

The Corporation of the City of Burlington

City of Burlington By-law 46-2024

A by-law to amend By-law 42-2008 being a by-law to provide for the licensing, regulating and governing of various businesses in the City of Burlington, as amended.  
File: 110-01-01 (BL-05-24)

Whereas Part IV of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act*") allows the enactment of by-laws to license, regulate and govern businesses, and to impose conditions on the obtaining, holding and keeping of licences to carry on such businesses;

Whereas By-law 42-2008 was enacted on XXXX to provide for the licensing, regulating and governing of various businesses in the City of Burlington; and

Whereas Council of the Corporation of the City of Burlington has deemed it necessary to amend By-law 42-2008 to clarify powers of inspection in By-law 42-2008.

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

1. That Part 5 Inspection of By-law 42-2008 be deleted in its entirety and replaced with the following new section:

**PART 5: INSPECTION**

**Entry and Inspections**

- 5.1 An officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - (a) this By-law;
  - (b) an order made under this By-law;
  - (c) a condition of a licence issued under this By-law; or
  - (d) an order made under section 431 of the *Municipal Act, 2001*.
- 5.2 An officer, for the purpose of the inspection under section 5.1 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
  - (a) require the production for inspection of documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information in writing or otherwise as required by an officer from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

5.3 An officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where he or she has been prevented or is likely to be prevented from carrying out an inspection under section 5.1.

2. Despite the amendment being made to By-law 42-2008, By-law 42-2008, as amended, as it read before the amendment to Part 5, above, shall continue to apply to proceedings in respect of offences that occurred before its amendment.
3. That in all other respects, By-law 42-2008, as amended, be and is hereby confirmed.
4. That this By-law comes into force on the day it is passed.

Enacted and passed this 18<sup>th</sup> day, of June, 2024.

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

City Clerk Samantha Yew \_\_\_\_\_