

## THE VILLAGE OF SOUTH RIVER

### BY-LAW 34-2021

A by-law to limit the number of garage sales per property within the Village of South River.

**WHEREAS** Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (hereinafter referred to as the "Municipal Act") provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

**AND WHEREAS** Section 10 (1) of the Municipal Act provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

(8). Protection of persons and property, including consumer protection.

**AND WHEREAS** it is deemed expedient that the number of residential garage sales be limited to two per calendar year.

**NOW THEREFORE THE VILLAGE OF SOUTH RIVER HEREBY ENACTS AS FOLLOWS:**

#### **1. DEFINITIONS:**

For the purpose of this by-law, the following definitions shall apply:

- (a) **"Council"** means the Council of the Village of South River.
- (b) **"Garage sale"** An offering for sale to the public of personal property held inside or outside of a building located in any residential zone, and includes, but is not limited to, all sales entitled "attic," "backyard," "boot," "driveway," "estate," "flea market," "garage," "lawn," "moving," "patio," "porch," "room," "rummage," "white elephant" or "yard" sales.
- (c) **"Municipal Law Enforcement Officer"** means a person appointed under the authority of a by-law and the Police Services Act for the purpose of enforcing Village by-laws.
- (d) **"Officer"** means a Municipal Law Enforcement Officer, a Police Officer or any other person designated by Council as responsible for the administration of this by-law from time to time.
- (e) **"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.
- (f) **"Person"** means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law.
- (g) **"Residential Zone"** means a residential zone as defined or designated in the applicable zoning by-law.
- (h) **"Village"** means the Village of South River.

**2. GENERAL REGULATIONS:**

"Garage Sales" are subject to the following requirements:

- (a) No person shall sell personal property left at a garage sale on a consignment basis.
- (b) No person shall sell personal property acquired for the purpose of resale at the garage sale.
- (c) No person shall hold more than two garage sales in any calendar year at a premise located in any residential zone.
- (d) No person shall hold a garage sale longer than two (2) consecutive days
- (e) No person shall hold a garage sale contrary to the provisions of this by-law.
- (f) No person shall hold a garage sale where the hours, location or on-site methods will cause an unreasonable disturbance to the neighborhood.
- (g) No person shall allow the obstruction of the flow of traffic or the safe movement of sidewalks.

**3. SEVERABILITY:**

That every provision of this by-law is declared to be severable from the remainder of the by-law and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction such declaration shall not affect the validity of the remainder thereof.

**4. PENALTY:**

- (a) Every Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P.33.
- (b) Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act R.S.O. 1990, c. P.33, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "A" attached to this by-law.

**5. SHORT FORM TITLE:**

That this by-law shall be referred to as the "Garage Sale By-law".

**6. EFFECTIVE DATE:**

This by-law shall come into full force and take effect upon the passing thereof;

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF AUGUST, 2021.**

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Jim Coleman, Mayor

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Don McArthur, Clerk-Administrator

**THE CORPORATION OF THE VILLAGE OF SOUTH RIVER**

**Part 1 Provincial Offences Act  
Schedule A**

By-Law 34-2021 being a by-law to Regulate the selling of goods, wares and merchandise, which is commonly known as 'garage sales' within the Village of South River.

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision creating or defining offence</b>	<b>Set fine</b>
1.	Did sell personal property on a consignment basis.	2 (a)	\$100.00
2.	Did sell property acquired for the purpose of resale	2(c)	\$100.00
3.	Did hold more than two garage sales in any calendar year	2(c)	\$100.00
4.	Did cause an unreasonable disturbance to the neighborhood.	2(f)	\$100.00
5.	Did obstruct flow of traffic or the safe movement of sidewalks.	2(g)	\$100.00

Note: The penalty provision(s) for the offences indicated above is Section 4 of By-law 34-2021, a certified copy of which has been filed.