

CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 40-2024

A by-law to regulate Garage Sales

WHEREAS pursuant to Section 11 (2) (6) of the *Municipal Act*, 2001, S.O., CHAPTER 25, a municipality may pass by-laws for the health, safety and well-being of persons;

AND WHEREAS Section 99 (1) of the *Municipal Act*, 2001 authorizes municipalities to adopt by-laws respecting to advertising devices, including signs;

AND WHEREAS Sections 23.2, 23.3 and 23.5 of the *Municipal Act*, 2001 provides that a municipality may delegate its administrative and hearing powers;

AND WHEREAS Section 391 of the *Municipal Act*, 2001 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 434.1 (1) of the *Municipal Act*, 2001, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under the *Municipal Act*, 2001;

AND WHEREAS By-law N° 8-2024 was adopted on February 12, 2024, establishing an Administrative Monetary Penalty System.

AND WHEREAS Council deems expedient to review and update the consolidated By-law N° 40-2013.

NOW THEREFORE, the Council of the Corporation of the Town of Hawkesbury enacts as follows:

DEFINITIONS

1. For the purpose of this By-law:
 - 1.1. **"Applicant"** means the individual to whom the Garage Sale permit is issued and who is responsible for the conduct of the Garage Sale and to respect the provisions of this By-law. The Applicant shall be a resident of the Town;
 - 1.2. **"By-law Enforcement Officer"** means a By-law officer appointed by the Council to enforce the present By-law pursuant to Section 15 of the *Police Services Act*;

- 1.3. **"Police Officer"** means an officer of the Hawkesbury Ontario Provincial Police, or his or her designate;
- 1.4. **"Council"** means the Municipal Council of the Corporation of the Town of Hawkesbury;
- 1.5. **"Garage Sale"** means and includes any general sale to the public of Personal Property used or new from any non-commercial premises in any zones as defined in the Town's Official Plan and Zoning By-law, as amended, including, but not limited to all sales entitled "garage", "lawn", "yard", "attic", "porch", "driveway", "room", "patio", "backyard", "flea market" or "rummage" sale;
- 1.6. **"Town"** 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 individual 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. **"Sign"** means any emblem, flag, picture, board, banner, sign or the like to advertise a Garage Sale.

ENFORCEMENT

2. No person shall hold a Garage Sale without prior obtaining a permit from the Town and paying the fees as per Schedule D of By-law N° 36-2023 (to impose fees for services or activities rendered by the Town) except for the two weekends where garage sales are free of charge.
3. Notwithstanding Section 2, Garage Sales which are conducted as fund-raising events by not-for-profit charitable organizations are exempt from having to pay the permit fee. However, these Garage Sales shall be held in non-residential zones and all revenues shall be for the benefit of the charitable organization.
4. No person shall hold more than two (2) Garage Sales per calendar year within the limits of the Town of Hawkesbury.

5. Notwithstanding Section 4, Garage Sales free of charge and requiring no permits are authorized on Friday, Saturday, and Sunday of the last weekend of May and of the long weekend of October.
6. Notwithstanding Section 4 of this By-law, Council may authorize by resolution special events where Garage Sales do not require a permit.
7. No person shall hold a Garage Sale elsewhere than the location for which the permit has been issued.
8. Notwithstanding Section 7, a joint Garage Sale may be held by a group of up to four (4) Applicants provided that the sale takes place at the address of one of them named as the principal Applicant on the permit. All applicants shall be residents of the Town.
9. No person shall sell or offer for sale under authority granted by this By-law, property other than Personal Property.
10. No person shall hold a Garage Sale for more than two (2) consecutive days, or three (3) consecutive days for holiday weekends (except for the last weekend of May and the long weekend of October).
11. No person shall hold a Garage Sale before 8:00 a.m. and later than 7:00 p.m. of each day.
12. No person shall advertise a Garage Sale by posting signs elsewhere than on the property where the Garage Sale is held.
13. No person shall advertise a Garage Sale by displaying a sign in or on a motor vehicle parked on a highway.
14. The permit issued pursuant to this By-law shall be displayed and mounted in a clearly visible location at the point of sale on the Applicant's property, and shall be subject to inspection on demand by a Police Officer or a By-law Enforcement Officer, who as a condition of the issuance of the permit, may attend on, and enter the premises from which the sale is being held at any time during the sale.
15. No person shall encroach on a sidewalk, a street or on any other public space when disposing for goods for sale.
16. Any permit issued under this By-law may be revoked, or any application for a permit may be refused by the By-law Enforcement Officer, or by any person so designated under this By-law, if the application submitted by the Applicant or

permit holder contains any false, fraudulent or misleading statement.

17. This By-law shall be enforced by a Police Officer or by the By-law Officers of the Town.
18. No person shall hinder or obstruct or attempt to hinder or obstruct a Police Officer or the By-law Officers while exercising a power or performing a duty under this By-law.
19. Every article sold, and every day a Garage Sale is conducted in violation of this By-law shall constitute a separate offence.

PENALTY

20. Any person convicted of an offence under this By-law shall be prohibited from holding a Garage Sale within the limits of the Town for a period of two years from the date of conviction, and furthermore, any permit for a Garage Sale in possession of such person shall be revoked by the By-law Enforcement Officer, or by any other person so designated by the By-law.
21. Where a person has been convicted of an offence under this By-law the Ontario Court of Justice, or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.
22. Any person who contravenes any provision of this By-law shall be liable to pay the Town an Administrative Monetary Penalty, upon issuance of a penalty notice in accordance with the Town of Hawkesbury's Administrative Monetary Penalties System (AMPS) By-law, as may be amended from time to time.

VALIDITY

23. If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid, or to be of no force and effect, the provision shall be deemed conclusively to be severable from this By-law. No part of this By-law not declared by a court of competent jurisdiction to be invalid shall be affected by the provision severable from this By-law.

ENACTMENT

24. **THAT** By-laws N° 40-2013 and N° 13-2018 are hereby repealed.
25. **THAT** Schedule “A-7” be added to be part of Schedule A “Designated by-laws” of By-law N° 8-2024 Administrative Monetary Penalty System.
26. **THAT** this By-law shall come into force and effect on the date of its adoption.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 3rd DAY OF JUNE 2024.**

Robert Lefebvre, Mayor

Sonia Girard, Clerk