

The Corporation of the Township of McMurrich/Monteith

By-Law 02 - 2013

WHEREAS under Section 131 of the Municipal Act, the Council of a municipality may by By-Law, provide for the licencing as well as prohibit and regulate the use of any land for the storage of used vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or .


NOW THEREFORE the Municipal Council of the Township of McMurrich/Monteith **REPEALS** BY-LAW #18-1979 and **ENACTS** as follows. In this by-law:

DEFINITIONS:


1.
 - A. "Access Road" means a road that leads from a public road to an automobile wrecking yard.
 - B. "Automobile wrecking yard" means a place at which vehicles,
 - Used motor vehicle parts from more than TWO motor vehicles, or
 - More than TWO derelict automobiles are kept outside a building.
 - C. "Derelict Automobile" means a motor vehicle that
 - Is operable, and
 - 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 in operable condition.
 - D. "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.
 - E. "On Site Road" means a road for the movement of vehicles and equipment within an automobile wrecking yard.
2. No person shall use land in the municipality for the purpose of storing or processing derelict automobiles except land which is:
 - Licensed as an automobile wrecking yard
 - A waste disposal site which has a Certificate of Approval for such purposes under the Environmental Protection Act, 1971.
 - Enclosed in a building.
3. This By-law does not apply to:
 - The storage of not more than TWO derelict automobiles on a single parcel of land,
 - A scrap metal dealer's premises which is licensed for storing and processing scrap metal.
4. No person shall keep an automobile wrecking yard in the municipality unless it is licensed under this by-law. (License Fees listed in Schedule "A")
5. Every person shall, upon written application for a licence or renewal licence for an automobile wrecking yard or proposed automobile wrecking yard, obtain a licence or renewal licence for the automobile wrecking yard.
6. Every person shall, if completing an application for a renewal licence, (Renewal License fees listed in Schedule "A"), submit 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:
 - a) No person shall operate or establish an automobile wrecking yard within 100 metres of a residence other than a residence located on the same parcel of land as the automobile wrecking yard.
 - b) No person shall have access to an automobile wrecking yard except at such times as an attendant is on duty.

- c) No person shall locate an automobile wrecking yard on land that is covered by water or subject to flooding, and it shall be so located that no direct drainage leads to a watercourse. The automobile wrecking yard shall be so located as to reduce to a minimum inconvenience due to dust, noise and traffic.
 - d) Every person shall operate and locate their automobile wrecking yard to reduce to a minimum the hazards to health and safety of persons or property including hazards from fire and vermin.
 - e) No person shall allow open burning at the automobile wrecking yard location.
 - f) Every person shall operate at the automobile wrecking yard ensuring adequate supervision.
 - g) No person shall scavenge from derelict automobiles or used automobile parts without the direct supervision and approval of the owner/operator and as mentioned in item (f) above.
 - h) Every person shall allow an adequate buffer to be provided when necessary to minimize any detrimental effects such as noise, odour or visual pollution which may affect neighbouring property and public roads. This adequate buffer shall consist of either solid faced fencing of at least a 2 ½ metre height, or an adequate buffer of dense tree growth.
 - i) Every person shall drain all fluids 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.
 - j) Every person shall comply with all specifications of location or operation of the automobile wrecking yard submitted with the application for a licence with such amendments as may be necessary at all times.
7. All licenses shall be revoked if any of the regulations set forth in Section 6 are not adhered to at all times.
8. No person shall be granted a license 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 6, or if 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 provided the applicant is given written notice of the grounds.
9. A license shall expire on the 31st day of December in each calendar year.
10. The fee for a renewal license for the period commencing January 1st each year shall be paid before the first day of February in each calendar year.
11. When a license is being issued for a new automobile wrecking yard, the Clerk-Treasurer and/or designate may allow a reduction in the annual fee proportionate to the number of months completed in the year prior to the issuing of the license.
12. Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33.
13. The By-Law Officer of the Township of McMurrich/Monteith is responsible for the enforcement of this by-law.

Enacted and Passed this 4th day of February, 2013.



Reeve



Clerk-Treasurer

The Corporation of the Township of McMurrich/Monteith

Automobile Wrecking Yard By-Law

"SCHEDULE A"

License Fee (New Application)	\$75.00
Renewal Application Fee	\$75.00 (January-December)

PART 1 – PROVINCIAL OFFENCES ACT

TOWNSHIP OF MCMURRICH/MONTEITH

BY-LAW # 02-2013

DERELICT VEHICLE

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1.	Failed to obtain an annual licence	Sec. 5	\$200.00
2.	Have more than 2 derelict vehicles outside a building	Sec. 2	\$200.00

Note: The general penalty provision for the offences listed above is Section 13 of By-Law 02-2013, a certified copy of which has been filed.