

Authority: Item
Report
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 24- XXX

To Amend By-law 07-170, being 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 section 154.1 of the *Municipal Act*, 2001 authorizes the City of Hamilton to define the location and limit the number of payday loan establishments;

AND WHEREAS this By-law amends Schedule 11—Payday Loan Businesses of By-law 07-170;

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

1. That the amendments to this By-law include any necessary grammatical, numbering, and lettering changes;
2. That section 8 of Schedule 11 of By-law No. 07-170 be amended by deleting clauses (a), (d), (g), (h), (j), (l), (p), (q), (r), (s), (t), (y), (z), and (aa).
3. That section 8 of Schedule 11 of By-Law No. 07-17 be amended by adding section 8.1, such that section 8.1 will read:
 - 8.1 (a) Despite sections 6 and 8, the Director of Licensing and By-law Services may consider and approve a request for a change in location of a payday loan business within a ward that already has at least one licensed payday loan business and where the total number of licensed payday loan businesses exceeds 15, if the requesting payday loan business demonstrates extenuating circumstances.
 - (b) In considering the request contemplated in subsection (a), the Director of Licensing and By-law Services shall consider the following extenuating circumstances, which may include, but are not limited to:

- (i) natural disasters or other unforeseen events—such as fire, flood, or structural damage to the current premises that renders it unfit for continued operation;
 - (ii) health and safety concern—where the current location presents significant health or safety hazards for customers or employees, and relocation is required to maintain compliance with applicable health and safety regulations;
 - (iii) Changes in zoning or infrastructure—if the current location is affected by changes in the City’s zoning by-laws or infrastructure projects that impact the ability to continue operations at the current location;
 - (iv) Operational Closure of Premises—where the landlord or property owner of the current premises has initiated actions that result in the permanent closure or termination of the lease for the payday loan business.
- (c) The Director of Licensing and By-law Services may approve a change in location under this provision only if:
- (i) the new location complies with all other requirements of this By-law, including zoning and land use policies;
 - (ii) the new location is within the same ward as the previous location; and,
 - (iii) the requesting payday loan business has provided sufficient evidence to support the existence of extenuating circumstances as outlined in subsection (b).
- (d) the Director of Licensing and By-law Services shall report any location change approved under this section to Council on an annual basis, providing the number of changes and the reasons for each approval.
4. That in all other respects, By-law 07-170 is confirmed; and,
5. That the provisions of this By-law shall become effective on the date that it is passed by City Council.

PASSED this _____ day of _____, 20_____.

A. Horwath
Mayor

M. Trennum
City Clerk