



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 8, 2014
SUBJECT/REPORT NO:	Overview of Business Licensing Categories (PED14145) (City Wide)
WARD(S) AFFECTED:	City Wide
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SIGNATURE:	

Council Direction: N/A

Information:

At the May 12, 2014 meeting of the Audit, Finance and Administration Committee staff were directed to prepare an Information Report to the Planning Committee with an overview of the businesses which require a licence to operate in Hamilton.

Under the authority of the Municipal Act, 2001, municipalities were allowed to exercise their business licensing powers for one or more of the following purposes:

- Health and safety;
- Nuisance control; and,
- Consumer protection.

However, on January 1, 2007, Bill 130, the Municipal Statute Law Amendment Act granted municipalities broader powers to pass by-laws respecting matters including:

- economic, social and environmental well-being of the municipality;
- health, safety and well-being of persons;
- services and things the municipality is authorized to provide that it considers necessary or desirable to the public; and,
- protection of persons and property including consumer protection.

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The City of Hamilton Licensing By-Law 07-170 is a consolidation of the licensing by-laws of the seven pre-amalgamation municipalities. It consists of "*General Provisions*" applying to all business licences and 27 Schedules, representing 91 licensing categories, each applying to a specific business category.

The "*General Provisions*" and the Schedules were not subject to a comprehensive review when consolidation took place at municipal amalgamation in 2001. Further, with some exceptions, the Licensing By-law is quite out-dated and it does not reflect changes to legislation (in particular, its authorizing legislation, the Municipal Act, 2001) or relevant Court decisions.

Under the Licensing By-law the following businesses currently require licences:

Adult Entertainment Establishments	Auctioneers
Bed and Breakfast, Hotel/Motel	Body-Rub Parlours
Building Exterior Cleaner	Food Service Vehicles
Kennels and Pet Shops	Limousines
Lodging Houses	Mobile Homes/Mobile Home Parks
Pedlars	Personal Aesthetic Services
Personal Wellness Establishments	Public Garages
Public Halls and Places of Amusement	Recreational Camping Establishments
Residential Care Facilities	Food Premises
Salvage/Second-Hand Goods/ Pawnbroker/Jewellery/Precious Metals Businesses	
Seasonal Produce Vendors	Sign Posters and Bill Distributors, etc.
Taxi Cab	Mobile Sign Leasing or Renting
Tobacco Retailers	Tow Trucks
Trades	Transient Traders

In 2010 staff were directed to investigate licensing the following types of businesses:

- Public Storage
- Driveway Pavers/Sealers
- Street Performers/Buskers
- Fitness Clubs
- Landscaping/Exterior Property Maintenance Businesses
- Driving School Operators and Instructors
- Demolition Companies
- Home-based Businesses
- Designated Driving/Shuttle Services
- Computer Repair Services

However, with the exception of the decision to approve Guidelines for Street Performers/Buskers by the Community and Emergency Services Committee in 2011, little work has been done in this regard because staff are having trouble managing the

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current business license categories due to workload, lack of resources and the antiquated by-law.

Further, staff have been tracking new business categories which should be reviewed in the future for the potential to be licensed. These include:

- Private Clubs
- Delivery Drivers
- Tanning Salons
- Mobile Personal Aesthetics
- Mobile Public Garages/Services
- Private Parking Enforcement Companies

As time permits, staff also intend to evaluate current licensed business categories where there may no longer be a need to regulate because of Federal, Provincial or other oversight and/or the low risk nature of the business activity.

MH/dt