



THE CORPORATION OF THE CITY OF MISSISSAUGA

Prohibit Sale of Goods on Highways By-law 0127-1995

(Amended by By-laws 0548-1997, 0303-2000, 0045-2015, 0167-2020, 0239-2020, 0245-2021, 0218-2023, 0044-2022 s. 94(3)(f))

WHEREAS the City of Mississauga Act, 1994 received Royal Assent on December 9, 1994;

NOW THEREFORE the council of The Corporation of the City of Mississauga ENACTS as follows:

1. In this by-law,

“City” means The Corporation of the City of Mississauga. (0303-2000)

“long-term outdoor patio” means an accessory outdoor seating area, located adjacent to or within proximity of a restaurant, convenience restaurant or take-out restaurant, which is erected on a sidewalk or in a parking lay-by within a Public Highway located in the Port Credit Business Improvement Area, as shown in Schedule "A" of By-law 0227-2020; (0218-2023)

“Public Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof. (0303-2000)

“seasonal outdoor patio” means an accessory outdoor seating area, located adjacent to or within proximity to a restaurant, convenience restaurant or take-out restaurant, which is erected on any sidewalk within a Public Highway; (0218-2023, 0044-2022 s. 94(3)(f))

“seasonal outdoor retail sales and display” means an accessory outdoor area, located adjacent to or within proximity of an existing retail store, including an outdoor market, in which goods are offered for sale, lease and/or rental to consumers, which is erected on any sidewalk within a Public Highway; (0218-2023, 0044-2022 s. 94(3)(f))

2. No person shall sell, offer to sell or sell or display any goods, merchandise, products, refreshments, foodstuffs or flowers on a public highway over which the city has jurisdiction.

2A. No person shall solicit any money or any other item on a public highway (0548-1997)

3. (1) A police officer, police cadet, municipal by-law enforcement officer, provincial offences officer or any person authorized by by-law to enforce this by-law who has reason to believe that any object, vehicle or thing is stopped, parked or places on a public highway under the jurisdiction of the City in contravention of this By-law, may cause it to be removed and taken to and stored in a suitable place.
- (2) Where there is a person in charge of the object, vehicle or thing in contravention of the by-law, the person authorized to enforce the by-law shall produce appropriate identification and inform the person in charge, that the object, vehicle or thing is in contravention of this By-Law.
- (3) Where there is a person in charge of the object, vehicle or thing in contravention of this By-law, the person authorized to cause the removal of the object, vehicle, or thing shall give a receipt to that person for the object, vehicle or thing.
- (4) Subject to subsections (5) and (6), all costs and charges for the removal, care and storage of any object, vehicle or thing under this By-Law are a lien upon it which may be enforced by the City in the manner provided by the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.24, as amended.
- (5) An object, vehicle or thing removed and stored in accordance with subsection (1) and not claimed by the owner within sixty days (60) of removal is the property of the City and may be sold and the proceeds shall form part of the general funds of the City.
- (6) Despite subsection (5), any object or thing that is perishable is the property of the City upon being moved in accordance with subsection (1) and may be destroyed or given to a charitable organization. (0045-2015)
4. (a) Every person who contravenes Section 2 or subsection 2(a) is guilty of an offence. (0548-1997)
- (b) each person which is convicted of an offence is liable to a fine of not more than \$5, 000.00, exclusive of costs, pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990 c.P.33.
5. The provisions of Section 3 shall apply to any highway established as a Regional Road within the Regional road system established by the Regional Municipality of Peel for as long as the Region has enacted and passed a by-law under paragraph 73 of Section 210 of the Municipal Act, R.S.O. 1990, C.M45.
6. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this by-law, that each and every other provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
7. (1) By-law 503-81, as amended, is repealed. (0045-2015)

- (2) Subsection (1) shall not affect any offence committed against By-law 503-81, as amended, nor any penalty incurred in result thereof, nor any investigation, legal proceeding or remedy thereunder.
 - (3) Any penalty incurred, any investigation, legal proceeding or remedy under by-law 503-81, as amended may be continued as if the said by-law 503-81, as amended had not been repealed.
8. The following Public Highways shall be exempt from the provisions of this By-law 127-95, as amended: (0045-2015)
- (a) Main Street between Queen Street South and Church Street in the City of Mississauga during special events as approved by the Streetsville Village Square Event Committee.
 - (b) Lakeshore Road West where it is located within the Port Credit Cultural Node as defined, and amended from time to time, by By-law 0126-2015. (0167-2020)
9. (1) The following Public Highways shall be exempt from the provisions of By-law 127-95, as amended, for the use of Public Highways for seasonal outdoor patios, as approved by Transportation and Works: (0167-2020, 0218-2023)
- (a) Public Highways adjacent to lands with zones O1 to O3, C1 to C4, H-CC1 to H-CC4, CC1 to CC4, H-CCO, CCO and E1 to E3 and exceptions zones, where the exception zones do not prohibit a restaurant, convenience restaurant and/or take-out restaurant; and, (0167-2020, 0218-2023)
 - (b) Public Highways adjacent to restaurants, convenience restaurants or take-out restaurants located in the Port Credit Business Improvement Area, as shown in Schedule "A" of By-law 0227-2020. (0167-2020, 0218-2023)
 - (c) Deleted by By-law 0218-2023. (0167-2020)
 - (d) Deleted by By-law 0218-2023. (0167-2020)
- (2) The following Public Highways shall be exempt from the provisions of Bylaw 127-95, as amended, for the use of Public Highways for seasonal outdoor retail sales and displays, as approved by Transportation and Works: (0167-2020, 0218-2023)
- (a) Public Highways adjacent to lands with zones C1 to C4, H-CC1 to HCC4, CC1 to CC4, H-CCO, CCO, H-CCOS, CCOS, OS1, OS2 and PB1-6 and exceptions zones, where the exception zones do not prohibit a retail store; and, (0218-2023)
 - (b) Public Highways adjacent to retail stores located in the Port Credit Business Improvement Area, as shown in Schedule "A" of By-law 0227- 2020. (0218-2023)
- (2.1) Deleted by By-law 0218-2023. (0239-2020)
- (3) Public Highways used for long-term outdoor patios shall be exempt from the provisions of By-law 127-95, as amended, as approved by Transportation and Works. (0167-2020, 0239-2020, 0245-2021, 0218-2023)

- (4) For the purposes of subsections 9(1) and 9(2) of this By-law, references to zones means those zones as identified in the City's Zoning By-law 0225-2007. (0218-2023)

ENACTED AND PASSED this 26th day of April, 1995
Signed by Hazel McCallion, Mayor and Terence Julian, City Clerk