1978

c 119 The City of Hamilton Act, 1978 (No. 1)

Ontario
CHAPTE R 119

An Act respecting the City of Hamilton

Assented to May 8th, 1978

WHEREAS The Corporation of the City of Hamilton, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

   (a) "city" means the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth;

   (b) "council" means the council of the Corporation;

   (c) "licensing committee" means the licensing committee established pursuant to section 2.

2.—(1) The council may pass a by-law establishing a licensing committee for the Corporation to be known as "The City of Hamilton Licensing Committee".

   (2) The licensing committee shall be composed of at least three members appointed by council of whom one or more members may be members of council.

   (3) A majority of members of the licensing committee constitutes a quorum.

   (4) The licensing committee shall elect a chairman and the chairman shall have the power to sign any document on behalf of the licensing committee.

   (5) The members of the licensing committee shall hold office until the expiration of the term of the council that appointed them.
Members of the licensing committee shall hold office until their successors are appointed and be eligible for reappointment, and where a member ceases to be a member before the expiration of his term, the council shall appoint another person for the unexpired term of the person who has ceased to be a member.

(7) Notwithstanding subsection 6, the council may, at any time, terminate the term of office of a member of the licensing committee.

The Corporation may pay each member of the licensing committee such remuneration as may be determined by council.

3.—(1) The licensing committee shall have the following powers in the place and stead of council:

1. To receive licence applications and fees and issue receipts therefor.

2. To issue and renew licences and approve the transfer of licences where in the opinion of the licensing committee the requirements for the issue, renewal or transfer of a licence, as the case may be, have been satisfied.

3. To refuse to issue or renew licences or approve transfers of licences where in the opinion of the licensing committee the requirements for the issue, renewal or transfer of a licence, as the case may be, have not been satisfied.

(2) Subject to The Statutory Powers Procedure Act, 1971, the licensing committee shall have the following additional powers in the place and stead of council,

(a) to hear an applicant or licensee who is entitled to a hearing under subsection 3 and to recommend to council whether or not a licence, in respect of which such a hearing has been held, should be issued, renewed, transferred, suspended or revoked, as the case may be, and to attach specified conditions to the suspension;

(b) to make such decisions, and perform all such acts, matters, deeds and things as may be necessary or incidental to the exercise of its powers.
(3) An applicant for a licence or a transfer of a licence and every licensee shall have the right to a hearing before the licensing committee where,

(a) the licensing committee has refused to issue, renew or transfer the licence, as the case may be;

(b) the licensing committee has suspended or revoked the licence, as the case may be.

(4) Upon the conclusion of a hearing held pursuant to clauses (a) and (b) of subsection 2, the licensing committee shall make a recommendation to council.

(5) In respect of a licence for which a recommendation has been submitted to council pursuant to subsection 4, after considering the recommendation and without holding a further hearing, council may,

(a) issue, renew, transfer or revoke the licence;

(b) suspend the licence with or without conditions; or

(c) refuse to issue, renew, transfer, suspend or revoke the licence.

4. (1) By-laws passed by the council licensing trades, callings, businesses or occupations, or the person carrying on or engaged in it, and licensing, regulating or governing places or things under The Municipal Act or any special Act of the Corporation, may provide a procedure for the voluntary payment of penalties out of court where it is alleged that any provision of the by-law has been contravened and, if payment is not made in accordance with the procedure, subsection 2 of section 466 of The Municipal Act applies.

(2) The council may by by-law determine the amount of the penalties, not exceeding $1,000, to be paid out of court for each alleged contravention where a person volunteers to make payment out of court under subsection 1.

5. This Act comes into force on the day it receives Royal Assent.

6. The short title of this Act is The City of Hamilton Act.