



SALVAGE YARD BY-LAW

BY-LAW NO. 40/2002

August 2002



TABLE OF CONTENTS

1.	Short Title	1
2.	Existing Salvage Yard By-laws	1
3.	Definitions	1
4.	License Required To Operate	2
5.	License Period	2
6.	License Requirements	2
7.	License Fee	2
8.	Form of License	2
9.	Salvage Yard Operation	3
10.	Inspection	4
11.	Revoking of License	4
12.	Enforcement	4
13.	Existing Salvage Yards	5
14.	Effective Date	5

SCHEDULE "A" – Requirements For Obtaining A License To Operate A Salvage Yard

SCHEDULE "B" – License To Operate A Salvage Yard

SCHEDULE "C" – Declaration of Continuous Use

CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

BY-LAW NO. 40/2002

SALVAGE YARD BY-LAW

BEING A BY-LAW TO PROVIDE FOR THE REGULATION AND LICENSING OF SALVAGE YARDS IN THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

WHEREAS Section 210(136) of the Municipal Act, R.S.O., 1990, as amended, permits local municipalities to pass by-laws for the "prohibiting or regulating and inspecting 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 Section 220.1 of the Municipal Act, R.S.O., 1990, as amended, provides that the Council may by by-law impose fees for services and activities provided, or done by, or on behalf of the Corporation of the Municipality of Southwest Middlesex;

AND WHEREAS the Corporation of the Municipality of Southwest Middlesex has zoning by-laws in effect applying to lands formerly in the Township of Mosa, Township of Ekfrid, Village of Wardsville and the Village of Glencoe which regulate the use of land and the erection, location and use of buildings and structures in the Municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of Southwest Middlesex enacts as follows:

1. Short Title

This By-law, including Schedule "A" and Schedule "B" attached hereto and forming part of this By-law, may be cited as the "Salvage Yard By-law".

2. Existing Salvage Yard By-laws

By-law No. 2-95 and By-law No. 6/99, being by-laws to provide for the regulation and licensing of salvage yards in the former Village of Glencoe and the former Township of Mosa, respectively, are hereby repealed.

3. Definitions

3.1 Derelict Motor Vehicle, shall mean a motor vehicle that is in an abandoned, discarded, dismantled, inoperative, wrecked or unused condition.

3.2 Fence, shall mean a wall (other than the wall of a building), gate or other barrier constructed of wood, masonry, metal, or combination thereof, which is continuous throughout its entire length where required, save and except where access areas and lines of sight are required for safety purposes.

3.2 Salvage Yard, shall mean lands, buildings, or structures where merchandise, articles and goods or things are stored wholly or partly in the open, kept for sale and/or processed for further use and, without limiting the generality of the foregoing, may include a junk yard, a scrap metal yard, and a motor vehicle wrecking yard, but shall not include the collection, storage or disposal of tires, lubricants, refrigerants, petroleum products and other industrial waste and pollutants which are not otherwise incidental or accessory to the operation of the salvage yard.

3.4 Municipality, shall mean the Corporation of the Municipality of Southwest Middlesex.

3.5 Site Plan, shall mean a survey or a drawing showing the extent of lands to be licensed as a salvage yard and abutting lands, in addition to other site details including, but not limited to, the location and use of existing and proposed buildings and structures, outside storage areas, screening, fencing, entrances and internal driveways, drainage and signage.

4. **License Required to Operate**

No person, corporation or partnership shall own or operate a salvage yard within the Municipality without holding a current valid license pursuant to the provisions of this By-law, and without having all other necessary licenses and permits as may be required by the authority(ies) having jurisdiction. The issuance of a license shall not relieve the licensee from the obligation to comply with all other by-laws of the Municipality, including the applicable Zoning By-law.

5. **License Period**

Every such license shall extend for a period of two years from date of issue unless sooner revoked as provided herein.

6. **License Requirements**

The requirements for obtaining a license to operate a salvage yard shall be in accordance with Schedule "A" to this By-law.

7. **License Fee**

The license fee payable to the Municipality, at the time of issuance of a license and every two years thereafter, to own or operate a salvage yard shall be fifty (\$50.00) dollars. Every application for a license for a salvage yard under this By-law shall be made in writing to the Municipality and signed by the operator and shall contain the full name and address of the operator and a legal description of the lands on which the salvage yard is to be operated.

8. **Form of License**

The license shall be in the form set out on Schedule "B" to this By-law.

