



TOWNSHIP OF MELANCTHON
COMMITTEE OF THE WHOLE - AGENDA
THURSDAY, APRIL 4, 2019 - 4:30 P.M.

- 1. Call to Order**
- 2. Additions/Deletions/Approval of Agenda**
- 3. Adoption of Draft Minutes - February 21, 2019**
- 4. Business Arising from the Minutes**
- 5. General Business**
 1. Review Salvage Yard By-law 36-2011 and preliminary discussion
 2. Review Horning's Mills Community Hall By-law 16-2013
 3. Other
- 6. Delegations**
- 7. Adjourn and Date of Next Meeting**

THE CORPORATION OF THE TOWNSHIP OF
MELANCTHON BY-LAW NUMBER 36 -2011

SALVAGE YARDS BY-LAW

WHEREAS the provisions of the Municipal Act, 2001, S.O. 2001, c.25, and in particular Sections 131 and 150 as amended, provide the authority for Council to pass this Bylaw.

NOW THEREFORE the Council for the Corporation of the Township of Melancthon enacts as follows:

1. DEFINITIONS

"Applicant" means person applying for a licence or renewal of a licence under this bylaw and application has a corresponding meaning.

"Council" means the Council for The Corporation of the Township of Melancthon.

"Licence" means currently holding a business licence issued by the Township of Melancthon.

"Licensed" means licensed under this bylaw.

"Licensee" means the person or business licensed under this bylaw or the person or business required to be licensed under this bylaw.

"Operator" includes the licensee and every person employed in the operation of the Salvage Yard.

"Person" means an individual, firm, corporation, association or partnership.

"Salvage Yard" or "Salvage Operation" means a building or place used for the storing of obsolete, discarded, or salvaged materials including motor vehicles and machinery for the purpose of wrecking or dismantling them, or salvaging parts thereof for sale or other disposal, and for the collection, purchase, keeping or selling of second hand goods and merchandise such as, but not limited to, waste paper, rags, bottles, tires, metal, scrap material, appliances, scrap metal processing and recycling and matters ancillary thereto.

"Township" means The Corporation of the Township of Melancthon in the County of Dufferin.

2. LICENSING PRE-REQUISITES

No License may be granted for a Salvage Yard unless there is compliance with all of the following:

- a) It is in a location where the use of land as a Salvage Yard is not prohibited by any provisions of the comprehensive zoning by-law of the Township.
- b) A Salvage Yard shall not be operated or established within 150 meters of a residence other than a residence located on the same parcel of land as the Salvage Yard.
- c) Existing Licensed Salvage Operations that are in operation on the date of passing of this bylaw that are located 150 meters of a residence shall be deemed to be in compliance of section of Section 2 (b) of this Bylaw.
- d) The Salvage Yard shall not be located on land covered by water or subject to flooding and shall be located such that no direct drainage leads to a watercourse. Such applications would be subject to the approval of the appropriate Conservation Authority.

3. LICENSING

The Clerk or her Designate of the Township shall:

- a) Receive and process all applications for licenses and for renewal of licenses to be issued under this bylaw.
- b) Issue Licenses to and renew for persons who meet the requirement of this bylaw.
- c) Make all necessary inspections to ensure that this bylaw and comprehensive zoning bylaws are being complied with.
- d) Where the business of salvage operation is being carried on in the Township of Melancthon by any person without a licence, take all such steps as may be required to enforce this bylaw: and
- e) Carry out the instructions of Council relating to this bylaw.

4. PREREQUISITES FOR LICENSING

Before the Clerk of the Township of Melancthon issues a license or renewal, the owner or operator of a Salvage Yard who is applying for a licence or renewal under this bylaw shall have the premises licensed by the Province of Ontario as required under the provisions of the Highway Traffic Act and the Environmental Protection Act and any other relative provisions mandated by the Province with respect to Salvage Yards and shall produce a certificate from the Province showing said premises to be so licensed. (See Appendix A)

5. SUBMISSION OF LICENCE APPLICATION TO THE CLERK

The Clerk shall require the following information.

- a) The name and address of applicant
- b) The location of the lands or premises which it is proposed to utilize.
- c) All such information relative to matters connected with the granting of licenses as may be required by the Clerk to secure a due observance of the law and this bylaw.
- d) Applicable Application Fee

6. ISSUE OF LICENCE

- a) Upon the receipt of a complete application (Section 5(a-d) fulfilled), the Clerk shall grant a licence for one Calendar year starting on January 1st and ending on December 31st.
- b) The license is not transferable and the fee is not refundable.
- c) A License shall specify the location from which the licensed business is to be carried on, and a separate license is required for each location, if more than one.
- d) Clerk retains the authority to revoke licenses where original compliance is deemed to be non-compliant

7. GROUNDS FOR REFUSAL OR REVOKING OR RENEWAL OF A LICENCE

The Council of the Corporation of the Township of Melancthon or a Committee of said Council shall be deemed to be the appeal body relative to this bylaw.

