

RE: HOLIDAY SHOPPING REGULATION ACT

ITEM	9
MANAGER'S REPORT NO.	45
COUNCIL MEETING	1981 09 28

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the report of the Municipal Clerk be received for information purposes.

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TO: MUNICIPAL MANAGER  
FROM: MUNICIPAL CLERK  
SUBJECT: HOLIDAY SHOPPING REGULATION ACT

DATE: 1981 SEPTEMBER 23  
FILE: 1911

RECOMMENDATION:

THAT this report be received by the Municipal Council for information.

R E P O R T

We have contacted a number of municipalities in the Lower Mainland and Vancouver Island in connection with the Holiday Shopping Regulation Act and submit herewith the findings.

The following municipalities have submitted bylaws under the provisions of the Holiday Shopping Regulation Act to their electors for assent:

The Corporation of the District of Delta - "Are You In Favour Of Delta Bylaw No. 3321?" (Which in summary would permit all retail businesses to carry on business on a Sunday and any other holiday as defined by the Holiday Shopping Regulation Act) - 55.04% in Favour.

The Corporation of the City of Port Coquitlam - "Are You In Favour Of The 'Holiday Shopping Regulation Bylaw 1980' Bylaw No. 1780?" A Bylaw to permit certain Retail Businesses to be open for business on a holiday (Every retail business that was required to be closed) - 46.14% in Favour.

The Corporation of the District of Surrey - The Bylaw submitted would have permitted all retail businesses to carry on business on a Sunday and any other holiday as defined by the Holiday Shopping Regulation Act - 42% in Favour.

City of Vancouver - "Are You In Favour Of Vancouver City Council Adopting A Bylaw To Permit Retail Businesses To Be Open On Sundays And Holidays In The Gastown, Chinatown Historic Areas?" - 85.4% in Favour.

The Corporation of the City of Victoria - "Do You Agree With And Approve Of The: 'Holiday Shopping Regulation Bylaw' Which Will Allow All Retail Businesses To Be Open On Sundays And Holidays?" - 71% in Favour.

The following municipalities have not submitted bylaws under the provisions of the Holiday Shopping Regulation Act to their electors for assent:

Coquitlam, District of; Langley, The Corporation of the City of; Langley, The Corporation of the Township of; New Westminster, The Corporation of the City of; North Vancouver, The Corporation of the City of; North Vancouver, The Corporation of the District of; Richmond, The Corporation of the District of.

The relevant provisions of the Holiday Shopping Regulation Act are:

Interpretation

1. *In this Act*  
*"holiday"* means *Sunday, New Year's Day, Good Friday, Victoria Day, Dominion Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, December 26 and a day designated for special observance within the terms of section 7;*

*"retail business"* means *the selling or offering for sale of goods or services for consumption or use and not for resale and includes*

- (a) *the selling or offering for sale of goods and services by hawkers and peddlars, and*
- (b) *charging the public for admission to a place or facility for educational, recreational, cultural or amusement purposes;*

*"retail establishment"* means *any place where retail business is carried on;*

*"scheduled business"* means *a retail business included in one of the classes of retail business listed in Schedule A.*

General prohibition of holiday sales

2. *No person shall carry on retail business or admit the public to a retail establishment on a holiday except*

- (a) *as permitted under section 11 of the Lord's Day Act (Canada),*
- (b) *in respect of a scheduled business,*
- (c) *as permitted by the bylaw of a municipality adopted in accordance with section 3, or*
- (d) *as permitted in an order of the Lieutenant Governor in Council under section 7.*

Bylaw of a municipality

3. (1) *The Council of a municipality may, with the assent of the electors, adopt a bylaw in respect of retail business, other than scheduled business, permitting a person*

- (a) *to carry on a certain class of retail business,*
- (b) *to sell or offer for sale a certain class of goods or service in a retail establishment, or*
- (c) *to admit the public to a retail establishment,*

*on a holiday or during specified hours on a holiday.*

- 3 -

- (2) A bylaw under this section must relate to all holidays defined in section 1 but the provision of the bylaw need not be the same for each holiday.
- (3) A bylaw under this Act may classify retail business by type, size, location or number of persons employed.
- (4) The provisions of the Municipal Act respecting the assent of electors apply to this section.

