

BY-LAW NO. 139

A BY-LAW RESPECTING SUNDAY SHOPPING

THE COUNCIL OF THE MUNICIPALITY OF MINTO UNDER AUTHORITY VESTED IN IT BY THE MUNICIPALITIES ACT, CHAPTER M-22 OF THE REVISED STATUTES, 1973 AND ADMENDMENTS THERETO ENACTS AS FOLLOWS:

SHORT TITLE

1. This By-Law may be cited as the Sunday Shopping By-Law.

DEFINITIONS

2. In this by-law:

a) "operate" means operate for the service of a customer;

b) "retail business" means a retail business as defined in the *Days of Rest Act* of New Brunswick.

c) "weekly day of rest" means a day as defined in the *Days of Rest Act* of New Brunswick.

3.(1) No person shall operate a retail business on a weekly day of rest except between the hours of 12:00 p.m. and 5:00 p.m.

3.(2) The provisions of section 3(1) do not apply to the operation of retail business where they are exempt pursuant to Section 4(3) the *Days of Rest Act* and Regulations there under.

4. A person who fails to comply with the provisions in paragraph 3(1) of this by-lay commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category D offence.

5. This by-law comes into effect on the date of final enactment.

READ A FIRST TIME ON THE _____ DAY OF _____, 2006

READ A SECOND TIME ON THE _____ DAY OF _____, 2006

READ A THIRD TIME ON THE _____ DAY OF _____, 2006

MAYOR

CLERK

BY-LAW NUMBER 139B AMENDMENT

A BY-LAW TO AMEND A BYLAW RESPECTING SUNDAY SHOPPING

Section 4. is repealed and hereby replaced with the following new Section 4.:

4 . Penalties:

- (1) Every person who violates any provision of this by-law is guilty of an offence.
- (2) Every person charged with an offence under any section of this by-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of fifty dollars (\$50.00).
- (3) If the voluntary payment set out in section 4(2) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of seventy five dollars (\$75.00).
- (4) The voluntary payment set out in either section 4(2) or 4(3) shall be made payable to the Village of Minto as follows:

in person at 420 Pleasant Drive, Minto, in cash or by certified cheque or money order made payable to The Village of Minto;

Or

by mail to: The Village of Minto, 420 Pleasant Drive, Minto, N.B., E4B 2T3, "Attention Clerk Administrator", by certified cheque or money order only, payable to The Village of Minto;

at which time the ticket or ticket number shall be surrendered to the Village of Minto and such payment shall be deemed payment in full.

- (5) If the voluntary payment set out in either section 4(2) or 4(3) has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than one hundred & Forty dollars (\$140.00) and not more than the maximum fine (\$1,070.00) which may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category D offence.

READ FIRST TIME:

READ SECOND TIME:

READ THIRD TIME AND ENACTED:

MAYOR

CLERK