

**Authority:** Item 13, Planning and Economic  
Development Committee Report  
(PED08117)  
CM: May 28, 2008

**Bill No. 131**

## **CITY OF HAMILTON**

### **BY-LAW NO. 08-131**

#### **To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses**

**WHEREAS** Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

**AND WHEREAS** this By-law provides for housekeeping and technical amendments to By-law 07-170 as hereinafter set out;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. By-law 07-170 is amended in accordance with sections 2 to 99 inclusive and these sections are deemed to include all necessary amendments to grammar including punctuation.
2. The title "GENERAL PROVISIONS" is added after the recitals.
3. Paragraph 1(1)(i) of the General Provisions is amended by deleting the word "appointed" and replacing it with "assigned" and by deleting the words "Buildings and Licensing" and replacing them with "Parking and By-law Services".
4. Paragraph 1(1)(j) of the General Provisions is amended by deleting the words "Building and Licensing" and replacing them with "Parking and By-law Services".

5. Paragraph 1(1)(m) of the General Provisions is amended by deleting the words “of this By-law”.
6. Paragraph 1(1)(p) of the General Provisions is amended by replacing the word “Section” with “section”.
7. Subsection 2(a) of the General Provisions is amended by deleting the words “Building and Licensing” and replacing them with “Parking and By-law Services”.
8. Subsection 2(b) of the General Provisions is deleted and replaced by the following new subsection:

2(b) Enforcement of this By-law shall be by:

- (i) persons assigned by the Issuer of Licences or Council for the purpose of enforcing the provisions of this By-law which shall include the following:
    - a. municipal law enforcement officers; and
    - b. inspectors appointed pursuant to the Building Code Act, 1992, S.O. 1992, c. 23; and
  - (ii) police officers.
9. Subsection 3(3) of the General Provisions is amended by adding the word “subsection” before “(2)” and by deleting the letter “s” at the end of “Procedure”.
  10. Subsection 4(1) of the General Provisions is amended by deleting paragraph (c) and replacing it with the following new paragraph:
    - (c) where a limited number of licences may be issued or transferred, that there is a licence approved or available for issuance or transfer.

11. Subsection 4(2) of the General Provisions is amended by adding the word “paragraphs” before “(1)(a) or (b)”, the words “or transferred” after “to be issued” and the word “paragraph” before “(1)(c)”.
12. Subsection 4(3) of the General Provisions is amended by adding the word “subsection “ before “(2)”.
13. Paragraph 6(1)(e) of the General Provisions is amended by relettering subparagraph 6(1)(e)(iii) as (ii), subparagraph 6(1)(e)(iv) as (iii) and subparagraph 6(1)(e)(v) as (iv).
14. Subparagraph 6(1)(e)(i) of the General Provisions is repealed and replaced by the following new subparagraph:

(i) an applicant for a licence under

Schedule 1	Adult Entertainment Parlours
Schedule 2	Auctioneers
Schedule 3	Bed and Breakfast Establishments
Schedule 4	Body Rub Parlours
Schedule 6	Flea Markets and Antique Markets
Schedule 9	Lodging Houses
Schedule 11	Pawnbrokers
Schedule 12	Pedlars
Schedule 14	Precious Metal and Jewellery Dealers
Schedule 15	Public Baths
Schedule 16	Public Garages – Classes A, B1, B2 and B3 only

Schedule 20	Residential Care Facilities
Schedule 22	Salvage and Second-Hand Goods Businesses
Schedule 25	Taxicabs – Cab Broker only
Schedule 29	Trades
Schedule 30	Transient Traders

shall submit, as part of their application for a licence:

- a. the applicant's original criminal record, provided that if no original criminal record exists, the applicant shall submit instead original certification from the police that no such record exists; and
- b. a list of any criminal or provincial offences in all jurisdictions for which the applicant has been convicted and not pardoned and which do not appear on any original criminal record submitted.

15. Subparagraph 6(1)(e)(iii) of the General Provisions, relettered as subparagraph 6(1)(e)(ii) under section 13, is repealed and replaced by the following new subparagraph:

(ii) an applicant for a licence under

Schedule 8	Limousines
Schedule 25	Taxicabs – Taxicab Driver and Taxicab Owner only

shall submit, as part of their application for a licence:

- a. the applicant's original criminal and driving records provided that if no original criminal record exists, the

applicant shall submit instead original certification from the police that no such record exists; and

- b. a list of any criminal, provincial or driving offences in all jurisdictions for which the applicant has been convicted and not pardoned and which do not appear on any original criminal or driving record submitted.