9. Salvage Yard Operation

The following regulations shall apply to all licensed salvage yards in the Municipality:

9.1 Confinement

All salvage, derelict motor vehicles, and used or second-hand goods, wares or materials which are kept for sale, for processing or for re-cycling or otherwise used in respect to the operation of any salvage yard shall be confined to the lands licensed as a salvage yard.

9.2 Parking Areas, Driveways & Entrances

Parking areas, driveways and entrances shall, at a minimum, be surfaced with gravel provided such surface treatment is well drained, free of potholes and maintained in a manner to prevent the raising of dust.

9.3 Surface Water Runoff

Surface water runoff shall be dispersed entirely within the salvage yard or carried to a retention pond within the salvage yard and thereafter discharged to an outlet approved by the Municipality, or discharged directly to an outlet approved by the Municipality.

9.4 Screening

The area licensed as a salvage yard shall be visually screened from abutting roads and properties to the satisfaction of the Municipality, acting reasonably and having regard to the location of the salvage yard and the location of the salvage yard relative to abutting properties and the existing use and the permitted use of those abutting properties and in accordance with the following:

- (a) the method of screening shall be clearly shown and described on the Site Plan;
- (b) screening may constitute a solid, continuous opaque fence, an earthen berm or a combination thereof having a minimum height of 2.5 metres above grade and may also include shrubs, trees or a combination thereof and any other means that will provide visual screening of the salvage yard from abutting roads and properties. The Municipality reserves the right to use its discretion in determining what method of screening is appropriate in each circumstance;
- (c) a solid, continuous opaque fence shall be erected a minimum of 6.0 metres from any street line;
- (d) screening may be interrupted by entrances for ingress and egress to the property;
- (e) where a salvage yard abuts lands which are zoned for residential purposes, a row of fast-growing shrubs or trees having a minimum height of 0.5 metres at planting and capable of reaching a minimum height of 3.5 metres at maturity shall be established, planted and maintained a maximum of 3.0 metres apart, along side and parallel to the screening required in Section 9.4 (b);

9.5 Stockpiles

All salvage, derelict motor vehicles, and used or second-hand goods, wares or materials which are kept for sale, for processing or for re-cycling or otherwise used in respect to the operation of any salvage yard shall, when stockpiled, not exceed a height greater than 6.0 metres.

9.6 Tire Storage/Stockpiles

A maximum of 1,500 used recyclable motor vehicle tires, excluding tires affixed to motor vehicles, shall be kept on the premises at any given time. Tire stockpiles shall not exceed a volume of 500 tires or a height which exceeds the height of the fence and/or berm enclosing the salvage yard unless specifically set out in the license to operate a salvage yard.

9.7 Exterior Lighting

Exterior lighting shall be affixed to poles or a building(s) and installed in such a manner that any glare is directed away from neighbouring dwellings and roads.

9.8 Entry Gates

The area licensed as a salvage yard shall, where enclosed by a fence, be equipped with doors or gates which shall be kept locked and secured except during hours of operation.

9.9 Signage

Signage shall be restricted to the exterior walls of any building or structure located within the area licensed as a salvage yard; or a fence surrounding the area of the lands used as a salvage yard, provided that, where such signage is proposed to be affixed to a fence, plans indicating the dimensions of the sign are first submitted to, and approved by, the Municipality. Signs shall be restricted in size to a maximum width of 2.5 metres and a maximum height of 1.2 metres, and one (1) in number.

10. Inspection

Prior to the issuance of a license to operate a salvage yard or the renewal thereof or at any other time upon the receipt of a written request from the Municipality, the operator of the salvage yard or proposed salvage yard shall conduct a tour of the salvage yard with the Chief Building Official, after which the Chief Building Official shall provide the operator with written comments on his assessment of the facility with respect to compliance with the By-law. Such assessment shall identify any matters which require rectification by the operator and shall indicate that the license will not be issued or renewed until such matters are rectified or shall provide a time limit within which such matters shall be rectified failing which the operator's license to operate a salvage yard will be revoked.

11. Revoking of License

The Municipality may revoke a license issued to the operator of any salvage yard who fails to comply with the provisions of this By-law or any other by-laws of the Municipality, including, without limitation, the applicable Zoning By-law.

12. Enforcement

12.1 Penalties & Orders

Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to a penalty as provided in the Provincial Offences Act. The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

12.2. Validity

If any section or sections of this By-law or any part or parts thereof shall be found by any court of law having jurisdiction to be illegal or unenforceable or beyond the power of the Municipality to enact, such section or sections or part or parts thereof shall be considered separate and severable from this By-law and all remaining sections of this By-law or parts thereof shall not be affected thereby and shall remain in full force and effect as if the illegal or unenforceable section or sections or part or parts thereof had never been enacted.

