SUBJECT: Store Hours Policies and Procedures (PED06111(a)) (City Wide)

RECOMMENDATION:

(a) That Report PED06111(a) respecting Store Hours Policies and Procedures be received for information.

(b) That the draft by-law, attached as Appendix A to Report PED06111(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(c) That the Store Hours item be removed from the Outstanding Business List.

EXECUTIVE SUMMARY:

After a referral back to the Planning and Economic Development Committee on April 12, 2006, the Store Hours Policies and Procedures (PED06111) report was defeated at City Council on May 10, 2006. The report recommended the adoption of the Retail Business Holidays Act R.S.O, as the authority to regulate store hours in the City of Hamilton.

Pursuant to Council direction of May 10, 2006, City staff has prepared an amending by-law for the existing general store hours by-law in the City of Hamilton. The amended by-law simply repeals the words “Monday, Tuesday, Wednesday, Thursday and Saturday” and replaces them with the words “Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.”
BACKGROUND:

After a referral back to the Planning and Economic Development Committee on April 12, 2006, the Store Hours Policies and Procedures (PED06111) report was defeated at City Council on May 10, 2006 with the recommendation:

“That staff report to the Planning and Economic Development Committee on amending Regional Store Hours By-Law R79-202, as amended, to include Sunday hours of operation to be consistent with the hours of operation applied for Monday to Saturday.”

Therefore, pursuant to Council direction of May 10, 2006, City staff has prepared an amending by-law (Appendix A) for the existing general store hours by-law in the City of Hamilton. The amended by-law simply repeals the words “Monday, Tuesday, Wednesday, Thursday, and Saturday” and replaces them with the words “Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday”.

As the existing by-law allows, there are exceptions for a list of stores (i.e. pharmacies, grocery stores, garden stores, etc.) in Section 4 as amended, which stores are not bound by closing hours on Sundays or other days. There is also a short list of stores (i.e. music centre shops) in Section 5 as amended, which stores have particular hours in regards to closing listed Monday through Saturday. Since these were not previously controlled for Sunday hours in the by-law the only change is that instead of having no closing hours on Sundays they could only be open between 5:00 a.m. and 9:00 p.m. if they so desired.

ANALYSIS/RATIONALE:

N/A

ALTERNATIVES FOR CONSIDERATION:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A
Corporate Services Department
- Office of the City Clerk

City Manager’s Office
- Corporate Counsel was consulted and it is their opinion that we do not need a public hearing or advance notice of passing of this amending by-law.

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

Bringing Hamilton’s store hours in line with other municipalities will provide consumers with more choice locally.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☑ Yes ☐ No

In line with Council's number one priority to grow the City's local economy, creating a level playing field for retail store hours will both attract and retain business and keep Hamilton competitive in the retail sector.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

NE:db
Attach. (1)
CITY OF HAMILTON

BY-LAW NO. 06-_____  

To Amend By-law R79-202 Respecting Weekly Store Closing Hours

WHEREAS Council deems it desirable to amend Regional By-law No. R79-202 respecting store hours to provide the same closing hours for all days of the week;

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

1. That Subsection 2(1) of By-law No. R79-202 as amended in By-law No. R87-038, be hereby further amended by repealing the words “Monday, Tuesday, Wednesday, Thursday, Friday and Saturday” and replacing them with the words “Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday”.

2. This by-law comes into force and effect upon its passing and enactment.

PASSED and ENACTED this day of , 2006.

_____________________________  ______________________________
MAYOR  CLERK