16. Subparagraph 6(1)(e)(iv) of the General Provisions, relettered as subparagraph 6(1)(e)(iii) under section 13, is repealed and replaced by the following new subparagraph:

(iii) a licensee under

Schedule 8

Limousines

Schedule 25

Taxicabs – Taxicab Driver and  
Taxicab Owner only

shall submit, as part of their application to renew a licence:

- a. the applicant's original driving record; and
- b. a list of any driving offences in all jurisdictions for which the applicant has been convicted and not pardoned and which do not appear on any original driving record submitted.

17. Subparagraph 6(1)(e)(v) of the General Provisions, relettered under section 13 as subparagraph 6(1)(e)(iv), is amended by adding the word "subparagraph" before each occurrence "(i) or (ii)".
18. Subsection 6(3) of the General Provisions is amended by deleting the word "paragraphs" and replacing it with "subparagraphs".
19. Subsection 6(4) of the General Provisions is amended by deleting the word "paragraph" and replacing it with "subparagraphs".

20. Subsection 6(5) of the General Provisions is amended by deleting the lettering “(i), (ii) and (iii)” and replacing it with “(i) or (ii)”, by adding the word “subparagraphs” before “1(e) (i) or (ii)” and by replacing the number “31” with “36”.
21. Subsection 7(3) of the General Provisions is deleted.
22. Subsection 8(2) of the General Provisions is amended by the deleting the number “(3)” and replacing it with “(4)”.
23. Section 8 of the General Provisions is amended by adding the following new subsection after subsection (2) and renumbering the subsequent subsections accordingly:
  - (3) Where a licence is renewed, before, on or after its date of expiry, the date of issuance as shown on the renewed licence shall be the date of expiry of the expired licence.
24. Subsection 8(4) of the General Provisions, renumber as subsection 8(5) under section 23 is amended by deleting paragraphs (b) and (c) and replacing them with the following new paragraphs:
  - (b) where the licence is issued to an individual, on the date of death of the individual, provided that a taxicab owner’s licence issued under Schedule 25 shall expire in accordance with section 47 of that Schedule;
  - (c) where the licence is issued to a partnership or corporation, on the date of dissolution of the partnership or corporation;
  - (d) where any federal, provincial or municipal licence, including a permit, an approval, a registration or any other type of permission, required for the licensee to carry on or engage in their business has been revoked, suspended or has expired without renewal; or
  - (e) where the licensee has been prohibited from carrying on or engaging in their business under federal, provincial or municipal

authority including under authority of a court order.

25. Subsection 8(5) of the General Provisions, renumbered as subsection 8(6) under section 23, is amended by deleting the words “licence fees paid under subsections (2) and (3)” and replace by “paid licence fees”.
26. Paragraphs 8(5)(b) and 8(5)(c) of the General Provisions, renumbered as paragraphs 8(6)(b) and 8(6)(c) under section 23, are amended by deleting the word “clause” and replacing it with “paragraph”.
27. Section 8 of the General Provisions is amended by deleting subsection (6), renumbered as subsection (7) under section 23, and replacing it with the following new subsection:
  - (7) The licensee, or the licensee’s legal representative where the licensee has died, shall return the licence certificate, plate, sticker or photo identification to the Issuer of Licences:
    - (a) where a licence that has expired under paragraph (4)(a), unless the licence certificate has been returned to the City at the earlier request of the Issuer of Licences, within seven days of the date of approval of the suspension or revocation by Council;
    - (b) where a licence that has expired without renewal under subsection (2) or expired under paragraphs (4)(b), (c), (d) or (e), within seven days of the date of the expiry; or
    - (c) where the business licensed under this By-law ceases to operate, within seven days of the date it ceases to operate.
28. Subsection 12(1) of the General Provisions is amended by deleting the number “11(2)” and replacing it with “12(2)” and by adding the following new paragraphs after paragraph (b) and relettering the subsequent paragraphs accordingly:

