The City of Windsor Act, 1974

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CHAPTER 168

An Act respecting the City of Windsor

Assented to April 26th, 1974

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,

(a) "designated fire route" means a fire route designated by by-law of the Corporation;

(b) "fire route" means any road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

(c) "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(d) "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;

(e) "trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon such highway, and except a side car.
attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;

(f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of The Municipal Act, the council of the Corporation may pass by-laws for,

(a) regulating and designating fire routes and without limiting the generality of the foregoing, the by-laws may include the following,

(i) the dimensions, location, construction and maintenance standards of a fire route or of a designated fire route,

(ii) the location, the number and proximity to a building or structure of water hydrants,

(iii) the Building Inspector of the Corporation shall refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the said plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection,

(iv) the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection, before any building permit referred to in the preceding subclause is issued,

(v) the return or release of the security, referred to in the preceding subclause, in part or in whole, as set forth in the by-laws passed pursuant to this subsection,

(vi) requiring existing fire routes, which do not comply with the provisions of the by-laws passed pursuant to this subsection, to comply,
and for establishing a time limit within which said fire routes are required to so comply, or where there is a requirement for a fire route to an existing building or structure, it shall be constructed within the period established in the by-laws passed pursuant to this subsection;

(b) diverting, altering or stopping up, for a period or permanently, designated fire routes;

c) regulating and governing traffic on designated fire routes;

d) prohibiting the parking or leaving of a vehicle or trailer unattended on a designated fire route or on any classes thereof and providing for the removal and impounding of any vehicle or trailer so parked or left unattended at the expense of the owner of said vehicle or trailer;

e) the erecting of signs, including the right of entering on property to accomplish this, which signs may be on or adjacent to a designated fire route and shall be in accordance with the by-laws enacted pursuant to this subsection, and which signs shall be in accordance with The Highway Traffic Act and the regulations made thereunder, and their effect shall be the same as though erected pursuant to any by-law enacted pursuant to The Municipal Act respecting the regulation of traffic;

(f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route, and for the erection of signs as aforesaid, and providing for recovery thereof in the event of non-payment, in the same manner as a by-law enacted pursuant to The Municipal Act;

(g) providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking or leaving of a vehicle or trailer unattended provisions have been contravened, and if payment is not made in accordance with the by-law, payment may be enforced in the same manner as a by-law enacted pursuant to The Municipal Act;

(h) authorizing a peace officer, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted
pursuant to this subsection, to cause such vehicle or trailer to be moved or taken to and placed or stored in another location, and all costs and charges of removing and storage thereof, if any, are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act.

2. (1) Notwithstanding the provisions of any general or special Act, the council of the Corporation may pass by-laws, (a) for leasing or licensing the use of travelled portions of sidewalks on highways under the jurisdiction of the council, within those portions of the City of Windsor in which land may be used for establishing and operating restaurants, to the owners or occupants of adjoining property who operate a licensed restaurant on such property, for the purpose of establishing, maintaining and operating a sidewalk cafe adjoining such restaurant, in such manner and to such extent as council may consider desirable and upon such terms and conditions as may be agreed but not so as to unreasonably confine, impede or incommode public traffic; and

(b) for regulating and controlling the use of such sidewalks and for prohibiting and regulating the hawking, peddling or selling of any goods, wares, merchandise or food thereon, prohibiting or regulating any display or advertising thereon, and for prohibiting or regulating the use of any public address system, sound equipment, loud speakers or similar devices thereon or on the lands adjacent thereto.

(2) Section 466 of The Municipal Act shall apply to any by-law enacted pursuant to clause b of subsection 1.

3. (1) Notwithstanding the provisions of any general or special Act, the council of the Corporation may, subject to subsection 2, pass by-laws for establishing all or any part of any highway in the City of Windsor under the jurisdiction of the council solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods of every day or of any day or days of the week as may be specified in the by-law, and for permitting the obstruction of the promenade in such manner and to such extent as council may consider desirable.

(2) No by-law passed under subsection 1 and no by-law that amends any such by-law shall come into force without
the approval of the Minister of Transportation and Communications.

(3) The council of the Corporation with respect to any pedestrian promenade established under subsection 1 may pass by-laws,

(a) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;

(b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on the lands adjacent thereto; and

(c) prohibiting or regulating and licensing any display, exhibition or advertising thereon.

(4) Section 466 of The Municipal Act shall apply to any by-law enacted pursuant to subsection 1 or 3.

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

This Act may be cited as The City of Windsor Act, 1974. Short title