

VILLAGE OF ALBERTA BEACH
BYLAW 262-18
GARAGE SALES BYLAW
A BYLAW OF THE VILLAGE OF ALBERTA BEACH A MUNICIPAL CORPORATION
IN THE PROVINCE OF ALBERTA

WHEREAS the Municipal Government Act, RSA, 2000, c. M-26 and amendments thereto, authorizes a Council to pass bylaws for municipal purposes; and

WHEREAS pursuant to section 7(e) of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

WHEREAS pursuant to section 7(i) of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or Any other enactment including any or all of the matters listed therein; and

WHEREAS pursuant to section 8(c) of the Municipal Government Act, a Council may in a bylaw provide for a system of licenses, permits or approvals, including any or all of the matters listed therein;

AND WHEREAS it is deemed expedient to provide for the control of the frequency and length of garage sales operating in the Village;

NOW THEREFORE, the Municipal Council of the Village of Alberta Beach, in the province of Alberta, duly assembled, hereby enacts as follows:

1.0 BYLAW TITLE: This Bylaw may be cited as the “**Garage Sales Bylaw**”.

2.0 DEFINITIONS:

In this Bylaw, unless the context otherwise requires:

“Act” means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto.

"Bylaw Enforcement Officer" means any person employed by the Village as a Bylaw Enforcement Officer or Community Peace Officer.

“Chief Administrative Officer” means the Chief Administrative Officer of the Village and includes any person to whom the Chief Administrative Officer’s powers are delegated or any person appointed to act in the absence of the Chief Administrative Officer.

“Council” means the Municipal Council for the Village of Alberta Beach in the Province of Alberta, as duly elected and defined in the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended.

“Development Authority” means the person, commission or organization authorized to exercise development powers and perform duties on behalf of the Village as referred to in Division 3 of the Municipal Government Act.

“Development Officer” means a person appointed as a Development Officer pursuant to the Village’s Land Use Bylaw.

“Garage Sale” means the non-commercial sale or resale of used or unwanted goods or personal items typically held within a residential property’s garage or within its yard. For the purposes of this Bylaw shall include the following: yard sale, rummage sale or flea market.

"Person" means a natural person or a body corporate, and includes a partnership, a firm, an association or other group of persons acting in concert.

“Village” means the Municipal Corporation of the Village of Alberta Beach in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.

“Violation Ticket” means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000.

3.0 GARAGE SALES

- 3.1 A resident may conduct a Garage Sale provided the following is met by the property owner:
- a) shall not conduct more than three (3) Garage Sales per calendar year,
 - b) each Garage Sale shall not extend beyond four (4) days in length,
 - c) during the Pilgrimage the Village’s Administration retain the discretion to extend the length of a Garage Sale beyond four (4) days. Authorization must be received in writing; and
 - d) it’s the obligation of the property owner to annually track the date(s) and length of each Garage Sale conducted on any specific property.
- 3.2 Administration shall make available an Information Package that each Garage Sale operator must review before conducting a sale and maintain on-site.
- 3.3 The required Information Package (Sec. 3.2) shall be maintained administratively as a Procedure and made available to residents through the Village office at no cost.

4.0 DUTIES OF BYLAW ENFORCEMENT OFFICER

Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that any person is operating a Garage Sale contrary in either length or frequency per the provisions of Section 4.0 of this Bylaw they may issue a summons by means of a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act R.S.A. 2000 c. P-36.

5.0 OFFENCES & PENALTIES

- 5.1 Any person who contravenes any provision of this Bylaw by:
- a) doing any act or thing that is prohibited under the terms of this Bylaw; or
 - b) fails to do any act or thing that is required to be done under the terms of this Bylaw; is guilty of an offence and the Village of Alberta Beach shall utilize whatever means deemed appropriate to affect collection.
- 5.2 A Violation Ticket may be issued by a Bylaw Enforcement Officer to any person alleged to have breached any provision of this Bylaw. The Violation Ticket shall require the payment to the Village of the Specified Penalty set out in Schedule “A” to this Bylaw.

6.0 SEVERABILITY PROVISION

Should any provision of the Bylaw be adjudicated invalid such provision shall be severed and the remaining Bylaw shall be maintained in entirety.

7.0 EFFECTIVE DATE OF BYLAW

This Bylaw shall come into full force and effect on the third and final reading thereof.

Read a first time this the 20th day of November, 2018.

Mayor Jim Benedict

Kathy Skwarchuk – CAO

Read a second time this the 19th day of February, 2019.

Read a third and final time this the 19th day of February, 2019.

Mayor Jim Benedict

Kathy Skwarchuk – CAO

Village of Alberta Beach
Garage Sales Bylaw 262-18
Schedule "A"
Penalties

The specified penalties for any enforced breaches of this Bylaw are:

- First Offence - \$100.00
- Second Offence - \$250.00
- Third Offence - \$500.00