

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to amend By-law 1-2008 a by-law for Adult Entertainment establishments in the City of Burlington, as amended.

File: 110-01-01 (DGM-57-25)

Whereas Part IV of the Municipal Act, 2001 provides that a local municipality may provide for a system of licences with respect to businesses; and;

Whereas sections 8, 9 and 11 of the Municipal Act, 2001 authorize the City of Burlington to pass by-laws necessary and desirable for municipal purposes, and in particular, paragraphs 6 and 8 of subsection 11(2) authorize by-laws respecting the health, safety and well-being of persons, the protection of persons and property, including consumer protection; and

Whereas on March 17, 2008, Council of The Corporation of the City of Burlington passed By-law 1-2008, being a by-law for Adult Entertainment establishments licensing in the City of Burlington; and

Whereas the Council of The Corporation of the City of Burlington deems it appropriate to amend By-law Number 1-2008 to modify the appeals process to improve efficiency and fairness; and

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That in Section 1. Definitions and Interpretations, the definition of "Licensing Committee", located after the definition of "Licensee" and before the definition of "Licensing Officer" be deleted in its entirety.
2. That Section 1. Definitions and Interpretations be amended by adding the following definition after the definition of "Adult Videotape Store" and before the definition of "Applicant":

""Appeals Committee" means a Committee or Tribunal duly appointed by Council to conduct hearings under this by-law;

3. That Section 5.(2) (a) be amended by deleting the words “Schedule 1 to this By-law” located after the words “as set out in” and replacing with “the City of Burlington Rates and Fees By-law”
4. That Section 6.(1) (a) be amended by deleting the words “Schedule 1 to this By-law” located after the words “as set out in” and replacing with “The City of Burlington Rates and Fees By-law”
5. That Section 13. (2) (d), as amended, be deleted and replaced with the following:

State that the Applicant or Licensee is entitled to a hearing by the Appeals Committee if the Applicant or Licensee delivers to the Clerk, within thirty (30) days after Notice is served, a notice in writing requesting a hearing by the Appeals Committee and the appeal fee as set out in the City’s Rates and Fees By-law;

6. That Section 13. (4) be amended by deleting the words “Licensing Committee” located after the words “a hearing before the” and before the words “and send written notice” and replace with “Appeals Committee”;
7. That the title before Section 14 be amended by replacing the words “Licensing Committee”, located after the words “The Hearing before the” with “Appeals Committee”;
8. That Section 14.(1), as amended, be amended by deleting the words “Licensing Committee” located after the words “conducted by the” and replacing with “Appeals Committee”;
9. That Section 14. (2), be deleted and replaced with the following:

The Appeals Committee is hereby established pursuant to Section 23.5 of the Municipal Act, 2001, as amended;

10. That Section 14.(3) be amended by deleting the words “Licensing Committee” located after the words “does not attend at the appointed time and place, the” and before the words “may proceed with” and replacing with “Appeals Committee”;
11. That Section 14.(4), as amended, be deleted in its entirety;
12. That Section 15, as amended, be deleted in its entirety;

13. That Schedule 1 be deleted in its entirety;

14. Despite the amendment being made to By-law 1-2008, as amended, as it read before the amendments above, shall continue to apply to proceedings in respect of offences that occurred before its amendment.

15. That in all other respects, By-law 1-2008, as amended, be and is hereby confirmed.

16. That this By-law comes into force on the day it is passed.

Enacted and passed this \_\_\_\_\_ day, of \_\_\_\_\_ 2025.

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

Deputy Clerk Lisa Palermo \_\_\_\_\_