

THE CORPORATION OF THE TOWNSHIP OF MONO

BYLAW NUMBER 81-34

A BYLAW TO PROHIBIT, REGULATE AND INSPECT THE WRECKING OR SALVAGING OF USED MOTOR VEHICLES, LICENCING, REGULATING AND THE LICENCING, REGULATING AND GOVERNING OF SALVAGE SHOPS, SALVAGE YARDS, SECOND HAND GOODS SHOPS AND DEALERS IN SECOND HAND GOODS

WHEREAS the Councils of local municipalities are empowered by paragraph 117 of subsection 1 of Section 354 of The Municipal Act, R.S.O. 1970, Chapter 284, to enact bylaws to prohibit or regulate and inspect the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal;

AND WHEREAS the Councils of local municipalities are further empowered by subsection 1 of Section 378 of The Municipal Act to enact bylaws for licencing, regulating and governing salvage shops, salvage yards, second hand goods shops and dealers in second hand goods;

AND WHEREAS it is deemed expedient to enact a bylaw for the aforesaid purposes;

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF MONO BY THE MUNICIPAL COUNCIL THEREOF ENACTS AS FOLLOWS:

1. DEFINITIONS

In this Bylaw:

- (a) "Automobile Wrecking Yard" means a place at which
 - i) used motor vehicle parts from more than two motor vehicles; or
 - ii) more than two derelict motor vehiclesare kept outside an enclosed structure.
- (b) "Corporation" shall mean the Corporation of the Township of Mono.
- (c) "Derelict Motor Vehicle" means a motor vehicle that is stored in a salvage yard for whatever purpose, and includes, without limiting the foregoing,
 - i) 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 is less than the costs of repairs required to put it into operable condition;
 - ii) has been rendered inoperable by the owner of the salvage yard or his servants or by the owner of the motor vehicle in such a way that the motor vehicle is not in compliance with The Highway Traffic Act for use on highways;
- (d) "Highways" include any highway within the meaning of The Highway Traffic Act;

- (e) "Motor Vehicle" includes any vehicle within the meaning of The Highway Traffic Act whether intended for use as a private passenger motor vehicle or not.
- (f) "Salvage Yard" includes any land or structures erected thereon upon which a derelict motor vehicle or vehicles are stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal, including, without limiting the foregoing, an automobile wrecking yard and premises.
- (g) "Structures" shall include all constructions fixed to, supported by or sunk into the land, whether enclosed or otherwise.
- (h) "Time" shall mean that time in use within the Corporation and without limiting the generality of the foregoing shall include that time reckoned as Standard Time and that time reckoned as Eastern Daylight Saving Time.

2. PERMITTED AND PROHIBITED AREAS

No land within the Corporation shall be used for the purpose of a salvage yard except land:

- (a) which is licenced as an automobile wrecking yard, under the law,
 - (b) on which such use is not otherwise prohibited by this or any other law or bylaw.
3. No automobile wrecking yard shall be kept in the Corporation unless the land upon which it is situate is:
- (a) in the southeast quarter of the East Half Lot Number 22, Concession 3, West of Hurontario Street.

4. REGULATIONS

Every person using any of the lands or any structures situated thereon referred to in Section 3 as an automobile wrecking yard shall deposit with the Clerk of the Corporation a site plan showing the land or structures to be used from time to time including ingress, egress, surface drainage, internal roadways, parking areas, structures, screenings, landscaping, and planting strips, signs, buildings and enclosures. (Site Plan)

5. i) no person shall wreck or dismantle derelict vehicles or salvage parts thereof for sale or other disposal on a Sunday or on any public holiday or after 8:00 P.M. or before 7:00 A.M. of any day. (hours of operation)
- ii) "Holiday" means a holiday as defined in The Interpretation Act.
6. i) No person shall commit any nuisance in the use of any land or structure as a salvage yard. (nuisance)
- ii) No owner or occupant of any land or structure used as a salvage yard shall permit any mechanical equipment to operate thereon unless such equipment is properly fitted with sound muffling equipment to prevent any nuisance due to noises. (noise)

