

TOWN OF PELHAM

BY-LAW NO. #312 (1975)

A By-law to authorize an agreement with respect to the Welland-
Port Colborne Airport Commission.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM enacts as follows:

1. That an agreement between the Corporation of the City of Welland, the Corporation of the City of Port Colborne, the Corporation of the Town of Pelham and the Corporation of the Township of Wainfleet with respect to the acquisition and operation of the Welland-Port Colborne Airport, a copy of which is attached hereto as Schedule "A" and forms part of this By-law, be and the same is hereby approved and authorized.
2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said agreement and the Clerk is hereby authorized to affix the corporate seal.

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PASSED this 21st. day of April 1975.

CLERK

MAYOR

AND WHEREAS the parties hereto are desirous of continuing the said Welland-Port Colborne Airport Commission for the purposes hereinafter mentioned

AND WHEREAS pursuant to the provisions of The Municipal Act, R.S.O. 1970, Chapter 284, Section 352, Paragraph 9, by-laws may be passed for the establishment, operation, maintenance and improvement of air harbours or landing grounds, together with such other rights and powers as are contained therein

AND WHEREAS Section 254 of The Municipal Act, R.S.O. 1970, Chapter 284 provides for the passing of by-laws by a municipality for entering into and performing any agreement with any other council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the council.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto, in consideration of the provisos and the mutual covenants and agreements hereinafter contained and expressed, mutually covenant and agree as follows:-

1. The Welland-Port Colborne Airport Commission be and the same is hereby established and continued for the purpose of operating, maintaining, improving and acquiring by way of purchase, lease, sub-lease or otherwise, the air harbour situate in the Town of Pelham, in the Regional Municipality of Niagara and known as the Welland-Port Colborne Airport.
2. Subject to any lawful rules and regulations made by or by authority of any statute of Canada, the Welland-Port Colborne Airport Commission shall have the control and management of the Welland-Port Colborne Airport.

3. The Welland-Port Colborne Airport Commission shall consist of seven (7) members appointed as follows:-

(a) Three (3) members appointed by the council and who are members of the council of the City of Welland

(b) Two (2) members appointed by the council and who are members of the council of the City of Port Colborne

(c) One (1) member appointed by the council and who is a member of the council of the Town of Pelham

(d) One (1) member appointed by the council and who is a member of the council of the Township of Wainfleet

Each member of the Commission shall hold office for one (1) year or until his successor is appointed.

4. The Commission shall annually submit a budget to the councils of Welland, Port Colborne, Pelham and Wainfleet and shall not expend any monies not provided for in a budget approved by all four councils aforesaid provided that until approval of the budget in each year, operations may continue on the basis of the previous years' budget extended on a pro rata basis

5. The net cost of operating the airport, after the deduction of any operational revenues and any grants received from Canada, any Province or any municipality other than a municipality who is a party to this agreement, shall be divided between Welland, Port Colborne, Pelham and Wainfleet on a per capita basis such basis to be ascertained from the last annual census taken pursuant to The Assessment Act.

6. The agreement of purchase and sale entered into between Her Majesty the Queen in Right of Canada as represented by the Minister of Transport and the Welland-Port Colborne Airport Commission dated the 26th day of May, 1970 as amended by supplementary agreement dated the 1st day of October, 1970 be and the same is hereby expressly ratified and approved.

7. It is expressly understood and agreed that in the event any dispute shall arise as to the rights and liabilities of the parties to this agreement, including the right or liability to continue or withdraw from participation under this agreement, the Ontario Municipal Board shall be the sole arbitrator pursuant to the provisions of the Ontario Municipal Board Act.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals under the hands of their respective Mayors and Clerks.

THE CORPORATION OF THE CITY OF WELLAND

MAYOR

CLERK

THE CORPORATION OF THE CITY OF PORT
COLBORNE

MAYOR

CLERK

THE CORPORATION OF THE TOWN OF PELHAM



MAYOR



CLERK

THE CORPORATION OF THE TOWNSHIP OF
WAINFLEET

MAYOR

CLERK