12.3. Application of Other Legislation

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of the Ontario Building Code, the applicable Zoning By-law, or any other by-law of the Municipality in force from time to time or the obligation to obtain any licence, permit, authority or approval required by the Municipality or any other public authority or body.

13. Existing Salvage Yards

Notwithstanding the provisions of this By-law to the contrary, existing salvage yards shall have a maximum of one (1) year from the date of passing to comply with the requirements herein, after which the Municipality may seek remedial action in accordance with Section 12 to this By-law. This provision is not intended and shall not be construed in a manner that confers any legal non-conforming status on any existing salvage yard that does not otherwise constitute a legal non-conforming use under the Planning Act.

14. Effective Date


This By-law shall come into force on the date of passing thereof.

READ A **FIRST** TIME ON THIS 28TH DAY OF AUGUST, 2002.

READ A **SECOND** TIME ON THIS 28TH DAY OF AUGUST, 2002.

READ A **THIRD** TIME AND **FINALLY PASSED** ON THIS 28TH DAY OF AUGUST, 2002.


MAYOR


CLERK

SCHEDULE "A"**THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX****REQUIREMENTS FOR OBTAINING A
LICENSE TO OPERATE A SALVAGE YARD****1. SITE PLAN**

As a condition of obtaining a license to operate a salvage yard, a site plan shall be required. While a survey is preferred, one will not be required although accuracy of detail and dimension will be expected in all cases. No license will be issued for the operation of a salvage yard until the Municipality has approved the site plan. The site plan shall be sufficient in detail and accurate in scale to show the following:

1.1 Location of Salvage Yard

- i) legal description of the lands showing all lands owned by the applicant and the area intended to be licensed in heavy solid lines on the plan together with all other lands owned by the applicant abutting thereto.

1.2 Existing and Proposed Buildings & Structures

- i) buildings and structures to be removed or demolished;
- ii) location, dimensions and use of all existing and proposed buildings and structures or additions thereto;
- iii) location and nature of equipment and facilities related to the collection and removal of waste fuels, refrigerant, lubricants and other fluids;
- iv) location and nature of equipment and facilities related to bailing, packaging or crushing.

1.3 Use of the Site

- i) description of activities for various areas of the site;
- ii) location, content and height of all product stockpiles.

1.4 Screening/Fencing

- i) location, height, material and design specifications including typical elevation

1.5 Entrances & Parking

- i) entrances (i.e. location, number, width, construction details);
- ii) location and dimensions of parking area.

1.6 Surface Treatment & Drainage

- i) direction of drainage flow, in addition to the location and size of outlets and private drains.

1.7 Signage

- i) location, dimensions, and content.

2. ZONING BY-LAW

Licensing will be contingent upon conformity with the applicable Zoning By-law and the Salvage Yard By-law. If legal non-conforming status is claimed, a statutory declaration will be required in accordance with Schedule "C" to the effect that the use of the property as a salvage yard has been continuous since the adoption of the Zoning By-law.

SCHEDULE "B"

THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

LICENSE TO OPERATE A SALVAGE YARD

1. Name of Licensee: _____

2. Mailing Address: _____

3. Location of Salvage Yard:

a) Municipal Address: _____

b) Lot: _____ Concession: _____

Lot: _____ Registered Plan No. _____

Reference Plan No. (if available): _____

4. Date of Issuance: _____

5. Date of Expiry: _____

I/We the undersigned hereby agree to abide by the regulations governing the operation of salvage yards as set out in By-law No. _____ of the Corporation of the Municipality of Southwest Middlesex and all other applicable laws governing the same and in accordance with the attached site plan.

Licensee

Mayor

Date

Clerk

SCHEDULE "C"

THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

DECLARATION OF CONTINUOUS USE

CANADA)	IN THE MATTER OF the property municipally known as (address of property) and legally described as (legal description of property)
Province of Ontario)	
To Wit:)	
)	

I, _____, of the Municipality of Southwest Middlesex, in the County of Middlesex,

DO SOLEMNLY DECLARE

- I am the owner and/or the occupant of the property municipally known as _____ and legally described as _____ (the "Property"). The Property has been used continuously and without interruption since (date) as a salvage yard.
- I have owned and/or occupied the property since (date).
- The following businesses have operated a salvage yard at the Property since (date):

<u>Name of Business</u>	<u>Date Operation Commenced</u>	<u>Date Operation Ceased</u>
-------------------------	---------------------------------	------------------------------

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at _____)
the Municipality of Southwest _____)
Middlesex, in the County of Middlesex _____)
the _____ day of _____)

A Commissioner etc.