Grounds for refusal or revoking or renewal shall be the following:

- a) The issuance of the licence or renewal of the licence or continuation of an existing licence would be contrary to the provisions of this bylaw or the terms of the licence.
- b) The information on the application or renewal is not correct or cannot be verified
- c) The application is not complete
- d) The licensing pre-requisites are not met.

e) Licensee shall be given notice of refusal or revocation either in person or by registered mail with (15) fifteen business days.

OPERATIONAL REGULATIONS

8) REQUIREMENTS FOR BUILDINGS AND STRUCTURES

a) No Salvage Yard operator shall conduct a salvage operation except within an enclosed building or within an area surrounded by a steel fence or berm or combination thereof to a minimum height of 10 feet (3.05 metres) above grade and not to exceed 18 feet (5.49 metres) above grade.

b) No operator shall conduct a salvage operation except where the property is secured by a gate, which shall be locked when the business is not in actual operation.

c) The height of stored material shall not exceed 15 feet (4.57 metres) providing the fence height is 15 feet (4.57 metres).

9. MAINTENANCE OF BUILDINGS AND GROUND

a) No Operator shall carry on a salvage operation except where all buildings and all fences are in a state of good repair.

b) Illumination fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

10. STORED MATERIAL

a) Stored material will not exceed fence height and under no circumstance will it exceed 15 feet.

11. ENVIRONMENT AND NUISANCE CONTROL

Where it is deemed that a statute of the Province has or may be in contravention, The Township of Melancthon will take all reasonable steps to notify the appropriate agency for their necessary action.

12. RECORDS

a) The Operator shall keep records that are in compliance with the applicable requirements made of the Operator, by all the statutory and regulatory provisions relating to the operation of the salvage yard in the Province of Ontario.

b) No person shall carry on the business of a Salvage Yard without maintaining records of all public transactions and such records shall include appropriate contact information such as date and time of transaction, name, address, vehicle licence number, driver's licence number, photo ID and description of item (s) purchased. Any such information shall be collected and maintained subject to applicable privacy legislation such as the Personal Information Protection and Electronics Document Act.

13. OPERATING HOURS

a) No Operator shall allow any work in connection with the salvage operation outside the following hours:

Monday through Friday 7:00 a.m. to 7:00 p.m.

Saturday 8:00 a.m. through 5:00 p.m.

b) No operator shall allow any work in connection with the salvage operation on a statutory holiday.

c) No Operator shall allow access to the premises at any time unless there is an attendant on duty.

d) Shipping of material is allowed outside of specified processing hours. Idling of trucks must be kept to a minimum.

14. PROHIBITIONS

a) No person shall carry on the business of a Salvage Yard without displaying the licence in public view.

15. RIGHT TO INSPECT

a) Any licensed premises, at all times when said premises are open to the public, may be entered by any Bylaw Enforcement Officer, Clerk and Police Officer for the purpose of enforcing this Bylaw.

b) No person shall obstruct or hinder inspection of salvage operations and its records by a By-law Enforcement Officer, Clerk or Police Officer.

GENERAL

16. SEVERABILITY

a) Should any section, clause or provision of the bylaw be declared to be invalid by any court of competent jurisdiction, the same shall not affect the validity of the bylaw as a whole or any part thereof, other than the part that was declared to be invalid.

17. EXCEPTIONS

The provision of this Bylaw shall not apply to the following:

a) The premises of a licensed garage or a licensed new or used automobile dealer on which used automobile parts are kept on hand as part of its inventory for the purposes of carrying out repairs on the premises.

18. TRANSITIONAL

Notwithstanding any other provision of this bylaw, existing Salvage Operations are exempted from the provisions of this bylaw, as follows:

a) Existing fencing, kept in good repair, shall be deemed to be in compliance of this bylaw, until the earlier of five years from the passage of this bylaw, or the substantial repair or replacement of the fencing.

19. PENALTY

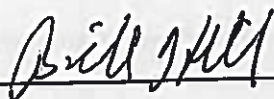
a) Every person who is convicted of an offence is liable to a fine under the Provincial Offences Act.

20. REPEAL

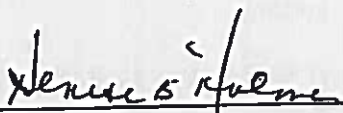
a) Bylaw 20-1966 is hereby repealed. Notwithstanding this section, licences issued under Bylaw 20-1966 shall be deemed to be licences under this bylaw until they expire or are revoked or renewed, in accordance with this Bylaw.

