

# CORPORATION OF THE TOWN OF HAWKESBURY

## By-law N° 35 - 2002

### Being a by-law for licensing, inspecting, governing, prohibiting and regulating garage sales

---

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

**WHEREAS** there is a general proliferation of "garage sales" throughout the residential areas of the municipality.

**THEREFORE** the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

#### **DEFINITIONS**

1. For the purpose of this by-law:

- 1.1 **"By-law Enforcement Officer"** means anyone appointed by the Corporation of the Town of Hawkesbury to enforce the provisions of this by-law;
- 1.2 **"Chief of Police"** means the Chief of Police of the Town of Hawkesbury, or the Acting Chief of Police;
- 1.3 **"Council"** means the Municipal Council of the Town of Hawkesbury;
- 1.4 **"Garage Sale"** means and include any general sale to the public of various objects used or new and personal property from any residential premises in any residential zone as defined in the Town's Official Plan By-law N° 9-91 and Zoning By-law N° 84-94 as may be amended from time to time including, but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "driveway", "room", "patio", "backyard", "flea market" or "rummage" sale;
- 1.5 **"Inspection"** includes an audit, examination and inquiry;
- 1.6 **"Municipality"** means the land within the geographic limit of the Town of Hawkesbury;
- 1.7 **"Personal Property"** means any property which is owned, used and maintained by any person or member(s) of his or 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;
- 1.8 **"Police Force"** means the Police Force of the Town of Hawkesbury and includes any detachment of the Ontario Provincial Police providing police services to the Town of Hawkesbury by agreement or otherwise having jurisdiction in the Town of Hawkesbury;

**By-law N° 35-2002**

**Page 2**

- 1.9 **"Police Officer", "Constable", or "Special Constable"** means a person so appointed by a Board of Commissioners of Police or the Ontario Police Commission and "Constable" includes a Municipal By-law Enforcement Officer appointed pursuant to Sections 41, 53 and 15 of the **Police Services Act**, R.S.O. 1990, c. P.15;
- 1.10 **"Sign"** means any emblem, flag, picture or the writing of words, banner, advertizing streamer, pennant, poster or any other similar sign.
2. No person or householder at a given address shall hold more than two (2) garage sales per calendar year within the limits of the Town of Hawkesbury unless licensed to do so, in accordance with the provisions of this by-law.
3. No person shall sell, or offer for sale from under authority granted by this by-law, property other than personal property.
4. Every person wishing to conduct a "garage sale" shall first make application to the By-law Enforcement Officer of the Town of Hawkesbury or to any other person so designated by him.
5. The fee for such a licence shall be \$10.00 each if the permit is issued at the Town Hall prior to the event or at a cost of \$30.00 if the permit is issued on site on the day of the event.
6. Such licence shall limit the garage sale to one location and shall further limit the sale over a period of two consecutive days to be set out in the said application.
7. Such licence shall further limit the hours of sale on the said two (2) consecutive days from 8:00 a.m. to 9:00 p.m., on each of the two consecutive days.
8. 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.
9. 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.
10. 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 a Peace Officer or By-law Enforcement Officer of the Town of Hawkesbury, 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.
11. It is prohibited to advertise the garage sale by posting signs elsewhere than where the garage sale is being held.
12. No garage sale shall be held or encroach on a sidewalk, a street or on any other public space.

**By-law N° 35-2002**

**Page 3**

13. 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 Town of Hawkesbury, 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.
14. Any person convicted of an offence under this by-law shall be prohibited from holding a garage sale within the limits of the Town of Hawkesbury for a period of two 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 the by-law.
15. Every article sold, and every day a sale is conducted in violation of this by-law shall constitute a separate offence.
16. Tags or tickets may be issued by the Police Chief, Police Officer, Police Cadet or the By-law Enforcement Officer.
17. Every person who contravenes any of the provisions of this by-law is guilty of an offence under the **Provincial Offences Act**, R.S.O. 1990, c. P.33.
18. If any provision of this by-law is found by a Court of competent jurisdiction to be ultra vires, such finding shall not affect the other provisions hereof.
20. This by-law repeals By-law N° 46-97.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING  
THIS 27<sup>th</sup> DAY OF MAY 2002.**

---

**Clerk or Deputy Clerk**

---

**Mayor or Reeve**