- (c) refuse to issue the licence where, in the opinion of the Issuer of Licences, the business would put public safety at risk;
  - (d) refuse to issue the licence where, in the opinion of the Issuer of Licences, the business is not or will not be carried on in compliance with the law or the conduct of the person, in the case of a partnership, the conduct of its partners, employees or agents or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in this business in accordance with the law or with honesty or integrity;
  - (e) refuse to issue the licence where any federal, provincial or municipal licence, including a permit, an approval, a registration or any other type of permission, required for the applicant to carry on or engage in their business has been revoked, suspended or has expired without renewal;
  - (f) refuse to issue the licence where the applicant has been prohibited from carrying on or engaging in their business under federal, provincial or municipal authority including under authority of a court order;
29. Paragraph 12(1)(a) of the General Provisions is amended by deleting the words “or where approval of the licence under the policy would put public safety at risk”.
30. Paragraph 12(1)(b) of the General Provisions is amended by deleting the words “the applicable fees have not been paid” and replacing them with “any fees to be paid in respect of the licence or the licensed premises under this By-law, By-law 06-234 or the City’s User Fees and Charges By-law have not been paid” and by deleting the word “or” after “applicant or licensee;”.



31. Paragraph 12(1)(c) of the General Provisions, relettered under section 28 as paragraph 12(1)(g), is amended by deleting the words “(a), or (b)” and replacing them with “(a), (b), (c), (d), (e) or (f) ”.
32. Paragraph 12(1)(d) of the General Provisions, relettered under section 28 as paragraph 12(1)(h), is amended by deleting the words “(a), (b), or (c)” and replace them with “(a), (b), (c), (d), (e), (f) or (g)”.
33. Subsection 13(4) of the General Provisions is amended by adding the words “subject to a decision of the Licensing Committee to extend the time for commencing a hearing” after “notice under subsection (2)”.
34. Subsection 14(1) of the General Provisions is amended by adding the following new paragraphs after paragraph (e) and relettering the subsequent paragraph accordingly:
  - (f) that, in the opinion of the Issuer of Licences, the business would put public safety at risk;
  - (g) that, in the opinion of the Issuer of Licences, the business is not or will not be carried on in compliance with the law or the conduct of the person, in the case of a partnership, the conduct of its partners, employees or agents or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in this business in accordance with the law or with honesty or integrity;
35. Section 15 of the General Provisions is amended by numbering the first sentence as subsection (1) and by adding the following new subsection (2):
  - (2) The Issuer of Licences may, at a hearing, recommend that a licence be refused, suspended or revoked or the imposition of

conditions.

36. Subsection 16(3) of the General Provisions is amended by adding the following new paragraph after paragraph (c) and by relettering the subsequent paragraph accordingly:

(d) where the business would put public safety at risk;

37. Paragraph 16(3)(c), relettered as paragraph 16(3)(d) under section 36, is amended by adding the words “in the case of a partnership, the conduct of its partners, employees or agents”, after “whether the conduct of the person,” and before “or in the case of a corporation”.

38. Subsection 16(5) of the General Provisions is amended by deleting the words “final decision” and replacing them with “final recommendation”.

39. Section 17(1) of the General Provisions is amended by deleting everything following the words “subsection 16(3)”.

40. Section 18 of the General Provisions is amended by deleting subsection (5).

41. Section 25 of the General Provisions is amended by deleting the word “clauses” and replacing it with “subparagraphs” .

42. Section 26 of the General Provisions is deleted and replaced by the following new section:

26.(1) Every person engaging in or carrying on any business for which a licence is required by the provisions of this By-law shall be responsible that all applicable law, including all the provisions of

this By-law and the applicable Schedule or Schedules regulating such business, are complied with.

(2) Licensees shall comply with all applicable law, including all the provisions of this By-law and the applicable Schedule or Schedules, and with conditions of their licences, and no licensee shall cause or permit their employee, agent or other persons carrying on or engaging in the business on their behalf, to fail to comply with all applicable law, including the provisions of this By-law and the applicable Schedule or Schedules, and with the conditions of their licences.

(3) Compliance with all applicable law, including the provisions of this By-law and its Schedules, and with the conditions of licences is a condition of an applicant or licensee obtaining, continuing to hold or renewing a licence.

