

BY-LAW NUMBER 05-063

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law to Licence, Regulate and Govern Salvage
Shops and Salvage Yards, including Automobile Wrecking
Yards or Premises, within The Regional Municipality of Waterloo

WHEREAS the Council of The Regional Municipality of Waterloo is authorized by subsection 164(3)(b) of the *Municipal Act, 2001*, S.O. 2001, c. 25 to license, regulate and govern salvage shops and salvage yards, including automobile wrecking yards or premises;

AND WHEREAS, in accordance with section 163 of the *Municipal Act, 2001*, S.O. 2001, c. 25, sections 150 to 162 of the *Municipal Act, 2001*, S.O. 2001, c. 25, apply to The Regional Municipality of Waterloo for the purpose of exercising powers to pass by-laws licensing businesses;

AND WHEREAS The Regional Municipality of Waterloo intends to regulate and control any visual, noise, environmental, fire safety, health hazard and property standard nuisance caused by salvage shops and salvage yards, including automobile wrecking yards or premises;

AND WHEREAS The Regional Municipality of Waterloo intends to protect consumers from acquiring salvage that is taken from stolen goods;

AND WHEREAS The Regional Municipality of Waterloo intends to enhance the safety of its residents and their personal property by preventing the sale of salvage that is taken from stolen goods;

AND WHEREAS The Regional Municipality of Waterloo gave notice of a public meeting in regard to the passing of this By-law on March 9, 10, 12 and 13, 2004 and October 14, 15, 18 and 19, 2005 pursuant to subsection 150(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

AND WHEREAS The Regional Municipality of Waterloo held the said public meeting on March 30, 2004 and November 8, 2005 pursuant to subsection 150(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

NOW THEREFORE, the Council of The Regional Municipality of Waterloo enacts as follows:

DEFINITIONS

1. In this By-law:
 - (1) **"Clerk"** means the Clerk of The Regional Municipality of Waterloo or his or her designate;
 - (2) **"Council"** means the Council of The Regional Municipality of Waterloo;
 - (3) **"Licence Fees and Charges By-law"** means the *Licence Fees and Charges By-law* of The Regional Municipality of Waterloo or any successor by-law;

- (4) **"Fire Protection and Prevention Act"** means the *Fire Protection and Prevention Act*, S.O. 1997, c. 4, as amended, and its regulations, or any successor legislation;
- (5) **"Highway Traffic Act"** means the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and its regulations, or any successor legislation;
- (6) **"Licensing and Retail Committee"** means the Licensing and Retail Committee for The Regional Municipality of Waterloo or any successor committee;
- (7) **"Motor Vehicle Dealers Act"** means the *Motor Vehicle Dealers Act*, R.S.O. 1990, c. M.42, as amended, or any successor legislation;
- (8) **"Municipal Act"** means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, or any successor legislation;
- (9) **"Municipal Law Enforcement Officer"** means a Municipal Law Enforcement Officer appointed by The Regional Municipality of Waterloo;
- (10) **"person"** includes a corporation;
- (11) **"Police Officer"** means a Police Officer appointed by the Waterloo Regional Police Service;
- (12) **"Salvage"** means:
 - (i) a dismantled vehicle or any part thereof;
 - (ii) a dismantled kitchen appliance or any part thereof; or
 - (iii) scrap aluminium, brass, copper, metal or steel;
- (13) **"Salvage Shop"** means any building, or any part thereof, within The Regional Municipality of Waterloo that does not have an outdoor yard where Salvage is received, collected, sorted, processed, handled, dismantled, crushed, recycled, demolished, displayed, stored, sold or purchased for commercial gain;
- (14) **"Salvage Shop Licence"** means a Salvage Shop Licence issued by the Clerk under this By-law;
- (15) **"Salvage Yard"** means:
 - (i) an outdoor yard; or
 - (ii) a building or buildings with an outdoor yard;within The Regional Municipality of Waterloo where Salvage is received, collected, sorted, processed, handled, dismantled, crushed, recycled, demolished, displayed, stored, sold or purchased for commercial gain;
- (16) **"Salvage Yard Licence"** means a Salvage Yard Licence issued by the Clerk under this By-law;
- (17) **"statutory holiday"** means New Year's Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving, Christmas Day and Boxing Day;
- (18) **"Statutory Powers Procedure Act"** means *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, or any successor legislation; and

- (19) “**vehicle**” has the same meaning as “vehicle” as defined in the *Highway Traffic Act*.

