

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 2380-2011-PP

AS AMENDED BY
BY-LAW NUMBER 2421-2012-FI
(CONSOLIDATED VERSION)

BEING A BY-LAW FOR THE LICENCING, REGULATING AND GOVERNING OF MOTOR VEHICLE WRECKING YARDS IN THE TOWNSHIP OF BROCK

WHEREAS pursuant to the provisions of Part IV of the *Municipal Act*, S.O. 2001, as amended, the Council of the Township of the Brock may provide for a system of licences with respect to businesses;

AND WHEREAS Section 391 of the *Municipal Act*, S.O. 2001, as amended, authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by them;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BROCK ENACTS AS FOLLOWS:

1. Definitions

- 1.1 **Access Road** means a road that leads from a public road to an automobile wrecking yard.
- 1.2 **Automobile Wrecking Yard** means a place at which:
 - (a) used motor vehicle parts; or,
 - (b) derelict automobiles are kept outside of a building.
- 1.3 **Council** shall mean the Council of the Corporation of the Township of Brock.
- 1.4 **Derelict automobile** means a motor vehicle that:
 - (a) is inoperable; and,
 - (b) has no market value as a means of transportation or, has a market value as a means of transportation that it is less than the cost of repairs required to put it into operable condition.
- 1.5 **Motor Vehicle** shall mean an automobile, truck, motorcycle, and any other vehicles propelled or driven otherwise than by muscular power; but does not 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.
- 1.6 **Municipality** shall mean the Corporation of the Township of Brock.
- 1.7 **On site road** shall mean a road for the movement of vehicles and equipment within an automobile wrecking yard.

2. Administration

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

2.1.2 No automobile wrecking 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 Automobile Wrecking Yard Licence:

2.2.1 The Applicant for a Wrecking Yard Licence shall be the owner or his/her authorized agent of the property on which the wrecking yard is to operate.

2.2.2 The applicant for a wrecking yard licence shall file with the Clerk's Department of the Municipality:

(a) A written application for a licence or renewal licence for an automobile wrecking yard or proposed automobile wrecking yard.

(b) Unless the application is for a renewal licence, a site or plot plan, or plan of survey showing the location and layout of the automobile wrecking 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 \$50.00 in respect of each licence 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 licence.

2.3 Licence Revocation and Application Refusal

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

2.3.2 An application for licence may be refused:

(a) if a licence for an automobile wrecking yard, at the same location or operated by the same person, as the proposed automobile wrecking yard, has previously been revoked under Section 2.3.1; or,

(b) there are reasonable grounds for believing that the automobile wrecking 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 subsections 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 subsections 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 subsections 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 licence is revoked under this section, the former licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.
- 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 Automobile Wrecking 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 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; or,
 - (b) a scrap metal dealer's premises which is licensed for storing and processing scrap metal;
 - (c) 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, c. E. 19, as amended.

2.5 Permit Fees

- 2.5.1 The fee payable for a licence issued under this By-law shall be in accordance with the "Fees By-law", as amended from time to time. In the event that a licence is issued for a shorter period of time, the licence fee shall be pro-rated.
- 2.5.2 In the event that an application is refused, the \$50.00 fee payable under Section 2.2.2(c) of this By-law shall be non-refundable.
- 2.5.3 The fee for a renewal licence for the period commencing January 1st each year shall be paid before the first day of February in such year.
- 2.5.4 A licence shall expire on the 31st day of December in the calendar year for which a licence has been issued.
- 2.5.5 No licence granted by the Municipality may be transferred.

2.6 Offences and Penalties

- 2.6.1 An automobile wrecking yard may, at all times when the said premises are open to the public, be entered and inspected by By-law Enforcement Officer or his 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 an automobile wrecking yard without first having obtained a licence under this By-law or who has operated an automobile wrecking 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 automobiles and used automobile parts 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. P.33.

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. Automobile Wrecking Yard Regulations

3.1 An automobile wrecking yard shall comply with all of the following regulations:

- (a) it is in a location where the use of land as an automobile wrecking yard is not prohibited by any provision of the comprehensive zoning by-law of the Corporation;
- (b) an automobile wrecking 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 automobile wrecking yard;
- (c) access to the automobile wrecking yard shall be limited to such times as an attendant is on duty;
- (d) the automobile wrecking 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;
- (e) the automobile wrecking yard shall be located so as to reduce impacts due to dust, noise, and traffic;
- (f) the automobile wrecking yard shall be located so as to minimize the hazards to health and safety of persons or property including hazards from fire or vermin;
- (g) no open burning shall be permitted;
- (h) all operations at an automobile wrecking yard shall be conducted in an orderly fashion under adequate supervision;
- (i) scavenging of derelict automobiles or used automobile parts by persons not under supervision shall not be permitted;
- (j) all lighting shall be arranged so as to divert lights away from adjoining lands inclusive of public road allowances;
- (k) a planting strip in accordance with the provisions of the comprehensive zoning By-law 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 aluminium, 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 shall rest with Council.
- (l) all fluids must be drained from derelict automobiles before they are processed and any fluids or other wastes disposed of in accordance with the provisions of the Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended, if they are not safely stored for purposes of resale.

- (m) any specifications of location or operation of the automobile wrecking yard submitted with the application for licence with such amendments as may be necessary to comply with the other regulations shall be complied with at all times.

4. Other By-laws Repealed

- 4.1 By-law Number 2020-2006-PP of the Corporation of the Township of Brock is hereby repealed.

5. Effective Date

- 5.1 This by-law shall come into force and effect on the date of its passage.