

**THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD,
CLARA & MARIA**

BY-LAW NUMBER 2008- 09

BEING a by-law to authorize retail business establishments to open on certain specified holidays.

WHEREAS Section 4 (1) of the *Retail Business Holidays Act*, R.S.O. 1990, Chapter R.30, as amended, (the Act) provides that the council of a municipality may, despite Section 2 of the Act, by by-law permit retail business establishments in the municipality to be open on holidays for the maintenance or development of tourism;

AND WHEREAS Section 4 (6) of the *Retail Business Holidays Act* requires Council to hold a public meeting in respect to the proposed by-law under Section 4(1);

AND WHEREAS the Municipality has advertised at least thirty (30) days prior to the meeting in a newspaper of general circulation and has held a public meeting in compliance with the said Act;

AND WHEREAS section 4(2) of the Act, as amended, provides that a By-law under Section 4 may apply to one or more retail business establishments and may limit the opening of retail business establishment on holidays to specific times or to a certain number of hours;

AND WHEREAS the Municipality has taken into account the principal that Sundays and holidays should be maintained as common pause/rest days;

AND WHEREAS the Council of the Corporation of the United Townships of Head, Clara & Maria is satisfied that the Municipality complies with the tourism criteria for exemption of retail business establishments that fall under Section 2 subsection (3) (a) of the *Retail Business Holiday Act*, Ontario Regulation 711/91;

AND WHEREAS the Municipal Council deems it expedient to further allow all retail businesses operating in the United Townships of Head, Clara & Maria to fall under the guidance of this by-law;

NOW THEREFORE The Council of the Corporation of the United Townships of Head, Clara & Maria enacts as follows:

1. Definitions
 - a) **"Holiday"** shall mean:
 - i) Sundays,
 - ii) New Years Day,
 - iii) Family Day,
 - iv) Good Friday,
 - v) Easter Sunday,
 - vi) Victoria Day,
 - vii) Canada Day,
 - viii) Labour Day,
 - ix) Thanksgiving Day,
 - x) Christmas Day, and
 - xi) Any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday.
 - b) **"Owner"** shall mean any person, persons or corporation who owns or manages a retail business establishment.
 - c) **"Retail Business"** shall mean the selling or offering for sale of goods or services by retail.

- d) **“Retail Business Establishment”** shall mean the premises where a retail business is carried on.
2. **THAT**, subject to other provincial or federal laws aside from the Act, the owner of a retail business establishment within the limits of the Municipality may open the establishment for retail business on any holiday except for New Year’s Day, Christmas Day, Good Friday and Easter Sunday.
3. **THAT** every Owner who contravenes this By-law is guilty of an offence and on conviction is liable to a fine of not more than the greater of:
- a) \$50,000, or
 - b) The gross sales in the retail business establishment on the holiday on which the contravention occurred.
4. **THAT** this by-law shall come into force and take effect on the day of its final passage, subject to any appeal to the Ontario Municipal Board within thirty (30) days of final passage, and remain in force until such time as it is repealed by the council of the Corporation of the United Townships of Head, Clara & Maria or is deemed contrary to current law by order of the Lieutenant Governor in Council.
5. **THAT** any and all previous by-laws and/or resolutions, or parts thereof, in conflict with or contrary to or inconsistent with this by-law, be and are hereby repealed.

READ a 1st and 2nd time this 4th day of April 2008.

READ a 3rd time short and finally passed this 4th day of April 2008.

TAMMY SONNENBURG, REEVE

MELINDA REITH, CLERK