

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW 2005-46

BEING A BY-LAW TO LICENSE AND REGULATE SALVAGE YARDS.

WHEREAS the Corporation of the Town of East Gwillimbury desires to enact a By-Law pursuant to the provisions of Section 131.(1) & 150 of the Municipal Act, .S.O., 2001, as amended to license and regulate salvage yards;

AND WHEREAS Council deems it advisable, having regard among other matters to the protection of consumers, and the potential for public nuisance, to enact a by-law to license and regulate salvage yards;

NOW THEREFORE, the Council of the Corporation of the Town of East Gwillimbury enacts as follows:

PART 1 DEFINITIONS

1. For the purpose of this By-Law the following definitions shall apply:
 - (a) "Council" means the Council of the Town of East Gwillimbury;
 - (b) "Operator/Owner" means any person including the tenant or occupant of the land who operates a salvage yard and includes a lessee of the salvage yard.
 - (c) "Premises" means any premises licensed or required to be licensed under this By-Law and includes any trade or calling required to be licensed;
 - (d) "Licensing Officer" means the person or persons authorized by the Council of the Town of East Gwillimbury to act on their behalf in all matters relating to this By-Law;
 - (e) "Salvage Yard" means a building or place used for the storing of motor vehicles for the purpose of wrecking or dismantling them, or salvaging parts thereof for sale or other disposal, and for the collection, purchase, keeping or selling of second hand goods and merchandise as such, but not limited to, waste paper, rags, bottles, tires, old metal, scrap material and appliances.

PART 2 GENERAL PROVISIONS

2.
 - (a) No owner or operator shall operate or permit the operation of a salvage yard unless the owner or operator holds an effective licence pursuant to this by-law.
 - (b) A salvage yard shall be fenced as per the Town of East Gwillimbury Fence By-law 96-33, as amended, or any successor legislation thereto. Existing salvage yards may keep a six foot high fence until it is repaired or replaced. At such time it shall comply with By-Law 96-33, as amended, or any successor legislation thereto.
 - (c) No fires shall be set within the salvage yard without obtaining a Fire Permit issued by the Town Fire Chief.
 - (d) No vehicles being stored, partially dismantled vehicles or vehicle parts shall be left on the outside of the fence enclosure of the salvage yard.
 - (e) Excessive noise shall not be permitted at any time.

- (f) No work of any kind in conjunction with the salvage yard shall be done on the property between the hours of 4:00 p.m. Sunday and 9:00 a.m. Monday and on statutory holidays.
- (g) No vehicle, vehicle parts or other salvage shall be placed in a position in the salvage yard so as to have a higher elevation than the top of any part of the fence surrounding the yard.
- (h) A salvage yard may, at all times when the premises are open to the public, be entered and inspected by officials from the Town, or a police officer for the purpose of enforcing this by-law, and no person shall obstruct or hinder such inspection.

PART 3 LICENSING REQUIRES

3. Every application for a license under this By-Law shall be filed with the Licensing Officer and be accompanied by;
 - (a) a statement on the form attached hereto as Schedule "B to this by-law giving particulars as to the location of the salvage yard together with such other information as may be required to determine whether the use complies with all applicable zoning by-laws and other regulations; and
 - (b) the appropriate fee as specified in Schedule "A" hereto attached to this by-law; and
 - (c) if the applicant is a corporation, a certified copy of a corporate search from the records of the Ministry of Consumer and Commercial Relations, Companies Division, or if the applicant is a partnership, a certified copy of a business and partnership search from the records of the said Ministry, Registrar or Partnership, Companies Services Branch.
4. The licence for a salvage yard shall terminate forthwith;
 - (a) when the premises occupied by a salvage yard is vacated and/or the business of a salvage and wrecking yard ceases; or
 - (b) upon the sale of the existing business to another person/company or the like, with the intention to continue the existing business, the new owner(s) shall obtain a new licence in their name within two weeks of the transaction closing.
5. Licences issued under the provisions of this By-Law shall expire on the 31st day of December in the year in which they are issued, unless sooner revoked.
6. The Council may revoke a license where the owner or operator violates provisions of this by-law. Before revoking any license an owner or operator shall be given at least seven (7) days notice, either mailed or delivered to his/her last known address of the time and place where Council will be considering the matter. The owner or operator shall be permitted either personally or by his/her representative to appear before Council to show cause why such licence should not be revoked.
7. Notice of revocation of a licence may be given by the Council by registered letter signed by the Clerk, mailed or delivered to the last known address, or served personally and the licence shall then cease and terminate and be of no further effect on the date of delivery or in the case of mailing, three (3) days after notice is mailed.

PART 4 PENALTY SECTION

8. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

PART 5 REPEALING SECTION

9. That By-Law 2002-18, as amended, is here repealed.

PART 6 SCHEDULES

10. All schedules referred to in this by-law and attached to this by-law are deemed to be part of the by-law.

PART 7 TRANSITIONAL PERIOD

11. All fees will be subject to a fee amendment upon the passing of the by-law. Payment received between January 1, 2005 and the date the by-law is passed will be credited to the new licence fee for 2005 only.

READ A FIRST, SECOND and THIRD TIME AND PASSED THIS 2nd DAY OF May, 2005.

James Young, Mayor

Lucille King, Clerk

SCHEDULE "A" TO BY-LAW NO. 2005-46

SCHEDULE OF FEES

SALVAGE YARD LICENSE	\$184.80
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SCHEDULE "B" TO BY-LAW NO. 2005-46

APPLICATION FOR A LICENCE TO OPERATE A SALVAGE YARD

APPLICANT

NAME _____

ADDRESS _____

TELEPHONE # HOME _____ BUSINESS _____

IF THE OWNER IS A PARTNERSHIP OR LIMITED COMPANY, ATTACH A LIST IN CONFORMITY WITH THE PROVISION IN THIS BY-LAW.

LOCATION OF SALVAGE YARD _____

Personal information contained in this form is collected under the authority of By-Law No. 2005-46 and will be used to determine eligibility for a licence. Questions about this collection should be directed to:
Lucille King
Town of East Gwillimbury
19000 Leslie Street
Sharon, Ontario
L0G 1V0
Phone # (905) 478-4282 Fax (905) 478-8545

I, _____ OF THE _____

IN THE REGION OF _____

SOLEMNLY DECLARE:

THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE,
TO THE BEST OF MY KNOWLEDGE.

APPLICANT

DATE

SCHEDULE "B" TO BY-LAW NO. 2005-46

FOR OFFICE USE ONLY

LICENSE FEE \$ _____ PAID: YES () NO ()
ZONING BY-LAW NO. _____ USE PERMITTED YES () NO ()
RECEIVED BY: _____ DATE: _____

INSPECTIONS:

BUILDING INSPECTION _____ DATE _____
BY-LAWS _____ DATE _____

APPLICATION: APPROVED ()
DENIED ()

LICENSING OFFICER

DATE