

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW NUMBER 70-21

A By-law to regulate and provide for the inspection, regulation and licencing of any land or structures used for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

WHEREAS provision is made in the Municipal Act, R.S.O., 1960, Chapter 379 Subsection 1, subsection 1(1)(3) for the regulation and inspection 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 by the Municipal Council;

AND WHEREAS the Municipal Council of the Township of Westmeath deems it advisable to pass this By-law for the aforesaid purpose;

THEREFORE the Municipal Council of the Township of Westmeath enacts as follows:

- 1) Under this By-law unless the contrary intention appears
 - (a) "Council" shall mean the Municipal Council of the Township of Westmeath
 - (b) "Clerk-Treasurer" shall mean the clerk-treasurer of the Township of Westmeath
 - (c) "Inspector" shall mean the inspector from time to time appointed by this Council under this By-law.

- 2) In this By-law, except where it is otherwise implied or shown by the context, the work "person" shall include, not only an individual, but also any body corporate or politic, or party or any firm and the heirs, executors, administrators, successors, or other legal representatives, thereof, to whom the context may apply, and words importing the singular number

shall include more persons or things as above described or things of the same kind in one, and words importing the masculine gender shall include females as well as males.

3) No person shall engage in or carry on in any way whatsoever the trade or business or work of storing used motor vehicles for the purpose of wrecking, or dismantling them or salvaging parts thereof for sale or other disposal, unless and until he has procured a licence authorizing him to do so, and shall have paid to the clerk-treasurer the fee set out in the said section with respect to such licence and no licence shall be issued until such fee is paid.

4) Such licence shall be issued in the name of the Council but shall be granted and signed by the clerk-treasurer upon the written application therefore signed by the person applying therefore with the address and premises occupied, if any, by such person and his trade, occupation, business or calling upon a form to be approved and furnished by the clerk-treasurer and all licenses issued thereunder shall be subject to the provision of this by-law and if any by-law amending this by-law and shall be construed to have been taken out by the person applying therefore upon this understanding.

5) Such licence shall be numbered and shall set forth the name of the person licenced and of his trade, occupation, business or calling and in the case of a licence for a specific premise a short description of such premises and also the date, issue and duration of the licence and such licence shall licence only the premises so described and shall not include any extension thereof, and any extension thereof shall require a new licence.

6) Every licence issued hereunder unless expressed to be for a shorter period, and unless suspended or forfeited shall be for the year current at the date thereof; the year

current shall mean a period commencing on the first day of January and ending on the thirty-first day of December next ensuing; and all licenses issued thereunder shall expire on the thirty-first day of December next ensuing the date thereof.

7) No such licence, or any transfer thereof shall be granted until the Clerk-Treasurer has made an inquiry as to the character of the applicant and as to the suitability of the premises. If after such inquiry the Clerk-Treasurer is satisfied that the applicant is of good character and so reports to the Council, the Council may grant such licence or transfer.

8) In case of licence granted hereunder applying to premises, the licensee shall keep his license posted up in a conspicuous place in such premises during the time such licence is in force, and in other cases, such licensee shall upon the request of the clerk-treasurer produce and show his license to the clerk-treasurer.

9) Except where otherwise provided herein, or in some other by-law of the Council, or in any Statute, licenses may be transferred upon payment of a fee of \$ but before issuing such transfer, the clerk-treasurer shall be satisfied to the same extent and shall require the same certificates as in case of granting an original license, and such transfer, if granted, shall be endorsed upon the original license under the hand of the clerk-treasurer.

10) Subject as herein provided, it shall be in the discretion of the council to grant, issue or withhold any such transfer.

11) Upon application to the clerk-treasurer the representatives of a license hereunder who makes an assignment for the benefit of creditors, or who dies during the currency of

the licence, may be granted a permit to be endorsed on the original license and signed by the clerk-treasurer to continue the enjoyment of such license, or a transfer of such license may be granted, subject to the provisions hereof; provided, however, that no such permit to transfer shall be granted unless the application therefore is made within four months after such assignment or death.

12) Every premise so licensed hereunder shall be liable to be inspected at all times by the clerk-treasurer and any person refusing admission to the clerk-treasurer or any other person appointed by council for such purpose after demand shall be subject to penalties of this by-law and in such case the licence in question may be suspended or cancelled by the council.