PART I – PROHIBITIONS

2. (1) No person shall own or operate a Salvage Shop unless that person holds a Salvage Shop Licence.
- (2) No person shall own or operate a Salvage Yard unless that person holds a Salvage Yard Licence.
- (3) Notwithstanding subsections (1) or (2) of this section, a Salvage Shop Licence and a Salvage Yard Licence are not required where the Salvage is used solely by the owner or operator of the Salvage Shop or Salvage Yard to repair a vehicle, kitchen appliance or other object.

PART II – SALVAGE SHOP LICENCE

3. Every person who applies for a Salvage Shop Licence shall obtain a licence for each Salvage Shop and shall provide the Clerk, if applicable, with:
- (1) their full name, address, phone number and date of birth;
 - (2) current documents showing the corporate status of the person;
 - (3) current documents showing the registered business name of the person;
 - (4) the full names and dates of birth for all officers and directors of the person;
 - (5) the address of the Salvage Shop;
 - (6) the types of Salvage that will be located at the Salvage Shop;
 - (7) satisfactory evidence that the Salvage Shop conforms to all applicable zoning by-laws;
 - (8) information on whether the person, or any officer or director of the person, has had a licence for a salvage business suspended or revoked in The Regional Municipality of Waterloo or any other municipality;
 - (9) information on whether the person, or any officer or director of the person, has been convicted of an offence relating to a salvage business, the protection of the environment, fire safety, a health hazard or property standards; and
 - (10) information on whether the Salvage Shop, or any part thereof, is subject to any order in regard to the protection of the environment, fire safety, a health hazard or property standards or whether the Salvage Yard, or any part thereof, has been subject to such an order within a previous twelve (12) month period.

PART III – SALVAGE YARD LICENCE

4. Every person who applies for a Salvage Yard Licence shall obtain a licence for each Salvage Yard and shall provide the Clerk, if applicable, with:
- (1) their full name, address, phone number and date of birth;
 - (2) current documents showing the corporate status of the person;
 - (3) current documents showing the registered business name of the person;
 - (4) the full names and dates of birth for all officers and directors of the person;
 - (5) verification that a fence or other barrier as required under section 18 of this By-law encloses any outdoor yard of the Salvage Yard;
 - (6) the address of the Salvage Yard;
 - (7) the types of Salvage that will be located at the Salvage Yard;
 - (8) satisfactory evidence that the Salvage Yard conforms to all applicable zoning by-laws and site plan development agreements;
 - (9) a fire inspection report for the Salvage Yard, dated within two (2) months of the date of the application, as prepared by a municipal fire

department showing compliance with the *Fire Protection and Prevention Act*;

- (10) information on whether the person, or any officer or director of the person, has had a licence for a salvage business suspended or revoked in The Regional Municipality of Waterloo or any other municipality;
 - (11) information on whether the person, or any officer or director of the person, has been convicted of an offence relating to a salvage business, the protection of the environment, fire safety, public health or property standards; and
 - (12) information on whether the Salvage Yard, or any part thereof, is subject to any order in regard to the protection of the environment, fire safety, a health hazard or property standards or whether the Salvage Yard, or any part thereof, has been subject to such an order within a previous twelve (12) month period.
5. (1) Every person who applies for a Salvage Yard Licence shall provide the Clerk with a site plan for the Salvage Yard that shows:
- (i) the legal boundaries for the Salvage Yard;
 - (ii) the location of all existing and proposed buildings, roads, driveways, parking areas, storage areas and operating areas; and
 - (iii) the location of any fence or other barrier as required under section 18 of this By-law.
- (2) The legal boundaries of the Salvage Yard shall only include those lands that are owned or are leased by the person applying for a Salvage Yard Licence.
- (3) Every person who applies for a Salvage Yard Licence shall allow the Clerk or a Municipal Law Enforcement Officer to enter onto the Salvage Yard to verify the site plan as provided under subsection (1) of this section.

