

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE
BY-LAW NO. 89-136
A BY-LAW TO LICENCE, REGULATE, AND GOVERN SALVAGE SHOPS
SALVAGE YARDS, SECOND-HAND SHOPS AND DEALERS
IN SECOND-HAND GOODS

AMENDED BY
BY-LAW NO. 92-31
98068

WHEREAS it is deemed expedient by the Council of the Corporation of the Township of Uxbridge to provide for the licencing and regulation of salvage shops, salvage yards, second-hand good shops and dealers in second-hand goods, and the revoking of any such licence;

AND WHEREAS the provisions of the Municipal Act, R.S.O. 1980 Chapter 302, as amended, authorizes the enactment of this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE ENACTS AS FOLLOWS:

1. In this By-law,
 - (a) "Contaminant" - means as the context may require, a Contaminant as defined in The Environmental Protection Act, R.S.O., 1980, c. 141, as amended;
 - (b) "Council" - means the Council of the Corporation of the Township of Uxbridge;
 - (c) "Dealers in second-hand goods" includes persons who go from house to house or along highways or streets, whether private or public for the purpose of collecting, purchasing, selling or obtaining second-hand goods;
 - (d) "Person" - includes a corporation or partnership;
 - (e) "Salvage Shop" means lands or buildings where second-hand goods, or goods produced or made available from a salvage yard, are offered for sale to the public, which includes other dealers, at either a retail or wholesale level;
 - (f) "Salvage Yard" includes lands and premises whereon or wherein scrap metal, steel, plastic, rubber, or such other substances, or second-hand goods, but excluding contaminants are kept or stored or processed or fabricated or wrecked or sorted or cut, or any one or more of the foregoing

activities, take place whether or not any of such goods or substances are made available for sale, or for such other purposes, from the said lands and premises, and without limiting the generality of the foregoing, a salvage yard includes an automobile or other vehicle or appliance scrap or wrecking yard. A salvage yard shall not include the burning of goods, substances or contaminants or the disposal of goods, substances or contaminants on the lands;

(g) "Second-hand Goods" includes waste paper, rags, bones, bottles, bicycles, automobile or other vehicles, tires, used metal, structural steel, industrial waste and other scrap material and raw material and salvage;

(h) "The Corporation" shall mean the Corporation of the Township of Uxbridge.

2.(1) There shall be taken out, in accordance with the provisions of this By-law, by:

(a) Every person who is a dealer in second-hand goods;

(b) Every owner or keeper of a salvage shop;

(c) Every owner or keeper of a salvage yard;

(d) Every owner or keeper of a shop, store or other place where the purchase, sale or exchange of second-hand goods occur;

a licence from the Council authorizing the carrying on of such trade, calling, business and occupation.

2.(2) No person shall carry on or be engaged in the trade, calling, business or occupation of a dealer in second-hand goods, own or keep a salvage shop, salvage yard or own or keep a shop, store or other place where the purchase sale or exchange of second-hand goods occurs without having first obtained a licence pursuant to the provisions of this By-law.

2.(3) Notwithstanding subsections (1) and (2) of this Section, a licence shall not be required by persons carrying on those several trades, callings, businesses and occupations governed by this By-law if the said trade, calling, business or occupation is carried on as a special event, for a period of less than two weeks, for patriotic or charitable purposes.

3.(1) Applications for a licence under this By-law shall be made in writing to the Council by leaving with the Clerk of the Corporation a completed application therefor, the form of which application shall be approved by Council, and may be amended by Council from time to time, and which application form shall require at least the following information to be provided:

- (a) The name and address of the applicant;
- (b) The municipal address and legal description of each location, lands and premises in respect of which a licence is sought;
- (c) The name and address of the owner of the lands and premises from which the trade, calling, business or occupation is to be carried out or conducted;
- (d) A complete description of the nature of the goods and services to be dealt with or provided, as the case may be;
- (e) In the case of an application for a salvage shop or salvage yard, a plan or sketch, satisfactory to the Clerk, showing the layout of the lands and buildings, the portions thereof intended to be used for the proposed licenced trade, calling, business or occupation, and the proposed fencing to be provided in accordance with the provisions of this By-law;
- (f) The maximum number of employees the applicant contemplates being engaged in the activity proposed to be licenced;
- (g) The proposed days of the week and hours of operation for the proposed trade, calling, business or occupation.