13) The council may on the recommendation of the clerk-treasurer in his discretion, suspend, revoke or cancel any license where it shall appear that the licensee has failed to comply with the terms and requirements of this by-law or that the licensee has been shown not to be of good character or that the premises referred to in the license are, or have become unsuitable for the enjoyment of such licence under the terms of this by-law, and the clerk treasurer shall in such case notify the licensee of such suspension, revocation or cancellation by notice or letter addressed to the licensee at the address mentioned in his license, provided that in any case the licensee may within two weeks of the date of such notice or letter apply to the Council for consideration of the matters in question and the Council shall in such case give the licensee an opportunity of being heard, and may thereafter withdraw, confirm ratify or suspend the revocation or cancellation as may seem fit to the council.

- 14) Every holder of a license hereunder shall be responsible for the act or acts of his servants, clerks or other employees in connection with the carrying on of the trade, occupation, business or calling authorized by such license in the same manner and to the same extent as though such act or acts were done by such holder.
- 15) The fee for such licence as described herein shall be \$ 25.00 .
- 16) No licence shall be granted unless the following conditions are fulfilled:
- (a) the area to be used is specifically described in the licence
 - (b) the undertaking is conducted at such a distance or in such an area as not to be visible from a public roadway
 - (c) the undertaking is fenced with a solid fence to a minimum height of 10 feet
 - (d) the area to be used is properly drained
- 17) Except as provided herein or by statute, any person convicted or a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding the sum of \$100.00 for each offence, exclusive of costs, and in default or payment of said penalty and costs, forthwith, the said penalty and costs, or costs only, may be levied by distress and sale of the goods and chattels of the offender; and in case of there being no distress found out of which such penalties can be levied, the convicting magistrate may commit the offender to the common gaol of the County of Renfrew, with or without hard labour, for any period not exceeding six calendar months, unless the said penalty and costs or costs only, including the costs of said distress and of the committal and conveyance of the offender to the said gaol are sooner paid.

18) This by-law shall come into force and take effect on the date of the passing thereof.

Read a First and Second Time this 3 day of *July* 1970.

Read a Third and Final Time this 3 day of *July* 1970.

D. A. Hill, Clerk

THE CORPORATION OF THE
TOWNSHIP OF WESTMEATH

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A By-law to regulate and provide for the inspection, regulation and licencing of any land or structures used for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal

Huckabone, O'Brien and Sauriol
Barristers and Solicitors
284 Pembroke Street, East
Pembroke, Ontario

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WHEREAS provision is made in the Municipal Act, R.S.O., 1960, Chapter 379 Subsection 1, subsection 1(1)(3) for the regulation and inspection 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 by the Municipal Council;

AND WHEREAS the Municipal Council of the Township of Westmeath deems it advisable to pass this By-law for the aforesaid purpose;

THEREFORE the Municipal Council of the Township of Westmeath enacts as follows:

- 1) Under this By-law unless the contrary intention appears
 - (a) "Council" shall mean the Municipal Council of the Township of Westmeath
 - (b) "Clerk-Treasurer" shall mean the clerk-treasurer of the Township of Westmeath
 - (c) "Inspector" shall mean the inspector from time to time appointed by this Council under this By-law.

- 2) In this By-law, except where it is otherwise implied or shown by the context, the work "person" shall include, not only an individual, but also any body corporate or politic, or party or any firm and the heirs, executors, administrators, successors, or other legal representatives, thereof, to whom the context may apply, and words importing the singular number

shall include more persons or things as above described or things of the same kind in one, and words importing the masculine gender shall include females as well as males.

3) No person shall engage in or carry on in any way whatsoever the trade or business or work of storing used motor vehicles for the purpose of wrecking, or dismantling them or salvaging parts thereof for sale or other disposal, unless and until he has procured a licence authorizing him to do so, and shall have paid to the clerk-treasurer the fee set out in the said section with respect to such licence and no licence shall be issued until such fee is paid.

4) Such licence shall be issued in the name of the Council but shall be granted and signed by the clerk-treasurer upon the written application therefore signed by the person applying therefore with the address and premises occupied, if any, by such person and his trade, occupation, business or calling upon a form to be approved and furnished by the clerk-treasurer and all licenses issued thereunder shall be subject to the provision of this by-law and if any by-law amending this by-law and shall be construed to have been taken out by the person applying therefore upon this understanding.