PART IV - LICENCE (GENERAL)

6. The fee for a licence under this By-law shall be in accordance with *Licence Fees and Charges By-law*.
7. (1) Each person who applies for a licence under this By-law shall provide the Clerk with a current record of all criminal convictions for which the person has not received a pardon or a letter of clearance from the person's local police service.
- (2) Each person who holds a licence under this By-law shall provide the Clerk, upon the Clerk's demand, with a record of all criminal convictions for which the person has not received a pardon or a letter of clearance from the person's local police service.
- (3) Each person who holds a licence under this By-law shall notify the Clerk within six (6) calendar days of any criminal convictions registered against the person that relate in any way to an act of dishonesty, fraud or theft.
- (4) Where a corporation applies for a licence under this By-law, each officer and director of the corporation shall provide the Clerk with a current record of all criminal convictions for which the person has not received a pardon or a letter of clearance from the person's local police service and subsections (2) and (3) of this section shall apply to each officer and director of the corporation if the licence is issued.
- (5) Each person who holds a licence under this By-law shall notify the Clerk within six (6) calendar days of any order or conviction pursuant to any

environmental, fire safety, health hazard or property standards law, regulation or by-law that relates to the person or their Salvage Shop or Salvage Yard.

8. No person who applies for a licence under this By-law shall knowingly misstate or provide false information to the Clerk.
9. A person must satisfy all applicable requirements of Parts II, III, IV, VI and VII of this By-law before the person is issued a licence under this By-law.
10. Every person who holds a licence under this By-law shall report to the Clerk within six (6) calendar days after the event, of any change in any information that was provided to the Clerk pursuant to this By-law.
11. A licence under this By-law:
 - (1) shall be personal to the licence holder;
 - (2) shall not be transferable; and
 - (3) shall terminate upon the death of the licence holder or dissolution of the corporation.
12. Every person who holds a licence under this By-law shall display their licence in a conspicuous location that is visible to all persons within their Salvage Shop or Salvage Yard.
13. No person who holds a licence under this By-law shall alter, erase or modify or permit the alteration, erasure or modification of that licence or any part thereof, unless approved by the Clerk.
14. When a licence under this By-law is defaced, destroyed or lost, the licence holder shall apply to the Clerk for a replacement and on payment of the prescribed fee as set out in the *Licence Fees and Charges By-law*, the Clerk shall issue a replacement licence to the person.
15.
 - (1) Every licence under this By-law shall expire at 4:30 p.m. on the 31st day of May of each year.
 - (2) Notwithstanding subsection (1) of this section, if May 31st falls on a Saturday, Sunday or holiday, then every licence shall expire at 4:30 p.m. on the following business day.

PART V - RENEWAL OF LICENCE

16.
 - (1) Every person who applies for a renewal of their licence under this By-law shall comply with all applicable provisions under Parts II, III, IV, VI and VII of this By-law, with necessary modification.
 - (2) The fee for each renewal of a licence under this By-law shall be in accordance with *Licence Fees and Charges By-law*.
 - (3) Every application for a renewal of a licence under this By-law must be delivered to the Clerk, in full, before the licence expires.

PART VI - SALVAGE SHOP REQUIREMENTS

17.
 - (1) No person who holds a Salvage Shop Licence shall allow a vehicle, kitchen appliance or Salvage to be sorted, processed, dismantled, crushed, recycled, demolished, displayed or stored outside of the building for which the licence is held.

- (2) Subsection (1) of this section shall not apply to a vehicle which is operational as a mode of transportation that is being displayed for sale pursuant to a licence under the *Motor Vehicle Dealers Act*.

