

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 99-35

A BY-LAW TO REGULATE THE SELLING OF GOODS, WARES AND MERCHANDISE IN RESIDENTIAL AREAS IN WHAT ARE COMMONLY DESCRIBED AS "GARAGE SALES"

WHEREAS it has come to the attention of this Council that there is a general proliferation of garage sales;

AND WHEREAS it appears from the number of sales held at individual addresses that there may be some abuse of such sales;

AND WHEREAS it is not the intent that this by-law shall apply to group sales at churches, arenas or schools;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

1. In this by-law and for the purposes of its application: "Garage Sale" shall mean and include any general sale to the public of personal property from any residential premises in any residential zone as defined by the City's Restricted Area By-Law Numbers 10245 and 3014, as may be amended from time to time including, but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", driveway", "room", "backyard", "patio", "flea market" or "rummage" sale.

"Personal property" shall mean property which is owned, used and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

2. It shall be unlawful for any individual to sell or offer for sale under authority granted by this by-law, property other than personal property.
3. No garage sale shall be held by anyone within the City of Belleville unless and until a licence has been issued therefore in accordance with this by-law.
4. Anyone wishing to conduct a garage sale shall apply to the City Treasurer of the City of Belleville or to any person designated by him and shall complete and file the form supplied.
5. The fee for such licence application shall be the sum of Two Dollars (\$2.00) per application.

6. Such licence shall limit the garage sale to one location and shall further limit the sale over a period of two (2) 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 said 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 case of the situation described in Section 9 hereafter, at the address of the principal applicant 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. No person or householder at a given address shall be entitled to a licence for more than two (2) garage sales per calendar year and in the case of a joint applicant aforesaid, this provision shall apply, notwithstanding the fact that the garage sale took place at another joint applicant's address. Should a sale be prevented due to inclement weather the applicant will be permitted to apply for an additional licence.
11. The licence issued pursuant to this by-law shall be kept on hand during the sale at the location of the sale and shall be produced for inspection on demand by a Peace Officer or By-Law Enforcement Officer who, as a condition of the issuance of the licence, may attend on and enter the premises at any time during the sale.
12. A sign advertising the garage sale shall be permitted only at the location of the sale and not at any other location.
13. The said sign shall be no larger than six (6) feet by four (4) feet and shall be removed forthwith after the last day of the sale.
14. Any licence issued under this by-law may be revoked or any application for a licence may be refused by the City Treasurer if the application submitted by the applicant or licence holder contains any false, fraudulent or misleading statement.
15. If any individual is convicted of an offence under this by-law, the City Treasurer is instructed to cancel any existing garage sale licence held by the individual convicted and not to issue such individual another garage sale licence for a period of two (2) years from the date of conviction.

16. Every article sold and every day a sale is conducted in violation of this by-law shall constitute a separate offence.
17. Any person convicted of a breach of any provision of this by-law shall be liable to a penalty not exceeding One Thousand Dollars (\$1,000.00) for each offence, exclusive of costs and every such penalty shall be recoverable under The Provincial Offences Act.
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.
19. THAT former City of Belleville By-Law Number 11450 and former Township of Thurlow By-Law Number 3830 as well as all other By-Laws or parts thereof inconsistent herewith be and the same are hereby rescinded.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read a first time this **29th** day of **March, 1999**.

Read a second time this **29th** day of **March, 1999**.

Read a third time and finally passed this **29th** day of **March, 1999**.

ROSS L. MCDOUGALL MAYOR

JARY PLAMONDON CITY CLERK