

Note: The following by-law has no amendments to date – July 7, 2009

City of Kingston

Ontario

BY-LAW NO. 98-127

A BY-LAW TO PERMIT RETAIL BUSINESSES TO OPERATE ON STATUTORY HOLIDAYS DURING THE PERIOD BETWEEN MAY 1 TO OCTOBER 15, INCLUSIVE IN THE CALENDAR YEAR FOR THE MAINTENANCE OF TOURISM IN THE CITY OF KINGSTON

PASSED: July 14, 1998

(Office Consolidation)

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PASSED: July 14, 1998

WHEREAS the Retail Business Holidays Act, R.S.O. 1990, c. R.30 provides that no person carrying on a retail business in a retail business establishment shall sell 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 Holidays Act, R.S.O. 1990, c. R.30, provides that the Council of the 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 Council of The Corporation of the City of Kingston has taken into account the principle that holidays should be maintained as common pause days;

AND WHEREAS there is compliance with the tourism criteria set out in the regulations made under Section 4. of the Retail Business Holidays Act, R.S.O. 1990, c. R.30;

AND WHEREAS application has been made by certain persons carrying on retail business in the City;

AND WHEREAS Council has considered the written material submitted in support of the application;

AND WHEREAS Council has held a public meeting in respect of this by-law;

AND WHEREAS Council has published notice of the public meeting in a newspaper having general circulation in the Municipality at least thirty (30) days prior to the date on which the meeting was held;

AND WHEREAS by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal corporation;

NOW THEREFORE the Council of The Corporation of the City of Kingston enacts as follows;

1. The following definitions shall be used for the purposes of this by-law:
 - (a) "Municipality" shall mean The Corporation of the City of Kingston, inclusive of the amalgamated areas formerly known as The Corporation of the City of Kingston, The Corporation of the Township of Kingston and The Corporation of the Township of Pittsburgh;

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1. Continued

(b) "Holiday" shall include the following days: 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, as defined in the Retail Business Holidays Act, R.S.O. 1990, c. R.30;

(By-Law No. 98-127 - 1998)

(c) "Retail Business" and "Retail Business Establishment" shall be as defined in the Retail Business Holidays Act, R.S.O. 1990, c. R.30;

(By-Law No. 98-127 - 1998)

2. Any retail business in a retail business establishment located within the municipality of The Corporation of the City of Kingston shall be permitted to sell goods and services to members of the public on holidays from the 1st day of May to the 15th day of October inclusive in each calendar year, for the purposes of maintenance and development of tourism.

(By-Law No. 98-127 - 1998)

3. The provisions of this By-Law shall be applicable to retail business as defined in the Retail Business Holidays Act.

(By-Law No. 98-127 - 1998)

4. This By-Law shall come into force and take effect thirty-one days following the date of its passing.

(By-Law No. 98-127 - 1998)

For any Questions please contact: Customer Service 613-546-0000 from 8:30 am - 4:30 pm Mon - Fri. Outside of regular working hours please call the City Police Dept. for enforcement of this by-law at 613-549-4660 ~ thank you.

Holiday – Stats / Tourism season/ May 1 to October 15 inclusive	
<p>City of Kingston By-law No. 98-127</p>	<p>A By-Law To Permit Retail Businesses To Operate On Statutory Holidays During the Period Between April 15 to October 15, Inclusive In The Calendar Year For The Maintenance Of Tourism In The City of Kingston</p> <p>Since 1996 stores have not been required to close on Boxing Day. Pursuant to the Provincial Retail Business Holiday Act, the eight days per year on which most stores must close are New Year’s Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and Christmas Day. However, City of Kingston By-Law No. 98-127 permits retail businesses to operate on Statutory Holidays during the period between May 1 to October 15, inclusive, for the maintenance of tourism in the City of Kingston.</p> <p>March 2006: RE: store openings over the Easter weekend: The Provincial Retail Business Holidays Act states that business must close on Good Friday and Easter Sunday. The City has passed By-Law No. 98-127 which allows business to operate on Statutory Holidays during the period between May 1 to October 15. However, since Good Friday and Easter Sunday are both in April, they are governed by the Retail Business Holidays Act, not the City By-Law, and therefore businesses must by law be closed.</p>

Additional Information:
(2006)

Minister's Office ~ Ministry of Municipal Affairs & Housing:

Under the proposed legislation, municipalities would be able to pass bylaws providing that the Retail Business Holidays Act no longer applies and establishing holiday closing requirements for retail businesses. Once a municipal bylaw is passed, the RBHA would no longer apply to businesses in that municipality. Retail businesses in municipalities that chose not to pass bylaws would still be covered by the closing requirements of the Retail Business Holidays Act.

This power (assuming Bill 130 is passed by the Legislature) would not come into effect immediately, but would be proclaimed at a later date.

The new Stronger City of Toronto for a Stronger Ontario Act, 2006 gives Toronto the authority to set closing requirements for retailers similar to what is proposed for all Ontario municipalities under the Municipal Act, 2001 amendments. Observing Toronto's experiences with this new power would help the Ontario government decide when the new Municipal Act amendments would come into force.

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