

Ontario Local Option Law

Text of Statutes Governing Enactment of Prohibitory By-Laws

The law under which Local Option by-laws may be passed or repealed in the Province of Ontario, is contained in Section 141 of the Liquor License Act, which is Chapter 245 of the Revised Statutes of Ontario as amended by various Acts passed in subsequent years, particularly by those passed in 1906, 1907, and 1908. It reads in full as follows:—

141. (1) The council of every township, city, town and incorporated village may pass by-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors, in any tavern, inn, or other house or place of public entertainment, and for prohibiting the sale thereof, except by wholesale, in shops and places other than houses of public entertainment: Provided that the by-law before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the section in that behalf of the Municipal Act.

(2) The day fixed by the by-law for taking the votes of the electors thereon shall be the day upon which under The Consolidated Municipal Act, 1903, or any by-law passed under the said Act, a poll would be held at the annual election of members of the council of the municipality.

(3) In case a petition, in writing, signed by at least twenty-five per cent. of the total number of persons appearing by the last revised voters' list of the municipality to be qualified to vote at municipal elections, is filed with the clerk of the municipality on or before the first day of November next preceding the day upon which such poll would be held, praying for the submission of such by-law, it shall be the duty of the council to submit the same to a vote of the municipal electors as aforesaid.

(4) In case three-fifths of the electors voting upon such by-law approve of

the same, the council shall within six weeks thereafter finally pass such by-law, and this sub-section shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by mandamus or otherwise.

(5) In case such by-law does not receive the approval of at least three-fifths of the electors voting thereon the council shall not pass the same, and no by-law for the same purpose shall be submitted to the municipal electors before the date of polling for the third annual election of members of the council to be held after that at which the voting on the first mentioned by-law took place.

(6) No by-law passed under the provisions of sub-section 1 of this section shall be repealed by the council passing the same until after a by-law for that purpose has been submitted to the electors and approved by three-fifths of the electors voting thereon, in the same manner as the original by-law, on the polling day at the third or some subsequent annual municipal election held after the passing of such original by-law; and in case such repealing by-law is not so approved, no other repealing by-law shall be submitted to the electors until the polling at the third annual municipal election thereafter. Provided that any such by-law heretofore passed under sub-section 1 of this section may be so repealed with the approval of a majority of the electors voting upon such repeal.

(7) Every by-law passed under this