

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2001-23

BEING A BY-LAW OF THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND TO PROVIDE FOR THE LICENSING, REGULATING AND GOVERNING OF SPECIAL SALES (COMMONLY KNOWN AS GARAGE SALES OR YARD SALES)

WHEREAS under the provisions of the Municipal Act, R.S.O. 1990, Chapter M-45, Section 257.2(1), and amendments thereto, the Council of a municipality may pass by-laws with respect to licensing and regulating of any business carried on within the municipality;

AND WHEREAS Council deems it necessary to adopt such a by-law.

IT IS THEREFORE hereby enacted as follows:

DEFINITIONS

1. (a) **“Business”** means a trade, business or occupation and includes the sale or hire of goods or services on an intermittent or one-time basis, the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and shall include exhibitions held for hire and gain;
- (b) **“Municipal Law Enforcement Officer”** means a Municipal Law Enforcement Officer appointed under Section 15 of the Police Services Act to enforce by-laws;
- (c) **“Property”** means any private or public land including yards or vacant lots;
- (d) **“Special sale”** means any sale or intended sale at retail that represents, holds out or advertises that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business commonly known as but limited to “Garage Sales” or “Yard Sales”.

All other definitions will be as provided for in the applicable Zoning By-Law.

GENERAL PROVISIONS

2. No person shall conduct or operate a special sale within the limits of the City of Clarence-Rockland without first obtaining a licence from a Municipal Law Enforcement Officer of the City of Clarence-Rockland.
3. The licence may be issued to the owners and/or tenants occupying the property on a full-time basis within the limits of the City of Clarence-Rockland upon completion of the

necessary form.

4. Special sales shall be permitted for a maximum period of four (4) days per year per property, unless otherwise permitted by the Council of the Corporation of the City of Clarence-Rockland.
5. The permit shall be free of charge.
6. Every permit shall be personal to the permit holder and shall not be transferable.
7. A special sale shall be deemed to be a business for purposes of the Municipal Act and any other act that contains provisions with respect to the licensing, revoking of a licence, regulating, governing, prohibiting or limiting of any business or the person carrying on or engaged in it.
8. The Municipal Law Enforcement Officer of the City of Clarence-Rockland shall be responsible for the administration and the enforcement of the provisions of this by-law.

PENALTIES

9. Every person who contravenes the provisions of this by-law is guilty of an offence and is liable, upon conviction, to a fine as provided for under the Provincial Offences Act, R.S.O. 1990, Chapter 33, and amendments thereto.
10. In addition to imposing a fine, a court of competent jurisdiction may, upon conviction of an offence under this by-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted.

SEVERABILITY

11. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part thereof shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

BY-LAW REPEALED

12. By-Law Number 1997-043 of the former Town of Rockland is hereby repealed.

BY-LAW TO TAKE EFFECT

13. This by-law shall take force on the day it is adopted by Council of the City of Clarence-Rockland.

**READ A FIRST, SECOND AND DULY PASSED UPON THE THIRD READING,
THIS 10TH DAY OF APRIL, 2001.**

(Original signed by)

Jean Pierre Pierre, Mayor

(Original signed by)

Daniel Gatien, Clerk