

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2007-123 (OFFICE CONSOLIDATION)

BEING A BY-LAW TO PROVIDE THAT CERTAIN CLASSES OF BUSINESSES WITHIN THE CITY OF CLARENCE-ROCKLAND SHALL CLOSE AND REMAIN CLOSED DURING CERTAIN HOURS OF CERTAIN DAYS DURING CERTAIN HOLIDAYS, AND TO EXEMPT CERTAIN CLASSES OF BUSINESSES THEREFROM.

WHEREAS a local municipality may require that retail business establishments be closed to the public at anytime pursuant to Section 148. (1) of the Municipal Act, S.O. 2001, Chapter 25;

AND WHEREAS the Council of the Corporation of Clarence-Rockland deems it expedient to regulate and govern the closing hours, the closing hours of certain retail business establishment and the exemption of certain classes of businesses;

NOW THEREFORE the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

DEFINITIONS

1. In this by-law:

- (a) **“Closed”** means not open for the serving of any customer;
- (b) **“Corporation”** means the Corporation of the City of Clarence-Rockland;
- (c) **“Council”** means the Council of the Corporation of the City of Clarence-Rockland;
- (d) **“Owner”** means any person, persons or corporation who owns or manages a retail business establishment;
- (e) **“Person”** means an individual, a partnership, a body corporate and any association, and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context means a human being of the male or female gender;
- (f) **“Retail business”** means the selling or offering for sale goods or services by retail;
- (g) **“Retail business establishment”** means the premise where goods and services are sold or offered for sale by retail;
- (h) **“Shop”** means a premise with less than 2,400 sq. feet where goods and services are sold or offered for sale by retail.

GENERAL PROVISIONS

- 2. All classes of retail business establishments within the City shall, during the whole of each year, be closed and remain closed on:
 - a) Monday, Tuesday, Wednesday, Thursday, Friday and Saturday of every week during the hours of ten (10) o'clock in the afternoon and seven (7) o'clock in the forenoon of the following day unless otherwise permitted herein; and
 - b) Sunday of every week during the hours of six (6) o'clock in the afternoon and seven (7) o'clock in the forenoon of the following business day as permitted by statute unless otherwise permitted herein.
- 3. Every retail business establishment owner shall ensure that the retail business establishment be closed and remain closed in accordance with the provisions of this by-law.
- 4. No retail business establishment owner shall allow any customer to enter the retail business establishment after the appointed closing hour to make a purchase by retail.
- 5. Nothing in this by-law renders unlawful the continuance in a retail business after the appointed hour for closing thereof to any customers who were in the retail business establishment immediately before that hour or the serving of such customers during their continuance therein.

PHARMACIES

- 6. Section 2 of this by-law does not apply to any pharmacies accredited under the *Drug and Pharmacies Regulation Act*, provided that the principal business of the retail business establishment is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purpose.

CHRISTMAS - EXTENDED HOURS

- 7. Notwithstanding the provisions of Section 2 of this by-law, all classes of retail business establishment shall close and remain closed between eleven (11) o'clock in the afternoon and seven (7) o'clock in the forenoon of the following day commencing on the 1st day of December and terminating on the 31st day of December of each year unless otherwise permitted herein.
 - a) All classes of retail business establishment may exercise the right to open at six (6) o'clock in the forenoon on the last Friday of November in every year;
 - b) All classes of retail business establishment may exercise the right to open at six (6)

Section 7,
as
Amended
by
By-law No.
2016-159

o'clock in the forenoon on December 26th in every year.

HOLIDAY CLOSURES

- 8. Notwithstanding the provisions of Section 2 of this by-law, all classes of retail business establishments shall be closed and remain closed on all of the following days unless otherwise permitted herein:
 - a) New Year's Day;
 - b) Good Friday;
 - c) Easter Sunday;
 - d) Victoria Day;
 - e) Canada Day;;
 - f) Labour Day;
 - g) Thanksgiving Day;
 - h) Christmas Day; and
 - i) any other public holiday declared by provincial or federal statute.

EXEMPTIONS/EXCEPTIONS

- 9. The following classes of business are exempt from any provisions of this by-law:
 - a) gasoline and motor oil service stations;
 - b) tobacco shops;
 - c) newspaper dealer shops;
 - d) confectionery shops;
 - e) shops for retail sale of only fresh fruits and fresh vegetables or either of them;
 - f) shops for the retail sale of dairy products;
 - g) video rental shops;
 - h) shops for the retail sales of fresh flowers; and

9.1 Section 2 of this By-law does not apply to authorized community events as specified in schedule "A" of this By-law.

DAYLIGHT SAVINGS

10. For the purposes of this by-law, so long as the time commonly observed in the City is one hour in advance of standard time, the times mentioned in this by-law shall be considered in accordance with the time so commonly observed and not standard time.

PENALTIES

Section 9.1, as Amended by By-Law No. 2008-50

11. Every person being a shopkeeper who contravenes any provisions of this by-law is guilty of an offence and is subject to the provisions of the Provincial Offences Act, as amended.

PROHIBITING ORDER

12. Any court of competent jurisdiction may, in addition to any other penalty, impose on the person convicted an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.

SEVERABILITY

13. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part thereof shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

BY-LAW REPEALED

14. By-Law Number 2002-76 regulating the closing hours of businesses and any amendments hereto are hereby repealed.
15. This by-law shall take force on the day it is adopted by Council.

READ, DONE AND PASSED IN OPEN COUNCIL, THIS 19TH DAY OF OCTOBER 2007.

Richard Lalonde, Mayor

Daniel Gatién, Clerk

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NO. 2007-123

SCHEDULE "A"

**EXEMPTION TO RETAIL BUSINESS HOURS –
AUTHORIZED COMMUNITY EVENTS**

SECTION 9.1

	<u>Column 1</u> <u>Event Name</u>	<u>Column 2</u> <u>Date</u>	<u>Column 3</u> <u>Duration</u>
1)	Midnight Madness	Holy Thursday	7:00 a.m. to midnight (By-law 2008-50)