

**THE CORPORATION OF THE TOWNSHIP OF
MELANCTHON BY-LAW NUMBER -2011
SALVAGE YARDS BY-LAW**

WHEREAS the provisions of the Municipal Act, 2001, S.O. 2001, c.25, and in particular Sections 131 and 150 as amended, provide the authority for Council to pass this Bylaw.

NOW THEREFORE the Council for the Corporation of the Township of Melancthon enacts as follows:

1. DEFINITIONS

“Applicant” means person applying for a licence or renewal of a licence under this bylaw and application has a corresponding meaning.

“Council” means the Council for The Corporation of the Township of Melancthon.

“Licence” means currently holding a business licence issued by the Township of Melancthon.

“Licensed” means licensed under this bylaw.

“Licensee” means the person or business licensed under this bylaw or the person or business required to be licensed under this bylaw.

“Operator” includes the licensee and every person employed in the operation of the Salvage Yard.

“Person” means an individual, firm, corporation, association or partnership.

“Salvage Yard” or “Salvage Operation” means a building or place used for the storing of obsolete, discarded, or salvaged materials including motor vehicles and machinery 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, metal, scrap material and appliances.

“Township” means The Corporation of the Township of Melancthon in the County of Dufferin.

2. LICENSING PRE-REQUISITES

No License may be granted for a Salvage Yard unless there is compliance with all of the following:

- a) It is in a location where the use of land as a Salvage Yard is not prohibited by any provisions of the comprehensive zoning by-law of the Township.
- b) A Salvage Yard shall not be operated or established within 150 meters of a residence other than a residence located on the same parcel of land as the Salvage Yard.
- c) Existing Licensed Salvage Operations that are in operation on the date of passing of this bylaw that are located 150 meters of a residence shall be deemed to be in compliance of section of Section 2 (b) of this Bylaw.
- d) The Salvage Yard shall not be located on land covered by water or subject to flooding and shall be located such that no direct drainage leads to a watercourse. Such applications would be subject to the approval of the appropriate Conservation Authority.

3. LICENSING

The Clerk or her Designate of the Township shall:

- a) Receive and process all applications for licenses and for renewal of licenses to be issued under this bylaw.
- b) Issue Licenses to and renew for persons who meet the requirement of this bylaw.
- c) Make all necessary inspections to ensure that this bylaw and comprehensive zoning bylaws are being complied with.
- d) Where the business of salvage operation is being carried on in the Township of Melancthon by any person without a licence, take all such steps as may be required to enforce this bylaw: and
- e) Carry out the instructions of Council relating to this bylaw.

4. APPLICATION FOR A LICENCE AND FOR A RENEWAL OF A LICENCE

Before the Clerk of the Township of Melancthon issues a license or renewal, the owner or operator of a Salvage Yard who is applying for a licence or renewal under this bylaw shall have the premises licensed by the Province of Ontario as required under the provisions of the Highway Traffic Act and the Environmental Protection Act and any other relative provisions mandated by the Province with respect to Salvage Yards and shall produce a certificate from the Province showing said premises to be so licensed.

5. SUBMISSION OF LICENCE APPLICATION TO THE CLERK

The Clerk shall require the following information.

- a) The name and address of applicant
- b) The location of the lands or premises which it is proposed to utilize.
- c) All such information relative to matters connected with the granting of licenses as may be required by the Clerk to secure a due observance of the law and this bylaw.

6. ISSUE OF LICENCE

- a) Upon the receipt of a complete application, the Clerk may grant a licence for one Calendar year starting on January 1st and ending on December 31st.
- b) The license is not transferable and the fee is not refundable.
- c) A license shall specify the location from which the licensed business is to be carried on, and a separate license is required for each location, if more than one.
- d) Clerk retains the authority to revoke licenses where original compliance is deemed to be non-compliant

7. GROUNDS FOR REFUSAL OR REVOKING OR RENEWAL OF A LICENCE

The Council of the Corporation of the Township of Melancthon or a Committee of said Council shall be deemed to be the appeal body relative to this bylaw.