3. (2) At the time of submitting any application for a licence under this By-law, the applicant shall also submit to the Clerk of the Corporation the sum of Twenty Dollars (\$20.00) in respect of each licence for which an application is submitted, which sum shall be applied as set out in Section 9 hereof.
4. (1) Upon the receipt of any application under Section 3, the Clerk of the Corporation shall circulate the application to the By-law Enforcement Officer of the Corporation, the Roads Superintendent of the Corporation, the Medical Officer of Health, the Chief of Police, and the Treasurer of the Corporation, or the successors of such offices, and such further and other persons, officials or agencies as Council may direct, from time to time.
4. (2) Each of the persons, officials, or agencies circulated with the application shall forthwith conduct such investigations or enquiries with respect to the application as they consider desirable and prepare a report on the application for consideration by the Clerk of the Corporation and the Council. Without limiting the generality of the foregoing,
- (a) The By-law Enforcement Officer shall indicate in his report whether the trade, calling, business or occupation proposed to be carried out on the lands and premises set forth in the application would be in conformity with the By-laws of the Corporation or any other laws which the By-law Enforcement Officer may lawfully have regard to;
 - (b) The Roads Superintendent of the Corporation shall report on any matters within his jurisdiction namely access onto Township Roads, drainage, ditches and similar matters or shall request a report from the authority having jurisdiction on Regional Roads or Provincial Highways;
 - (c) The Medical Officer of Health shall report on any matters within his jurisdiction which is of concern to him arising out of the operation of the trade, calling, business or occupation from the lands and premises set forth in the application;

- (d) The Chief of Police shall report on any matter within his jurisdiction which may be of concern to him arising out of the application for a licence including in his report an indication as to whether he has any information under his possession or control which results from his investigations, which would indicate that the proposed applicant is not of good character or would not conduct the trade, calling, business or occupation sought to be licenced with honesty and integrity, and in accordance with law;
- (e) The Treasurer of the Corporation shall report on any matter arising within his jurisdiction namely the payment of municipal taxes including property and business and any special levies, applicable to the lands and business;
5. In the case of an application for a salvage yard or scrap yard, and where the Council has enacted a Site Plan Control By-law pursuant to the provisions of Section 40 of the Planning Act, S.O., 1983, c.1., as amended, which would apply to the lands and premises set forth in the application, the applicant shall in every respect comply with such By-law and tender such site plan agreements and site plans as may be required in compliance with the Site Plan Control By-law, including the preparation of any plans and drawings and the execution of any agreement as may be required.
6. Upon receipt of all the reports called for under Section 4 hereunder and any site plan and site plan agreement called for under Section 5, the Clerk shall forward the same, with any additional comments he may have, to the Council, together with his recommendation on the licence application.
7. Upon consideration of the application, the Council may:
- (a) Grant the licence sought;
- (b) Provide for a specified list of goods or services which may be provided in the licence;

7. (c) Unless the Council stipulates a shorter period, the licence shall be effective for a period of one year from the date of the Council approval thereof;

(d) Impose such further terms and conditions on the issuance of the licences Council, may in its discretion deem advisable.

8. In the event that the recommendation of the Clerk is to refuse the application, or after considering the application, Council determines that it may not grant the same, the Council shall direct that notice be given to the applicant and invite the applicant to the next meeting of Council where any representations by or on behalf of the applicant shall be heard and considered by Council before it finally decides the disposition of the application.

9. The fee for any licence issued under this By-law shall be Twenty Dollars (\$20.00) per annum. In the event that a licence is issued for a shorter period of time, the licence fee shall be pro rated. In the event that an application is refused, the \$20.00 received under Section 3(2) shall be returned to the applicant.

10. In those cases where applications are granted pursuant to this By-law, the Clerk shall issue, under his hand and seal, the licence which shall contain as an appendix thereto, any terms and conditions imposed by Council. Every licence issued pursuant to this By-law shall be in the form setout in Schedule "A" attached hereto and by this reference forming part hereof and shall not be valid until countersigned by the Clerk.

11. In the absence of any term or condition imposed by Council to the contrary, any licence issued under this By-law which authorizes the licensee to deal in one class of second-hand goods or in more than one class of such goods as may be specified in the licence, such licensee shall not be permitted to deal in any other class of second-hand goods not covered by his licence.

