of the Town and the City deem it advisable to coordinate the building permit issuance and inspection processes in accordance with the **Building Code Act, S.O. 1992, s.23** (Building Code Act) and the **Building Code, O.Reg. 403/97** (Building Code) made pursuant thereto;

AND WHEREAS the Building Code Act provides that the Councils of two or more municipalities may enter into an agreement providing for the joint enforcement of the Building Code Act and other matters, within their respective municipalities.

NOW THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. Permit fees shall be shared 40% to the Town and 60% to the City.
2. The lead role in all matters leading to and including issuance of building permit(s) shall be undertaken by the Town and its Officials.
3. The lead role in all other matters of inspections and enforcement of the Building Code Act and the Building Code shall be undertaken by the City and its Officials.
4. This agreement shall take effect upon its execution by the parties and shall remain in effect until the building has been fully constructed and completed in compliance with the Building Code Act, the Building Code and any other applicable law.

5. The provisions of this agreement shall receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the objectives of the parties.
6. Any notice or other writing required or permitted to be given under this agreement to any party shall be sufficiently given if delivered personally, or if sent by prepaid registered mail, or if transmitted by facsimile or other form of recorded communication tested prior to transmission to the other party. Any mailed notice shall be deemed to have been given and received on the fifth business day next following the date of its mailing. Any notice transmitted by facsimile or other form of recorded communication shall be deemed given and received on the first business day after it transmission. For the purpose of this agreement "business day" shall mean a day other than Saturday or Sunday on which the commercial banks are open for business during normal banking hours. For the purpose of this agreement, notice shall be given:

To the Town: The Corporation of the Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, Ontario L0S 1E0
Facsimile No. 905-892-5055

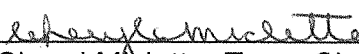
To the City: The Corporation of the City of Welland
411 East Main Street
Welland, Ontario L3B 3X4
Facsimile No. 905-735-8772


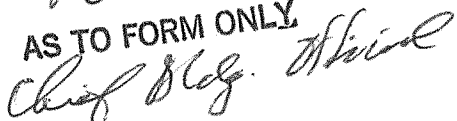
IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals by the hand of the respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED)

**THE CORPORATION OF
THE TOWN OF PELHAM**



Ralph Beamer, Mayor

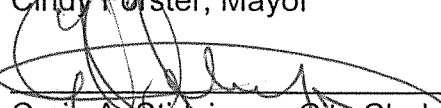

Cheryl Milette, Town Clerk


AS TO FORM ONLY

Chief of Polg. Officer

**THE CORPORATION OF
THE CITY OF WELLAND**


Cindy Forster, Mayor


AS TO FORM ONLY
City Solicitor


Craig A. Stirtzinger, City Clerk

SCHEDULE "A"**LEGAL DESCRIPTION**

Part of Lot 1, Concession 10, formerly Township of Pelham,
now Town of Pelham and City of Welland, Regional Municipality of Niagara,
designated as Parts 2 and 3 on Plan 59R-8309.

ALL OF PIN 64398-0030(LT)