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c 132 The City of Mississauga Act, 1978

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CHAPTER 132

An Act respecting the City of Mississauga*Assented to November 30th, 1978*

WHEREAS The Corporation of the City of Mississauga, Preamble
 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. In this Act,Interpre-
tation

- (a) "city" means the City of Mississauga in The
 Regional Municipality of Peel;
- (b) "council" means the council of the Corporation.

2.—(1) The council may pass by-laws for licensing, regu-
 lating and governing the business of driveway paving.

Licensing,
regulating
and governing
driveway
paving

(2) For the purposes of subsection 1, the power to
 license, regulate and govern the business of driveway
 paving includes,

Included
powers

- (a) the power to prohibit the carrying on of or the
 engaging in the business without a licence;
- (b) the power to license, regulate or govern the place
 or premises used in the carrying on of the business
 and the persons carrying it on or engaged in it;
- (c) the power to require an applicant, as a condition
 of granting a licence, to submit to an examination
 to determine his competence to carry on or engage
 in the business and to refuse to grant a licence or
 to grant a licence upon conditions to such an
 applicant in respect of the business where he fails
 to pass the required examination:

1. The power to require an examination of an applicant for a licence to carry on or engage in the business includes the power to require an examination of an applicant who did not hold a licence to carry on or engage in the business in the city for a period immediately preceding the period for which he is applying for the licence and of an applicant or holder of a licence where the licence last held by him for the carrying on of or engaging in the business in the city or in another municipality was revoked on the grounds that the applicant or holder of the licence was shown to have carried on or engaged in the business in an incompetent manner whether or not such grounds were the sole grounds on which the licence was revoked and where the holder of a licence fails to pass an examination required of him, the council may revoke his licence.
 2. The power to require an examination of an applicant for a licence to carry on or engage in the business includes the power to exempt from such requirement any applicant who holds such certificate or other evidence of qualification as may be prescribed in the by-law;
- (d) the power to regulate, govern and inspect the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the business and to provide for imposing a fine upon any person carrying on or engaged in the business who refuses to allow the carrying out of an inspection at any reasonable time pursuant to a by-law passed under this section;
- (e) the power to require the persons carrying on or engaged in the business to provide such public liability, property damage, or other insurance in such form and to such amounts of coverage as may be prescribed in the by-law, and where such insurance is not so provided, the council may refuse to grant a licence to that person for the carrying on of the business or may revoke or suspend any such licence;

(f) the power to grant or refuse to grant a licence for the carrying on or engaging in the business or to revoke or suspend such licence and to make any suspension or grant subject to such terms or conditions as council may prescribe:

1. The power mentioned in this clause is exercisable in the discretion of the council, which discretion shall be exercised upon such grounds as are set out in a by-law passed under subsection 1, and, subject to subsection 3, a decision made pursuant to the exercise of that power is final;

(g) the power to fix the time for which the licence shall be in force; and

(h) the power to fix an annual fee to be paid for the licence.

(3) A by-law passed pursuant to subsection 1 shall provide that council shall first afford to such applicant or licensee an opportunity to be heard before refusing to grant a licence or revoking or suspending a licence or making any suspension or grant of a licence subject to terms and conditions, and the by-law may provide that the hearing may be conducted by a committee to consist of one or more persons, at least one of whom shall be a member of council, and, where a hearing is conducted by a committee, section 242*b* of *The Municipal Act* applies with necessary modifications. Hearings

R.S.O. 1970,
c. 284

(4) A licence may be required under a by-law passed under this section notwithstanding that the applicant is registered as an itinerant seller under *The Consumer Protection Act*. Itinerant
sellers

R.S.O. 1970,
c. 82

3.—(1) In this section, “forest tree pest” means any vertebrate or invertebrate animal or any virus, fungus or bacterium or other organism that is injurious to trees commonly found growing in a forest or windbreak or the products from such trees and that is designated as a forest tree pest in a by-law passed by council. Interpre-
tation

(2) The council may pass by-laws, Trees

(a) to prohibit, within the city or any part thereof, as may be defined in the by-law, the wilful injuring of trees, of the kinds and sizes specified in the by-law, by whomsoever owned;

- (b) to prohibit the destruction of trees of the kinds and sizes specified in the by-law by whomsoever owned;
- (c) to require the owners or occupants of land specified in the by-law to destroy, trim or cut down any trees which are,
 - (i) dead,
 - (ii) decayed, or
 - (iii) infested by any forest tree pest,
 and thereby constitute a general danger to persons or property; and
- (d) designating forest tree pests.

Exceptions

(3) A by-law passed under clause *b* of subsection 2 does not apply to trees,

- (a) situated on lots within registered plans of subdivision;
- (b) situated on lands designated in a description registered under *The Condominium Act*; or
- (c) situated within two hundred feet of a residence where the trees and the residence are both on the same lot or parcel of land and the lot or parcel of land is not within a registered plan of subdivision.