Bylaw amendment or repeal

4. (1) A bylaw adopted under section 3 shall not be repealed or amended until

- (a) the council has held a public hearing which has been advertised in not less than 2 consecutive issues of a newspaper published in the municipality with the last of the advertisements appearing not less than 3 days or more than 10 days before the date of the hearing, and
- (b) after the hearing, the council adopts the amendment by a 2/3 majority of the members of council present.

- (2) The notice of hearing shall

- (a) identify the bylaw proposed to be amended,
- (b) state in general terms the purpose of the proposed amendment,
- (c) state where and when a copy of the proposed amendment may be inspected, and
- (d) state the time and place of the public hearing.

- (3) The Council may determine the procedure for the conduct of the public hearing.

- (4) The assent of the electors is not required to amend or repeal a bylaw under this section.

Minor Amendments

5. A Council may, without a public hearing or notice under section 4(2) or the assent of the electors, amend a bylaw under this Act to correct a clerical or inconsequential error or omission.

Bylaw deemed part of Act

6. A bylaw under this Act shall be deemed to be part of this Act.

Offence

10. A person who contravenes section 2 commits an offence and is liable to a fine not exceeding \$10,000.

SCHEDULE A

A retail business which sells or offers for sale only goods or services in one of the following classes:

1. foodstuffs, antiques, newspapers, periodicals, handicrafts and sundries in a total sales and display area open to the public of less than 225 m<sup>2</sup> and employing no more than 4 persons to serve the public in the retail establishment;
2. fresh fruits and vegetables;
3. hygienic, cosmetic, pharmaceutical or therapeutic goods and sundries only during those hours when prescription drugs are dispensed to the public;
4. nursery stock, flowers and horticultural and gardening supplies;
5. rental, servicing and repair of, and the sale or offering for sale of fuel, lubricants and accessories for, motor vehicles, boats and aircraft;
6. rental of goods and equipment for sports, recreation and use about the home and garden;
7. prepared meals;
8. living accommodation;
9. self-service laundries and other coin-operated services;
10. live and cinematic productions, displays, exhibits and facilities for educational, recreational, cultural or amusement purposes and the sale or offering for sale of goods and services incidental to those purposes.

The relevant provisions of the Municipal Act are:

Approval or assent

296. Where under this or another Act a bylaw requires the assent of the electors or the approval of the Lieutenant Governor in Council, the minister or the inspector, the assent or approval shall be obtained after the bylaw has been given third reading by the council and before it is adopted.

Resubmitting rejected bylaws

298. If a bylaw which requires the assent of the electors does not receive their assent, no other bylaw for the same purpose, except with the minister's approval shall be submitted to the electors within a period of 6 months from the last submission.

Bylaws requiring assent of electors

299. A bylaw or a submission which requires, or a question submitted for, the assent of the electors shall not have received assent unless the bylaw, submission or question is submitted to and voted on by the electors in the manner provided in this Act, and the number of votes cast in favour of the bylaw or submission is, unless otherwise provided in this Act, a majority of the votes cast by valid ballot.

Bylaw for a distinct purpose

300. (1) A bylaw submitted for the assent of electors shall be for a distinct purpose. A bylaw shall not group together 2 or more purposes, but the bylaw may include purposes incidental to the main purpose.
- (2) Where 2 or more bylaws are submitted at the same time, each bylaw shall be voted on separately.

Polling day

302. Polling day for

- (c) a bylaw in other cases where it is to be submitted for the assent of the electors shall be not less than 10 days and not more than one month after the day the bylaw receives third reading.

Persons entitled to vote

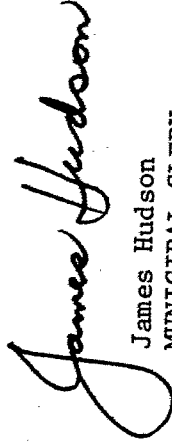
304. The persons entitled to vote on a bylaw, submission or question are, subject to any restrictions in this Act, the persons whose names appear on the last certified list of electors.

Voting on bylaws

305. (1) A vote on a bylaw, submission or question shall be by ballot, in a form that a voter may indicate his assent or dissent by making the prescribed mark opposite the word "Yes" or the word "No".  
(2) The poll shall be kept open on polling day between 8 a.m. and 8 p.m. and at other times provided by bylaw for an advance poll under section 88.  
(3) The returning officer shall determine the persons who may be present at the poll and at the counting of the votes.

Effective date of bylaw

306. (1) A bylaw adopted by the council of a city, town or district is in force from the date of the adoption or from a subsequent date fixed by the bylaw.



James Hudson  
MUNICIPAL CLERK

