

BY-LAW NO: 2433

A BY-LAW OF THE CITY OF MEDICINE HAT to require the closing of certain shops and businesses on Remembrance Day.

AND WHEREAS the Municipal Government Act, R.S.A. 1980, c.M-26, ss.241 to 246 inclusive empowers municipal councils to require all shops, businesses and industries, or any class or classes thereof, to conform their hours of operation to certain hours and in particular to close on holidays;

AND WHEREAS the eleventh (11th) day of November has been set aside by the Parliament of Canada as a day to be kept and observed throughout our nation in each and every year under the name "Remembrance Day";

AND WHEREAS it is fitting that on Remembrance Day the residents of the City of Medicine Hat should gratefully pay tribute to the memory of those who have died, and should honour those who have suffered injury, all in efforts to sustain Canada's heritage of freedom and human dignity;

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. This By-Law may be cited as the "Remembrance Day By-Law".

2. DEFINITIONS

For the purposes of this by-law unless the context otherwise requires:

- (a) "Act" means the Municipal Government Act R.S.A. 1980, c.M-26, as amended;
  - (b) "City" means the City of Medicine Hat;
  - (c) "Closed" means not open for the usual service of customers or for the receiving of orders from customers or on behalf of customers;
  - (d) "Council" means the Council of the City of Medicine Hat;
  - (e) "Remembrance Day" means the eleventh day of November in each and every year;
  - (f) "Retail Business" means the selling or offering for sale of goods or services by retail;
  - (g) "Retail Business Establishment" means a place where retail business is carried on;
  - (h) "Tourist Business Establishment" means a retail business which provides temporary accommodation to lodgers for a fee and includes a hotel, motel and tourist cabin;
3. (1) Except as otherwise provided for in this by-law, any shop or business wherein any class of retail business or wholesale business is carried on shall be and remain closed during the hours of 9:00 a.m. to 12:00 o'clock noon, inclusive, on Remembrance Day.
- (2) Every person carrying on a retail business in a retail business establishment shall ensure that no member of the public is admitted thereto and no goods or services are sold or offered for sale therein by retail during the hours of 9:00 a.m. to 12:00 o'clock noon, inclusive, on Remembrance Day.

(3) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall:

(i) sell, or offer any goods or services therein by retail;  
or

(ii) admit members of the public thereout during the hours 9:00 a.m. to 12:00 o'clock noon, inclusive, on Remembrance Day.

4. Section 3 does not apply:

(a) to the carrying on of a retail business on Remembrance Day where, on that day,

(i) the principal business is the selling or offering for sale of foodstuffs; and

(ii) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 300 square metres;

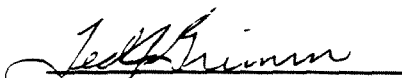
(b) to the carrying on of a retail business in a pharmacy licensed under the Pharmaceutical Association Act where, on that day,

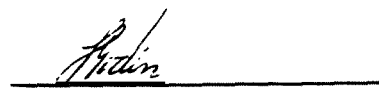
(i) the dispensing of prescription drugs is available to the public at all times that the business is open to the public;

(ii) the principal business of the pharmacy is the selling of goods of a pharmaceutical or therapeutic nature or for the hygienic or cosmetic purposes; and

- (iii) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 300 square metres;
  - (c) to the carrying on of retail business on Remembrance Day where, on that day, the principal business is the selling or offering for sale of 1 or more of the classes of goods or services set out in Schedule "A";
  - (d) to the carrying on of retail business on Remembrance Day in a tourist business establishment;
  - (e) to the sale or the offering for sale on Remembrance Day of liquor under the authority of a licence or permit issued under the Liquor Control Act;
5. A person who contravenes Section 3 is guilty of an offence and is liable:
- (a) for a first offence to a fine of not more than \$1,000.00;
  - (b) for a second offence to a fine of not less than \$1,000.00 and not more than \$1,500.00;
  - (c) for a third and subsequent offence to a fine of not less than \$2,000.00 and not more than \$2,500.00.
6. By-Law No. 2370 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 21st day of October, A.D., 1985.

  
MAYOR

  
CITY CLERK

READ A SECOND TIME IN OPEN COUNCIL this *21<sup>st</sup>* day of *October* , A.D. 1985.

*Jeff Brimmer*  
MAYOR

*Godin*  
CITY CLERK

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL this ~~21<sup>st</sup>~~<sup>4<sup>th</sup></sup> day of *November* , A.D. 1985.

*Jeff Brimmer*  
MAYOR

*Godin* **L. P. GODIN**  
CITY CLERK

## SCHEDULE "A"

- (a) nursery stock or flowers and, in conjunction therewith, accessory gardening supplies;
- b) serving prepared meals;
- c) providing the public with prepared food and any drink that may lawfully be sold, for consumption either on or off the premises;
- d) providing living accommodation;
- e) laundromats or other coin-operated services;
- (f) gasoline and motor oil and other goods for consumption in the operation of a motor vehicle, boat or aircraft;
- (g) servicing, repairing or rental of motor vehicles, boats or aircraft;
- (h) rental of goods and equipment for sports, recreation or use about the home and garden;
- (i) tobacco, cigars, cigarettes or smokers' sundries;
- (j) newspapers, magazines, periodicals, pamphlets, books or souvenirs;
- (k) handicrafts;
- (l) live or cinematic productions, displays, exhibits or facilities for educational, recreational, cultural, entertainment or amusement purposes and goods and services incidental to those services.
- (m) providing the public with medical or health care services.