

**Authority:** Item 18, Committee of the Whole  
Report 04-004 (CL04009)  
CM: July 14,2004

**Bill No. 175**

**CITY OF HAMILTON**

**BY-LAW NO. 04-175**

**A By-law to Amend the Regional Store Hours By-law,  
By-law No.R79-202, as amended**

**WHEREAS** the Council of the former Regional Municipality of Hamilton-Wentworth on December 27, 1979, enacted By-law R79-202, under the authority of subsection 47(1) of the former Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1990, c. R.12; and,

**WHEREAS** pursuant to subsection 5(2) of the City of Hamilton Act, 1999, S.O. 1999, c. 25, Sch. C, the new City of Hamilton constituted by that Act stands in the place of the old municipalities including the former Regional Municipality of Hamilton-Wentworth for all purposes; and,

**WHEREAS** pursuant to subsection 5(6) of the said City of Hamilton Act every by-law of an old municipality that was in force on December 31, 2000, shall be deemed to be a by-law of the Council of the new City of Hamilton and remains in force until it expires or is repealed or amended to provide otherwise; and,

**WHEREAS** clause 3(e) of By-law R79-202 provides that all classes of shops, with certain specific exceptions, shall be closed and remain closed during the whole day of the first Monday in the month of August in each year, which day is commonly referred to as Civic Holiday; and,

**WHEREAS** the provisions of section 148 of the Municipal Act, 2001, S.O. 2000, c.25, permit the City to require that retail business establishments be closed to the public on all or any days of the week during any time between nine o'clock in the afternoon and five o'clock in the forenoon of the next day; and

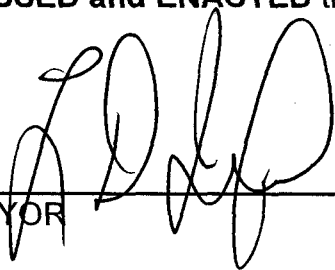
**WHEREAS** it is the opinion of the Council of the City of Hamilton that it is beneficial for both the proprietors of retail businesses and for the public that all classes of shops be permitted to be open on Civic Holiday; and,

**WHEREAS** it is convenient to amend By-law R79-202 to replace all references to officers of the former Regional Municipality of Hamilton-Wentworth with references to the corresponding officers of the new City of Hamilton;

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

1. By-law R79-202 of the former Regional Municipality of Hamilton-Wentworth, as amended, is further amended by repealing clause 1(a) and substituting the following:
  - (a) "Clerk" means the clerk of the City of Hamilton constituted as a body corporate by subsection 2(1) of the City of Hamilton Act, 1999, S.O. 1999, c. 25, Sch. C.
2. By-law R79-202 is further amended by repealing clause (e) of section 3.
3. By-law R79-202 is further amended by deleting the word "Chairman" and substituting the words "Mayor of the City of Hamilton" in section 3.
4. By-law R79-202 is further amended by deleting the words "of the Regional Municipality of Hamilton-Wentworth" in subsection (1) of section 9.

**PASSED and ENACTED** this 14th day of July, 2004.

MAYOR 

A/CITY CLERK 