PART VII – SALVAGE YARD REQUIREMENTS

18. (1) Every person who holds a Salvage Yard Licence shall maintain a fence that encloses any outdoor yard of the Salvage Yard.
 - (2) Every fence as required under subsection (1) of this section shall be:
 - (i) not less than 2.44 metres in height;
 - (ii) constructed of a solid uniform material, with a uniform colour, providing a full visual barrier; and
 - (iii) kept in good repair at all times.
 - (3) If an opening is required in any fence as required under subsection (1) of this section for ingress or egress, then the opening shall be covered by a gate that:
 - (i) opens to a width of at least 3.5 metres;
 - (ii) is of the same height as the fence;
 - (iii) is kept in good repair at all times;
 - (iv) does not open over the travelled portion of a public road allowance or sidewalk; and
 - (v) is kept clear of obstructions so that it may be opened fully at all times.
 - (4) Subsection (1) of this section shall be satisfied if any outdoor yard of the Salvage Yard is enclosed by an earth barrier, row of coniferous trees or hedge, or a combination of a fence, earth barrier, row of coniferous trees or hedge, that is a minimum of 2.44 metres in height and provides a full visual barrier to the outdoor yard.
 - (5) No person shall relocate a fence or a gate as required under this section without the prior written approval of the Clerk.
19. Every person who holds a Salvage Yard Licence shall ensure that:
 - (1) the outdoor area of their Salvage Yard is kept in a clean, neat, orderly and sanitary condition;
 - (2) all storage containers and other materials belonging to the person, or used for the Salvage Yard operation, on-site are kept within:
 - (i) the enclosed area as required under section 18 of this By-law; or
 - (ii) an enclosed building;
 - (3) all vehicles and equipment belonging to the person, or used for the Salvage Yard operation, that do not have a current licence plate as issued by the Ontario Ministry of Transportation, or any successor Ministry, are parked within:
 - (i) the enclosed area as required under section 18 of this By-law; or
 - (ii) an enclosed building;
 - (4) no Salvage belonging to the person is loaded, unloaded, sorted, processed, dismantled, crushed, recycled, demolished, displayed, stored or placed outside of:

- (i) the enclosed area as required under section 18 of this By-law; or
 - (ii) an enclosed building;
 - (5) no Salvage within the Salvage Yard is placed against the fence as required under section 18 of this By-law;
 - (6) no Salvage, storage container or other material within the Salvage Yard is placed on the roof of any building within the Salvage Yard;
 - (7) no gasoline, vehicle fluids or other chemicals from the Salvage Yard enter onto any adjoining lands or into any aquifer, lake, pond, river, stream, drainage pond, drainage ditch or other body of water;
 - (8) all outdoor lighting for the Salvage Yard is arranged so as to divert light away from adjoining lands, inclusive of any public road allowances;
 - (9) all parking areas and roadways within the Salvage Yard are paved or are treated in a manner to reduce dust;
 - (10) all vehicle batteries within the Salvage Yard are stored in an environmentally safe manner within an enclosed building; and
 - (11) no Salvage within 5 metres of a fence or other barrier as required under section 18 of this By-law exceeds the height of such fence or other barrier.
20. (1) No person who holds a Salvage Yard Licence for a Salvage Yard that is adjacent to or within 20 metres of a property that is lawfully used for a residential purpose shall operate or permit the operation of a crusher, loader, forklift, crane, truck or other equipment except:
- (i) between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday; and
 - (ii) between the hours of 8:00 a.m. and 5:00 p.m. on Saturday
- (2) Notwithstanding subsection (1) of this section, a person who holds a Salvage Yard Licence for a Salvage Yard that is adjacent to or within 20 metres of a property that is lawfully used for a residential purpose may designate Sunday on the person's application or renewal for a Salvage Yard Licence as the person's preferred day of work and thereafter the person may only operate or permit the operation of a crusher, loader, forklift, crane, truck or other equipment:
- (i) between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday; and
 - (ii) between the hours of 8:00 a.m. and 5:00 p.m. on Sunday.
- (3) Notwithstanding subsection (1) and (2) of this section, no person who holds a Salvage Yard Licence for a Salvage Yard that is adjacent to or within 20 metres of a property that is lawfully used for a residential purpose shall operate or permit the operation of a crusher, loader, forklift, crane, truck or other equipment on a statutory holiday.
- (4) This section does not apply when a vehicle is dropped off at the Salvage Yard pursuant to the direction of a Police Officer or other law enforcement official.
21. No Salvage Yard shall exceed 5 Hectares in area, unless the Salvage Yard exceeded 5 Hectares in area on the date of this By-law came into effect.