5) Such licence shall be numbered and shall set forth the name of the person licenced and of his trade, occupation, business or calling and in the case of a licence for a specific premise a short description of such premises and also the date, issue and duration of the licence and such licence shall licence only the premises so described and shall not include any extension thereof, and any extension thereof shall require a new licence.

6) Every licence issued hereunder unless expressed to be for a shorter period, and unless suspended or forfeited shall be for the year current at the date thereof; the year

current shall mean a period commencing on the first day of January and ending on the thirty-first day of December next ensuing; and all licenses issued thereunder shall expire on the thirty-first day of December next ensuing the date thereof.

7) No such licence, or any transfer thereof shall be granted until the Clerk-Treasurer has made an inquiry as to the character of the applicant and as to the suitability of the premises. If after such inquiry the Clerk-Treasurer is satisfied that the applicant is of good character and so reports to the Council, the Council may grant such licence or transfer.

8) In case of licence granted hereunder applying to premises, the licensee shall keep his license posted up in a conspicuous place in such premises during the time such licence is in force, and in other cases, such licensee shall upon the request of the clerk-treasurer produce and show his license to the clerk-treasurer.

9) Except where otherwise provided herein, or in some other by-law of the Council, or in any Statute, licenses may be transferred upon payment of a fee of \$ 25.00 but before issuing such transfer, the clerk-treasurer shall be satisfied to the same extent and shall require the same certificates as in case of granting an original license, and such transfer, if granted, shall be endorsed upon the original license under the hand of the clerk-treasurer.

10) Subject as herein provided, it shall be in the discretion of the council to grant, issue or withhold any such transfer.

11) Upon application to the clerk-treasurer the representatives of a license hereunder who makes an assignment for the benefit of creditors, or who dies during the currency of

the licence, may be granted a permit to be endorsed on the original license and signed by the clerk-treasurer to continue the enjoyment of such license, or a transfer of such license may be granted, subject to the provisions hereof; provided, however, that no such permit to transfer shall be granted unless the application therefore is made within four months after such assignment or death.

12) Every premise so licensed hereunder shall be liable to be inspected at all times by the clerk-treasurer and any person refusing admission to the clerk-treasurer or any other person appointed by council for such purpose after demand shall be subject to penalties of this by-law and in such case the licence in question may be suspended or cancelled by the council.

13) The council may on the recommendation of the clerk-treasurer in his discretion, suspend, revoke or cancel any license where it shall appear that the licensee has failed to comply with the terms and requirements of this by-law or that the licensee has been shown not to be of good character or that the premises referred to in the license are, or have become unsuitable for the enjoyment of such licence under the terms of this by-law, and the clerk treasurer shall in such case notify the licensee of such suspension, revocation or cancellation by notice or letter addressed to the licensee at the address mentioned in his license, provided that in any case the licensee may within two weeks of the date of such notice or letter apply to the Council for consideration of the matters in question and the Council shall in such case give the licensee an opportunity of being heard, and may thereafter withdraw, confirm ratify or suspend the revocation or cancellation as may seem fit to the council.

14) Every holder of a license hereunder shall be responsible for the act or acts of his servants, clerks or other employees in connection with the carrying on of the trade, occupation, business or calling authorized by such license in the same manner and to the same extent as though such act or acts were done by such holder.

15) The fee for such licence as described herein shall be \$ 25.00 .

16) No licence shall be granted unless the following conditions are fulfilled:

(a) the area to be used is specifically described in the licence

(b) the undertaking is conducted at such a distance or in such an area as not to be visible from a public roadway

(c) the undertaking is fenced with a solid fence to a minimum height of 10 feet

(d) the area to be used is properly drained

17) Except as provided herein or by statute, any person convicted or a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding the sum of \$100.00 for each offence, exclusive of costs, and in default or payment of said penalty and costs, forthwith, the said penalty and costs, or costs only, may be levied by distress and sale of the goods and chattels of the offender; and in case of there being no distress found out of which such penalties can be levied, the convicting magistrate may commit the offender to the common gaol of the County of Renfrew, with or without hard labour, for any period not exceeding six calendar months, unless the said penalty and costs or costs only, including the costs of said distress and of the committal and conveyance of the offender to the said gaol are sooner paid.

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