

# **THE CORPORATION OF THE TOWN OF AJAX**

## **BY-LAW NUMBER 134-2002**

A By-law for the licencing, regulating and governing  
of Salvage Yards, and Second Hand Goods Shops.

WHEREAS the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-laws may be passed by the Council of a local municipality for licencing, regulating and governing any business carried on within the municipality;

NOW THEREFORE the Council of the Corporation of the Town of Ajax enacts as follows:

In this By-law:

- 1.1 “Clerk” means the Clerk of the Corporation of the Town of Ajax, or his designate;
- 1.2 “Salvage Yard” includes but is not limited to the premises where used automobile parts, used machinery, or used goods, material or equipment of any kind are placed, stored or kept for sale or other disposal;
- 1.3 “Second Hand Goods” includes but is not limited to bicycles, collector cards, coins, compact discs, computers, computer accessories including monitors, printers and fax modems, computer games, computer software including cartridges and discs, computer hardware, electronic equipment, glass, ceramic, china, stone or metal figurines, jewellery, metals and other precious metals for the purpose of smelting, leather jackets, medals, musical instruments, photographic equipment, pre-recorded audio tapes, radios, sports equipment, stereos, telephones, television sets, tools, video games, video game systems, video laser discs, video cassette recorders, watches and other scrap material and salvage.
- 1.4 “Second Hand Goods Dealer” includes a person who goes from house to house or along highways for the purpose of collecting, purchasing or obtaining Second Hand Goods;
- 1.5 “Second Hand Goods Shop” includes any premises, or part thereof where Second Hand Goods are purchased, collected, sold, exchanged, on consignment or otherwise;
- 1.6 “Town” means the Corporation of the Town of Ajax.

### **LICENCE APPLICATION**

- 2.1 No person shall, in the Town:
  - (a) operate any Salvage Yard or Second Hand Goods Shop; or,
  - (b) carry on the business of a Second Hand Goods Dealer;without having first obtained a licence for such premises or business issued under the provisions of this by-law.
- 2.2 An application for a licence shall be made on the form prescribed and the Clerk may prescribe any information to be given therein, and other necessary documents to be completed or submitted by the applicant in conjunction with the application.
- 2.3 Where a licence is applied for under this by-law by a partnership, the name and address of each member of the partnership shall be given on the application and entered on the licence.

- 2.4 The Clerk, or his designate, shall complete such investigations as deemed necessary prior to the issuance of a licence.
- 2.5 Any licence issued in accordance with this by-law may be issued to authorize the licensee to deal in one class only of Second Hand Goods or in more than one class as may be specified in the licence and such licensee shall not be entitled to deal in any class of Second Hand Goods not authorized in the licence.
- 2.6 Every person requiring a licence under this by-law shall obtain a separate licence in respect of each and every Salvage Yard or Second Hand Goods Shop or other place used for the transaction of business or for taking in or storing Second Hand Goods.
- 2.7 The fee for a licence for Second Hand Goods Shop or Second Hand Goods Dealer shall be twenty dollars (\$20.00) per calendar year or part thereof.
- 2.8 The fee for a licence for a Salvage Yard shall be two hundred dollars (\$200.00) per calendar year or part thereof.
- 2.9 All licences expire December 31 in the year of issuance, and shall be renewed by application to the Clerk not later than January 31 of the following year.
- 2.10 Notwithstanding Section 2.1, no licence shall be required by any person:
  - (c) engaged in any patriotic or charitable purpose; or,
  - b) engaged in the purchase, sale or exchange of articles commonly known as antiques and works of art, either in their original condition or as renovated, remodeled, repaired or re-manufactured.

#### GENERAL PROVISIONS

- 3.1 This By-law shall be enforced by a Police Officer or a Municipal Law Enforcement Officer.
- 3.2 A premises licenced pursuant to this by-law shall be made available for inspection at all reasonable times by a Police Officer or Municipal Law Enforcement Officer.
- 3.3 No person shall prohibit or interfere with any inspection by any Police Officer or Municipal Law Enforcement Officer of the licenced premises during business hours.
- 3.4 No person licenced under this by-law shall alter, repair, dispose of, or permit the alteration, repair, disposal of or in any way part with any Second Hand Goods purchased or taken in exchange until after the completion of 3 days from the date of purchase or exchange exclusive of statutory holidays and during these 3 days the Second Hand Goods so obtained shall remain on the licenced premises and be kept in a separate location from goods or articles previously purchased or taken in exchange.
- 3.5 Every licensee who purchases or takes in exchange any Second Hand Goods, shall maintain a record at the time of the transaction or immediately thereafter, of the following:
  - a) the date and time of day of the transaction;
  - b) a description of the article reasonably sufficient to identify it, including make, model, serial number and markings and, in the case of jewellery, any inscriptions available;
  - c) the sum paid or goods exchanged for the article;
  - d) the name, address and telephone number of the person from whom the article was taken; and,

- e) the initials of the employee conducting the transaction on behalf of the licensee.

This record shall be available for inspection by any Police Officer or Municipal Law Enforcement Officer during business hours.

- 3.6 Every licensee shall immediately notify the police of the removal, defacement or apparent tampering with serial numbers, identification numbers or model numbers of any Second Hand Goods presented for purchase or to be taken in exchange and of the particulars of any Second Hand Goods which the licensee or his employees has reasonable cause to suspect has been stolen or otherwise unlawfully.
- 3.7 No person licenced under this by-law shall purchase, take in exchange, or receive any goods or articles from any person who appears to be under the age of 16 years or from any person under the influence of drugs or alcohol.
- 3.8 No person shall purchase, take in exchange or receive any goods or articles between the hours of 11:00 p.m. and 7:00 a.m. the following day.
- 3.9 No licensee shall fail, at all times, to keep and to maintain the premises in respect of which he is so licenced in a manner and condition as shall not violate any provisions of any by-law of the Town.
- 3.10 Every Salvage Yard licenced under this by-law shall be enclosed by a solid board fence which shall be maintained in a structurally sound condition and in a good state of repair.
- 3.11 No Salvage Yard fence shall be greater than 2.4 metres in height.
- 3.12 No goods shall be placed or stored inside of a Salvage Yard fence above the height of the fence and greater than 2.28 metres in height.
- 3.13 No goods shall be placed or stored outside of a Salvage Yard fence.
- 3.14 Every Salvage Yard, Second Hand Goods Shop and Second Hand Goods Dealer shall operate in compliance with all applicable Federal or Provincial Legislation and Town By-laws.
- 3.15 Every licence issued under this by-law shall be prominently displayed at the location for which the licence is issued and the licence shall remain displayed during the licence period.

#### ENFORCEMENT

- 4.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Provincial Offences Act.
- 4.2 The Council of the Town may suspend or revoke, for cause, any licence issued under this by-law. The Clerk, or his designate, shall advise the licensee of the date of any hearing at which the suspension or revocation will be considered and the licensee shall be permitted to make such representations at such hearing to show cause why his licence should not be suspended or revoked.
- 4.3 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
- 4.4 By-law number 29-74, as amended, is hereby repealed.

SCHEDULES

5 Schedules 'A' and 'B' attached hereto form part of this by-law.

READ a first and second time this Twelfth day of November, 2002.

READ a third time and finally passed this Twelfth day of November, 2002.

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Mayor

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Clerk

Schedule 'A' to By-law 134-2002  
**SALVAGE YARD LICENCE APPLICATION**  
**AJAX BY-LAW 134-2002**

Town of Ajax  
 65 Harwood Avenue South  
 Ajax, Ontario, L1S 2H9

Application Type  
 Renewal   
 New

Applicant Name	Date
Home Address	Home Phone
Business/Corporate Name including Name(s) Operating As	
Business Address	Business Phone
Address of Head Office(if different from above)	

IS THE APPLICANT PART OF A PARTNERSHIP?    YES             NO

TYPES OF ARTICLES BEING SOLD:

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 Signature of Applicant

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SUBMISSIONS REQUIRED:	APPROVED	NOT APPLICABLE
If a Partnership, List of Names of Partners	<input type="checkbox"/>	<input type="checkbox"/>
If a Corporation, List of Shareholders	<input type="checkbox"/>	<input type="checkbox"/>
Criminal Information Request Form <i>*from Durham Region Police Services*</i>	<input type="checkbox"/>	<input type="checkbox"/>
M.O.E. & T.S.S.A. Certificate of Approval for waste oil heating appliance	<input type="checkbox"/>	<input type="checkbox"/>
M.O.E. Registration Number for Waste Streams		
-anti-freeze	<input type="checkbox"/>	<input type="checkbox"/>
-oil	<input type="checkbox"/>	<input type="checkbox"/>
-transmission fluid	<input type="checkbox"/>	<input type="checkbox"/>
-brake fluid	<input type="checkbox"/>	<input type="checkbox"/>

Personal Information contained on this form is collected under authority of the Municipal Act, R.S.O. 1990 Chapter 45, and will be used for the purpose of making a determination of the application and maintaining a business record upon acceptance. Questions about this collection should be addressed to Ms. Brenda Kriz, Records Co-ordinator, 65 Harwood Avenue South, Ajax, Ontario, L1S 2H9 (905) 683-4550.

