

**THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH
BY-LAW NUMBER 2008- 17**

BEING A BY-LAW UNDER THE PROVISIONS OF SECTION 150 (1) OF THE MUNICIPAL ACT, S.O. 2001, AS AMENDED FOR THE LICENSING, PROHIBITION, REGULATION AND INSPECTION OF MOTOR VEHICLE WRECKING YARDS, SALVAGE SHOPS AND SALVAGE YARDS IN THE TOWNSHIP OF CHATSWORTH.

WHEREAS section 150 (1) of the Municipal Act, S.O. 2001, as amended, authorizes councils of local municipalities to pass by-laws for the licensing, regulating and governing of any business carried on within the municipality;

AND WHEREAS, pursuant to section 150 (3) of the Municipal Act, S.O. 2001, as amended, Council deems it expedient to pass a by-law to license, regulate and govern motor vehicle wrecking yards, salvage shops and salvage yards and for revoking any such license in order to provide for the health and safety and consumer protection of the public;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1.1 Access Road means a road that leads from the public road to a vehicle wrecking yard.

1.1.2 Vehicle Wrecking Yard means a place at which

- (a) used motor vehicle parts; or
- (b) derelict vehicles are kept outside a building.

1.1.3 Council shall mean the Council of the Corporation of the Township of Chatsworth.

1.1.4 Derelict vehicle means a motor vehicle that:

- (a) is inoperable; and
- (b) has no market value as a means of transportation as determined by the By-law Enforcement Officer or designate or has a market value as a means of transportation that is less than the cost of repairs required to put it into operable condition as determined by the By-law Enforcement Officer or designate.

1.1.5 Motor Vehicle shall mean a vehicle, truck, motorcycle, and any other vehicles propelled or driven otherwise than by muscular power;

and for the purpose of this By-law, shall include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement or husbandry or road building machine within the meaning of The Highway Traffic Act, R.S.O., 1990, c.H.8, as amended.

1.1.6 Municipality shall mean the Corporation of the Township of Chatsworth.

1.1.7 On site road shall mean a road for the movement of vehicles, scrap metals and equipment within a vehicle wrecking yard, salvage shop, and salvage yard.

1.1.8 Salvage Shop shall mean one or more enclosed buildings in which salvage or other scrap metal materials are stored or processed and where there is no storing or processing of materials other than in a wholly enclosed building.

1.1.9 Salvage shall include any bicycles, vehicles, tires, wrecked and disabled vehicles, used machinery, metal and/or scrap material and salvage and includes a junk yard, scrap metal yard, and a vehicle wrecking yard or premises.

1.2.0 Salvage yard shall include any bicycles, tires, wrecked and disabled vehicles, used machinery, metal and/or scrap material and salvage including a junk yard, scrap metal yard, and a vehicle wrecking yard that are kept outside of a building.

2. ADMINISTRATION

2.1.1 This By-law shall be administered by the Clerk of the Township of Chatsworth and shall be enforced by the Municipal By-Law Enforcement Officer.

2.1.2 No vehicle wrecking yard, salvage shop, or salvage yard shall be kept in the municipality unless it is licensed under this By-law and conforms to the provisions of the municipality's comprehensive zoning by-law.

2.1.3 This By-Law shall be read and interpreted in conjunction with the current zoning by-law(s) of the Township.

2.2 Application for a Vehicle Wrecking Yard License, a Salvage Shop License and/or a Salvage Yard License:

2.2.1 The applicant for a Vehicle Wrecking Yard License, a Salvage Shop License and/or a Salvage Yard License shall be the owner or his/her authorized agent of the property on which the wrecking yard, salvage shop, and/or salvage yard is to operate.

2.2.2 The applicant for a vehicle wrecking yard, salvage shop, salvage yard shall file with the Clerk's Department of the Municipality:

- (a) A written application for a license or renewal license for a vehicle wrecking yard, salvage shop, and/or salvage yard.
- (b) Unless the application is for a renewal license, a detailed site plan, or plan of survey showing the location and layout of the vehicle wrecking yard, salvage shop and/or salvage yard indicating street lines and other boundaries of the property and including all details as to how the regulations contained in Section 3.1 of this By-law will be complied with.
- (c) Payment of the sum of \$100.00 in respect of each license for which an application is submitted, which sum shall be applied to the permit fee as set out in section 2.5.1 of this By-law.

2.2.3 Upon receipt of an application under Section 2.2.2, the Clerk of the Municipality shall circulate the application to the Chief Building Official for a written report, and such further persons, officials, or agencies as Council may direct, from time to time.

2.2.4 The Chief Building Official shall review the application and advise the Clerk as to whether the application is in conformity with the provisions of this By-law as well as the comprehensive zoning By-law.

2.2.5 The Clerk, upon receipt of the written report from the Chief Building Official, shall either issue or refuse to issue the license.

2.3 License Revocation and Application Refusal

2.3.1 A License issued under this By-law may be revoked if any of the regulations as set forth in Section 3 of this By-law are not adhered to at all times.

2.3.2 An application for license may be refused:

- (a) if a license for a vehicle wrecking yard, salvage shop, and/or salvage yard has previously been revoked under Section 2.3.1; or,

- (b) there are reasonable grounds for believing that the vehicle wrecking yard, salvage shop, and/or salvage yard will not be established or operated in accordance with any provision of this By-law or any other applicable law.

