

Authority: Item 20, Economic Development
& Planning Committee
Report 09-002 (PED09030) CM:
January 28, 2009 AND
Item 3, Committee of the Whole
Report 09-006
CM: February 11, 2009

Bill No. 039

CITY OF HAMILTON

BY-LAW NO. 09-039

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 amendments to the General Provisions and Schedule 25 of City of Hamilton By-law No. 07-170;

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

1. Section 4 of the General Provisions of By-Law No. 07-170 is deleted and replaced with the following new section 4:
 - 4.(1) The duties of the Issuer of Licences include ensuring:
 - (a) that applications are on the form applicable to the category of licence applied for, complete, and signed by the applicant, or where the application is from a partnership or corporation respectively, signed by a partner or the president or other authorized signing officer of the corporation;
 - (b) that the applicant has paid the fees required for the applicable licence(s) and application, for the term of the licence, prior to

processing the application; and

- (c) where a limited number of licences may be issued or transferred, that there is a licence approved or available for issuance or transfer.

(2) Where an application or applicant fails to comply with the requirements of paragraphs (1)(a) or (b), or the Issuer of Licences' instructions in that regard, or where no licences are available to be issued or transferred under paragraph (1)(c), the application shall not be processed and shall be returned to the applicant.

(3) Where the application is returned under subsection (2), the applicant may be:

- (i) given the application and advised personally; or
- (ii) sent the application by regular mail to the applicant's address as disclosed by the application or to their last known address and advised by an accompanying letter.

(4) Where the Issuer of Licences has refused to issue a licence under section 12 and the applicant or licensee has not appealed the refusal in accordance with subsection 13(2), no further application from the applicant or licensee for the same category of licence shall be processed by the Issuer of Licences for one year from the date of the refusal. Any such further application shall be returned to the applicant in accordance with subsection (3).

(5) Notwithstanding subsection (4), where the only reason for the refusal is the failure of premises to meet one or more requirements under this By-law, a further application may be processed if the premises, whether they are the same or different premises, meet all requirements under this By-law. Any such further application is subject to all of the requirements under this By-law including the

requirements under this section.

2. Section 3 of Schedule 13 of By-law No. 07-170 is amended by deleting the words "January, 1998" and replacing them with "2008, as amended from time to time".

3. Subsection 20(d) of Schedule 25 of By-law No. 07-170 is deleted and replaced with the following new subsection 20(d):
 - (d) unless:
 - (i) such person has undertaken and successfully completed the service and skills training program prescribed by the Issuer of Licences under subsection 15(a). Where the person is a corporation, the person holding shares carrying at least fifty-one percent (51%) of the voting rights attached to all shares of the corporation for the time being issued and outstanding shall have undertaken and successfully completed the service and skills training program prescribed by the Issuer of Licences under subsection 15(a);

 - (ii) if no one person holds at least fifty-one percent (51%) of the voting rights of the corporation, then the minority shareholder, holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, shall have undertaken and successfully completed the service and skills training program prescribed by the Issuer of Licences under subsection 15(a). Where among the minority shareholders there are more than one minority shareholder holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, the corporation shall designate the minority shareholder among such group who shall have undertaken and successfully completed the service and skills training program prescribed by the

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Issuer of Licences under subsection 15(a) of this
Schedule.

(iii) This subsection takes effect on September 30, 2009.

The successful completion of the service and skills training program
under this subsection shall be determined in accordance with
section 19.

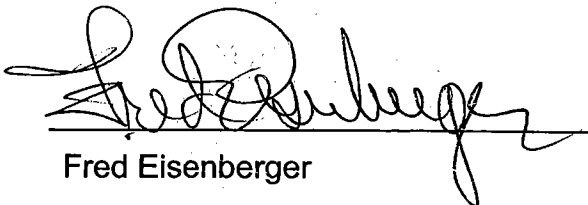
4. Subsection 46(7) of Schedule 25 of By-law No. 07-170 is deleted
and replaced with the following new subsection 46(7):

(7) The purchase of the controlling interest of a corporation which
holds a taxicab owner's licence by any person shall be deemed
a transfer of the taxicab owner's licence, provided that such
transfer shall be carried out in compliance with requirements of
this Schedule and shall not be effective until approved by the
Issuer of Licences.

5. That By-laws 09-024 and 09-026 both be repealed.

6. This By-law comes into force on the day it is passed.

PASSED and ENACTED this 25th day of February, 2009



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk