

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 51/2008

Being a by-law to license, regulate and govern salvage businesses within the Municipality of Port Hope

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides in part that a municipality may pass by-laws with respect to salvage business licensing;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it to be in the public interest to license, regulate and govern salvage businesses within the Municipality of Port Hope;

NOW THEREFORE the Council of the Corporation of the Municipality of Port Hope enacts the following:

1. DEFINITIONS:

In this By-law:

- 1.1 "Applicant" shall mean a person, association, organization or corporation making an application for a license.
 - 1.2 "Chief Building Official/By-law Enforcement Officer" shall mean the Chief Building Official/By-law Enforcement Officer for the Corporation of the Municipality of Port Hope.
 - 1.3 "Clerk" shall mean the Clerk of the Municipality of Port Hope and shall include any person designated as "Acting Clerk" in the Clerk's absence, by Statute or by By-law.
 - 1.4 "Council" shall mean the Municipal Council of the Corporation of the Municipality of Port Hope.
 - 1.5 "Salvage" shall include motor vehicles and parts, old metal, farm implements and parts, and other related scrap materials.
 - 1.6 "Salvage Business" shall mean a place where motor vehicles and farm implements are wrecked or disassembled and resold, a place where other scrap materials and salvage are collected to be sorted, and stored for sale or resale.
2. No person shall operate a Salvage Business within the boundaries of the Municipality of Port Hope without first obtaining and thereafter keeping in good standing a salvage business license from the Municipality in accordance with the provisions of this By-law.
 3. Application for a license to be issued pursuant to this By-law or any renewal thereof shall be upon such form or forms as shall be provided by the Clerk together with the required fee in accordance with the Municipality's Fees and Charges By-law, and such other material and information as is required by this By-law.
 4. Every License issued under this By-law shall expire on the 31st day of December in each and every year.

5. Every application for renewal of a Salvage Business license shall be submitted to the Clerk a minimum of 30 days prior to the expiry date of the license.
6. Every application for a salvage license, or for a renewal thereof, shall provide the Clerk with the following written information and documents to the satisfaction of the Clerk:
 - 6.1 a written letter of application
 - 6.2 application fee
 - 6.3 written confirmation that the applicant is the current registered owner of the property subject to the application, or if a tenant, written confirmation from the current owner agreeing to the application;
 - 6.4 a description of the salvage in which the applicant proposes to deal;
 - 6.5 sketch or site drawing of the site including the dimensions of the premises in respect of which the license is applied for, the location of and description of all roads within two hundred feet of the premises and the boundaries of all parcels of land adjacent to the premises or within five hundred feet thereof, and indicating what part of the premises is within 0.80 kilometer of any part of a Provincial or County Road;
 - 6.6 any other documentation required by the Clerk.
7. Prior to considering the issuance of a Salvage Business license the Clerk shall:
 - 7.1 receive a report with respect to the application from the Chief Building Official in consultation with Municipal Staff, and any other official determined by the Clerk.
8. Prior to the issuance of a Salvage Business license the applicant shall:
 - 8.1 meet all requirements as set out in the Ontario Fire Code as amended from time to time and the license shall not be approved or issued until any or all deficiencies with respect to the requirements as set out in the Ontario Fire Code have been brought into compliance to the satisfaction in writing by the Director of Fire and Emergency Services for the Municipality of Port Hope or his/her designate.
 - 8.2 erect and maintain a solid board fence or any other compatible solid fence having a height of at least 1.5 meters or equivalent screening to the satisfaction of the Chief Building Official which shall follow the contours of the surface of the ground along the perimeter of the lot or portion thereof to be used for the purpose of the Salvage Business. All openings shall be filled by a gate or door of the same construction as the fence and any such gate or door shall be kept closed when the salvage business is not open. Such fence shall be maintained in good repair as long as the operation of the Salvage Business is carried on. No signs or posters shall be affixed to the fence or paintings applied thereon except a reasonable sign announcing the name of the business and the business address.