43. Subsection 27(2) of the General Provisions is amended by deleting the word “concerns” and replacing with “concur”.
44. Sections 31 and 32 of the General Provisions are amended by deleting each occurrence of the word “Of” and replacing it with “of”.
45. Appendix “A” of the General Provisions, entitled “New Approvals”, is amended by having the first three title rows appear on each page.
46. Appendix “B” of the General Provisions, entitled “Renewal Approvals”, is amended by have the first four title rows appear on each page.
47. Appendix “C” of the General Provisions, entitled “Departmental Policy Standard Character and Driving Record Criteria For Conditional Issuance and Refusal of Mobile Licence Applications or Renewals”, is amended by deleting each

occurrence of the words “Criminal Code” and replacing them with “criminal”, and by deleting the words “Building and Licensing” and replacing them with “Parking and By-law Services.

48. Appendix “C” of the General Provisions is further amended by deleting the list starting with “Auctioneer” and ending with “Transient Trader” and adding a new row at to the top of the Table containing the following:

Schedules 2 (Auctioneers), 8 (Limousines), 12 (Pedlars), 25 (Taxicabs– Taxicab Driver and Taxicab Owner only) and 30 (Transient Traders)

49. Appendix “D” of the General Provisions, entitled “Departmental Policy Standard Character and Driving Record Criteria For Conditional Issuance and Refusal of Establishment and Trade Licence Applications or Renewals”, is amended by deleting each occurrence of the words “Criminal Code” and replacing them with “criminal” and by deleting the words “Building and Licensing” and replacing them with “Parking and By-law Services”.

50. Appendix “D” of the General Provisions is further amended by deleting the list starting with “Adult Entertainment Parlour - Owner” and ending with “Master Warm Air Heating, Air Conditioning & Ventilation Installer” and adding a new row at to the top of the Table containing the following:

Schedules 1 (Adult Entertainment Parlours), 3 (Bed and Breakfast Establishments), 4 (Body Rub Parlours), 6 (Flea Markets and Antique Markets), 9 (Lodging Houses), 11 (Pawnbrokers), 14 (Precious Metal and Jewellery Dealers), 15 (Public Baths), 16 (Public Garages – Classes A, B1, B2 and B3 only), 20 (Residential Care Facilities), 22 (Salvage and Second-Hand Goods Businesses), 25 (Taxicabs – Cab Broker only), 29 (Trades)

51. Subsection 1(o) of Schedule 1 is amended by deleting the words “district or zone” and replacing them with “district, zone or location”.

52. Section 5 of Schedule 1 is amended by deleting the words “defined areas or” and replacing them with “districts, zones or”.
53. Section 2 of Appendix “A” of Schedule 1 is amended by deleting subsections 2(e) and 2(g) and by relettering “(f)” as “(a)” and “(h)” as “(b)”.
54. Section 3 of Appendix “A” of Schedule 1 is amended by deleting the words “subsection (2)” and replacing them with “section 2”.
55. Paragraph 3(e)(i) of Schedule 3 is amended by deleting the words “Social and”.
56. Paragraph 3(2)(e) of Schedule 9 is amended by adding the word “Public” after “Fire, Police, Building and”.
57. Subsection 1(e) of Schedule 17 is amended by deleting the words “the most recent inspection conducted under the Health Protection and Promotion Act and the regulations there under, and which states that the establishment was in compliance with the conditions required for safe handling of food at the time of the inspection” and replacing them with “an inspection or inspections conducted under the Health Protection and Promotion Act or its regulations”.
58. Subsection 1(k) of Schedule 17 is amended by deleting the words “Social and”.
59. Subsection 9(a) of Schedule 17 is amended by deleting the words “Building and Licensing” and replacing them with “Parking and By-Law Services”.
60. Subsection 13(1) of Schedule 17 is amended by adding the words “, except go-karts,” after each occurrence of the words “motor vehicles”.

61. Section 14 of Schedule 17 is amended by adding the new subsections (1) and (2) and renumbering the subsequent subsections accordingly:

14.(1) No motor vehicles shall be operated on the track, either for practice, testing or racing, except on a day on which races are to be held, and races shall not be held more than one night per calendar week, not to exceed 25 nights per calendar year, save as provided in subsection 14(2).

(2) In addition to the regular racing nights provided for in subsection 14(1), the Licensee shall be permitted to hold races on 8 additional nights per calendar year and the Licensee shall disclose in writing and in advance the dates of such 8 additional nights to the Issuer of Licences.