12. In any licence issued to a person for the purposes of a salvage yard or scrap yard, unless Council stipulates to the contrary, the applicant shall totally enclose the salvage yard or scrap yard by a fence no less than 2.4 metres and no more than 3.6 metres in height, of a quality and material approved by the Clerk or By-law Enforcement Officer, which fence shall, at all material times during the currency of any licence issued, be kept in good repair and free from any kind of hazard. At no time, may the materials stored in or about a salvage yard or scrap yard be piled higher than 0.3 metres below the top of the fence called for hereunder.

13. Every store, shop, salvage yard or other place which is licenced under this By-law shall be kept in a clean, neat condition and in good repair and shall comply with all applicable By-laws of the Corporation.

14. Every person obtaining a licence under this By-law, where the same applies to lands or premises shall keep the licence posted in a conspicuous place on the premises and the same shall be available for inspection by any person authorized on the part of the Corporation to review the same.

15. Any duly authorized person of the Corporation may at all reasonable times, inspect as much of any house, place or premises as is used for the carrying on of any trade, calling, business or occupation which is licenced under this By-law and any such persons so authorized or any member of Council may inspect the books, records or other documents of the licensee or relating to such trade, calling, business or occupation.

16. No licence may be transferred except with the consent of Council in writing, which consent the Council shall not be required to give, and Council may require any transferee to apply for a new licence on his own behalf and comply in every respect with the provisions of this By-law.

17. Notwithstanding any other provisions of this By-law, no person having a collector's licence shall, between the hours of sunset on any day, at the hour of sunrise on the next following day, pass from house to house or along any private street or lane or public highway in the Corporation for the purposes of collecting, purchasing, selling or obtaining second-hand goods.
18. (1) Subject to the provisions of subsections (2) and (3) of this Section, no person who deals in second-hand goods shall alter, repair, dispose of, or in any way part with any goods or articles purchased or taken in exchange until after the expiration of 30 clear days, exclusive of Sundays and holidays, from the date of purchase or such exchange and, during these 30 days the goods or articles so obtained shall remain on the premises in respect to which the licence is issued and shall be kept in a separate location from goods previously purchased and shall be subject to inspection at any time during the business hours of the licensee by the Chief of Police or any police officer or any person duly authorized by the Chief of Police.
18. (2) Notwithstanding the provisions of sub section 1 any police officer designated by the Chief of Police to investigate transactions involving the purchase or exchange of scrap metal, upon completing his investigation, may authorize the release of such scrap metal for alternation or disposal prior to the expiration of the 30 clear days referred to in Subsection (1) above.
18. (3) No person licenced as an owner or keeper of a salvage yard, shop, store or other premises for the purchase or sell, exchange of salvage, or second-hand goods or as a dealer in salvage, or second-hand goods, shall purchase or acquire from any person a bicycle or bicycle frame or any other article if the serial number has been obliterated or mutilated, without first having given to the Durham Regional Police Department 72 hours prior notice, in writing, on such intended purchases, or acquisitions.
19. The Council, may revoke any licence issued pursuant to this By-law in the event that any provision of this By-law or any term or condition attached to any licence is breached or in the event that Council determines the information submitted on behalf of the applicant in conjunction with the consideration of the application for a licence was false or misleading.

20. In addition to the revocation of the licence, every person who contravenes any provision of this By-law is guilty of an offence and upon conviction therefore shall forfeit and pay a fine recoverable under the Provincial Offences Act, R.S.O., 1980, c. 400, as amended.


21. Each and every section and subsection, and each part of every section and subsection of this By-law is severable and if it is determined by any Court of competent jurisdiction that any section or subsection or any part of any section or subsection is ineffective or void or ultra vires the powers of the Council or the Corporation, then each remaining part of this By-law shall remain of full force and effect.

22. By-law Numbers 74-54 and 82-30 are hereby revoked.

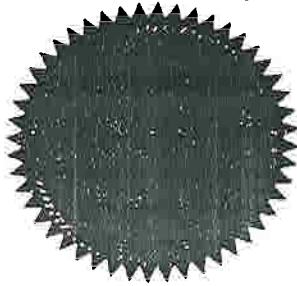
THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME and finally passed this 27th day of November , 1989.



Mayor



Clerk



LICENSE

MUNICIPALITY OF.....

