



Chatham-Kent
Ontario, Canada

Municipality of Chatham-Kent
Economic Development Services

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Item #5(a)

Municipality of Chatham-Kent

Public Notice of Meeting – Family Day

Pursuant to the Retail Business Holiday Act; Chatham-Kent Council will consider amending By-Law #323-2004 presently including exemptions for Victoria Day, Canada Day, Labour Day and Thanksgiving Day to include Family Day for the maintenance and development of tourism in the Municipality of Chatham-Kent.

Municipality of Chatham-Kent, Chatham-Kent Council, pursuant to the Act, will hold a Public Meeting on the 22nd day of September, 2008 at 6:00 p.m. in Council Chambers at 315 King Street West, Chatham, Ontario. Individuals with questions about this application are asked to contact Geoff Wright, Service/Commercial Coordinator Municipality of Chatham-Kent at 519-351-7700 x2033. Any interested person or business who would like to make application to speak at the Public Meeting on September 22, 2008 or who would like to file either a letter of support or objection to this application may do so by filing a letter with the Municipal Clerk's Office by September 6, 2008, at 315 King Street West, Chatham, Ontario N7M 5K8 or by calling the Municipal Clerk at 519-360-1998.

Is there anyone here that would like to speak to this matter?

For Business.
For Life.

MUNICIPALITY OF CHATHAM-KENT

CHIEF ADMINISTRATIVE OFFICE

ECONOMIC DEVELOPMENT SERVICES

TO: Mayor and Members of Council
FROM: Geoff Wright, Service/Commercial Coordinator
DATE: August 7, 2008
SUBJECT: Family Day – Retail Business Holiday Act

RECOMMENDATION

It is recommended that:

1. By-law 323-2004, enacted December 2004 which provides businesses in Chatham-Kent exemptions from the Retail Business Holidays Act for Victoria Day, Canada Day, Labour Day and Thanksgiving Day be amended to include Family Day for the maintenance and development of tourism in the Municipality of Chatham-Kent.

BACKGROUND

On November 28, 2004 administration brought forward a report (Appendix 1) for Council's consideration regarding exemptions under the *Retail Business Holidays Act* (known as "The Act").

Council directed administration to conduct further research into the practices of other municipalities and their history of granting Retail Business Holidays Act exemptions. Administration confirmed that a number of municipalities have established exemptions citing the tourism criteria as outlined in the Act.

Exemptions may be granted under the Retail Business Holidays Act under the following provisions:

Tourism Criteria

1. "A retail business establishment may be exempted if it is located within two kilometres of a tourist attraction. For the purposes of this section, a tourist attraction is limited to, natural attractions or outdoor recreational attractions; historical attractions; and cultural, multi-cultural or educational attractions."

and/or

CONSULTATION

The opinion of the Business Improvement Areas and Chambers of Commerce was requested, encouraging participation in gathering input from throughout the business community of Chatham-Kent.

This was done in order to assist with our recommendation and to provide feedback to Municipal Council. Wallaceburg BIA does not agree with the recommendation while the Chatham-Kent Chamber of Commerce, the Tilbury Chamber of Commerce /BIA and the Wallaceburg Chamber of Commerce all replied supporting the recommendation.

FINANCIAL IMPLICATIONS

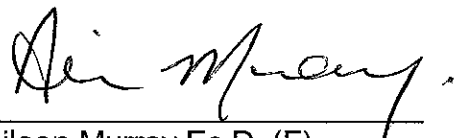
There is no budget impact associated with the acceptance of this report.

Prepared by:



Geoff Wright
Service /Commercial Coordinator

Reviewed by



Aileen Murray Ec.D. (F),
Acting Director,
Economic Development Services

Reviewed by:



C.D. Weldon
Chief Administrative Officer

Attachments:

RTC November 28, 2004 – Appendix 1

MUNICIPALITY OF CHATHAM-KENT
COMMUNITY AND DEVELOPMENT SERVICES
ECONOMIC DEVELOPMENT SERVICES

TO: Mayor and Members of Council
FROM: Geoff Wright, Service/Commercial Coordinator
DATE: November 28, 2004
SUBJECT: Retail Business Holidays Act Exemption By-law

RECOMMENDATIONS:

Based on the information gathered at a Public Meeting held on December 20, 2004, the following recommendations are being put forward for Council's consideration:

It is recommended that:

1. The Municipality of Chatham-Kent be designated a tourist attraction as defined in the Retail Business Holidays Act by virtue of its natural, outdoor recreational, historical, cultural, multi-cultural and educational attractions.
2. A by-law be enacted to allow an exemption under the Retail Business Holidays Act for Good Friday and Thanksgiving Day, for the following applicants:
 - Sobey's Capital Inc., operating as Sobey's and Foodland Stores, 215 Park Avenue, Chatham (Sobey's); 20210 Communication Road, Blenheim (Sobey's); 62 McNaughton Street, Wallaceburg (Sobey's); 15 Queen Street South, Tilbury (Foodland); 245 Main Street, Bothwell (Foodland); 256 St. George Street, Dresden (Foodland); 32 Main Street East, Ridgetown (Foodland); and 30 London Road, Thamesville (Foodland).
 - A & P Properties Limited, operating as Food Basics, 448 St. Clair Street, Chatham.
 - Dean & Barb's No Frills, 80 William Street, Chatham; Ron's No Frills, 286 Chatham Street North, Blenheim; and Paul & Cathy's No Frills, 2 Warwick Drive, Wallaceburg.
3. By-law 117-2003, enacted June 2003 which provides businesses in Chatham-Kent exemptions from the Retail Business Holidays Act for Victoria Day, Canada Day and Labour Day, be amended to include Thanksgiving Day and Good Friday

on September 7, 2004 contains a full rationalization of the recent applications and is attached for Council's reference.

