

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

BY-LAW NUMBER 20-2014

BEING A BY-LAW FOR LICENSING, INSPECTING AND REGULATING GARAGE SALES IN THE TOWNSHIP OF NORTH GLENGARRY.

REFERENCE: Municipal Act, R.S.O. 1990, c M. 45, Section 220.1

WHEREAS, pursuant to the Municipal Act, R.S.O. 1990, Chapter M 45, Section 220.1 provides that a municipality may pass by-laws imposing fees and charges;

AND WHEREAS there is a general proliferation of garage sales throughout the Municipality;

AND WHEREAS, the Municipal Council of the Corporation of the Township of North Glengarry deems it expedient to regulate such sales within the Township;

NOW THEREFORE the Council of the Corporation of the Township of North Glengarry hereby enacts as follows:

SHORT TITLE

This By-Law may be cited as the "*Garage Sales By-Law*"

Part 1 DEFINITIONS

1.1 Definitions

In this By-Law,:

- a) **By-law Enforcement Officer** means the municipal by-law enforcement officer in charge, or his / her authorized subordinates or assistants, appointed by The Corporation of the Township of North Glengarry to enforce the provisions of this By-law;
- b) **Council** means the Municipal Council of the Township of North Glengarry;
- c) **Garage sales** means and include any general sale to the public of various objects, used or new, and personal property from any premises, but not limited to all sales entitled garage, lawn, yard, attic, porch, driveway, room, patio, backyard, flea market, rummage sale;
- d) **Inspection** includes an audit, examination and inquiry;
- e) **Municipality** means the land within the geographic limit of the Township of North Glengarry;
- f) **Personal property** means any property which is owned, used and maintained by any person or member(s) of his / her residence and acquired in the normal course of living in, or maintaining a residence, but does not include merchandise which was purchased for resale, or obtained on consignment;
- g) **Sign** means any emblem, flag, picture or the writing of words, banner, advertizing streamer, pennant, poster or any other similar sign.

Part 2
GENERAL PROVISION

- 2.1** No person shall sell, or offer for sale from under authority granted by this By-law, property other than personal property.
- 2.2** No person shall hold a garage sale within the limits of the Township of North Glengarry unless licensed to do so, in accordance with the provisions of this By-law.
- 2.3** Every person wishing to conduct a garage sale shall first make application to the By-law Enforcement Officer of the Township of North Glengarry or to any other person so designated by him / her.
- 2.4** The first five (5) license issued to an applicant during any calendar year to hold a garage sale shall be free of charge. The fee for a license to hold a sixth subsequent garage sale during a calendar year shall be twenty five dollars (\$25.00), such license being valid for one sale only.
- 2.5** Such licence shall limit the garage sale to one location and shall further limit the sale over a period a period of two (2) or three (3) consecutive days to be set out in the said application.
- 2.6** Such licence shall further limit the hours of sale on the said two (2) or three (3) consecutive days from 8:00 a.m. to 9:00 p.m. on each of the two (2) or three (3) consecutive days.
- 2.7** Said licence shall further be limited so as to provide that the location of the sale shall be at the address of the applicant, or in the case of the situation described in Section 9 of this By-law, hereafter at the address of the principal applicant named as such in the application.
- 2.8** A joint application for a garage sale may be made by up to four (4) applicants provided that the sale takes place at the address of one of them named as the principal applicant in the application.
- 2.9** The licence issued pursuant to this By-law shall be displayed and mounted in clearly visible location at the point of sale on the applicant's property, and shall be subject to inspection on demand by the By-law Enforcement Officer of the Township of North Glengarry or to any other person so designated by him / her who, as a condition of the issuance of the licence, may attend on and enter the premises from which the sale is being held at anytime during the sale.
- 2.10** It is prohibited to advertise the garage sale by posting signs elsewhere than where the garage sale is being held.
- 2.11** No garage sale shall be held or encroach on a sidewalk, a street or on any other public space.
- 2.12** Any licence issued under this By-law may be revoked, or any application for a licence may be refused by the By-law Enforcement Officer of the Township of North Glengarry, or by any person so designated under this By-law, if the application submitted by the applicant or licence holder contains any false, fraudulent or misleading statement.
- 2.13** Any person convicted of an offence under this By-law shall be prohibited from holding a garage sale within the limits of the Township of North Glengarry for a period of two (2) years from the date of conviction, and furthermore, any licence for a garage sale in possession of such person shall be revoked by the By-law Enforcement Officer of the Municipality, or by any other person so designated by this By-law.

2.14 Every article sold and every day a sale is conducted in violation of this By-law shall constitute a separate offence.

**Part 3
CONTREVENTION OF BY-LAW**

3.1 Penalties

Every person who contravenes any provisions of this By-Law or is party to such contravention is guilty of an offence and is liable to a fine in accordance with;

- a) a fine as set out in Schedule "A"; or
- b) every person that contravenes any provision of the bylaw is guilty of an offence and upon conviction is subject to a fine of not more than \$10,000 for a first offence and \$25,000.00 for any subsequent offence;

**Part 4
SEVERABILITY SECTION**

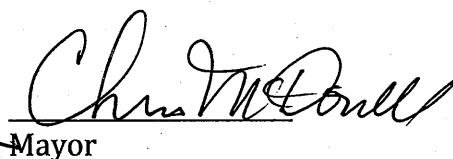
4.1 If a court of competent jurisdiction should declare any paragraph or part of a paragraph of this By-law to be invalid or ultra vires, such paragraph or part of a paragraph shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

4.2 This By-law shall come into force and take effect immediately on the passing thereof.

4.3 This By-law repeals By-law No 18-2009 of the Township of North Glengarry.

READ a first, second, third time and enacted in Open Council, this 12th day of May 2014.


CAO/Clerk


Mayor

I hereby certify this to be a true copy of By-law No. 20-2014, and that such by-law is in full force and effect.

SCHEDULE "A"

**Township of North Glengarry
Part 1 Provincial Offences Act
Bylaw 20-2014: Garage Sales Bylaw**

Page 1 of 1

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fines
1.	Selling other than personal items	2.1	125.00
2.	Fail to obtain licence for garage sale	2.2	90.00
3.	Posting signs elsewhere than where the garage sales takes place	2.10	90.00
4.	Fail to have garage sale on private property	2.11	90.00

Note: the general penalty provision for the offences listed above is section 3.1 of bylaw 20-2014, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S.O. 1990,c.P.33.