

CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW # 84-15

A BY-LAW TO GOVERN THE LOCATION, LICENSING, OPERATION OF AUTOMOBILE WRECKING, STORAGE, OR SALVAGE YARDS WITHIN THE BOUNDARIES OF THE CORPORATION OF THE TOWNSHIP OF WESTMEATH.

WHEREAS it is deemed necessary and expedient to regulate and control the establishment of automobile wrecking, storage or salvage yards within the boundaries of the Corporation of the Township of Westmeath.

AND WHEREAS the authority to do so is conveyed by the Municipal Act RSO 1980 Chapter 302 Section 210, paragraph 129 and 130.

AND WHEREAS the authority to enforce such a by-law is conveyed by the Municipal Act, RSO 1980 Section 321.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WESTMEATH HEREBY ENACTS AS FOLLOWS:

- (1) In this by-law
 - (a) Municipality shall mean the Corporation of the Township of Westmeath.
 - (b) "Derelict Automobile" means a motor vehicle that,
 - (i) is inoperable, and
 - (ii) 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 repairs required to put it into operable condition.
 - (c) "motor vehicle" includes any motor vehicle within the meaning of The Highway Traffic Act whether intended for use as a private passenger motor vehicle or not.
 - (d) "domestic or industrial waste" shall mean machinery, appliances, plumbing fixtures of scrap metal which is in a wrecked, discharged, dismantled or abandoned condition.
 - (e) "wrecking yard" means a place at which:
 - (i) used motor vehicle parts from more than two motor vehicles, or
 - (ii) more than two derelict automobiles are kept outside a building, or
 - (iii) domestic or industrial waste is kept.
 - (f) "access road" means a road that leads from a public road to a wrecking yard.
 - (g) "on site road" means a road for the movement of vehicles and equipment within a wrecking yard.
- (2) No land in the municipality shall be used for purposes of storing or processing derelict automobiles, the disposal or sale of domestic or industrial waste or salvage, except land,
 - (a) which is
 - (i) licensed as a wrecking yard,
 - (ii) a waste disposal site which has a certificate of approval for such purposes under The Environmental Protection Act, 1971
 - (iii) enclosed in a building, or
 - (iv) suitably enclosed to eliminate noise and visual pollution and

- (b) on which such use is not otherwise prohibited by this by-law.
- (3) This By-Law does not apply to
 - (a) the storage of not more than two derelict automobiles on a single parcel of land for not more than 90 days.
 - (b) a scrap metal dealer's premises which are licensed for storing and processing scrap metal suitable enclosed as described in Section 2 (iv) above
 - (c) the premises of a licensed garage or a licensed new or used car 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.
 - (d) land which is a waste disposal site which has a certificate of approval for such purposes under the Environmental Protection Act, 1971.
- (4) Licensing: No wrecking yard shall be kept in the municipality unless it is licensed under this By-law.
- (5) Upon written application for a licence or renewal licence for a wrecking yard, a licence may be issued:
 - (a) on payment of a licence fee of \$20.00 and
 - (b) unless the application is for a renewal licence, on submission of acceptable plans or drawings showing the location and layout of the wrecking yard and including all details as to how the following regulations will be complied with, and
 - (c) if the wrecking yard complies with the regulations in item No. 8.
- (6) (a) A licence may be revoked by the municipality if any of the regulations set forth in section 2, Page 1 are not adhered to at all times.
 - (b) A licence may be refused:
 - (i) if a licence for a wrecking yard, at the same location or operated by the same person, as the proposed wrecking yard, has previously been revoked under subsection 1, or
 - (ii) if there are reasonable grounds for believing that the wrecking yard will not be established or operated in accordance with any provision of this by-law or any other applicable law provided the applicant is given written notice of the grounds.
 - (c) A licence shall expire on the 31st day of December in each year.
 - (d) The fee for a renewal licence for the period commencing January 1 each year shall be paid before the first day of February in such year.
- (7) Where a person owns or operates an unlicensed wrecking yard, the person shall, on receiving written notice to do so, remove all derelict automobiles, used automobile parts or domestic or industrial waste from the site to a place where they may be legally kept or disposed of.

(8) Wrecking yard regulations:

- (a) A wrecking yard shall not be operated or established within 91 metres (298.5 ft.) of adjoining property line, and shall be enclosed by a solid fence at least 1.83 metres (6 ft) in height. Exceptions may be allowed under regulation # 8 (i).
- (b) Access to the wrecking yard shall be limited to such times as an attendant is on duty.
- (c) The 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.
- (d) The wrecking yard shall be so located as to reduce to a minimum inconvenience due to dust, noise and traffic.
- (e) The wrecking 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.
- (f) No open burning shall be permitted.
- (g) All operations at the wrecking yard shall be conducted in an orderly fashion under adequate supervision.
- (h) Scavenging of derelict automobiles or used automobile or machinery parts by persons not under the supervision mentioned in regulation 8 (g) shall not be permitted.
- (i) An adequate buffer shall be provided when necessary to minimize any detrimental effects such as noise, odour or visual pollution which may affect neighbouring residential or institutional property. The type of buffer zone shall be decided on inspection by Municipal Officials and shall be evaluated at least annually.
- (j) All fluids must be drained from derelict automobiles or machinery 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.

(9) General Provisions

In the event that the Township incurs expense as a result of protecting land used for a wrecking yard against loss by fire, such expense shall be recoverable against the holder of the licence for such site, by the Municipality.

- (10) The provisions of this by-law shall apply to any land or structures within the Township of Westmeath, whether or not such land or structures were used for wrecking yards before the passing of this by-law.
- (11) Every person who contravenes any of the provisions of this By-Law shall upon conviction be liable to a fine not exceeding \$300.00 exclusive of costs for each such offence and all such fines shall be recoverable under the provisions of the Provincial Offences Act.

(12) Interference


No person shall interfere with, hinder or molest the Provincial Offences Officer in the performance of any duty herein provided.

- (a) For the purpose of discharging the duties imposed by this By-Law and to enforce its provisions, the Corporation shall engage the necessary personnel, necessary to administer the same.

READ a first time this 18th day of July 1984

READ a second time this ..22... day of .August...1984

READ a third time and PASSED this ...22.day...day of .August.....1984



Deputy REEVE



CLERK

ITEM	OFFENCE	SECTION	SUGGESTED SET FINES
1.	Any person or persons operating a wrecking yard without a licence	4	\$ 103.00
2.	Any person or persons who fails to pay a renewal licence fee	6(d)	103.00
3.	Being a person who fails to remove derelict automobiles upon request	7	103.00
4.	Being a person who fails to remove used automobile parts upon request	7	53.00
5.	Being a person who fails to remove domestic or industrial waste upon request	7	53.00
6.	Being a person operating a wrecking yard within 91 metres of property line	8(a)	103.00
7	Being a person operating a wrecking yard without the secified regulation fence	8(a)	103.00
8.	Wrecking yard open while unattended	8(b)	53.00
9.	Any person or persons burning in a wrecking yard	8(f)	103.00

ITEM	OFFENCE	SECTION	SUGGESTED SET FINES
10	Any person or persons scavenging and not approved by supervisor	8(h)	\$53.00
11	Any person or persons refusing to erect an adequate buffer zone	8(i)	103.00
12	Any person or persons failing to dispose of any fluids properly before cars are processed	8(j)	103.00
13	Interfere with, hinder or molest any agent in the performance of his duties	12(a)	103.00