- iii) The salvage yard shall be so located as to reduce to a minimum inconvenience due to dust, noise and traffic. (inconvenience)
 - iv) The salvage yard shall be so located and operated as to reduce to a minimum the hazards to health or safety of persons or property including hazards from fire and vermin. (health safety)
 - v) No open burning shall be permitted. (fire)
 - vi) All operations at the salvage yard shall be conducted in an orderly fashion under adequate supervision. (supervision)
 - vii) Scavenging of derelict automobiles or used automobile parts by persons not under the supervision mentioned in Regulation 6 (vi) shall not be permitted. (scavenging)
 - viii) 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 purposes of resale. (disposal of fluids)
- 7.
- i) Every owner or occupant of any land or structures used as a salvage yard shall erect and maintain on the surface of the land adequate screening as approved by Council, that surrounds the land or land or structures except for entrances and exits each of a width of not more than 20 feet which shall have gates which shall be kept closed and locked when the land or structures are not being so used, such screening sufficient to prevent persons on neighbouring properties or on a public highway from seeing the lands so used. (Screening)
 - ii) The salvage 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. (drainage)
 - iii) All internal roadways, driveways, and parking areas shall be constructed of granular material to a minimum depth of six inches with a surface of granular "A" material to a minimum depth of four inches. (road standards)
 - iv) The operator shall ensure that the roadways and parking areas are unobstructed, maintained and accessible at all times to receive all vehicles, derelict or otherwise, providing customer parking within the screened area and ensuring all vehicles are parked within the screened area at all times. (road maintenance & traffic control)
 - v) No land or structure shall be used as a salvage yard until a site plan has been provided as required in Section 4, and such site plan has been approved by the Council of the Corporation, and all other matters referred to in Section 4 are constructed and placed according to the provisions and requirements of the Bylaw. (site plan approval)
8. LICENCING
- i) A licence may be revoked if any of the regulations set forth in the Bylaw are not adhered to at all times.
 - ii) A 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 subsection 1, or

- b) there are reasonable grounds for believing that the automobile wrecking yard will not be established or operated in accordance with any provisions of this Bylaw or any other applicable law provided the applicant is given written notice of the grounds.
- iii) A licence shall expire on the 31st day of March of each year.
- iv) The fee for a renewal licence shall be paid before the 30th day of April in such year.
- 9. Any person obtaining a licence pursuant to the provisions of this bylaw shall at all times display it in a part of his automobile wrecking yard to which the public has access during the hours that he conducts business with the public and shall upon demand exhibit it to any peace officer of the Corporation.
- 10. There shall be levied and collected from the applicant for every licence granted pursuant to this bylaw a fee of TWENTY DOLLARS (\$20.00) for an automobile wrecking yard.
- 11. The Building Inspector of the County of Dufferin or his assistant and the Bylaw Enforcement Officer of the Township of Mono shall have the right to visit, enter and inspect from time to time and at all reasonable hours, any land or structures used as a salvage yard for the purpose of enforcing the provisions of this bylaw.
- 12. Nothing in this Bylaw is intended to make lawful any operation which would otherwise be unlawful by reason of its constituting the use of any land or structures for purposes prohibited by any bylaw of the Corporation or for any other reason.
- 13. Should any section or sections of this bylaw or any part or parts thereof be found by law to be illegal or beyond the power of Council of the Corporation to enact, such section or sections thereof shall be deemed to be severable so that all other sections of this bylaw are separate and therefore enacted as such.
- 14. Every person who contravenes any provisions of this bylaw shall be deemed to have committed separate offences for each day that such person is in violation thereof.
- 15. Every person who contravenes any provisions of this bylaw shall be guilty of an offence and shall, upon conviction thereof, forfeit and pay at the discretion of the convicting Magistrate a penalty not exceeding, exclusive of costs, the sum of ONE THOUSAND DOLLARS (\$1,000.00) for each offence.
- 16. Bylaw No. 872 and all other bylaws or parts of bylaws inconsistent with this Bylaw are hereby repealed.

PASSED IN OPEN COUNCIL THIS 4TH DAY OF SEPTEMBER, 1981


REEVE


CLERK

BYLAW READ A FIRST AND SECOND TIME THIS 7TH DAY OF AUGUST, 1981

BYLAW READ A THIRD TIME AND PASSED THIS 4TH DAY OF SEPTEMBER, 1981