9. Where it appears to the Clerk that the applicant complies with the requirements of this By-law, the Clerk is authorized to issue the Salvage Business License.
10. The applicant or licensee shall not carry on any activities that are in contravention of this By-law or any applicable By-law of the Municipality of Port Hope, or any applicable Provincial or Federal Act, Law, Code or Regulation.
11. When it appears to the Clerk that an applicant or licensee should have his or her application or renewal refused or license revoked for any of the grounds, the Clerk shall not issue or renew the Salvage Business License, or shall revoke the Salvage Business License, as the case may be.
 - 11.1 When the Clerk refuses to issue or refuses to renew a license or revokes a license, a written notice shall be given advising the applicant or licensee.
 - 11.2 The written notice to be given under subsection 13.1 shall:
 - (i) set out the grounds for the refusal to license, renewal of license, or revoking of license;
 - (ii) give reasonable particulars of the grounds; and
 - (ii) be signed by the Clerk.
12. The Chief Building Official/By-law Enforcement Officer shall be responsible for the enforcement provisions of this By-law.
13. Where the holder of a license issued under this By-law fails to comply with the requirements of this By-law, the Clerk shall suspend the license until the holder has complied with the terms and conditions of the By-law. Where the holder of a license issued under this By-law is found to be non-compliant on a second and subsequent occurrence, the Clerk may revoke the license.
14. At the time of the passing of this By-law a Salvage Business licensed by the Municipality to operate within Ward 1 is listed in Schedule "A" attached hereto, and such Salvage Business may be given continued consideration for licensing renewal under this By-law upon submission of the required application, and all documentation and fees required by this By-law and continuing the uninterrupted operation of such Salvage Business which continues to meet the provisions of this By-law and be licensed under this By-law, and complies with all applicable Municipal By-laws, Provincial and Federal laws, Codes and regulations. Where such Salvage Business ceases operation such Salvage Business License shall not be renewed, and where such Salvage Business is conveyed, the license ceases to be valid and requires re-application.
 - 14.1 At the time of the passing of this By-law the two Salvage Businesses licensed by the Municipality to operate in Ward 2 of the Municipality of Port Hope are listed in Schedule "B" attached hereto. Those Salvage Businesses are licensed as accessory to the permitted uses and may be given continued consideration for licensing renewal under this By-law for accessory use only incidental to the permitted uses, upon submission of the required application, and all documentation and fees required by this By-law and by continuing to meet the provisions of this By-law and

compliance with all applicable Municipal By-laws, Provincial and Federal Laws, Codes and Regulations. Such businesses do not enjoy a vested right in the continuance of a license and if such accessory use ceases operation, such Salvage business License may not be renewed, and where such Salvage Business is conveyed, the license ceases to be valid and requires re-application.

15. No person shall enjoy a vested right in the continuance of a license and upon issuance, cancellation or suspension; a license shall remain the property of the Municipality.
16. No license shall be transferable.
17. Every person who contravenes any provision of this By-law shall be liable to have such license revoked by the Municipality and shall be guilty of an offence and upon conviction is liable to such fines and penalties as are authorized under the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended, and all such fines shall be recoverable pursuant to the provisions of the Provincial Offences Act.
18. Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.
19. In the event that any previous by-law is inconsistent with this By-law, this By-law shall prevail.
20. This By-law shall be read with all changes of gender or number as are required by the context or the circumstances.
21. The headings in this By-law are included solely as a convenience and in no way are intended to modify, alter or detract from the provisions of this By-law.
22. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
23. That By-law 1645 passed by the former Town of Port Hope and By-law 3089 passed by the former Township of Hope are hereby repealed.
24. This By-law comes into force and takes effect immediately upon passing.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 6th day of May, 2008.

Linda Thompson, Mayor

S.C. Dawe, Municipal Clerk

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SCHEDULE 'A'

Ward 1 Salvage Business Licenses issued for 2008

1. Wakely Disposals Limited, 45 Lavinia Street, Port Hope

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SCHEDULE 'B'

Ward 2 Salvage Business Licenses issued for 2008

1. Don McMurray, 3510 County Road 65, Port Hope
2. Rice Lake Wreckers Limited, 5988 Ganaraska Road, Port Hope

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Part 1 Provincial Offences Act

Set Fine Schedule

<i>Item</i>	<i>Column 1 Short Form Wording</i>	<i>Column 2 Offence Creating Provision</i>	<i>Column 3 Set Fine</i>
1.	Operating a Salvage Business without a Municipal license	Section 2.	\$110.00

NOTE: The penalty provisions for the offences indicated above is Section 17 of By-law 51/2008 and section 61 of the Provincial Offences Act, R.S.O. 1990, C.p.33. Certified copies of By-law 51/2008 have been filed.