

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NUMBER 2024-053

BEING A BY-LAW TO PERMIT RETAIL BUSINESS ESTABLISHMENTS TO OPERATE ON HOLIDAYS FOR THE MAINTENANCE OR DEVELOPMENT OF TOURISM WITHIN THE TOWNSHIP OF SEGUIN

WHEREAS Section 2 of the *Retail Business Holidays Act*, R.S.O. 1990, c. R.30, as amended, (the *Act*) provides that no person carrying on a retail business in 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, as defined under the *Act*;

AND WHEREAS subject to Subsection 4(4) of the *Act*, Council received an application from one or more persons carrying on retail business in the Township requesting Council to permit retail business establishments to be open on Holidays;

AND WHEREAS Council is authorized to pass a by-law permitting retail business establishments to be open on Holidays for the maintenance and development of tourism pursuant to Subsection 4(1) of the *Act*;

AND WHEREAS Council has determined that there exist within the Township:

- i) natural attractions and outdoor recreational attractions; and
- ii) cultural, multi cultural and educational attractions;

AND WHEREAS Council is satisfied that the tourism criteria as set out in Ontario Regulation 711/91 have been met;

AND WHEREAS Council of the Corporation of the Township of Seguin acknowledges that although Holidays are intended as a day of pause, it has determined it to be in the public interest to permit all retail business establishments to be open on Holidays for the purpose of maintaining and developing tourism within the Township;

AND WHEREAS it is Council's intention that retail businesses should be permitted to be open on any Holiday other than New Year's Day and Christmas Day;

AND WHEREAS the *Act* does not permit the retail sale of liquor on Holidays unless specifically exempted in Section 3(5) of the *Act*, which exemption effectively only permits sale of liquor for consumption in the place of business (e.g. restaurants) on Holidays;

AND WHEREAS Council of the Corporation of the Township of Seguin held a public meeting on March 4th, 2024, in respect of this proposed by-law, notice of which was published February 8th, 2024, and persons attending that public meeting were provided an opportunity to make representations in respect of the proposed By-law;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEGUIN
HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS

For the purposes of this By-law,

“Council” means the Council of The Corporation of the Township of Seguin;

“Holiday” shall have the meaning ascribed to it in the Act;

“Retail Business” shall have the meaning ascribed to it in the Act;

“Retail Business Establishment” shall have the meaning ascribed to it in the Act;

“Township” means the land within the geographic limit of the Township of Seguin.

2. **THAT** all Retail Business Establishments within the Township may be permitted to open on a Holiday except on:

(a) New Year’s Day; and

(b) Christmas Day,

unless, with respect to the foregoing named Holidays, such Retail Business is already permitted to open under the exemptions set out in Section 3 of the Act.

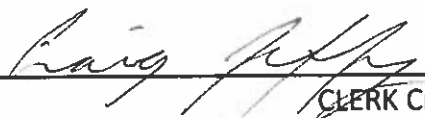
3. **THAT** this By-law shall be known as the “Retail Business Holiday Exemption By-law”.
4. **THAT** should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.
5. **THAT** this By-law shall come into full force and effect, subject to an appeal under Section 4.3 of the Act, on the thirtieth day after it is passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED this 13th day of May, 2024.





MAYOR Ann MacDiarmid



CLERK Craig Jeffery