

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NO. 2007-28

A By-law to Regulate Yard Sales And Flea Markets

WHEREAS the Municipal Act R.S.O, 2001, c 25 S. section 128 (1) states that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

AND WHEREAS Council deems it appropriate to regulate Yard Sales and flea markets:

NOW THEREFORE the Council of the Corporation of the Township of Bonnechere Valley enacts as follows:

1.0 DEFINITIONS

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

- a) "By Law Enforcement Officer" shall mean the Municipal Law Enforcement Officer of the Township of Bonnechere Valley, who is responsible for the enforcement of municipal by-laws.
- b) "Flea market" means an event organized for the sale of goods at which an operator sells or offers for sale new or used goods other than personal property or where the operator leases, rents or otherwise provides a table, selling space or other facility to a person for the purpose of conducting sales of goods.
- c) "Yard Sale" shall mean any general sale to the public of personal property from any residential premises within the Municipality and includes, but not limited to any sale advertised as a; "garage", "yard", "lawn", "rummage", "estate" or moving sale. But does not include the sale of any goods on property zoned and approved for retailing or wholesaling of new or used goods where a business license has been issued.
- b) "Joint Yard Sale" shall mean a Yard sale held at a specific location by a group of residents, tenants or by an organization (religious, charitable or otherwise).
- d) "Personal Property" shall mean property, which is owned, used and maintained by an individual or members of his or her household and acquired in the normal course of living in or maintaining a dwelling. It does not include merchandise, which was purchased for resale or obtained on consignment.
- e) "Yard Sale" shall mean any general sale to the public of personal property from any premises within the Municipality and includes, but not limited to; "garage", "lawn", "yard", "attic", "driveway", "room", "backyard", "tailgate", "patio", or "rummage sale", "boot", "estate", or "moving" sales; but shall not include the sale of goods on property zoned and approved for retailing or wholesaling of new or used goods.

2.0 GENERAL REGULATIONS

2.1 No person shall sell or offer for sale or barter any property other than personal property at any yard sale.

2.2 No Yard Sale shall operate for more than three (3) consecutive days.

2.3 Exemptions

- (a) Notwithstanding the foregoing, "Yard sales" and "Flea markets" which are conducted, as fund-raising events by registered not-for-profit or registered charitable organizations are exempt from section 2.1 Of this bylaw provided the Yard sale or joint Yard sales are not conducted on residential lands.

3.0 GENERAL REGULATIONS – FLEA MARKETS

3.1 No person shall operate a flea market on any residential property in the Township of Bonnechere Valley.

4.0 PENALTIES

- 3.1 Any Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not less than Two Hundred Fifty dollars (\$250.00) for each offence established pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P.23
- 3.2 Every article sold and every day a sale is conducted in violation of this by-law shall constitute a separate offence.

4.0 ENFORCEMENT

- a) This bylaw shall be enforced by the Municipal Bylaw Enforcement officer or any other person authorized to enforce Provincial Offences.
- b) No person shall interfere, hinder or molest any Township agent while enforcing this Bylaw.

5.0 SEVERABILITY

A decision of a competent court that one or more provisions of this By-Law are invalid does not affect the validity, effectiveness or enforce ability of the other provisions or part of provisions of this By-Law.

6.0 EFFECTIVE DATE

This By-Law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Bonnechere Valley.

READ A FIRST AND SECOND TIME THIS ____ DAY OF _____ 2007

READ A THIRD TIME AND PASSED THIS ____ DAY OF _____ 2007

Zig Mintha Mayor

Bryan Martin CAO