



1994

c Pr34 Windsor (City of) Act, 1994

Ontario

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CHAPTER Pr34

An Act respecting the City of Windsor

Assented to June 23, 1994

Preamble	<p>The Corporation of the City of Windsor has applied for special legislation to regulate activities on public highways under its jurisdiction.</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>(c) prescribe classes of permits which may be obtained for carrying out activities and limiting the number of permits;</p> <p>(d) prescribe the types of goods, refreshments or foods that may be offered for sale or sold and the types of objects, portable display units or vehicles permitted in the designated space, which may be different for each designated space, and prohibit any type;</p> <p>(e) establish design criteria for the objects, portable display units or vehicles permitted in the designated space;</p> <p>(f) exempt any class of applicant from all or part of the by-law;</p> <p>(g) define "portable display unit".</p>	
Definitions	<p>1. In this Act,</p> <p>"Corporation" means The Corporation of the City of Windsor;</p> <p>"removal zone" means any public highway including any sidewalk or boulevard located on it, or a portion of them, that has been designated as a removal zone by the Corporation.</p>	<p>4. A by-law under section 2 may,</p> <p>(a) prescribe conditions for the issuance and continued use of a permit, including the requirement that applicants provide personal information;</p> <p>(b) establish a system whereby objections to an application may be invited and considered;</p> <p>(c) establish procedures for the renewal or redistribution of permits, including a call for tenders or proposals;</p> <p>(d) establish permit fees which may vary by activity, location or type of goods or refreshments sold;</p> <p>(e) fix the term of the permit which may vary with each permit;</p> <p>(f) 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>(g) prohibit or restrict the transfer of permits;</p> <p>(h) establish the method of allocating designated spaces, including the establishment of criteria to be applied to locations proposed by applicants;</p> <p>(i) require that the applicant for certain classes of permits hold, or be eligible</p>	Contents
By-laws re: removal zones	<p>2. (1) Despite any other Act, the council of the Corporation may pass by-laws regulating or prohibiting activities carried out on public highways over which the Corporation has jurisdiction.</p>		
Activities regulated	<p>(2) The activities that may be regulated or prohibited include,</p> <p>(a) parking on boulevards;</p> <p>(b) operating a boulevard cafe;</p> <p>(c) carrying on a sidewalk sale;</p> <p>(d) displaying merchandise;</p> <p>(e) installing bicycle stands, marquees, hedges, fences or other objects; and</p> <p>(f) selling, offering to sell, displaying or exposing any goods, wares, merchandise, products, refreshments, food or flowers from a portable display unit or vehicle.</p>		
Contents of by-law	<p>3. A by-law under section 2 may,</p> <p>(a) designate spaces in removal zones in which activities may be carried out;</p> <p>(b) establish a permit system granting any person the exclusive use of any designated space for activities;</p>		

to hold, a valid licence issued by the Windsor Licensing Commission for selling the goods or refreshments proposed to be sold from the designated space;

- (j) regulate the hours of operation permitted under the permit, which may vary according to the location of the designated space; and
- (k) restrict the issuance of defined classes of permits to persons who meet the criteria established by the council of the Corporation, including the owners or occupants of abutting property.

Suspension or revocation

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

Hearing

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

No hearing

(3) Despite subsection (2), a municipal official named in the by-law may, after giving notice to the permit holder, suspend or revoke the permit without a hearing for failure to,

- (a) provide proof of insurance coverage if that coverage is required as a condition under clause 4 (a);
- (b) enter into any agreement that is required as a condition under clause 4 (a); or
- (c) pay a fee required under clause 4 (d).

Refund

(4) If a permit is revoked, the part of the fee paid for the permit proportionate to the unexpired part of the term for which the permit was granted may be refunded to the permit holder.

Special circumstances

(5) A municipal official named in the by-law may suspend, without holding a hearing, the designation of all or part of a removal 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;
- (c) the installation, maintenance or repair of public utilities and services; or
- (d) matters relating to pedestrian, vehicular or public safety.

Enforcement

6. (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, portable display unit 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, portable display unit 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, portable display unit or vehicle to be moved and stored in a suitable place.

Costs

(2) Subject to subsections (3) and (4), all costs and charges for the removal, care and storage of any object, portable display unit 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*.

Where property unclaimed

(3) An object, portable display unit 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.

Perishable goods

(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.

Commencement

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

Short title

8. The short title of this Act is the *City of Windsor Act, 1994*.