

**THE CORPORATION OF THE
MUNICIPALITY OF POWASSAN**

BY-LAW NO. 2001-30

**BEING A BY-LAW TO LICENSE, REGULATE AND GOVERN AUTOMOBILE
WRECKING YARDS AND DEALERS IN SECOND-HAND GOODS, AND FOR
REVOKING ANY SUCH LICENSE.**

WHEREAS under the provisions of Section 233 of the Municipal Act, Chapter M-45 R.S.O. 1990 as amended, the municipality may pass a by-law for licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such license.

AND WHEREAS the Council of the Corporation of the Municipality of Powassan deems it necessary to license, regulate and govern automobile wrecking yards and dealers in second-hand goods;

THEREFORE the Council of the Corporation of the Municipality of Powassan enacts as follows:

Section 1 Title

This by-law shall be known as the Wrecking Yard and Dealer in Second-Hand Goods By-law of the Corporation of the Municipality of Powassan.

Section 2 Definitions

1. “Access Road” means a road that leads from a public road to an automobile wrecking yard.
2. “Automobile Wrecking Yard” means a place at which;
 - (a) used motor vehicle parts from more than two motor vehicles, or
 - (b) more than two derelict automobiles are kept outside a building
3. “Derelict Automobile” means a motor vehicle that;
 - (a) is inoperable
 - (b) has no market value as a means of transportation or, has a market value as a means of transportation that is less than the cost of the repairs required to put it into operable condition.
4. “Motor Vehicle” includes any motor vehicle within the meaning of The Highway Traffic Act whether intended for use a private passenger motor vehicle or not.
5. “On Site Road” means a road for the movement of vehicles and equipment within an automobile wrecking yard.
6. “Open Burning” means to burn other than in an incinerator.
7. “Dealer in Second Hand Goods” includes, but is not limited to, a person who go from house to house or along highways for the

purpose of collecting or purchasing or obtaining second-hand goods.

- (a) second-hand goods includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.

Section 3 Application

3.1 This by-law shall apply to all automobile wrecking yards and dealers in second-hand goods within the boundaries of the Municipality of Powassan and no automobile wrecking yards or dealers in second-hand goods shall be kept in the municipality unless they are licensed under this by-law.

3.2 This by-law does not apply to:

- (a) the premises of a licensed garage or licensed new or used car dealer on which used automobile parts are kept on hand as part of its inventory for the purpose of carrying out repairs on the premises.
- (b) land which is a waste disposal site which has a certification of approval for such purpose under The Environmental Protection Act, 1971.

Section 4 Issue of License

4.1 No person shall operate an automobile wrecking yard or deal in second-hand goods unless it is licensed to be operated in accordance with this by-law and with approval of the Municipal Council after consultation with appropriate agencies.

Section 5 Regulations

5.1 Upon written application for a license or renewal license for an automobile wrecking yard or proposed automobile wrecking yard, or a dealer in second-hand goods, a license or renewal license for the automobile wrecking yard and dealer in second-hand goods may be issued;

- (a) unless the application is for a renewal license, on submission of acceptable plans or drawings showing the location and layout of the automobile wrecking yard and including all details as to how the following regulations will be complied with,
- (b) if the automobile wrecking yard and dealer in second-hand goods complies with the following regulations;
 1. It is in a location where the use of land as an automobile wrecking yard or dealer in second-hand goods is not prohibited.
 2. An automobile wrecking yard shall not be operated or established within a minimum of 300 meters of a residence other than a residence located on the same parcel of land as the automobile wrecking yard.
 3. Access to the automobile wrecking yard shall be limited to such times as an attendant is on duty.
 4. The automobile wrecking yard shall not be located on land covered by water or subject to flooding and shall be

so located that no direct drainage leads to a watercourse.

- (5) The automobile wrecking yard shall be so located as to reduce to a minimum inconvenience due to dust, noise and traffic.
- (6) The automobile wrecking yard shall be so located and operated as to reduce to a minimum the hazards or safety of persons or property including hazards from fire and vermin.
- (7) No open burning shall be permitted.
- (8) All operations at the automobile wrecking yard shall be conducted in an orderly fashion under adequate supervision.
- (9) Scavenging of derelict automobiles or used automobile parts by persons not under the supervision mentioned in regulation 8 shall not be permitted.
- (10) An adequate buffer shall be provided when necessary to minimize any detrimental effects such as noise, odor or visual pollution which may affect neighboring residential or institutional property; and the automobile wrecking yard shall be so located in such a manner as to be concealed from public view by means of a fence or natural foliage.
- (11) All fluids must be drained from derelict automobiles before they are processed and any fluids or other wastes disposed of in accordance with The Environmental Protection Act, 1971, if they are not safely stored for purpose of resale.
- (12) Requirements for operation of the automobile wrecking yard specified on issuance of license shall be complied with at all times and will be subject to regular inspections.

Section 6 License Revoked

- 6.1 A license may be revoked if any of the regulations set forth in section 5 are not adhered to at all times.

Section 7 License Refusal

- 7.1 A license may be refused;
- (a) if a license for an automobile wrecking yard or dealer in second-hand goods, at the same location or operated by the same person, as the proposed automobile wrecking yard or dealer in second-hand goods, has previously been revoked under subsection 11, or
 - (b) there are reasonable grounds for believing that the automobile wrecking yard or dealer in second-hand goods will not be established or operated in accordance with any provisions of this by-law or any other applicable law provided the applicant is given written notice of the grounds.

Section 8 License Expiry Date

- 8.1 A license shall expire on the 31st day of December in each year.

Section 9 Fees

9.1 The fee for a license or renewal license for the period commencing January 1st each year shall be \$10.00, payable upon issuance.

Section 10 Removal of Vehicles

10.1 Where a person owns or operates an unlicensed automobile wrecking yard, the person shall, on receiving written notice to do so, remove all derelict automobiles and used automobile parts from the site to a place where they may be legally kept or disposed of. Should the owners/operator refuse to remove all derelict automobiles and used automobile parts as required, within a specified time limit, will result in the municipality arranging for removal and the owner/operator will be liable for all costs incurred.

Section 11 Penalty

11.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence punishable in accordance with the provisions of the Provincial Offences Act.

Resolution Number 2001-06 Moved by Fred Busch

Seconded by Carole Dobbs

Be it resolved that the Council of the Corporation of the Municipality of Powassan approves the first and second reading of By-Law Number 2001-26 to By-Law Number 2001-42 with the exception of By-Law Number 2001-32 and approves the third reading and final passing of said by-laws.

Carried.

Mayor

Clerk