

The Corporation of the City of Clarence-Rockland

By-law 2025-69

Being a By-Law requiring that all retail business establishments in the City of Clarence-Rockland be closed on Christmas Day and New Year's Day.

WHEREAS Section 148(1) of the Municipal Act, 2001, provides that a local municipality may require that retail business establishments be closed to the public at any time; and

WHEREAS Section 1.2(1) of the Retail Business Holidays Act, R.S.O. 1990, does not apply to a municipality and does not apply in respect of any by-law of the municipality or any retail business establishment located in the municipality if there is in effect a by-law passed by the municipality providing that this Act does not apply to it; and

WHEREAS Section 1.2(2) of the Retail Business Holidays Act, R.S.O. 1990, provides that a by-law under Section 1.2(1) does not take effect until the municipality passes a by-law under section 148 of the Municipal Act, 2001 requiring that one or more classes of retail business establishments be closed on a holiday; and

WHEREAS Section 148(4) of the Municipal Act, 2001, provides that a by-law passed under this section does not apply to the sale or offering for sale by retail of,

- a) goods or services in the form of or in connection with prepared meals or living accommodation;
- b) liquor, other than liquor sold at a retail store as defined in the Liquor Licence and Control Act, 2019; and
- c) any other prescribed goods or services.

WHEREAS the Council of the Corporation of the City of Clarence-Rockland deems it expedient to adopt a by-law to require that retail business establishments be closed to the public on certain holidays:

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

DEFINITIONS

1. In this by-law:

- (a) **"Retail business establishment"** means the premise where goods and services are sold or offered for sale by retail;

RETAIL BUSINESS TO BE CLOSED

2. THAT all retail business establishments in the City of Clarence-Rockland shall be closed on the following Statutory Holidays:
 - a) January 1 – New Year’s Day; and
 - b) December 25 – Christmas Day
3. THAT 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.

RETAIL BUSINESS HOLIDAY ACT DOES NOT APPLY

4. THAT the *Retail Business Holiday Act* does not apply to the City of Clarence-Rockland;

EXEMPTIONS/EXCEPTIONS

5. This by-law does not apply to the sale or offering for sale by retail of,
 - a) goods or services in the form of or in connection with prepared meals or living accommodation;
 - b) liquor, other than liquor sold at a retail store as defined in the Liquor Licence and Control Act, 2019; and
 - c) any other prescribed goods or services, as described under the Retail Business Holiday Act.

PENALTIES

6. Every person 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.
7. 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

8. 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.

9. THAT By-Law Number 2018-41, as amended is hereby repealed.

10. THAT this by-law shall take force on the day it is adopted by Council.

Read, passed and adopted in open council this 9th day of July 2025.

Mario Zanth, Mayor

Karine McCulloch, Deputy Clerk