

**CORPORATION OF THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

**BY-LAW NO. 2013 – 33**

**BEING A BY-LAW TO REGULATE THE SELLING OF GOODS, WARES AND MERCHANDISE IN RESIDENTIAL AREAS IN WHAT ARE COMMONLY DESCRIBED AS "GARAGE SALES"**

**WHEREAS** Section 11 (2)(6) of the Municipal Act, 2001, provides that a lower tier municipality may pass by-laws respecting the health, safety and well-being of persons;

**AND WHEREAS** yard sales or garage sales have become increasingly popular resulting in a number of concerns, the least of which is traffic and safety;

**AND WHEREAS** it appears from the number of sales held at individual addresses that there may be some abuse of such sales;

**AND WHEREAS** it is not the intent that this by-law shall apply to group sales at churches, arenas or schools;

**NOW THEREFORE** the Council of the Township of Havelock-Belmont-Methuen hereby enacts as follows:

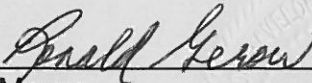
1. In this by-law and for the purposes of its application, "Garage Sale" shall mean and include any general sale to the public of personal property from any non-commercial premises in any zone as defined by the Municipality's Zoning by-laws, as amended, including but not limited to all sales entitled "garage", "lawn", "yard", "attic", "porch", "driveway", "room", "backyard", "patio", "flea market" or "rummage" sale.

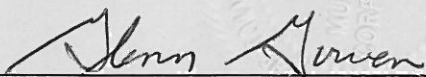
"Personal property" shall mean property which is owned, used and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise that was purchased for resale or obtained on consignment.

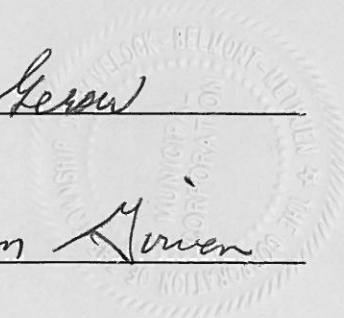
2. It shall be unlawful for any individual to sell or offer for sale under authority granted by this by-law, property other than personal property.
3. A garage sale shall be limited to a period of two (2) consecutive days, or three (3) consecutive days for holiday weekends.

4. A garage sale may be made up of ten (10) applicants provided that the sale takes place at the address of one of them.
5. Notwithstanding Section 4, no person or householder at a given address shall be entitled to more than four (4) garage sales per calendar year, and in the case of a joint application aforesaid, this provision shall apply, notwithstanding the fact that the garage sale took place at another joint applicant's address.
6. Garage sales will not be permitted during the times and for the locations set forth in Schedule "A" attached hereto.
7. Any signs advertising such events shall comply with municipal sign by-laws and shall be removed forthwith after the last day of the sale. Every article sold and every day a sale is conducted in violation of this by-law shall constitute a separate offence.
8. Any person convicted of a breach of any provision of this by-law shall be liable to a penalty not exceeding Five Thousand Dollars (\$5,000.00) for each offence, exclusive of costs and every such penalty shall be recoverable under the Provincial Offences Act.
9. Should any part of this By-law be declared by a court of competent jurisdiction to be invalid in whole or in part, the validity of the other provisions of the By-law shall not be affected thereby, the intent of the Council of the Township in enacting this By-law being that each provision of this By-law shall be determined to be separately valid and enforceable to the fullest extent permitted by law.
10. That By-law No. 2006-62 is hereby rescinded in its entirety and replaced with the provisions of this by-law.
11. This By-law shall come into force and take effect immediately upon the final passing thereof.

Read a FIRST, SECOND and THIRD time and finally passed this 6<sup>th</sup> day of May, 2013.

  
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Mayor

  
\_\_\_\_\_  
Clerk



## SCHEDULE "A"

### To By-law to Regulate Garage Sales

As per Section 6 of this by-law, no garage sales will be permitted pursuant to this By-law during the times and for the locations set forth in this Schedule "A":

<u>Highway (Name of Street)</u>	<u>From (geographical starting point)</u>	<u>To (geographical finishing point)</u>	<u>Time Period</u>
George Street East	William Street	County Road 48	The entire Thursday of the Havelock Country Jamboree until the Tuesday morning following the Jamboree, inclusive.
Mary Street	Highway # 7	North end of Mary	The entire Thursday of the Havelock Country Jamboree until the Tuesday morning following the Jamboree, inclusive.
Ottawa Street or Highway # 7	Eastern edge of Village Limits	Western edge of Village Limits	The entire Thursday of the Havelock Country Jamboree until the Tuesday morning following the Jamboree, inclusive.