Tourism Designation Applications

There have been a number of methods used to apply the tourism designation across Ontario:

- The City of Windsor has designated the whole of the City of Windsor as a tourist attraction "by virtue of its natural, outdoor recreational, historical, cultural, multi-cultural and educational attractions".
- The City of Orillia issued a by-law in July of 2004 listing sixteen specific stores that "may open on any holiday, as defined in the Act, except on Christmas Day, New Year's Day, Good Friday and Easter Sunday, for the maintenance and development of tourism."

Orillia also has two pre-existing by-laws (passed in September of 1994) that allow for any retail business establishment 2,400 sq. ft. or less within the BIA to open on any holiday except Christmas Day, New Year's Day, Good Friday and Easter Sunday. A similar by-law allows for the same exemptions for stores outside of the BIA.

- The City of Sarnia designated the entire city as a tourist attraction, "by Council determining that Sarnia and the businesses located therein are tourism-dependant and may be adversely affected by mandatory Sunday and holiday closures".
 - The York Region has various retail business holidays act exemptions. To paraphrase their by-law: the Retail Business Holidays Act provides that a municipality may by by-law permit retail business establishments to be open on any holiday. York Region met the provisions of holding a public meeting and publishing notice of the meeting, therefore, they enact by-laws to permit retail business establishments to be open on holidays. There is no reference in the by-law to a tourism exemption.
- In some areas, there were specific stores referenced while, in others, it was the whole district or all the tenants in a particular shopping centre that were granted an exemption. For example, all the businesses in the old Town of Markham core can be open all holidays, except Christmas Day, from 9 am to 6 pm. As well, the Pacific Mall in Markham is allowed to open all holidays from 8 am to 12 midnight.
- The City of London indicated that they have not received any applications from any retail business for exemption from the Act.

The Case for Chatham-Kent's Tourism Designation

Applications for exemption may be granted in keeping with Ontario Regulation 711/91, the *Retail Business Holidays Act*. The Municipality of Chatham-Kent boasts ample tourist attractions as defined in the Ontario Regulation 711/91.

Chatham-Kent is a popular tourism destination. A study produced in cooperation with the Ontario Ministry of Tourism and Recreation documented that tourism contributes \$45 million to the Chatham-Kent economy on an annual basis. An abundance of natural, outdoor recreational, historical, cultural, multi-cultural and educational opportunities are prevalent in every corner of the Municipality.

The precedence of establishing the entire Municipality as a tourist attraction has been established by two of our closest neighbouring municipalities, being Sarnia and Windsor. Therefore it is recommended The Municipality of Chatham-Kent be designated a tourist attraction as defined in the Retail Business Holiday Act by virtue of its natural, outdoor recreational, historical, cultural, multi-cultural and educational attractions.

Repeal of By-law(s)

There are eight remaining Retail Business Holidays Act exemption by-laws that are different from the municipal-wide by-law enacted in 2003. Six were enacted by the former Town of Wallaceburg, one was enacted by the former Village of Eriean and one was enacted by the Municipality of Chatham-Kent. Of the eight by-laws, three businesses remain open and five have closed since passing the by-law(s), as described in Schedule A.

By-law number 94-48, 97-25, 95-87, 95-52, 95-78, 93-64, 89-617, 223-1998 and 210-2000 allow businesses to remain open under the Retail Business Holidays Act on the following holidays:

- By-law 94-48 - Knechtel Food Market (currently owned and operated as Sobeys) may remain open on Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day (5 holidays).
- By-law 97-25 - Paul & Cathy's No Frills may remain open on New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day (6 holidays).
- By-law 95-87 - Saan Stores Ltd. (owned by Saan, operating as The Red Apple) may remain open on New Year's Day, Victoria Day, Canada Day and Thanksgiving Day (4 holidays).
- By-law 89-617 - a village-wide by-law in Eriean allows businesses to remain open on a holiday (8 holidays).

FINANCIAL IMPLICATIONS:

The Municipality placed an advertisement for the Notice of Public Meeting in the Chatham-Kent Matters column of community newspapers on November 17, 2004 but the costs associated with these ads are recovered from the applicant(s).

Prepared by:

Reviewed by:

Geoff Wright
Service/Commercial Coordinator

Aileen Murray, Manager,
Business Attraction & Retention

Reviewed by:

Reviewed by:

Greg G. Keating, B.A., M.P.A.
General Manager
Community and Development Services

Joe G. Pavelka, P. Eng.
Chief Administrative Officer

c: Legal, Corporate, and Police Services

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Attachments:

1. Report to Council dated August 20, 2004, excluding attachments
2. Schedule A: Retail Business Holidays Act exemption spreadsheet. Current By-laws in the Municipality of Chatham-Kent outlining the various by-laws that exist.
3. Schedule B: Notice of Public Meeting placed throughout the Municipality in the CK Matters section of local newspapers.
4. A By-law to amend By-law number 117-2003 to provide for holiday openings in the Municipality of Chatham-Kent.
5. A By-law to provide for holiday openings within the Municipality of Chatham-Kent. (Specific Locations)