By-law read a first time this *3rd* day of *November*, 2011

By-law read a third time and passed this *3rd* day of *November*, 2011



MAYOR



CLERK

©Municipal World* — Form 417
* Reg. T.M. in Canada, Municipal World Inc.
Multicopy Form — PRESS FIRMLY

LICENCE

Licence No.

Name of Municipality

Licensee

Address

THE ABOVE-NAMED PERSON IS HEREBY LICENSED, pursuant and subject to municipal authority conferred under the Act, to carry on the

- Trade
 - Calling
 - Business
 - Occupation
- of:

- at the following location
- within the limits of the municipality.

THE LICENSEE SHALL observe all by-laws, rules and regulations, matters and things as are, or may be enacted by the council of the municipality or its legally constituted police services board, as the case may be, as well as any other applicable law.

Subject to revocation, this licence shall continue in force until 19, and no longer.

Issued at this day of 19

Licence fee of \$ received this day of 19

(seal)

.....
Licensing Officer

The personal information on this licence forms part of a public record and will be used for the licensing and regulation records of the municipality. For further information, please contact the Municipal Clerk or the Freedom of Information and Privacy Coordinator.

Original — LICENSEE

Copy — OFFICE

CORPORATION OF THE TOWNSHIP OF MELANCTHON

HORNING'S MILLS COMMUNITY HALL

BY-LAW NO. 16 -2013

A By-law to provide for the establishment, operation and maintenance of a Community Centre, known as the Horning's Mills Community Hall pursuant to the Community Recreation Centres Act, R.S.O. 1990, C.22 and the regulations made thereunder.

Purpose

The Council of the Corporation of the Township of Melancthon enacts as follows:

1. Pursuant to the Community Recreation Centres Act, R.S.O. 1990, C.22, and the regulations made thereunder, a Community Centre is hereby established at Horning's Mills for the residents of the Municipality.

Committee Appointment

2. The Committee shall be appointed by By-law on an annual basis in accordance with Section 5.3 of the Act.
3. The Committee shall be composed of a total of eight (8) members:
 - One (1) member shall be an elected Council member
 - One (1) member shall be from the Horning's Mills Women's Institute Committee
 - Six (6) members shall be appointed by the Council of the Corporation of the Township of Melancthon

Administration

4. The said Committee shall meet on a regular basis.
5. The said Committee shall elect a Chairperson annually from among its members and such other officers as may be required.
6. The said Committee shall submit to Council, an annual report of its activities and such other reports as may be required from time to time.

Staff

7. The Committee may recommend to Council, the appointment of recreation works and shall be responsible for assigning the duties and responsibilities of such employees.

Programs and Facilities

8. The Committee shall conduct or encourage and assist with programs of recreation which will meet the needs and interest of the residents of the Township of Melancthon in the Horning's Mills area.
9. The Committee is responsible to operate, maintain and manage on behalf of the said Corporation, the Horning's Mills Community Hall in the Township of Melancthon, County of Dufferin pursuant to the Community Recreation Centres Act, 1990, C.22 or the regulations made thereunder.
10. The said Committee shall assist in the co-ordination of community recreation services.

Finance

11. Annually, by January 1st, the Committee shall submit and interpret to Council, a budget for its approval and shall make to Council, a full and complete financial report of its previous year's operation.
12. The Committee shall not have its own bank account. All deposits and payments will be made through the Treasurer as regulated by the Municipal Act.
13. The Committee may solicit or receive on behalf of the Municipality any gifts or bequests of money or services or any donations to be applied, principal or income, for either the temporary or permanent use for facilities, equipment, program or other recreational purposes.
14. The said Committee may incur expenditures, to the extent provided in the annual approved budget or as approved by Council.
15. The said Committee may prescribe fees for participation in or admittance to any part of the community programme of recreation conducted in the Horning's Mills Community Hall.

Closure

16. This By-law goes into effect forthwith on the passing hereof and other By-laws conflicting with this By-law are hereby repealed and rescinded.
17. In carrying out the provisions of this By-law, the said Committee shall at all times be the agent of the Municipal Corporation and while acting bona fide within the limits of the authority of this By-law, neither the Committee nor any member thereof shall incur any liability by reason of anything done or left undone by the Committee; provided however that nothing in this paragraph contained shall authorize or empower the Committee to incur any debt, liability or obligation of which the Municipal Corporation shall become liable without having previously obtained the consent of the Council of the Corporation of the Township of Melancthon.
18. By-law read a first and second time this 7th day of March, 2013

By-law read a third time and passed this 7th day of March, 2013.

Neil G/M
MAYOR

Shane S. Holmes
CLERK