

1985 BILL 230

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 230

RETAIL BUSINESS HOLIDAYS ACT

MR. MARTIN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 230
Mr. Martin

BILL 230

1985

RETAIL BUSINESS HOLIDAYS ACT

(Assented to , 1985)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

(a) "holiday" means

- (i) New Year's Day,
- (ii) Good Friday,
- (iii) Victoria Day,
- (iv) Canada Day,
- (v) Labour Day,
- (vi) Thanksgiving Day,
- (vii) Remembrance Day,
- (viii) Christmas Day,
- (ix) Sunday, and

(x) any other day designated by the Lieutenant Governor
in Council to be a holiday for the purposes of this Act;

- (b) “retail business” means the selling or offering for sale of goods or services by retail trade;
- (c) “retail business establishment” means a place where retail business is carried on;
- (d) “tourist area” means an area designated by regulation as a tourist area for the purposes of this Act;
- (e) “tourist business establishment” means a retail business establishment in a tourist area that is designated by regulation as a tourist business establishment for the purposes of this Act.

Retail business prohibited on holidays

2(1) No person, or person employed by or acting on behalf of any person, shall, on a holiday, carry on retail business or admit the public to a retail business establishment.

(2) Subsection (1) does not apply

(a) to the carrying on of a retail business on a holiday 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 220 square metres;

(b) to the carrying on of a retail business on a holiday 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 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 220 square metres;

(c) to the carrying on of retail business on a holiday 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 the Schedule;

(d) to the carrying on of retail business on a holiday in a tourist business establishment;

- (e) to the sale or the offering for sale on a holiday of
 - (i) goods or services permitted under the *Lord's Day Act* (Canada), or
 - (ii) liquor under the authority of a licence or permit issued under the *Liquor Control Act*;
- (f) to the carrying on of retail business permitted under the *Alberta Lord's Day Act*.

Sunday option **3** Notwithstanding section 2, retail business may be carried on in a retail business establishment on a Sunday if the retail business establishment was closed to the public and no goods or services were sold or offered for sale on the Saturday immediately preceding the Sunday.

Paramourncy **4** If there is a conflict between, or inconsistency with, a provision of this Act and the *Municipal Government Act* or a by-law made under that Act, this Act prevails.

Penalty **5** A person who contravenes section 2 is guilty of an offence and is liable

- (a) for a first offence to a fine of not more than \$2000;
- (b) for a second offence to a fine of not less than \$2000 and not more than \$5000;
- (c) for a third and subsequent offence to a fine of not less than \$5000 and not more than \$10 000.

Regulations **6(1)** The Lieutenant Governor in Council may by regulation

- (a) designate retail business establishments or classes of retail business establishments as tourist business establishments;
- (b) designate an area as a tourist area for the purposes of this Act;
- (c) add to or delete from the Schedule;
- (d) designate other days as holidays for the purposes of this Act.

(2) A regulation made under subsection (1)(c) ceases to have effect after the last day of the Session of the Legislature next ensuing after it is made.

Amends RSA 1980 c. M-26 **7(1)** *The Municipal Government Act is amended by this section.*

(2) *Section 241 is amended*

(a) *by renumbering it as subsection (1), and*

(b) *by adding the following after subsection (1):*

(2) *Subsection (1) does not authorize the making of a by-law in respect of a day that is a holiday as defined in the *Retail Business Holidays Act*.*

(3) *Section 242 is amended by striking out “of a holiday as defined in the *Interpretation Act* or”.*

*In accordance with section 4(1) of the *Interpretation Act*, this Bill comes into force on the date it receives Royal Assent.*

SCHEDULE

Classes of goods and services for the purpose of section 2(2)(c):

- (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.