PART VII – REGISTER

22. (1) Every person who holds a licence under this By-law shall maintain a Register.
- (2) Where a person owns or operates more than one Salvage Shop or Salvage Yard, then such person shall maintain a separate Register for each licenced Salvage Shop or Salvage Yard.
- (3) A Register as required under this By-law shall either be in the form of:
- (i) a paper booklet; or
 - (ii) a computer software program that has been approved by the Clerk in writing.
- (4) Every person who holds a licence under this By-law who acquires a vehicle or vehicle parts for the purpose of dismantling or selling such at their Salvage Shop or Salvage Yard, either personally or through an employee or agent, from another person shall immediately record in their Register, in English and, where applicable, in a legible script, using permanent ink:
- (i) the full name and address of the person from whom they received the vehicle or vehicle parts;
 - (ii) the date of the acquisition;
 - (iii) the name of the licensed person or the licensed person's employee or agent who obtained the vehicle or vehicle parts;
 - (iv) the consideration given for the vehicle or vehicle parts; and
 - (v) a complete description of the vehicle or vehicle part including the serial number, if applicable.
- (5) Every person who holds a licence under this By-law shall make their Register available for inspection upon demand by the Clerk, a Municipal Law Enforcement Officer or a Police Officer.
- (6) Every person who holds a licence under this By-law who maintains their Register through a computer software program as approved in writing by the Clerk shall, upon demand by the Clerk, a Municipal Law Enforcement Officer or a Police Officer:
- (i) allow the Clerk, Municipal Law Enforcement Officer or Police Officer to review the on-screen information for the Register; and
 - (ii) print out or otherwise copy the Register or any part thereof and provide such to the Clerk, Municipal Law Enforcement Officer or Police Officer.
- (7) Every person who holds a licence under this By-law shall ensure that their Register is in a neat condition and that no pages or computer information is removed, destroyed, obliterated or altered.
- (8) No person who holds a licence under this By-law shall remove or allow any other person, with the exception of the Clerk, a Municipal Law Enforcement Officer, a Police Officer or other law enforcement official, to remove their Register from their Salvage Shop or Salvage Yard.
23. No person who holds a licence under this By-law shall purchase or acquire any vehicle or vehicle part unless the person observes proof that the person selling the vehicle or vehicle part is the lawful owner of the vehicle.
24. No person who holds a licence under this By-law shall purchase or acquire any vehicle that has a serial number obliterated or mutilated without first having

given notice to a Police Officer twenty-four (24) hours prior to the intended purchase or acquisition.

25. Sections 23 and 24 of this By-law shall not apply where the person acquires the vehicle or vehicle part from another person who operates a salvage yard or salvage shop.

PART VIII – INSPECTIONS

26. Every person who holds a licence under this By-law shall allow the Clerk, a Municipal Law Enforcement Officer or a Police Officer, at any reasonable time, to inspect their Salvage Shop or Salvage Yard, and any Salvage or storage containers therein, for compliance with this By-law.

