

BY-LAW 2004-204

**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO REQUIRE THE CLOSING OF CERTAIN RETAIL
BUSINESS ESTABLISHMENTS**

WHEREAS Section 148 of the *Municipal Act, 2001*, S.O. 2001, c.25 allows a local municipality to require that retail business establishments shall be closed to the public on all or any days of the week;

AND WHEREAS the Council of the City of Greater Sudbury wishes to pass such a By-law;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. Definitions

In this By-law:

"Automobile Service Station" means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed;

"Bait Shop" means a shop, the principal trade of which is the sale of live bait or artificial bait or both;

"Drug Store" means a pharmacy accredited under the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4, where

- (a) the dispensing of drugs upon prescription is available to the public during business hours; and

- (b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and no other goods are available for sale except as sundries; and
- (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 7,500 square feet;

"Motor Vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road-building machine;

"Neighbourhood Convenience Store" means a shop:

- i) the principal trade of which is the sale of food and household supplies;
- ii) in which the total area used for serving the public or for selling or displaying to the public is less than 2,400 square feet; and
- iii) in which there are a maximum of three employees for the entire day including the owner or manager;

"Public Garage" includes an automobile service station, a parking station or a parking lot, or a building or place where motor vehicles are hired or kept or used for hire, or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles; and

"Retail Business Establishment" means a premises where goods or services are sold or offered for sale by retail.

2. General Closing Hours

No person employed by or acting on behalf of a person carrying a retail business in a retail business establishment shall,

- (a) sell or offer for sale any goods or services therein by retail; or
- (b) admit members of the public thereto,

during any of the periods set out below:

i) on Mondays through Saturdays from 10:00 p.m of any day until 5 a.m.

of the following day,

ii) on Sundays from 6 p.m until 5 a.m. of the following day, and

iii) on December 24th and December 31st, from 6 p.m until 5 a.m of the

following day.

3. Exemption

- (1) 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; or
 - b) liquor under the authority of a licence or permit issued under the Liquor Licence Act, R.S.O. 1990, c. L.19.
- (2) This By-law shall not apply to any of the following retail business establishments:
 - i) Art Galleries,
 - ii) Automobile Service Stations,
 - iii) Bait Shops,
 - iv) Book Stores
 - v) Drug Stores,

- vi) Florists,
- vii) Fresh Fruit and Vegetable Shops,
- viii) Marine Supply Shops,
- ix) Magazine and Periodical Stores,
- x) Neighbourhood Convenience Stores,
- xi) Newspaper Stands,
- xii) Public Garage,
- xiii) Souvenir Shops,
- xiv) Tobacco Shops,
- xv) Video Game Shops, or
- xvi) Video Rental Stores.

(3) This By-law shall not apply in respect of admission to the public to premises for educational, recreational, or amusement purposes in respect of the sale or offering for sale of goods or services incidental thereto.

4. Daylight Saving Time Provision

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 reckoned in accordance with the time so commonly observed and not Standard Time.

5. Enforcement:

Every person who contravenes the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, such fine not to exceed the greater of

- a) \$50,000; and
- b) the gross sales of the retail business establishment in the period the establishment was open in contravention of this By-law.

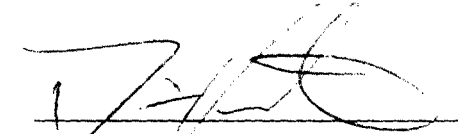
6. This By-law shall come into force and take effect immediately upon the final passing thereof.

7. The following By-laws are hereby repealed:


- (i) By-law 11-1972 of the former Town of Coniston;
- (ii) By-laws 78-14 and 84-17 of the former Town of Capreol;
- (iii) By-law 98-25 of the former Town of Rayside-Balfour;

- (iv) By-law 98-75 of the former City of Valley East;
- (v) By-laws 84-61, 84-98, 86-113, 88-16, 96-177, 98-161, and 99-170 of the former City of Sudbury, being chapter 436 of the Municipal Code; and
- (vi) By-law 2001-131 of the City of Greater Sudbury.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 13th day of July, 2004.




Mayor




Deputy
Clerk

READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL this 13th day of July, 2004.



Mayor



Deputy
Clerk