2.3.3 The exercise of power under section 2.3.1 and 2.3.2 is at the discretion of Council and, without limiting such discretion; the Council may exercise its powers under subsection 2.3.2(a) or 2.3.2(b).

2.3.4 The Council may, at any time, on its own initiative, review any action taken by it under subsection 2.3.1 and 2.3.2 and may confirm or vary such action.

2.3.5 The Council shall not exercise its powers under subsection 2.3.1 and 2.3.2 except after giving the applicant or licensee an opportunity to be heard.

2.3.6 The Council shall, at the request of the applicant or licensee or former licensee, give reasons for any action it takes under this section.

2.3.7 If a license is revoked under this section, the former licensee is not entitled to a refund of the license fee.

2.3.8 The Council may notify any other licensing authority or other person as it considers appropriate of any action it takes under this section.

2.4. Exceptions from Vehicle Wrecking Yard License, a Salvage Shop License and/or a Salvage Yard Licensing

2.4.1 The provisions of this By-Law shall not apply to the following:

- (a) the premises of a licensed garage or a licensed new or used vehicle dealer on which used vehicle parts are kept on hand as part of its inventory for the purposes of carrying out repairs on the premises; or,
- (b) a scrap metal dealer's premises which is licensed for storing and processing scrap metals;
- (c) a metal fabricating shop or welding shop;
- (d) land upon which is a waste disposal site which has a certificate of approval for such purposes under the Environmental Protection Act, R.S.O. 1990 E. 19 as amended.

2.5 Permit Fees

- 2.5.1 The fee payable for a license issued under this By-Law shall be \$250.00 per annum. In the event that a license is issued for a shorter period of time, the license fee shall be prorated.
- 2.5.2 In the event that an application is refused, the \$100.00 fee payable under Section 2.2.2 (c) of this By-law shall be non-refundable.
- 2.5.3 The fee for a renewal license for the period commencing January 1st each year shall be paid before the first day of February in such year.
- 2.5.4 A license shall expire on the 31st day of December in the calendar year for which a license has been issued.
- 2.5.5 A license granted by the Municipality may be transferred by the authority of a motion of Council.

2.6 Offences and Penalties

- 2.6.1 A vehicle wrecking yard, salvage shop, and/or salvage yard may be entered and inspected at any time by the Township of Chatsworth By-law Enforcement Officer or his/her designate, for the purpose of enforcing this by-law, and no person shall obstruct nor hinder such inspection.
- 2.6.2 A person who operates a vehicle wrecking yard, salvage shop, and/or salvage yard without first having obtained a license under this By-law or who has operated a vehicle wrecking yard, salvage shop, and/or salvage yard otherwise than in accordance with the provisions of this By-law, shall be guilty of an offence and, upon written notice, shall remove all derelict vehicles, bicycles, vehicle tires, wrecked and disabled vehicles, vehicle parts, used machinery, metal and other scrap material and salvage from the site to a place where they may be legally kept or disposed of.
- 2.6.3 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction thereof is liable to a fine in the amount provided for by the Provincial Offences Act, R.S.O. 1990 c. P33.
- 2.6.4 Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

3. VEHICLE WRECKING YARD, SALVAGE SHOP, AND/OR SALVAGE YARD REGULATIONS

3.1 A vehicle wrecking yard, salvage shop, and/or salvage yard shall comply with all of the following regulations:

- (a) it is in a location where the use of land as an vehicle wrecking yard, salvage shop, and/or salvage yard is not prohibited by any provisions of the comprehensive zoning by-law of the Corporation;
- (b) a vehicle wrecking yard, salvage shop, and/or salvage yard shall not be operated or established within 150 metres of a residence other than a residence located on the same parcel of land as the vehicle wrecking yard, salvage shop, and/or salvage yard; The decision to grant exemptions for existing wrecking yard, salvage shop, and/or salvage yard on the date of passing from this section rests with council.
- (c) access to the vehicle wrecking yard, salvage shop, and/or salvage yard shall be limited to such times as an attendant is on duty;
- (d) the vehicle wrecking yard, salvage shop, and/or salvage yard shall be located so as to reduce impacts due to dust, noise and traffic;
- (e) the vehicle wrecking yard, salvage shop, and/or salvage yard shall be located so as to minimize the hazards to health and safety of persons or property including hazards from fire or vermin;
- (f) no open burning shall be permitted;
- (g) all operations at a vehicle wrecking yard, salvage shop, and/or salvage yard shall be conducted in an orderly fashion under supervision of the owners on his/her employees;
- (h) scavenging of derelict vehicles or used vehicle parts shall not be permitted without supervision of the owners or his/her employees.
- (i) all lighting shall be arranged so as to divert lights away from adjoining lands inclusive of public road allowances;
- (j) a planting strip and/or a closed wooden, plastic and/or metal fence extending at least 1.8 metres in height from the ground. All fences, except those constructed of aluminum, shall be painted, from time to time, so as to maintain wood or metal in good condition. The decision to impose a planting strip, fence, or combination thereof rests with Council.

4. Effective Date

That this By-Law shall come into full force and effect upon the passing thereof.

Read a first and second time this 20th day of February, 2008.

MAYOR John L. Gray CLERK William J. Wilson

Read a third and final time this 20th day of February, 2008.

MAYOR John L. Gray CLERK William J. Wilson