

CORPORATION OF THE TOWN OF ERIN

BY-LAW # 05 - 25

Being a By-law to provide an exemption from the Retail Business Holidays Act R.S.O. 1990 for retail business establishments in the TOWN OF ERIN

WHEREAS the Retail Business Holidays Act R.S.O. 1990, CHAPTER 30, Section 4 provides that 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 on the condition that there is compliance with the tourism criteria set out in Regulations made under Section 4; and further that subject to the Regulations made under Section 4, council shall consider a by-law 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 Retail Business Holidays Act R.S.O. 1990, CHAPTER 30, Section 4.1 provides that a by-law under Section 4 may apply to one or more retail business establishments, may apply to all of the municipality, and may permit the opening of retail business establishments on some holidays and not on others;

AND WHEREAS Ontario Regulation 711/91 Section 2 sets out the Tourism Criteria that must be met before a municipality may pass an exempting by-law under subsection 4 of the Act;

AND WHEREAS an application was made by the Business Improvement Association on the behalf of persons carrying on retail business in the Town of Erin;

AND WHEREAS Council of the Corporation of the Town of Erin deems that the natural attraction and outdoor recreational opportunities offered by the Town of Erin meets the Tourism Criteria and that it is reasonable to extend the Retail Business Holidays Act exemption to the designated area of the municipality;

AND WHEREAS Council of the Corporation of the Town of Erin held a public meeting in respect of this proposed by-law, and persons attending that public meeting were provided an opportunity to make representations in respect of the proposed by-law;

NOW THEREFORE, Council of the Corporation of the Town of Erin enacts as follows:

1. Definitions:
 - a. "holiday" means New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, Easter Sunday, and any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purpose of the Retail Business Holidays Act
 - b. "municipality" means The Corporation of the Town of Erin.
 - c. "retail business" means the selling or offering for sale of goods or services by retail.
 - d. "retail business establishment" means the premises where a retail business is carried on.
2. That the area identified in Schedule "A" meets the Tourism Criteria set out in Ontario Regulation 711/91.
3. That all Retail Businesses within the identified area in the municipality may open for business on the following holidays:
 - a. Labour Day
 - b. New Year's Day
 - c. Good Friday
 - d. Victoria Day
 - e. Canada Day
 - f. Labour Day
 - g. Thanksgiving Day
 - h. Christmas Day
 - i. Easter Sunday; and

- j. any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purpose of the Retail Business Holidays Act
- 4. This by-law comes into force and take effect, subject to an appeal under section 4.3 of the Retail Business Holidays Act, on the thirty days after it is passed.

**READ a FIRST, SECOND and THIRD
TIME and FINALLY PASSED this
13th day of May, 2005
*Original signed in Municipal Office***

Mayor

Clerk