

**THE CORPORATION OF THE TOWNSHIP OF TAY**  
**BY-LAW NO. 2005-102**

*"Being a By-law to regulate the selling of goods,  
wares and merchandise at what are commonly  
known as yard sales"*

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c.25 confers on municipalities the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

**AND WHEREAS** Section 128 of the Municipal Act, 2001, S.O. 2001, c.25 permits municipalities to prohibit and regulate with respect to public nuisances, including matters that in the opinion of could, are or could become or cause public nuisances.

**AND WHEREAS**, it has come to the attention of the Municipal Council of The Corporation of the Township of Tay, that there is a general proliferation of garage sales throughout the residential areas of the municipality, and therefore, the Municipal Council of The Township of Tay considers it expedient to regulate such sales within the municipality.

**NOW THEREFORE** be it enacted as a By-law of the Corporation of the Township of Tay the following:

1. For the purpose of this by-law:
  - 1.1 'Yard Sale' shall mean and include any general sale to the public of personal property from any property that is zoned either Residential, Rural, Agricultural or Institutional as defined in the Municipality's Restricted Area By-law 2000-57 or it's successor, as may be amended from time to time, including but not limited to, all sales entitled 'garage', 'lawn', 'yard', 'attic', 'porch', 'driveway', 'room', 'patio', 'backyard', 'flea market', 'rummage' 'estate' sale or similar sale.
  - 1.2 'Personal Property' shall mean 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 purchased for resale, or obtained on consignment.
2. No person shall sell, or offer for sale under authority granted by this by-law property other than personal property.
3. No person shall hold a yard sale within the Corporation of the Township of Tay that is not in accordance with the provisions of this by-law.
4. Yard sales shall be limited to operate over a maximum period of two consecutive days.
5. Yard sales shall be limited to the hours of sale on the said two consecutive days from 7:00 a.m. to ½ hour before sunset on each of the two consecutive days.
6. A joint yard sale may be undertaken by up to four (4) participants provided that the sale takes place at the address of one of the participants.
7. No yard sale shall be held at any given address for more than two (2) yard sales per calendar year, and in the case of a joint participant aforesaid, this provision shall apply notwithstanding the fact that the yard sale took place at another joint participants address.

8. The By-law Officer of the Township of Tay may attend on, and enter the premises at any time during the sale.
9. All sale items are to be removed after the sale. The items must be either removed from the subject property and/or road allowance located in front of the property or put inside a fully enclosed building and may not be tarped or similarly covered.
10. Every person convicted of an offence under this by-law shall be prohibited from holding a yard sale within the Township of Tay for a period of two years from date of conviction.
11. Every article sold, and every day a sale is conducted in violation of this by-law shall constitute a separate offense.
12. Every person convicted of a breach of any of the provisions of this by-law, shall be liable at the discretion of the convicting Judge, to a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS for each offence, exclusive of costs, and every such penalty shall be recoverable under The Provincial Offences Act.
13. If any provisions 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.
14. This by-law shall come into force, and take effect, immediately after the final passing thereof.

**BY-LAW** read a **FIRST**, **SECOND**, and **THIRD** time and finally **PASSED** this 14<sup>th</sup> day of December, 2005.

**THE CORPORATION OF THE TOWNSHIP OF TAY**

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**MAYOR Robin Talbot**

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**CLERK Edmund K. Walker**