

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

**BY-LAW NO. 2006 – 44**

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

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**WHEREAS** Section 130 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well being of the inhabitants of the municipality;

**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. No garage sale shall be held by anyone within the Township of Havelock-Belmont-Methuen unless and until a license has been issued therefore in accordance with this by-law.
4. Anyone wishing to conduct a garage sale shall apply to the Clerk of the Township of Havelock-Belmont-Methuen, or to any person designated by him/her, and shall complete and file the form supplied.

5. The fee for such license application shall be the sum of Two Dollars (\$2:00) per application.
6. Such license shall limit the garage sale to one location and shall further limit the sale over a period of two consecutive days, or three consecutive days for holiday weekends, to be set out in the said application.
7. Such license shall further limit the hours of sale on the said two (or three) consecutive days from 8:00 a.m. to 9:00 p.m. on each of the said consecutive days.
8. Said license shall further be limited so as to provide that the location of the sale shall be at the address of the applicant or in case of the situation described in Section 9 hereafter, at the address of the principal application named as such in the application.
9. A joint application for a garage sale may be made by up to ten (10) applicants provided that the sale takes place at the address of one of them as named as the principal applicant in the application.
10. Notwithstanding Section 9, no person or householder at a given address shall be entitled to a license for 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. Should a sale be prevented due to inclement weather, the applicant will be permitted to apply for an additional license. There will be no fee refunds.
11. No license shall be issued pursuant to this By-law during the times and for the locations set forth in Schedule "A" attached hereto.
12. The license issued pursuant to this by-law shall be kept on hand during the sale at the location of the sale and shall be produced for inspection on demand by a Peace Officer, or By-law Enforcement Officer who, as a condition of the issuance of the license, may attend on and enter the premises at any time during the sale.
13. Any signs advertising such events shall comply with municipal sign by-laws and shall be removed forthwith after the last day of the sale.
14. Any license issued under this by-law may be revoked or any application for a license may be refused by the Municipal Clerk if the application submitted by the applicant or license holder contains any false, fraudulent or misleading statements.
15. If any individual is convicted of an offence under this by-law, the Municipal Clerk is instructed to cancel any existing garage sale license held by the individual convicted, and not to reissue such individual another garage sale license for a period of two (2) years from the date of conviction.
16. Every article sold and every day a sale is conducted in violation of this by-law shall constitute a separate offence.

17. 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.
18. 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.
19. That By-law No. 2004-72 is hereby rescinded in its entirety and replaced with the provisions of this by-law.
20. 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 20<sup>th</sup> day of June, 2006.

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Reeve - Ron Gerow

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Clerk – Glenn Girven

**SCHEDULE “A”**

**To By-law to Regulate Garage Sales**

As per Section 11 of this by-law, no license shall be issued pursuant to this By-law during the times and for the locations set forth in this Schedule “A”:

| <b><u>Highway<br/>(Name of Street)</u></b> | <b><u>From (geographical<br/>starting point)</u></b> | <b><u>To (geographical<br/>finishing point)</u></b> | <b><u>Time Period</u></b>  |
|--|--|---|--|
| George Street East                         | William Street                                       | County Road 48                                      | The entire Monday of the week preceding the Havelock Country Jamboree until the Tuesday morning following the Jamboree, inclusive. |
| Mary Street                                | Highway # 7  | North end of Mary                                   | The entire Monday of the week preceding 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 Monday of the week preceding the Havelock Country Jamboree until the Tuesday morning following the Jamboree, inclusive. |
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