

**THE CORPORATION OF THE
TOWNSHIP OF EAST ZORRA-TAVISTOCK**

COUNTY OF OXFORD

BY-LAW #2004 – 30

A By-Law to Regulate Garage Sales

WHEREAS Section 150(1) of the Municipal Act, S.O. 2001, C.25, authorizes the Council of a municipality to pass by-laws to licence, regulate and govern any business carried on within the municipality;

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;

NOW THEREFORE the Council of the Corporation of the Township of East Zorra-Tavistock 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 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 or permit to be held 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 beyond the hours of 8:00 a.m. to 5:00 p.m. of each day, 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 place or permit to be placed signs advertising the garage sale to be placed contrary to the following provisions in this section:
 - i. maximum of one sign at the premises at which the sale is located
 - ii. maximum of three off-site directional signs may be erected with the permission of the owner of the property upon which the off-site sign is located
 - iii. signs may be erected no earlier than 7:00 a.m. the day prior to the sale and shall be removed by 7:00 p.m. the day the sale concludes
 - iv. Signs shall be limited in size to 0.5 square metres
- g) 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.
- h) 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 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. P23 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.
- b) This by-law shall come into force and effect on the date of passing.
- c) By-law #2004-24 is appealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 2nd DAY OF JUNE, 2004.

seal

Don McKay, Mayor

Jeff Carswell, Clerk

**Part 1 Provincial Offences Act
Township of East Zorra-Tavistock
By-law #2004-30**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine (including costs)
1.	Sell property other than personal property	2.a)	\$75.00
2.	Hold in excess of three (3) garage sales per calendar year	2.c)	\$75.00
3.	Hold a garage sale for longer than two(2) consecutive days	2.d)	\$75.00
4.	Hold a garage sale outside of the hours of 8:00 a.m. to 5:00 p.m. (8:30 p.m. Friday)	2.e)	\$75.00
5.	Fail to erect sign in accordance with by-law	2.f)	\$75.00

NOTE: The Penalty Provision for the offences indicated above is in Section 3 of By-Law #2004-30, a certified copy of which has been filed.