



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 084-2015

A BY-LAW TO PERMIT RETAIL BUSINESS ESTABLISHMENTS TO OPERATE ON CERTAIN HOLIDAYS FOR THE MAINTENANCE OR THE DEVELOPMENT OF TOURISM IN THE TOWN OF COBOURG

WHEREAS section 2 of the *Retail Business Holiday Act*, R.S.O 1990, C. R.30, as amended, provides that no person carrying on a retail business establishment shall sell or offer for sale any goods or services therein by retail or admit members of the public thereto on a holiday;

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

AND WHEREAS the compliance with the tourism criteria set out in the Ontario Regulation 711/91 must be met before a municipality may pass an exempting by-law under section 4(1) of the *Retail Business Holiday Act*, R.S.O 1990, c. R.30 as amended.

AND WHEREAS subsection 4(4) of the *Retail Business Holiday Act*, R.S.O 1990, c. R.30 as amended, provides that Council shall consider a by-law under subsection 4(1) of the *Retail Business Holiday Act*, 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 Chamber of Commerce and individual business operators have made an application that the business establishment(s), conforming with the criteria as set out in the *Retail Business Holiday Act*, R.S.O 1990 and O. Reg. 711/91, and that are within the geographical boundaries of the Town of Cobourg, be permitted to open on certain statutory holidays as defined in the *Retail Business Holiday Act*, R.S.O 1990;

AND WHEREAS the Town of Cobourg held a public meeting on January 8, 2001, Notice was given, and those in attendance were given the opportunity to make representations in respect of the proposed by-law;

AND WHEREAS Municipal Council of the Town of Cobourg deemed it expedient to enact and pass a new by-law under the provisions of the *Retail Business Holiday Act*, to permit retail business establishments in the Town to be open on certain holidays for the maintenance or development of tourism;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

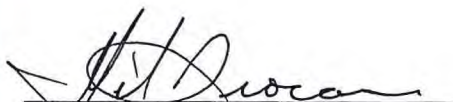
1. DEFINITIONS

“**Retail Business**” shall mean the selling or offering for sale of goods or services by retail;

“**Retail Business Establishment**” shall mean the premises where a retail business is carried on.

2. **THAT** pursuant to the *Retail Business Holiday Act*, R.S.O 1990, c. R.30 as amended all retail business establishments within the Town of Cobourg be permitted to open for business on certain statutory holidays as described herein:
- a) **Victoria Day;**
 - b) **Canada Day;**
 - c) **Labour Day; and**
 - d) **Thanksgiving Day;**
3. **THAT** any person who contravenes this By-law is guilty of an offence and upon conviction is liable to a penalty as set out in the *Retail Business Holidays Act*.
4. **THAT** this by-law shall be enforced by the Town of Cobourg Municipal By-law Enforcement Officers and the Town of Cobourg Police Services.
5. **THAT** this by-law shall be known as the “Retail Business Holiday Exemption By-law”.
6. **THAT** By-law No. 077-2014 is hereby repealed.
7. **THAT** this By-law shall come into full force and effect thirty-one days following the date of final passage hereof at which time all by-law and/or resolutions that are inconsistent with the provisions of this by-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this by-law.

READ a first, second and third time and finally passed in Open Council this day 26th of October, 2015.


MAYOR


MUNICIPAL CLERK