Grounds for refusal or revoking or renewal shall be the following but not restricted to:

- a) The issuance of the licence or renewal of the licence or continuation of an existing licence would be contrary to the provisions of this bylaw or the terms of the licence.
- b) The information on the application or renewal is not correct or cannot be verified
- c) The application is not complete
- d) The licensing pre-conditions are not met.
- e) Licensee shall be given notice of refusal or revocation either in person or by registered mail with (15) fifteen business days.

OPERATIONAL REGULATIONS

8) REQUIREMENTS FOR BUILDINGS AND STRUCTURES

- a) No Salvage Yard operator shall conduct a salvage operation except within an enclosed building or within an area surrounded by a steel fence or berm or combination thereof to a minimum height of 10 feet above grade and not to exceed 15 feet above grade.
- b) No operator shall conduct a salvage operation except where the property is secured by a gate, which shall be locked when the business is not in actual operation.
- c) The height of stored material shall not exceed 15 feet providing the fence height is 15 feet.

9. MAINTENANCE OF BUILDINGS AND GROUND

- a) No Operator shall carry on a salvage operation except where all buildings and all fences are in a state of good repair.
- b) Illumination fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

10. STORED MATERIAL

- a) Stored material will not exceed fence height and under no circumstance will it exceed 15 feet.

11. ENVIRONMENT AND NUISANCE CONTROL

Where it is deemed that a statute of the Province has or may be in contravention, The Township of Melancthon will take all reasonable steps to notify the appropriate agency for their necessary action.

12. RECORDS

- a) The Operator shall keep records that are in compliance with the applicable requirements made of the Operator, by all the statutory and regulatory provisions relating to the operation of the salvage yard in the Province of Ontario.

13. OPERATING HOURS

- a) No Operator shall allow any work in connection with the salvage operation outside the following hours:

Monday through Friday 7:00am to 7:00pm

Saturday 8:00am through 5:00pm

- b) No operator shall allow any work in connection with the salvage operation on a statutory holiday.
- c) No Operator shall allow access to the premises at any time unless there is an attendant on duty.
- d) Shipping of material is allowed outside of specified processing hours. Idling of trucks must be kept to a minimum.

14. PROHIBITIONS

- a) No person shall carry on the business of a Salvage Yard without displaying the licence in public view.
- b) No person shall carry on the business of a Salvage Yard without maintaining records of all public transactions and such records shall include appropriate contact information such as date and time of transaction, name, address and contact phone numbers, vehicle licence number, driver's licence number, photo ID and description of item (s) purchased. Any such information

shall be collected and maintained subject to applicable privacy legislation such as the Personal Information Protection and Electronics Document Act.

15. RIGHT TO INSPECT

- a) Any licensed premises, at all times when said premises are open to the public, may be entered by any Bylaw Enforcement Officer, Clerk and Police Officer for the purpose of enforcing this Bylaw.
- b) No person shall obstruct or hinder inspection of salvage operations and its records by a By-law Enforcement Officer, Clerk or Police Officer.

GENERAL

16. SEVERABILITY

- a) Should any section, clause or provision of the bylaw be declared to be invalid by any court of competent jurisdiction, the same shall not affect the validity of the bylaw as a whole or any part thereof, other than the part that was declared to be invalid.

17. EXCEPTIONS

The provision of this Bylaw shall not apply to the following:

- a) The premises of a licensed garage or a licensed new or used automobile dealer on which used automobile parts are kept on hand as part of its inventory for the purposes of carrying out repairs on the premises.

18. TRANSITIONAL

Notwithstanding any other provision of this bylaw, existing Salvage Operations are exempted from the provisions of this bylaw, as follows:

- a) Existing fencing, kept in good repair, shall be deemed to be in compliance of this bylaw, until the earlier of five years from the passage of this bylaw, or the substantial repair or replacement of the fencing.

19. PENALTY

- a) Every person who is convicted of an offence is liable to a fine under the Provincial Offences Act.

20. REPEAL

- a) Bylaw 20-1966 is hereby repealed. Notwithstanding this section, licences issued under Bylaw 20-1966 shall be deemed to be licences under this bylaw until they expire or are revoked or renewed, in accordance with this Bylaw.

By-law read a first time this day of , 2011

By-law read a third time and passed this day of , 2011

MAYOR

CLERK