

BY-LAW NO. 92- 14
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD

WHEREAS under Subsection 4(1) of the *Retail Business Holidays Act* as amended, (hereinafter called the "Act"), a municipality may, despite Section 2 of the Act, permit retail business establishments to be open on any holiday or may require that retail business establishments be closed on a holiday;

AND WHEREAS the Town Council passed By-law No. 91-47 under the Act, exempting certain businesses from the provisions of that statute;

AND WHEREAS By-law No. 91-47 was repealed by virtue of the enactment of the *Retail Business Establishments Statute Law Amendment Act, 1991*;

AND WHEREAS an application has been received from the Business Improvement Area requesting an exemption from the prohibition set out in section 2 of the Act for the area comprising the Business Improvement Area as described in Schedule "A" attached hereto and forming part of this by-law;

AND WHEREAS the municipality held a public meeting on February 4, 1992, notice of which was published in the *Enterprise-Bulletin*, being a newspaper having general circulation in the municipality, and at which persons in attendance were given the opportunity to make representations in respect of the said application;

AND WHEREAS the Municipal Council of the Town of Collingwood is satisfied that the tourism criteria as set out in the regulations of the Act have been met for the Business Improvement Area;

NOW THEREFORE the Municipal Council of the Town of Collingwood enacts as follows:

- 1. In this by-law:
 - (a) "Holiday" means,
 - (i) New Year's Day;
 - (ii) Good Friday;
 - (iii) Victoria Day;

- (iv) Canada Day;
- (v) Labour Day;
- (vi) Thanksgiving Day;
- (vii) Christmas Day;
- (viii) the 26th day of December;
- (ix) Sunday; and
- (x) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the Act.

- (b) "Retail Business" means the selling or offering for sale of goods or services by retail; and,
- (c) "Retail Business Establishment" means the premises where a retail business is carried on.

2. Despite Section 2 and pursuant to Section 4(1) of the Act, all retail business establishments located within the area of the Business Improvement Area as described in Schedule "A" may be open in the Town of Collingwood on a holiday.

3(1). Notwithstanding paragraph 2 herein, no person carrying on a retail business in a retail business establishment shall,

- (a) sell or offer for sale any goods or services therein by retail; or
- (b) admit members of the public thereto,

on Christmas Day, New Year's Day, Good Friday or Easter Sunday.

3(2). Subsection (1) does not apply to those retail business establishments where the following conditions exist:

- (a) the only goods available for sale by retail in the retail business establishment are foodstuffs and tobacco or alternatively gasoline, motor oil and other goods required for the operation of a motor vehicle; and
- (b) the number of persons engaged in the service of the public in the establishment does not at any time exceed three; and

- (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet.

3(3). Subsection (1) does not apply in respect of the carrying on of a retail business on a holiday in a pharmacy accredited under Part VI of the *Health Disciplines Act*, where, on that day,

- (a) the dispensing of drugs upon prescription is available to the public during business hours; and
- (b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and no other goods are available for sale except sundries; and
- (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 7,500 square feet.

4. The provisions of this by-law shall supersede the provisions of any other by-law passed under any other Act to the extent that such other provisions require the closing of a retail business establishment on a holiday.

5. Every person who carries on business in violation of this by-law shall be guilty of an offence and shall be liable upon conviction to a penalty of not more than the greater of:

- (a) \$50,000.00; or,
- (b) the gross sales in the retail business establishment on the holiday in respect of which the offence under this by-law occurred.

6. Every person who coerces, requires or counsels another person to contravene this by-law is guilty of an offence and on conviction is liable to a penalty of not more than the greater of:


- (a) \$50,000.00; or,
- (b) the gross sales in the retail business establishment on the holiday in respect of which the offence under this by-law occurred.

7. This by-law shall come into force and have effect on the thirty - first day from the passing thereof unless appealed to the Ontario Municipal Board pursuant to section 4.3 of the Act.

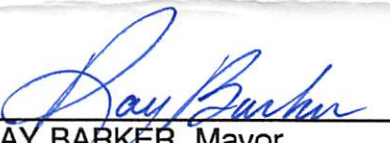
8. This by-law shall be administered and enforced by the Collingwood Police Force.

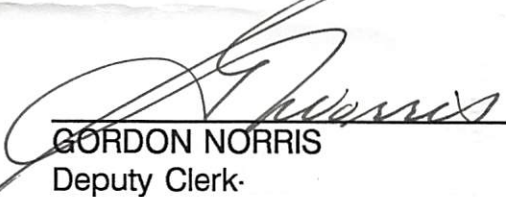
THAT this by-law be introduced, read a first and second time and referred to the Committee of the Whole for study this 6th day of February, 1992.


RAY BARKER, Mayor


GORDON NORRIS
Deputy Clerk

THAT this by-law having been studied in the Committee of the Whole be presented, read a third time, and finally passed this 6th day of February, 1992.


RAY BARKER, Mayor


GORDON NORRIS
Deputy Clerk

BUSINESS IMPROVEMENT AREA (BIA)



COLLINGWOOD HARBOUR

HERITAGE DRIVE

FIRST ST.

SECOND ST.

THIRD ST.

FOURTH ST.

HURONTARIO ST.

ST. MARIE ST.

