

THE MUNICIPALITY OF LEAMINGTON

BY-LAW NO. 629-05

Being a by-law to regulate the holding of garage sales.

WHEREAS Section 128(1) of the Municipal Act, 2001, S.O. 2001 c.25 (herein, the 'Act') authorizes a municipality to prohibit and regulate with respect to public nuisances;

AND WHEREAS Section 130 of the Act authorizes a municipality to prohibit and regulate matters with respect to the health, safety, and well being of the inhabitants of the municipality;

AND WHEREAS the Council of the Corporation of the Municipality of Leamington wishes to ensure that all garage sales conform to standards ensuring the control of nuisances and conform to standards ensuring the health and safety of its population;

NOW THEREFORE BY ITS COUNCIL THE MUNICIPALITY OF LEAMINGTON ENACTS AS FOLLOWS:

PURPOSE

1. The purpose of this by-law is to provide nuisance control and to protect the health and safety of its residents by exercising authority to regulate the holding of garage sales.

INTERPRETATION

2. In this by-law:
 - (a) "garage sale" includes a yard sale and means any sale held inside or outside a building which includes the offering for sale of used household items within a non-commercial zone;
 - (b) "non-commercial zone" includes all areas within the Municipality having a designation other than commercial designation in Leamington By-law 4300-96, as amended from time to time, and in Mersea By-law 4380, as amended from time to time;

- (c) "Council" shall mean the Council for The Corporation of the Municipality of Leamington.

GENERAL PROHIBITIONS

- 3. No person shall hold or allow to be held more than three (3) garage sales per calendar year.
- 4. Each of the allowable three garage sales per calendar year shall not exceed three (3) consecutive calendar days.
- 5. The hours of operation of a garage sale shall only be within the hours of 8:00 a.m. and 7:00 p.m.
- 6. No person shall permit or carry on a garage sale in contravention of the provisions contained in this by-law.

PENALTY CLAUSE

- 7. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction shall be liable to a fine pursuant to the Provincial Offences Act.

EFFECTIVE DATE

- 8. This by-law shall take effect on the date of passing by Council and shall remain in effect until the date it is repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED
THIS 29th DAY OF AUGUST, 2005.**

Signature on file

JOHN ADAMS, Mayor

Signature on file

BRIAN R. SWEET, Clerk

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. **629-05 of the Municipality of Leamington**, attached hereto is the set fine, for those offences. This Order is to take effect October 12, 2005.

Dated at London this 12th day of October, 2005.



Alexander M. Graham
Regional Senior Justice
West Region

SCHEDULE B

Set Fine Schedule

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

Part 1 Provincial Offences Act

By-Law 629-05 : Being a by-law
to regulate the holding of garage sales.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes costs)
1	Operating garage sale where not permitted.	Section 3	\$100.00
2	Garage sale exceeding three (3) consecutive days.	Section 4	\$100.00
3	Operating garage sale outside of permitted hours.	Section 5	\$100.00

Penalty Provision for the offences indicated above is Section 7 of By-law No. 629-05, a certified copy of which has been filed.