OFFICE CONSOLIDATION

**Note:** This is a current office consolidation of the former Regional Municipality of Hamilton-Wentworth Store Hours By-law which regulates the hours of closing of retail business establishments in the City of Hamilton, and includes all subsequent amending By-laws as of August 1, 2005. It has been prepared for purposes of convenience only, and reflects the terms used in current provincial legislation. For accurate reference, please consult the following By-laws in the custody of the City Clerk: R79-202, R80-009, R80-049, R80-076, R80-092, R87-038, R92-042, R97-057, R99-101 and 04-175.

CITY OF HAMILTON
STORE HOURS BY-LAW

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 on each or any day of the week at and during any time or hours between six o'clock in the afternoon of any day and five o'clock in the forenoon the day next following; and,

WHEREAS it is advisable for the Council of the City of Hamilton to pass a By-law to provide for uniform store closing hours of retail business establishments in the City of Hamilton.

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

1. In this By-law:
   (a) "closed" means not open for the serving of any customer;
   (b) "retail business establishment" means the premises where goods or services are sold or offered for sale by retail.

2. All classes of retail business establishments shall be closed and remain closed on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, of each week at 9:00 o'clock in the afternoon of each of such day and shall remain closed until five o'clock in the forenoon of the day next following.

3. Section 2 of this By-law does not apply to any of the following classes of retail business establishments:
   (a) barber shops;
   (b) beauty parlour shops;
   (c) boat and marine supply shops;
   (d) book shops;
   (e) butcher shops;
(f) confectionery shops;
(g) delicatessen shops;
(h) garden centre and nursery shops;
(i) golf course professional shops;
(j) grocery store shops;
(k) hat cleaning and blocking business shops;
(l) news dealer shops;
(m) a pharmacy as defined in subsection 117(1) of the Health Disciplines Act, R.S.O. 1990, c. H.4;
(n) retail gasoline service stations;
(o) shoe shine shops;
(p) shops for the retail sale of fresh fruit and vegetables;
(q) shops for the retail sale of motor vehicles;
(r) shops for the retail sale of fowl;
(s) shops for the retail sale of fish;
(t) shops for the retail sale of dairy products including a dairy bar;
(u) tobacco shops.

4. Notwithstanding clause 4(q) of this By-law, all premises used for the retail sale of motor vehicles shall be closed and remain closed between the hours of ten o'clock in the afternoon of Monday, Tuesday, Wednesday, Thursday, and Friday of each week and five o'clock in the forenoon of the day next following, and on Saturday of each week shall be closed and remain closed between the hours of six o'clock in the afternoon and five o'clock in the forenoon of the day next following.

5. So long as the time commonly observed in the Province of Ontario is one hour in advance of standard time the times mentioned in this by-law shall be reckoned in accordance with the time so commonly observed and not standard time.

6. Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall be liable upon conviction to a penalty of not more than

(a) $50,000; and,
(b) the gross sales of the retail business establishment for the period the establishment was open in contravention of this By-law.

7. (1) This by-law shall be administered by the Clerk of the City of Hamilton.

(2) The occupier of a retail business establishment may apply for an exemption from any provisions of this By-law for the purpose of a
special occasion by filing an application for such exemption with the Clerk.

(3) The Clerk may grant an exemption from any provision of this By-law to the proprietor of a retail business establishment for a period not exceeding two consecutive days in duration, and for not more than two periods in any year, where the Clerk is satisfied that the exemption for a special occasion is not likely to result in excessive noise or traffic congestion in the vicinity of the establishment.

(4) For the purpose of this By-law a special occasion includes:

(a) a store opening sale;
(b) a store closing sale;
(c) a fire sale;
(d) a bankruptcy sale;
(e) an anniversary sale;
(f) a street or sidewalk sale; and
(g) a sale on a day not more than 30 days prior to a holiday as defined in the Retail Business Holidays Act, R.S.O. 1990, c.R. 30, as amended.