PART IX- REFUSAL, SUSPENSION AND REVOCATION

27. (1) Council, in addition to any other penalty or remedy, may refuse to grant or to renew, or may suspend or revoke a licence under this By-law by reason of the ground that the conduct of the person applying for or holding the licence, or where the person is a corporation, that the conduct of the corporation's officers, directors, employees or agents, affords reasonable grounds for belief that the person will not carry on or engage in its business in accordance with the law or with honesty and integrity.
- (2) For greater certainty, “law” under subsection (1) of this section includes the laws and regulations of Canada and the Province of Ontario and the by-laws of The Regional Municipality of Waterloo, including this By-law, and any other municipality having lawful jurisdiction.
- (3) Before acting under subsection (1) of this section, a hearing shall be held by the Licensing and Retail Committee whereupon the *Statutory Powers Procedure Act*, with the exception of sections 17, 17.1, 18 and 19, shall apply.
- (4) Upon the conclusion of the hearing under subsection (3) of this section, the Licensing and Retail Committee shall, as soon as practicable, provide its recommendations to Council after which Council may make the decision.
- (5) Where reasonably appropriate, Council, when acting under subsection (4) of this section and as an alternative to refusing to grant or renew, or revoke or suspend a licence under this By-law, may impose special conditions upon the person as a requirement of being issued or holding a licence.
28. (1) Where a licence under this By-law has been suspended or revoked, the holder of the licence shall return the licence to the Clerk within twenty four (24) hours of service of written notice of the revocation or suspension.
- (2) Notice under subsection (1) of this section is sufficiently given if delivered personally to the licence holder or is sent by registered mail to the last address given by the licence holder to the Clerk.
- (3) Where service is effected by registered mail under subsection (2) of this section, notice shall be deemed to have been made on the fifth (5th) day after the date of mailing.

PART XII – PENALTY

29. (1) Every individual who contravenes a provision of this By-law, and every director or officer of a corporation who concurs in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 exclusive of costs, for each offence, pursuant to subsection 161(2) of the *Municipal Act*.
- (2) Every corporation who contravenes a provision of this By-law is guilty of an offence and on conviction is liable to a fine not exceeding \$50,000 exclusive of costs, for each offence, pursuant to subsection 161(3) of the *Municipal Act*.

PART XIII - ADMINISTRATION AND ENFORCEMENT

30. (1) The Clerk shall have all necessary authority to administer this By-law.
- (2) Without limiting subsection (1) of this section, the Clerk shall have the authority to:
- (i) prescribe administrative forms required under this By-law;
 - (ii) issue any licence where the applicant meets the conditions under this By-law; and
 - (iii) verify any information provided by an applicant or licence holder.
31. The Licensing and Retail Committee shall oversee the Clerk and the administration of this By-law.
32. This By-law may be enforced by the Clerk, a Municipal Law Enforcement Officer or a Police Officer.
33. If any section or sections of this By-law or parts of it are found by any Court to be illegal or beyond the power of the Council to enact, such section or sections or parts shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.
34. This By-law may be cited as the "Salvage By-law".
35. (1) This By-law comes into force and effect on the date of final passage hereof.
- (2) Notwithstanding subsection (1) of this section, every person who holds a Salvage Yard Licence under By-law 01-011 of The Regional Municipality of Waterloo, on the date that this By-law comes into effect shall have until May 1, 2007 to comply with sections 18, 19(8), 19(9) and 19(11) of this By-law.
36. (1) By-law 01-011 of The Regional Municipality of Waterloo, in regard to The Regional Municipality of Waterloo's authority to licence, regulate and govern salvage shops and salvage yards, shall be repealed effective on the coming into force and effect of this By-law.
- (2) Notwithstanding subsection (1) of this section, By-law Number 01-011 of The Regional Municipality of Waterloo, in regard to The Regional Municipality of Waterloo's authority to licence, regulate and govern salvage shops and salvage yards shall continue to apply to proceedings in respect of offences that occurred before its repeal.
- (3) Notwithstanding subsection (1) of this section, all licences issued under By-law 01-011 of The Regional Municipality of Waterloo, in regard to

The Regional Municipality of Waterloo's authority to licence, regulate and govern salvage shops and salvage yards, that are in effect at the time this By-law comes into effect, shall be deemed to be licences issued under this By-law, with all necessary modifications, and all the rules, requirements and regulations of this By-law shall apply.

- (4) All exemptions and special conditions granted by The Regional Municipality of Waterloo to any licence holder under By-law 01-011 of The Regional Municipality of Waterloo, or any predecessor by-law, in regard to The Regional Municipality of Waterloo's authority to licence, regulate and govern salvage shops and salvage yards shall be repealed effective on the coming into force and effect of this By-law.

37. Pursuant to subsection 150(13) of the *Municipal Act*, this By-law shall expire the earlier of the five (5) years after it comes into force and effect or the day it is repealed.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 23rd day of November, A.D., 2004.


REGIONAL CLERK


REGIONAL CHAIR