

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Parking and By-law Services Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> CITY WIDE
<b>COMMITTEE DATE:</b> November 6, 2012	
<b>SUBJECT/REPORT NO:</b> Proof of Certificates of Approval as a Condition of New/Renewed Business Licences (PED12211) (City Wide)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Marty Hazell (905) 546-2424 Ext. 4588
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- a) That Schedule 22 (Salvage and Second-Hand Goods, Pawnbroker, and Jewellery and Precious Metals Businesses) of the Licensing By-Law 07-170 be amended to require salvage business operators to provide proof that they have all applicable approvals from the Ministry of the Environment (MOE) before a licence is issued or renewed;
- b) That the amending by-law respecting the licensing and regulating of Salvage and Second-Hand Goods, Pawnbroker, and Jewellery and Precious Metals Businesses, attached to Report PED12211, which has been prepared in a form satisfactory to the City Solicitor, be approved.

**EXECUTIVE SUMMARY**

At the July 10, 2012 meeting, the Planning Committee directed staff to report back on how to ensure that industrial operators have valid Certificates of Approval from the Ministry of the Environment (MOE) as a condition of a new business licence or business license renewal.

**SUBJECT: Proof of Certificates of Approval as a Condition of New/Renewed Business Licences (PED12211) (City Wide) - Page 2 of 4**

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The Licensing By-Law requires that all licensees comply with “*all applicable law*”. Thus, compliance with the Environmental Protection Act, including having valid Certificates of Approval, is inherently a condition of a licence. However, to ensure this is clear, staff recommends amending the Licensing By-Law to specifically require salvage business operators provide proof that they have all applicable approvals from the MOE before a licence is issued.

***Alternatives for Consideration – Not Applicable***

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)**

Financial/Staffing/Legal: N/A

**HISTORICAL BACKGROUND (Chronology of events)**

Planning Committee, at the July 10, 2012 meeting, tabled Report PED12118 (Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road) for further consultation between the Ward Councillor, applicant and stakeholders. Committee further directed:

*“That staff report back to the Planning Committee with a plan to proactively ensure industrial operators, who require a Certificate of Approval, have a valid certificate when applying for a new business license or through the renewal process.”*

**POLICY IMPLICATIONS**

N/A

**RELEVANT CONSULTATION**

Legal Services were consulted in the preparation of this Report.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

The Environmental Protection Act requires Certificates of Approval (now known as Environmental Compliance Approvals) for any source of contaminant discharged to the natural environment, which includes air, water and land, to ensure that there is no adverse effect on the environment. Certificates of Approval/Environmental Compliance Approvals set out legally enforceable rules of operation for businesses which require them.

**SUBJECT: Proof of Certificates of Approval as a Condition of New/Renewed Business Licences (PED12211) (City Wide) - Page 3 of 4**

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Under the Municipal Act, 2001, the City does not have authority to license industrial businesses except for salvage businesses where scrap metal and items such as electronics, appliances and vehicles may be bought, sold, recycled, or ultimately scrapped.

Schedule 22 of the Licensing By-law contains several requirements for salvage businesses including:

- keeping records of the purchase or sale of used or wrecked motor vehicles or used or wrecked motor vehicle parts;
- keeping records of the purchase or sale of jewellery, precious metals or second hand goods; and,
- installing and maintaining visual barriers for outdoor operations.

Section 26 of the General Provision of the Licensing By-Law states as follows:

*“(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.”*

Thus, compliance with the Environmental Protection Act, including having valid Certificates of Approval/Environmental Compliance Approvals, is inherently a condition of a licence. However, Schedule 22 can be amended to specifically require, as a condition of issuing or renewing a salvage business licence, that operators provide proof that they have all applicable approvals from the MOE before a licence is issued.

Notice of the Planning Committee meeting considering this report has been given in accordance with the Public Notice Policy By-law No. 07-351.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Healthy Community** - an efficient and effective Business Licensing Program contributes directly to the health, safety and well being of the community.

**APPENDICES / SCHEDULES**

Appendix "A" to Report PED12211 – Amending By-law

MH/dt

**Authority:** Item , Committee  
Report (Staff report number)  
CM: Date

**Bill No.**

**CITY OF HAMILTON**  
**BY-LAW NO. \_\_\_\_\_**

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

**WHEREAS** Council enacted a by-law to Licence and Regulation Various Businesses being City of Hamilton By-law 07-170;

**AND WHEREAS** this By-law amends Schedule 22 (Salvage and Second-Hand Goods, Pawnbroker, and Jewellery and Precious Metals Businesses) of By-Law 07-170 to require salvage business operators provide proof that that they have all applicable approvals from the Ministry of the Environment before a licence is issued;

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

1. Subsection 5(3) of Schedule 22 of By-law 07-170 is deleted and replaced with the following new subsection 5(3):
  - (3) In addition to complying with the General Provisions of this By-law, a person applying for:
    - (a) a pawnbroker business licence shall provide security to the satisfaction of the City Treasurer in accordance with section 6 of the Pawnbrokers Act;
    - (b) a salvage business licence shall provide proof satisfactory to the Issuer of Licences that the salvage business has all applicable approvals required under the Environmental Protection Act and its regulations and that such approvals are current and valid;

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

**PASSED** this                    day of                    , 20 .

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R. Bratina Mayor	R. Caterini City Clerk