

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES

BY-LAW # 08-37

BEING A BY-LAW TO REGULATE GARAGE SALES

WHEREAS Section 10 (2) 5 of the Municipal Act, S.O. 2001, c.25, as amended, authorizes Broad Authority of the municipality to pass by-laws respecting the economic, social and environmental well-being to the municipality;

AND WHEREAS Section 10 (2) 10 of the Municipal Act, S.O. 2001, c.25 as amended, authorizes Broad Authority to the municipality to pass by-laws respecting structures, including fences and signs;

AND WHEREAS Section 99 of the Municipal Act S.O. 2001, c. 25, authorizes the Council of a municipality to pass by-laws respecting advertising devices, including signs;

AND WHEREAS Council deems it appropriate to regulate Garage Sales in the interest of protecting the social and environmental well-being of the municipality as well as regulate signage for Garage Sales;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purposes of this by-law, the following definitions shall apply:

- a) "Garage Sale" shall mean any general sale to the public of personal property from any premises within the Municipality and includes but is not limited to: "garage", "lawn", "yard", "attic", "driveway", "room", "backyard", "tailgate", "patio" or "rummage sale", "boot", "estate", or "moving" sales, but shall not include the sale of goods on property zoned and approved for retailing or wholesaling of new or used goods.
- b) "Joint Garage Sale" shall mean a garage sale held at a specific location by a group of residents, tenants or by an organization (religious, charitable or otherwise)
- c) "Personal Property" shall mean property which is owned, used and maintained by an individual or members of his or her household and acquired in the normal course of living in or maintaining a dwelling. It does not include merchandise which was purchased for resale or obtained on consignment.

2. ENFORCEMENT

- a) No person or group conducting a joint garage sale shall sell or offer for sale, under authority granted by this by-law, property other than personal property.
- b) A joint garage sale is permitted.
- c) No person shall hold more than three (3) garage sales per calendar year on any premises.
- d) No person shall operate a Garage Sale for more than two (2) consecutive days.
- e) No person shall operate a garage sale outside the hours of 8:00 a.m. and 5:00 p.m., unless one of the days the sale is held is a Friday, in which case the sale shall end no later than 8:30 p.m.

- f) No person shall erect more than one sign at the premises on which the sale is to be operated and no more than two off-site directional signs with the permission of the owner of the property upon which the off-site signs shall be located. No person shall erect any signs earlier than 7:00 p.m. one day prior to the sale and no person shall remove signs any later than the closing hour of the sale in accordance with (e) above.
- g) No person shall erect any signs for such sale larger than 0.5 square metres.
- h) Despite the foregoing, any sign erected for the purposes of advertising a garage sale may be removed, if it causes any manner of obstruction, be it physical or visual, or if the sign is deemed in any way, to be a hazard or is not authorized by the owner of the lands on which the sign is located.
- i) Notwithstanding the foregoing, “garage sales” and “joint garage sales” which are conducted as fund-raising events by not-for-profit charitable organizations are exempt from the provisions of this by-law provided the garage sale is or joint garage sales are not conducted on residential lands.

3. PENALTIES

- a) Any Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act, R.S.O. 1990, c. P.23 and included within Schedule “A” forming part of this by-law.
- b) Every article sold and every day a sale is conducted in violation of this by-law shall constitute a separate offence.
- c) The provisions of this by-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

4. GENERAL PROVISIONS

- a) Schedule “A”, attached, shall constitute part of this by-law.

READ A FIRST, SECOND AND THIRD time and passed in open Council this 13th day of August, 2008.

MAYOR – E. W. Linley

CLERK – Deborah Tonelli

SET FINE SCHEDULE**THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES****PART I – PROVINCIAL OFFENCES ACT****BY-LAW #08-37 Schedule “A”****NAME OF BY-LAW: Regulate Garage Sales**

ITEM	COLUMN I Short Form Wording	COLUMN II Offence Creating Provision or Defining Offence	COLUMN III Set Fine (including costs)
1	Sell property other than personal property	Section 2 (a)	\$ 65.00
2	Hold in excess of three (3) garage sales per calendar year	Section 2 (c)	\$ 65.00
3	Hold a garage sale for longer than two (2) consecutive days	Section 2 (d)	\$ 65.00
4	Hold a garage sale outside of the hours of 8:00 a.m. to 5:00 p.m. (8:30 p.m. Friday)	Section 2 (e)	\$ 65.00
5	Fail to erect signs in accordance with by-law	Section 2 (f)	\$ 65.00
6	Fail to remove signage relating to a garage sale as required	Section 2 (f)	\$ 65.00
7	Fail to comply with the maximum sign size requirement	Section 2 (g)	\$ 65.00

Note: The general penalty provision for the offences listed above is R.S.O. 1990, c. P.33, s. 61.