62. Subsection 14(1) of Schedule 17, renumbered as 14(3) under section 61, is amended by deleting "14(3)" after "dates permitted in subsection" and replacing it with "14(2)".
63. Paragraph 14(1)(c) of Schedule 17, renumbered as 14(3)(c) under section 61, is amended by deleting "14(1)(b)" after "specified in paragraph" and replacing it with "14(3)(b)".
64. Subsection 14(2) of Schedule 17, renumbered as 14(4) under section 61, is amended by deleting the sentence "In addition to the regular racing dates, the Licensee shall be permitted to hold races on eight additional dates per calendar year."

65. Subsection 14(4) of Schedule 17, renumbered as 14(6) under section 61, is amended by deleting the words “rights detailed in section 8” and replacing them with “nights provided for in subsection 14(2)”.
66. Section 20 of Schedule 17 is amended by deleting the words “Public Health Act” and replacing them with “Health Protection and Promotion Act”.
67. Section 28 of Schedule 17 is amended by deleting the words “section 7” and replacing them with “section 14”.
68. Paragraph 4(b)(i) and sections 23, 26 and 27 of Schedule 18 are each amended by deleting the words “Social and”.
69. Paragraph 1(1)(a) of Schedule 19 is amended by deleting the words “the most recent inspection conducted under the Health Protection and Promotion Act and the regulations there under, and which states that the establishment was in compliance with the conditions required for safe handling of food at the time of the inspection” and replacing them with “an inspection or inspections conducted under the Health Protection and Promotion Act or its regulations”.
70. Paragraph 1(1)(b) and section 11 of Schedule 19 are each amended by deleting the words “Social and”.
71. Subsection 6(2) of Schedule 19 is deleted and replaced by the following new subsection:
  - 6(2) A person, being the owner or operator of a licensed eating establishment may operate a refreshment vehicle on the premises of the eating establishment without complying with paragraph 8(1)(c)(ii) by being a certain distance from an eating

establishment, and without requiring the written permission of other eating establishments as provided in this section.

72. Paragraph 1(l)(i) of Schedule 20 is amended by adding the word “Services” after “Building”.
73. Paragraphs 1(l)(iii) and 1(l)(iv) of Schedule 20 are each amended by deleting the words “Social and”.
74. Subsection 45(4) of Schedule 20 is amended by deleting the words “and Community”.
75. Subsection 1(c) of Schedule 21 is amended by deleting the words “the most recent inspection conducted under the Health Protection and Promotion Act and the regulations there under, and which states that the establishment was in compliance with the conditions required for safe handling of food at the time of the inspection” and replacing them with “an inspection or inspections conducted under the Health Protection and Promotion Act or its regulations”.
76. Subsection 1(e) of Schedule 21 is amended by deleting the words “Social and”.
77. Subsection 2(2) of Schedule 21 is deleted and replaced by the following new subsection:
  - (2) A person who holds a current and valid licence under this Schedule shall not be required to obtain a licence under Schedule 19 in respect of a refreshment vehicle they operate or own that is operating on the premises of their licensed eating establishment,



provided that all provisions under Schedule 19 respecting such a refreshment vehicle shall apply.

78. Subsection 3(b) of Schedule 23 is amended by deleting the words “and Licensing” and replacing them with “Services”.

79. Paragraph 1(1)(y) of Schedule 25 is amended by deleting the words “Building & Licensing” and replacing them with “Parking and By-law Services”.

80. Section 6 of Schedule 25 is deleted and replaced with the following new sections:

6. A conveyance by means of a motor vehicle that:

(a) is owned by the City of Hamilton, the Hamilton Street Railway Company or the Disabled and Regional Transit System (hereinafter called “DARTS”); and

(b) is operated by or on behalf of the City of Hamilton as part of a public transportation service, including a public transportation service for the transportation of senior citizens or disabled persons

is exempt from Schedule 8 and Schedule 25.

6a. A conveyance by means of a motor vehicle that:

(a) is not owned by the City of Hamilton, the Hamilton Street Railway Company or DARTS; and

- (b) is operated by or on behalf of the City of Hamilton as part of a public transportation service, including a public transportation service for the transportation of senior citizens or disabled persons

is exempt only from the fare provisions of this Schedule and not from any other provision under Schedule 8 or Schedule 25.