R.S.O. 1970,
c. 77

Exemptions

(4) A by-law passed under clause *b* of subsection 1 of this section shall provide that council may establish a committee to hear applications for exemptions from the provisions of the by-law and no exemption shall be refused where,

- (a) the effect of the refusal would be to deny the owner the right to use his land for a particular building, or structure, or for a highway, sanitary sewer, storm sewer, septic tank, wells, watermain or electrical distribution system or other public utility purposes, the construction of which otherwise has all requisite municipal and other government approval;
- (b) the effect of the refusal would be to interfere with any rights or powers of Ontario Hydro or any board or commission that is performing its functions for or on behalf of the Government of Ontario;

- (c) the effect of the refusal would be to interfere with any rights or powers exercised by any public utility commission or other public authority, board or agency that is carrying out works which are beneficial to the municipality as a whole;
- (d) the effect of the refusal would be to interfere with farming operations carried out by farmers; or
- (e) the effect of the refusal would be to interfere with the operations of a woodlot having an area of at least two acres.

4. In addition to any of the powers conferred on the council by any general or special Act, the council may, in exercising by by-law any of its powers to license, regulate or govern any business, provide in any such by-law authority to a court wherein the information is first laid and to any court of competent jurisdiction thereafter, to issue an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any penalty imposed on the person convicted.

Restraining
orders

5.—(1) The council may pass by-laws,

Private
roadways

- (a) to number the buildings and lots or units along private roadways and to provide for the affixing of numbers to the buildings and lots or units and to charge the owner of the building, lot or unit with the expense incidental to the numbering of the building, lot or unit respectively and such expense may be collected in the same manner as taxes;
- (b) to name or rename private roadways and to provide for the erecting and affixing of the names of such roadways at the corners thereof, and for recovering the cost of so erecting and affixing from the owner of such roadway, or in the case of a condominium corporation, from the condominium corporation, and such expense may be collected or recovered in the same manner as taxes;
- (c) for keeping, and the Corporation shall keep for public inspection, a record of the names and locations of the private roadways and of the numbers of the buildings and lots or units thereon;
- (d) to require the owner of a private roadway or a condominium corporation to enter into one or more agree-

ments with the corporation containing such terms and conditions as council considers appropriate, including the provision and maintenance by the owner or the condominium corporation, at his or its sole risk and expense, and to the satisfaction of the council, respecting any matter referred to in clauses *a* and *b*; and

(*c*) to terminate any agreement entered into pursuant to clause *d*, on such terms and conditions as the council considers appropriate.

Entry of
inspectors

(2) Any person appointed by the council to enforce a by-law passed under subsection 1 may enter and inspect the property and affix the numbers and erect the signs, but shall not enter a room or place actually used as a dwelling.

Registration
of agreement

(3) Any agreement referred to in clause *d* of subsection 1 may be registered against the title of the land to which it applies, and the Corporation may enforce the provisions thereof against the owner of the roadway or the condominium corporation and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, against any and all subsequent owners of the land.

R.S.O. 1970,
cc. 409, 234

Idem

(4) Upon the termination of the agreement referred to in clause *d* of subsection 1, a certificate may be signed by the clerk of the Corporation stating that the agreement has been terminated and the certificate may be registered against the title of the land affected.

Assessment of
condominium
units

(5) For the purposes of clause *b* of subsection 1, where a condominium corporation is charged with an expense incident to the naming or renaming of a private roadway and such expense is collected in the same manner as taxes, the expense shall be apportioned and levied on each unit and on the common interest on the basis of the assessment of the individual units and of the common interest appurtenant to the individual units.

Voluntary
payment
of penalty

6.—(1) Notwithstanding any general or special Act, council may pass by-laws,

(*a*) providing a procedure for the voluntary payment of penalties out of court where it is alleged that any provision of a by-law of the Corporation has been contravened; and

(*b*) determining the amount of the penalties, not exceeding \$1,000 to be paid out of court for each alleged contravention where a person volunteers to make payment out of court under clause *a*.

(2) Subsection 2 of section 466 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284} applies if payment is not made in accordance with the procedure provided by a by-law passed under subsection 1.

7.—(1) In this section, “municipal emergency” means any situation that constitutes a general danger to life and property in the city or in any area of the city whether such situation results from the forces of nature or otherwise. ^{Interpretation}

(2) The council may pass by-laws,

^{Emergency measures}

- (a) to establish and maintain an emergency measures organization to provide for the protection and rescue of persons and the protection and salvage of property when such are threatened or damaged by a municipal emergency;
- (b) to provide money for municipal emergencies and for the emergency measures organization referred to in clause a; and
- (c) authorizing the mayor of the Corporation to declare a municipal emergency.

(3) Where the mayor has declared a municipal emergency pursuant to a by-law passed under clause c of subsection 1, the municipal emergency shall be deemed at an end 24 hours after the declaration unless the declaration has been ratified by the council within that period of time. ^{Idem}

(4) If The Regional Municipality of Peel establishes an emergency measures organization serving the Corporation, this section and any by-law passed under this section shall cease to have any further force and effect. ^{Idem}

8.—(1) The council may pass by-laws regulating and governing smoking in those parts of buildings or structures to which the public has access, in school buses and in public transit vehicles operated by the Corporation or operated under a franchise granted by the Corporation. ^{Smoking}

(2) The power to regulate and govern smoking under subsection 1 includes, ^{Idem}

- (a) the power to prohibit smoking;
- (b) the power to inspect at any reasonable time those parts of buildings or structures and those vehicles to which a by-law passed under subsection 1 applies.

Commence-
ment

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

Short title

10. The short title of this Act is *The City of Mississauga Act, 1978*.