

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2003-23

Being a By-Law to regulate the selling of goods, wares and merchandise in all areas of the Municipality by means of garage or yard sales.

WHEREAS Section 150 (1) of the Municipal Act, 2001 provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality;

AND WHEREAS Section 150 (2) of the Municipal Act, 2001 provides that a municipality may exercise its licensing powers under this Section 1, including imposing conditions, for the purposes of health and safety, nuisance control, and consumer protection;

AND WHEREAS the Council of the Corporation of the Municipality of Tweed deems it necessary for the good and protection of the residents of the municipality to impose conditions on the sale of goods, wares and merchandise by means of garage or yard sales;

NOW THEREFORE the Council of the Corporation of the Municipality of Tweed enacts as follows:

1. Definitions.

In this by-law:

- a) "Garage Sale" or "Yard Sale" shall mean and include any general sale to the public of personal property from any residential premises in any residential zone as defined in the Municipality's Comprehensive Zoning By-Law, including but not limited to all sales entitled garage, lawn, yard, attic, porch, driveway, room, backyard, patio, flea market or rummage sale.
 - b) "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 which was purchased for resale or obtained on consignment.
2. That it shall be unlawful for an individual to sell or offer for sale under authority granted by this by-law property other than personal property.
 3. That no garage sale shall be held by anyone within the Municipality of Tweed unless and until such time as a licence has been issued in accordance with this by-law.
 4. That any individual desiring to conduct a garage sale shall apply to the Clerk of the Municipality and shall complete and file the form supplied for this purpose.
 5. That the fee for such licence application shall be in accordance with the schedule of fees passed by by-law by the Council of the Corporation of the Municipality of Tweed.
 6. That such licence shall limit the garage sale to one location, and the location of the sale shall be at the address of the applicant or in the case of a joint application, at the address of the principle applicant named in the application. A joint application for a garage sale may be made by up to four applicants.
 7. That such licence shall limit the sale to a period of three consecutive days, and the hours of sale on the said three consecutive days shall be limited to 7:00 a.m. to 9:00 p.m. on each day.

8. That no person or householder at a given address shall be entitled to a licence for more than two garage sales per calendar year, and in the case of a joint application, this provision shall apply notwithstanding the fact that the garage sale took place at another of the joint applicant's address.
9. That the licence issued pursuant to this by-law shall be kept during the period of the sale at the location of the sale, and shall be produced for inspection on demand by the By-Law Enforcement Officer of the Municipality of Tweed, who may as a condition of the licence attend on and enter the premises at any time during the period of the sale.
10. That any licence issued under this by-law may be revoked or any application for a licence may be refused by the Council of the Municipality of Tweed if the application submitted by the applicant or licence holder contains false, fraudulent or misleading information.
11. That should any individual be convicted of an offense under this by-law, the Clerk of the Municipality shall cancel any existing garage sale licence held by the individual and not issue to such individual another garage sale licence for a period of two years from the date of the conviction.
12. That every article sold and every day on which a sale is conducted in violation of this by-law shall constitute a separate offence.
13. That any person who contravenes any provision of this by-law is guilty of an offence and upon conviction thereof shall be liable to a fine as provided under the Provincial Offences Act and every such penalty shall be recoverable under the Provincial Offences Act.
14. That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first and second time this 2nd day of July, 2003.

Read a third and final time, passed, signed and sealed in open Council this 2nd day of July, 2003.


REEVE


CLERK