

THE CORPORATION OF THE TOWN OF  
NEW TECUMSETH

**BY-LAW**

*Number 2002-63*

"BUSINESS HOLIDAY EXEMPTION BY-LAW"

A by-law to permit retail establishments in the  
Town of New Tecumseth to be open on certain  
holidays for the maintenance or development of  
tourism

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

AND WHEREAS Subsection 4(4) of the Act provides that council shall consider a by-law under Subsection (1) only on the application of one or more persons carrying on retail business in the municipality or on the application of an association, whether or not incorporated, representing persons carrying on retail business in the municipality;

AND WHEREAS the Council of The Corporation of the Town of New Tecumseth has received an application under the Act from the Alliston & District Chamber of Commerce;

AND WHEREAS Section 4(2)(d) provides that a by-law under Section 4 may permit the opening of retail business establishments on some holidays and not on others;

AND WHEREAS a Public Meeting held under Subsection 4(6) of the Act was held on April 29, 2002 and persons in attendance were given the opportunity to make representations in respect of the proposed by-law;

AND WHEREAS the Council of The Corporation of the Town of New Tecumseth deems it necessary and desirable to enact a by-law to permit retail business establishments in the Town of New Tecumseth to be open on certain holidays for the maintenance or development of tourism;

AND WHEREAS Council is satisfied that the application complies with the Tourism Criteria in that:

- 1) the entire municipality does not exceed the area that is necessary to encompass all of the retail business establishments for which an exemption is sought, and
- 2) at least 25% of the retail business establishments within the Town of New Tecumseth rely on tourists visiting tourist attractions within the Town of New Tecumseth or the surrounding area for business on a holiday; and
- 3) the applications by certain retail business establishments in the Town of New Tecumseth that use a total retail area of 2,400 square feet or more and/or have four or more employees serving the public would also comply with the Tourism Criteria set out in the Regulation made under the Act.

NOW THEREFORE the Council of The Corporation of the Town of New Tecumseth

enacts as follows:

1. BUSINESS HOLIDAY EXEMPTIONS

1.1\_ That pursuant to the *Retail Business Holidays Act*, R.S.O. 1990, as amended, retail business establishments in the Town of New Tecumseth may open on any holiday as defined in the said Act for the maintenance and development of tourism with the exception of New Year=s Day, Good Friday, Easter Sunday and Christmas Day.

1.2\_ That the holiday opening exemptions provided under Section 1.1 above shall apply to any retail establishments in the Town of New Tecumseth with a total retail area of 2,400 square feet or more and/or four or more employees serving the public.

2. OFFENCES AND PENALTIES

2.1 No person shall operate or permit the operation of a retail business establishment within the Town of New Tecumseth on New Year=s Day, Good Friday, Easter Sunday or Christmas Day contrary to the provisions of this by-law and/or the *Retail Business Holidays Act*.

2.2 The provisions of Section 2.1 shall not apply to any retail business establishment which is lawfully permitted to open pursuant to Section 3 of the *Retail Business Holidays Act*.

2.3 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, as amended.

3. CITING

3.1 This by-law shall be cited as the ABusiness Holiday Exemption By-Law@.

4. FORCE AND EFFECT

4.1 This by-law shall come into force and take effect pursuant to Section 4(8) of the *Retail Business Holidays Act*, R.S.O. 1990, as amended, thirty-one (31) days after final passage hereof and subject to the appeal provisions under the Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29TH DAY OF APRIL, 2002.**

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MAYOR

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CLERK