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c Pr9 City of Windsor Act, 1988

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CHAPTER Pr9

An Act respecting the City of Windsor

Assented to January 7th, 1988

Whereas The Corporation of the City of Windsor, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section, "screening fence" means,

(a) a berm;
(b) a dense evergreen hedge;
(c) an ornamental fence of solid construction excluding a chainlink or other wire fence;
(d) an ornamental wall of concrete, brick or stone; or
(e) any combination of the above.

(2) In a by-law passed under paragraph 149 of section 210 of the Municipal Act, the Corporation may require the owners or operators of public garages to erect, maintain and repair, at their own expense, screening fences around public garages to visually separate areas and to block off views.

(3) A by-law passed under subsection (2) may require that the screening fence be continuous except at driveway entrances or where lines of sight are required for traffic safety purposes.

2. Section 2 of The City of Windsor Act, 1977, being chapter 112, as amended by the Statutes of Ontario, 1978, chapter 152, section 4, is repealed and the following substituted therefor:

2.—(1) The council of the Corporation may pass any by-law that The Board of Commissioners of Police for the City of
Windsor is authorized to pass under the *Municipal Act* or under section 2 of *The City of Windsor Act, 1972*.

(2) The council of the Corporation may by by-law establish a licensing commission for the Corporation to be known as the Windsor Licensing Commission composed of three members, one of whom shall be a member of council and two persons who are qualified to hold office as a member of council under section 37 of the *Municipal Act*.

(3) The Windsor Licensing Commission may license any trade, calling, business or occupation authorized by by-law of the council under this or any other Act.

(4) Members of the Windsor Licensing Commission shall be appointed by the council for a term of one year or until their successors are appointed and are eligible for re-appointment but no member shall hold office beyond the term of the council that made the appointment.

(5) Where a vacancy occurs in the membership of the Commission, the council of the Corporation shall appoint another person for the unexpired portion of the term.

(6) The Commission shall elect a chairman and a majority of the members constitutes a quorum.

(7) The council of the Corporation may provide for the payment of salaries, expenses or allowances for the members of the Windsor Licensing Commission.

(8) The power granted to license any trade, calling, business or occupation or the person carrying on or engaged in it includes,

(a) the power to prohibit the carrying on or the engaging in it without a licence;

(b) the power, after hearing the licensee, to impose conditions on the issuance of a licence or to suspend or revoke a licence; and

(c) the power to regulate or govern any trade, calling, business or occupation or the person carrying on or engaging in it.

(9) The *Statutory Powers Procedure Act* applies to the hearing conducted by the Windsor Licensing Commission under clause (8) (b).
(10) Where a by-law has been passed by the council of the Corporation under this Act, any by-law of The Board of Commissioners of Police for the City of Windsor respecting licensing has no effect.

(11) The council of the Corporation may by by-law appoint a licence commissioner who, upon receipt of an application for a licence or renewal thereof, shall make all investigations required by law or by the Windsor Licensing Commission relative to the application and, if the investigations disclose that the applicant is not of good character or that the carrying on of the trade, calling, business or occupation is likely to result in a breach of the law or be adverse to the public interest, the licence commissioner shall recommend to the Windsor Licensing Commission that it not issue or renew the licence or that it impose conditions on the issuance of a licence, otherwise, the licence commissioner shall recommend to the Windsor Licensing Commission that it issue or renew the licence.

(12) Where, in the opinion of the licence commissioner, the carrying on of a trade, calling, business or occupation by a licensee will likely result in a breach of the law or be adverse to the public interest, the licence commissioner shall recommend to the Windsor Licensing Commission that it suspend, revoke or impose conditions on the licence.

(13) The council of the Corporation may by by-law,

(a) fix an annual fee for the issue or renewal of any licence and charge penalties for the late payment thereof; and

(b) reduce the licence fee where the licence is in effect for less than one year.

(14) The council of the Corporation may by by-law authorize the licence commissioner of the Corporation, without holding a hearing,

(a) to suspend any licence for such time and subject to such conditions as the by-law may provide if the licensee has been convicted of a criminal offence so long as the suspension is made within thirty days of the conviction and such suspension may be made notwithstanding that an appeal has been taken from the conviction;

(b) to suspend any licence for such time and subject to such conditions as the by-law may provide if the licence commissioner knows or has reason to
believe that a safety standards certificate under the *Highway Traffic Act*, was denied with respect to a motor vehicle used in the licensed trade, calling, business or occupation if, without the appropriate repairs having been made, the motor vehicle is being used on any public highway; and

(c) to order a licensee to stop using any motor vehicle used in the licensed trade, calling, business or occupation until such time as the licensee provides the licence commissioner with a safety standards certificate issued under the *Highway Traffic Act* with respect to the motor vehicle and the by-law may authorize the licence commissioner to suspend, subject to such conditions as the by-law may provide, the licensee’s licence if the licensee fails, within twenty-four hours of the making of the order, to comply with the order or provide proof satisfactory to the licence commissioner that the motor vehicle is not being used on any public highway.

(15) No suspension of a licence by the licence commissioner of the Corporation is effective after the expiration of two weeks from the date of suspension or after the next meeting of the licensing commission after the suspension, whichever occurs first.

(16) If a by-law passed under this section conflicts with the provisions of any Act, other than the *Municipal Act*, for licensing, regulating or otherwise controlling any business or the person carrying on any business, the provision of that Act prevails to the extent of the conflict.

3. Subsection 3 (9) of the *City of Windsor Act, 1982 (No. 2)*, being chapter 94, is repealed.

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

5. The short title of this Act is the *City of Windsor Act, 1988*. 