

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. < >

A BY-LAW TO AMEND BY-LAW NO. 79-2010, AS  
AMENDED (BY BY-LAW NO. 2018-21), BEING  
A BY-LAW TO AUTHORIZE PARTICIPATION BY  
THE REGIONAL MUNICIPALITY OF NIAGARA  
IN THE DEDICATED GAS TAX  
FUNDS FOR PUBLIC TRANSPORTATION PROGRAM

WHEREAS the Provincial Government introduced the Dedicated Gas Tax for Public Transportation Program (the “Program”) in 2004 in an effort to increase use of public transportation;

WHEREAS municipalities receiving gas tax money under the Program must ensure that all funds received are used exclusively towards the provision of public transportation services;

WHEREAS the Ministry of Transportation requires, as a condition of funding, that the municipality sign an agreement and approve a by-law consenting to participation in the Program prior to payment of the funds; and to that end the The Regional Municipality of Niagara (“Region”) passed By-law No.79-2010, as amended by By-law No. 2018-21;

WHEREAS in accordance with section 189 of the Municipal Act, 2001, By-law No. 2021-96 was enacted by the Region on November 25, 2021, being a by-law to provide the Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the region subject to triple majority requirements;

WHEREAS on March 24, 2022 the Clerk of the Region by memorandum to Council confirmed that the triple majority requirements set out in section 189 of the Municipal Act, 2001, had been met and the authority to operate intra-municipal transit within the region of Niagara has been transferred to the Region effective February 2, 2022;

WHEREAS pursuant to By-law 2022-38, the Region established the Niagara Transit Commission as a municipal services board in accordance with Section 196 of the Municipal Act, 2001, which is also a body corporate, and a local board of the Region pursuant to Section 197 of the Municipal Act, 2001, to provide public transportation services on behalf of the Region within the geographic boundaries of the region; and,

WHEREAS it is therefore necessary to further amend By-law No. 79-2010, as amended, to reflect the expanded authority of the Region as a result of the consolidation of regional transit;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the participation of the Regional Municipality of Niagara (the “Region”) in the Dedicated Gas Tax Funds for Public Transportation Program be approved;
2. That the Regional Chair and the Regional Treasurer be authorized to sign the February 23, 2023, Letter of Agreement between the Province of Ontario and the Region on behalf of the Region consenting to the Region’s participation in the Program and the receipt and use of the aforementioned funds in accordance with the Program;
3. That the Regional Chair and the Regional Treasurer be authorize to sign all subsequent years’ agreements or amendments in respect of the Program with the Province of Ontario;
4. That a copy of this by-law and two full signed copies of the Letter of Agreement be forwarded to the Ministry of Transportation;
5. That By-law No. 79-2010, as amended by By-law 2018-21, is hereby further amended; and
6. This by-law shall come into force on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

---

James Bradley, Regional Chair

---

Ann-Marie Norio, Regional Clerk

Passed: < >