

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER xxx.2020

A by-law to amend By-Law 39-2020, being a by-law to delegate authority to temporarily restrict the common law right of passage in connection with on-street restaurant patios and other on-street retail uses in Downtown Burlington

(PL-60-20)

Whereas section 23.1 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, provides that Council may delegate some of its powers and duties under this or any other Act to City staff; and

Whereas Section 35 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws removing or restricting the common law right of passage by the public over a highway; and

Whereas subsection 8(4) of the *Municipal Act, 2001* provides that a by-law passed pursuant to that Act may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate; and

Whereas City Council has determined that it is appropriate to allow approved restaurant patios and other approved retail uses to locate on a temporary basis on streets within Downtown Burlington in connection with economic recovery from the effects of Covid-19; and

Whereas City Council has determined that it is appropriate to extend the delegation of authority to allow approved restaurant patios and other approved retail uses on a temporary basis on streets in Downtown Burlington until no later than October 31, 2021; and

Whereas an amendment to By-law 39-2020 is required to give effect to the extension of the delegation of authority contemplated herein;

Now therefore the Council of The Corporation of the City of Burlington hereby enacts as follows:

1. By-law 39-2020 is hereby amended by deleting section 2 in its entirety and replacing it with the following:

“This By-law shall expire on October 31, 2021”.

2. Subject to the amendment made in this by-law, in all other respects, By-law 39-2020 is hereby confirmed unchanged.

3. This By-law comes into force on the date of its passing.

Enacted and passed this 2<sup>nd</sup> day of November, 2020.

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_