- 6b. For the purposes of section 6 and section 6a, “owned” includes any arrangement for possession and control of a motor vehicle.
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- 81. Subsection 14(b) of Schedule 25 is amended by deleting the words “and/or By-law 07-170” and replacing them with “this By-law and/or the City’s User Fees and Charges By-law”.
  - 82. Section 16 of Schedule 25 is amended by deleting the words “at the time of enactment of this Schedule” and replacing them with “on May 28, 2003” and by deleting the words “within three (3) years from the date of the enactment of this Schedule” and replacing them with “before May 29, 2006”.
  - 83. Subsection 20(b) of Schedule 25 is amended by adding the words “pursuant to this Schedule, the Fees Schedule, this By-law and/or the City’s User Fees and Charges By-law” between “”all required fees” and “and completes and files”.
  - 84. Subsection 20(d) of Schedule 25 is amended by deleting the final sentence of paragraph 20(d)(ii) and replacing it with the following new sentence applying to the whole of the subsection:

This subsection takes effect on May 29, 2008.

85. Subsection 20(r) of Schedule 25 is amended by deleting the words “Upon enactment of this Schedule”.
86. Subsection 22(b) of Schedule 25 is amended by adding the words “pursuant to this Schedule, the Fees Schedule, this By-law and/or the City’s User Fees and Charges By-law” between “all required fees” and “and completes and files”.
87. Section 24 of Schedule 25 is deleted including the heading “TERMS AND CONDITIONS” but shall continue to be noted as “24. Repealed.” After section 23 and no subsequent provisions shall be renumbered or relettered.
88. Paragraph 28(8)(c) and subsection 39(3) of Schedule 25 are each amended by deleting the word “Department” and replacing it with “Division”.
89. Subsection 29(8) of Schedule 25 is amended by deleting the words “the enactment of this Schedule” and replacing them with “May 28, 2003”.
90. Subsection 29(9) of Schedule 25 is amended by deleting the words “at the enactment of this Schedule” and replacing them with “as of May 28, 2003”.
91. The title immediately preceding section 46 of Schedule 25 is deleted and replaced with the following new title:

**TRANSFER OF OWNER’S LICENCE**

92. Subsection 49(21) of Schedule 25 is amended by deleting the words “Effective five years from the date of enactment of this Schedule” and replacing them with “As of May 29, 2008”.

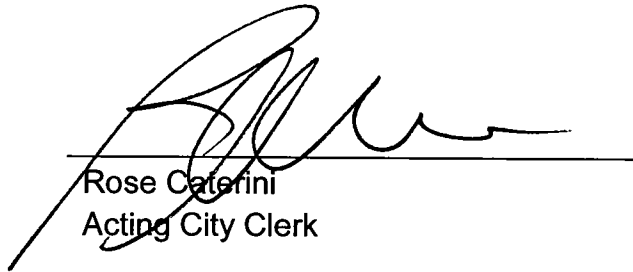
93. Paragraph 50(1)(d) of Schedule 25 is deleted and the subsequent paragraph is relettered accordingly.
94. Subparagraph 65(1)(o)(ii) of Schedule 25 is amended by deleting the words “at the time of enactment of this Schedule” and replacing them with “as of May 28, 2003” and by deleting the words “the second anniversary of the date of enactment of this Schedule” and replacing them with “May 28, 2005”.
95. Subsection 70(1) of Schedule 25 is amended by deleting the words “Director of Building & Licensing, Planning & Development” and replacing them with “Director, Parking and By-law Services, Planning and Economic Development Department”.
96. Section 73 of Schedule 25 is deleted and replaced by the following new section:
  73. Pursuant to the provisions of section 431 of the Municipal Act, 2001, when a person has been convicted of an offence under this Schedule, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other penalty or order imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
97. Subsection 7(3) of Schedule 30 is amended by deleting the word “the” after “transient trader shall cause” and replacing it with “their”.
98. Section 1 of Schedule 31 is amended by having the first two title rows of the table appear on each page of the table.

99. The section entitled "RENEW" in Schedule 31 is renumbered as 2 and is amended by having the first two title rows of the table appear on each page of the table.
100. This By-law comes into force on the date it is passed.

**PASSED and ENACTED** this 28<sup>th</sup> day of May, 2008.



Chad Collins  
Acting Mayor



Rose Caterini  
Acting City Clerk