

1992

## c Pr35 Ottawa (City of) Act, 1992 (No. 4)

Ontario

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## CHAPTER Pr35

## An Act respecting the City of Ottawa

*Assented to December 10th, 1992*

Preamble	<p>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.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>(d) exempt any type of vendor from all or part of the by-law.</p> <p>(2) A by-law passed under section 1 may,</p>	<p>Permits</p>
By-laws respecting street vendors	<p>1. The council of the Corporation may pass by-laws,</p> <p>(a) designating all or any part of a highway under the jurisdiction of the Corporation, including the sidewalk portion, as a removal zone;</p> <p>(b) designating any area in which all highways under its jurisdiction, or portions thereof, are removal zones;</p> <p>(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;</p> <p>(d) designating spaces in removal zones in which, despite clause (c), goods or refreshments may be sold or offered for sale; and</p> <p>(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.</p>	<p>(a) prescribe conditions for the issuance and continued use of a permit;</p> <p>(b) establish permit fees which may vary by location or type of goods sold;</p> <p>(c) fix the term of the permit which may vary with each permit;</p> <p>(d) provide for the issuance of identifying markers in connection with the permits and specifying the manner in which they are to be applied;</p> <p>(e) prohibit or restrict the transfer of permits;</p> <p>(f) establish the method of allocating designated spaces;</p> <p>(g) 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; and</p> <p>(h) regulate the hours of operation permitted under the permit, which may vary according to the location of the designated space.</p>	<p>Suspension</p>
Contents of by-law	<p>2.—(1) A by-law passed under section 1 may,</p> <p>(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 designated space which may be different for each designated space, and prohibit any type;</p> <p>(b) establish design criteria for the object or vehicle permitted in the designated space;</p> <p>(c) define “goods”, “owner” and “refreshments”; and</p>	<p>3.—(1) The council of the Corporation or a committee of the council may suspend or revoke a permit if the conditions for its issuance or use are not complied with or for any other reason which the by-law may specify.</p> <p>(2) Before suspending or revoking a permit, the council or the committee shall give the permit holder an opportunity to be heard.</p> <p>(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.</p> <p>(4) A municipal official named in the by-law may suspend, without holding a hearing, the designation of all or part of a removal</p>	<p>Hearing</p> <p>Refund of fees</p> <p>Special case</p>

zone, the designation of a space or the operation of a permit for such time and subject to such conditions as the by-law may provide due to,

- (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.

Limitation

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

Enforcement

**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.

Lien

(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 sixty days is the property of the Corporation and may be sold and the proceeds shall form part of the general funds of the Corporation.

Unclaimed property

(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.

Perishable property

**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 had passed the by-law.

Regional roads

(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.

Approval required

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

Repeal

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

Commencement

**7. The short title of this Act is the *City of Ottawa Act, 1992 (No. 4)*.**

Short title