



Remembrance Day By-law

By-law No. 2008-355

A by-law of the City of Ottawa to provide for the closing of certain classes of retail business establishments for certain hours on Remembrance Day and to repeal By-law No. 2002-421.

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Updated February 2016

Prepared by By-law & Regulatory Services

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1.

“foodstuffs” means fruit, vegetables, dairy products, meat, baked goods, and other food items;

“handicrafts” means handmade goods produced or created from raw or basic materials which are changed into a significantly different shape, design, form or function using a special skill or manual art;

“person” means a natural person, a partnership, a body corporate and any association, and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply;

“retail business” means the selling or offering for sale of goods or services by retail;

“retail business establishment” means the premises where goods or services are sold or offered for sale by retail.

PROHIBITION

2.

No person carrying on a retail business in a retail business establishment shall be open for business to members of the public until 12:30 o'clock in the afternoon on Remembrance Day.

EXEMPTIONS

3.

Section 2 shall not apply in respect of the carrying on of a retail business on Remembrance Day where, prior to 12:30 o'clock on that day:

1)

- a) The only goods available for sale by retail in the retail business establishment are,
 - i. foodstuffs,

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- ii. tobacco or articles required for the use of tobacco,
 - iii. antiques, or
 - iv. handicrafts, or any combination of them, or where the principal business is the sale of one or several of the goods referred to in paragraphs (i) to (iv) by retail and no other goods are available for sale except as sundries; and
- b) The number of persons engaged in the service of the public in the establishment does not at any time exceed three; and
- c) The total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet.
- 2) in respect of a pharmacy accredited under the *Drug and Pharmacies Regulation Act*:
- 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.
- 3) the only goods available for sale by retail in the establishment are:
- a) gasoline and motor oil and, in conjunction therewith, other goods for consumption in the operation of a motor vehicle; or
 - b) propane, diesel, natural gas and associated fuel products; or
 - c) nursery stock or flowers, and in conjunction therewith, accessory gardening supplies, or;
 - d) books, newspapers or periodicals provided that no other goods are available for sale except as sundries, the number of persons engaged in the service of the public in the establishment does not at any time exceed three and the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet.

ADMINISTRATION AND ENFORCEMENT

4.

The Director of By-law and Regulatory Services is responsible for the administration of this by-law, including the enforcement thereof.

OFFENCES AND PENALTIES

5.

- 1) Every person who contravenes any of the provisions of this by-law is guilty of an offence.
- 2) A person who is convicted of an offence under this by-law, and every director or officer of a corporation who knowingly concurs in the contravention of the by-law by a corporation, is liable to a fine of not less than \$150 and not more than \$100,000 as provided for in the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 3) A corporation that is convicted of an offence under this by-law is liable to a fine of not less than \$500 and not more than the greater of \$100,000, as provided for in the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 4) In addition to the penalty provided in subsection (3), a corporation that is convicted of an offence under this by-law is liable to a fine equal to the amount of its gross sales in the retail establishment on the day in which the contravention occurred, as provided for in the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

6.

When a person has been convicted of an offence under this by-law,

- a) the Ontario Court of Justice, or
- b) any court of competent jurisdiction thereafter,

may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

INTERPRETATION

7.

- 1) In this by-law,
 - a) words importing the singular number only, include more persons, parties or things of the same kind than one (1) and the converse; and
 - b) a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2) If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or of no force and effect, it is the intention of the Council in enacting this

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by-law, that each and every provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

REPEAL

8.

By-law No. 2002-421 of the City of Ottawa entitled “A by-law of the City of Ottawa to provide for the closing of certain classes of retail business establishments for certain hours on Remembrance Day” is repealed.

SHORT TITLE

9.

This by-law may be referred to as the “Remembrance Day By-law”.

ENACTED AND PASSED this 10th day of September, 2008.

CITY CLERK | MAYOR

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Enacted by City Council at its meeting of September 10, 2008.

LEGAL SERVICES

CH/VB/ec

COUNCIL AUTHORITY:

City Council – September 10, 2008

CPS Report 29, Item 1