To All Whom it May Concern:

GREETING: This License is granted to

(a) Business, Trade
Calling or Occupation,
as the case may be.
(b) Here insert the
nature of the Busi-
ness, Trade, Calling
or Occupation.

of
to carry on the (a) of a (b)
within the limits of

Provided the said shall duly observe
all such By-laws, Rules and Regulations, matters and things as are, or may be enacted by the
Municipal Council of the of
or legally constituted Board of Commissioners thereof to govern within their jurisdiction.

This License to continue in force until 19..... and no longer.

Issued at this day of..... 19.....



RECEIVED OF

the sum of

being the full amount payable on this License.

Treasurer,

BY-LAW NUMBER 92-31

**OF THE
CORPORATION OF THE TOWNSHIP OF UXBRIDGE**

**BEING A BY-LAW TO AMEND BY-LAW 89-136 (SALVAGE SHOPS,
SALVAGE YARDS, SECOND-HAND SHOPS AND DEALERS IN
SECOND-HAND GOODS) AND TO REPEAL BY-LAW 89-145**

WHEREAS the Council of the Corporation of the Township of Uxbridge enacted By-law No. 89-136 on the 27th day of November, 1989, to licence, regulate and govern salvage shops, salvage yards, second-hand shops and dealers in second-hand goods;

AND WHEREAS the Council of the Corporation of the Township of Uxbridge deems it desirable to amend By-law No. 89-136;

NOW THEREFORE the Council of the Corporation of the Township of Uxbridge hereby enacts a By-law as follows:

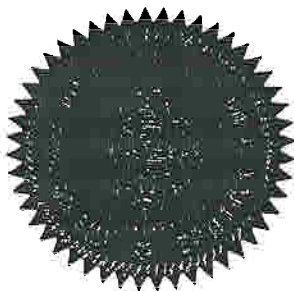
1. THAT By-law No. 89-136 is hereby amended by adding the following Section 4(2) (e):

'Before any person, persons, or corporation (hereafter "the applicant") may be issued, or re-issued, any licence, all fees, costs and expenses, including any business taxes owed by the applicant at the time of the issuing of a licence or the re-issuing of a licence, must be paid to the Treasurer of the Corporation of the Township of Uxbridge at least two clear working days in advance of such licence being issued or re-issued.

2. THAT By-law No. 89-136 is amended only to the extent necessary to give effect to the foregoing but By-law No. 89-136, as otherwise amended, shall in all other respects remain in full force and effect save as same may be otherwise amended or hereinafter dealt with.

3. THAT By-law No. 89-145 is hereby repealed in its entirety.

READ a FIRST, SECOND and THIRD time and finally passed this 24th day of February, 1992.




MAYOR


CLERK

BY-LAW NUMBER 98-068

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

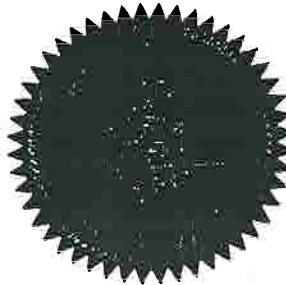
BEING A BY-LAW TO AMEND BY-LAW NO. 89-136, AS AMENDED
TO LICENCE, REGULATE AND GOVERN SALVAGE YARDS, SECOND HAND
GOOD SHOPS AND DEALERS IN SECOND HAND GOODS

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:

1. THAT Section 3(2) of By-law No. 89-136, as amended, is hereby repealed in its entirety and replaced with the following:

"3.(2) At the time of submitting any application for a licence under this By-law the applicant shall also submit to the Clerk of The Corporation, the sum of \$150.00 in respect of each licence for a salvage shop or salvage yard, which sum shall be applied as set out in Section 9 hereof. No such licence fee shall be required for secondhand goods shops or dealers in second hand goods."
2. THAT Section 9 of By-law No. 89-136, as amended, is hereby further amended by substituting "Twenty Dollars (\$20.00)" with "\$150.00" in each instance.
3. THAT By-law No. 89-136, as amended, is hereby further amended only to give effect to the foregoing, and shall in all other respects remain in full force and effect.
4. THAT this By-law shall come into force and take effect on the 1st day of June, 1998.

READ a FIRST, SECOND and THIRD time and finally passed this 25th day of
May, 1998.




MAYOR


CLERK