1996

c Pr7 Ottawa (City of) Act, 1996 (No. 1)

Ontario
CHAPTER Pr7

An Act respecting the
City of Ottawa

Assented to June 27, 1996

The Corporation of the City of Ottawa, referred to in this Act as the Corporation, has applied for special legislation in respect of the matters set out in this Act.

It is appropriate 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. The council of the Corporation may pass by-laws,

(a) designating all or any part of a highway under the jurisdiction of the Corporation, including the sidewalk portion, as a removal zone;

(b) designating any area in which all highways under its jurisdiction, or portions thereof, are removal zones;

(c) prohibiting the placing, stopping or parking in a removal zone of any object or vehicle used to sell or offer for sale goods or refreshments;

(d) designating spaces in removal zones in which, despite clause (c), goods or refreshments may be sold or offered for sale;

(e) establishing a permit system granting the exclusive use of any designated space to the owner of an object or vehicle used to sell goods or refreshments; and

(f) despite clause (c), establishing a permit system granting authority to the owner of an object or vehicle to sell or offer for sale goods or refreshments in a removal zone, or portions thereof, but not in any designated space established under clause (d).

2. (1) A by-law passed under this Act may,

(a) prescribe the types of goods or refreshments that may be offered for sale or sold and the types of objects and vehicles permitted in the removal zone, and prohibit any other type;

(c) establish design criteria for the object or vehicle permitted in the designated space or in the removal zone;

(d) define “offer for sale”, “goods”, “owner”, “refreshments” and “sell”; and

(e) exempt any type of vendor from all or part of the by-law.

(2) A by-law passed under this Act may,

(a) prescribe conditions for the issuance and continued use of a permit which may be different for each type of vendor, including the requirement that applicants provide personal information;

(b) establish permit fees which may vary by location or type of goods or refreshments sold;

(c) fix the term of the permit which may vary with each permit;

(d) provide for the issuance of identifying markers in connection with the permits and specifying the manner in which they are to be applied;

(e) prohibit or restrict the transfer of permits;

(f) require that the applicant for a permit hold, or be eligible to hold, a valid licence issued by the Corporation for selling the goods or refreshments proposed to be sold from the designated space or in the removal zone; and

(g) regulate the hours of operation permitted under the permit, which may vary according to location of the designated space or of portions of the removal zone or to the type of goods or refreshments sold.

3. A by-law passed under this Act may,

(a) establish criteria for allocating designated spaces or general removal zone permits which may include,
(i) consideration of the length of time the applicant has been the holder of a licence issued by the Corporation, the holder of a permit issued by the Corporation or the regular user of the designated space or removal zone,

(ii) a call for tenders or proposals,

(iii) a public auction, or

(iv) a drawing of lots;

(b) provide for a method of allocating designated spaces which may be different for each location, roadway designated spaces, sidewalk designated spaces and general removal zone or zones;

(c) provide for a method of allocating removal zone permits which may be different for each removal zone or zones; and

(d) establish a method of allocating designated spaces or general removal zone permits for special events which may be the same or different from the allocation otherwise established, including giving priority to owners or occupants of land in the City of Ottawa, holders of existing licences or classes of licence issued by the Corporation or to holders of existing permits issued by the Corporation for designated spaces, or any combination of them, which may differ by location or type of goods or refreshments sold.

(4) A call for tenders or proposals may provide that,

(a) if more than one bid is made for the same designated space, the licensee who has held the licence issued by the Corporation for the longest period of time, the regular user of the location, or the most recent incumbent at the location has the opportunity to match the highest bid received for that space and be offered that space; or

(b) if more than one person has bid on the same removal zone, the licensee who has held the licence issued by the Corporation for the longest period of time or the applicant who has been a regular user of the removal zone has the opportunity to match the highest bid received for that removal zone and be offered that removal zone.

(5) For the purposes of subclause (3) (a) (i) and subsection (4), the length of time an applicant has held a licence issued by the Corporation or the length of time an applicant has held a permit issued by the Corporation or the original permit holder at the location or the most regular user of the location or the most recent incumbent at the location shall be determined by the person designated by the Corporation.

(6) A by-law passed under this Act may, in addition to the powers granted under subsection (3), provide for the number of permits which may be issued under the by-law that one person may hold at any time; or for the number of permits issued under the by-law to all vendors or any type of vendor; or for the number of permits issued under the by-law to all vendors or any type of vendor for each removal zone.

3. (1) The council of the Corporation or a committee of the council may suspend or revoke a permit if the conditions for its issue or use are not complied with or for any other reason which the by-law may specify.

(2) Before suspending or revoking a permit, the council or the committee shall give the permit holder an opportunity to be heard.

(3) If a permit is revoked under subsection (1), that part of the fee paid for the permit proportionate to the unexpired part of the term for which the permit was granted shall be refunded to the permit holder.

(4) A municipal official (a) the holding of special events;

(b) the construction, maintenance or repair of any highway to which this Act applies;

(c) the installation, maintenance or repair of public utilities and services; or

(d) matters relating to pedestrian, vehicular or public safety.

(5) A suspension under subsection (4) shall not exceed four weeks from the date of suspension.

4. (1) Any peace officer authorized by by-law to enforce a by-law passed under this Act who has reason to believe that any object or vehicle is placed, stopped or parked in a designated space or in a removal zone in contravention of the by-law,
(a) may, upon producing appropriate identification, require that a valid permit issued by the Corporation be produced for reasonable inspection; and

(b) if no valid permit is produced, may, after informing the person, if any, in charge of the object or vehicle that it is in a removal zone or designated space contrary to the by-law and upon giving a receipt for it to that person, cause the object or vehicle to be moved and stored in a suitable place.

(2) Subject to subsections (3) and (4), all costs and charges for the removal, care and storage of any object or vehicle under the by-law are a lien upon it which may be enforced by the Corporation in the manner provided by the Repair and Storage Liens Act.

(3) An object or vehicle removed and stored in accordance with subsection (1) and not claimed by the owner within 60 days is the property of the Corporation and may be sold and the proceeds shall form part of the general funds of the Corporation.

(4) Despite subsection (3), any perishable object is the property of the Corporation upon being moved from the removal zone or designated space in accordance with subsection (1) and may be destroyed or given to a charitable institution.

5. (1) A by-law passed under this Act may apply to any highway established as a regional road within the regional road system established by The Regional Municipality of Ottawa-Carleton as if the Regional Council has passed the by-law.

(2) A by-law passed under this Act with respect to a highway under the jurisdiction of the regional municipality does not come into effect until it is approved by regional council by by-law.

(3) This section is repealed on the fifth anniversary of the day this Act receives Royal Assent unless repealed earlier by any special or general Act.

6. The City of Ottawa Act, 1992 (No. 4) is repealed.

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

8. The short title of this Act is the City of Ottawa Act, 1996.