

THE CORPORATION OF THE TOWNSHIP OF ALFRED AND PLANTAGENET

BY-LAW 2010-95

BEING A BY-LAW of the Corporation of the Township of Alfred and Plantagenet respecting garage sales.

WHEREAS the Municipal Act, 2001, enables the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issue;

AND WHEREAS, a Municipality may pass by-laws respecting economic, social and environmental well-being of the municipality, protection of persons and property, including consumer protection;

AND WHEREAS, the Corporation of the Township of Alfred and Plantagenet deems it desirable to establish provisions to govern garage sales within the limits of the Township;

THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

1. SHORT TITLE

This by-law may be cited as the "Garage Sales By-Law".

2. DEFINITIONS

In this by-law:

"Corporation" shall mean the Corporation of the Township of Alfred and Plantagenet;

"Garage Sale" means any general sale to the public of various new or used objects and personal property from a residential property and which includes, but not limited to, all sales entitled as "yard", backyard", "flea market", "rummage" sale, etc.

"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 purchases for resale, or obtained on consignment;

"Residential property" means a parcel of land or a dwelling unit used or intended for residential purposes located in a residential zone or any other zone as defined in the Township of Alfred and Plantagenet Zoning By-Law No. 2009-50, as amended from time to time;

"Owner" shall mean the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge whom occupies the property;

“Municipal Law Enforcement Officer” shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet responsible for the enforcement of the municipal by-laws;

3. GENERAL REQUIREMENTS

- a. No person shall hold a garage sale on a residential property within the limits of the Corporation unless in accordance with the provisions of this by-law;
- b. No garage sale shall be held or encroach on a sidewalk, a public highway (street) or on any other public space;
- c. Garage sales are permitted during three occurrences throughout a year:
 - During the month of May: on the Saturday, Sunday, and Monday of the Victoria Day week end;
 - During the month of August: on the Saturday, Sunday, and Monday of the Civic Holiday week end;
 - During the month of September: on the Saturday, Sunday and Monday of the Labor Day week end;
- d. Notwithstanding any other provision to the contrary in this by-law, garage sales which are organized and held by a community group, a service club or a non for profit organization are permitted at any time during the year.

4. ADMINISTRATION AND ENFORCEMENT

- a. No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer in the lawful performance of his duties;
- b. The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.

5. INFRACTIONS

- a. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, chapter P.33 and amendments thereto;
- b. When a person has been convicted of an offence under this by-law 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 toward the continuation or repetition of the offence.

6. ADMINISTRATION

The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.

This by-law is not to be construed at any time in such a fashion as to hold the Corporation or its officers liable for failing to ensure that persons comply with the provisions of this by-law.

This by-law shall come into force and take effect on the date of its adoption by the Municipal Council.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20th DAY OF SEPTEMBER 2010.

Jean-Yves Lalonde

Mayor

Marc Daigneault

Clerk