

Authority: Item 7, Planning Committee
Report: 17-011 (PED17104)
CM: June 28, 2017
Ward: City Wide
Bill No. 130

CITY OF HAMILTON

BY-LAW NO. 17-

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170; and

WHEREAS this By-law provides for the addition of Schedule 10 to licence Salvage Businesses.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 07-170 is amended by adding the new Schedule 10, entitled “Salvage Businesses” attached as Appendix “A” to this Bylaw.
2. That the General Provisions section 6(1)(e)(i) of By-law No. 07-170 is amended by:
 - (a) Adding “Schedule 10” in numerical order and adding the words “Salvage Businesses”.
3. That the General Provisions section 30 is amended by:
 - (a) Adding “Salvage Businesses” beside the words “Schedule 10”.

PASSED this 28th day of June, 2017.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

SCHEDULE 10

SALVAGE BUSINESSES

DEFINITIONS

1. In this schedule:

“purchase” includes but is not limited to taken in exchange, acquired or otherwise received;

“recyclable material” means any product utilized for any purpose which would otherwise be disposed of or dealt with as waste, including glass, metal, plastic, rubber and paper products;

“salvage” means but is not limited to recyclable material, metal scrap, used or wrecked motor vehicles or used or wrecked motor vehicle parts;

“salvage business” means salvage shops and salvage business, including an automobile wrecking business or premises;

“salvage business operator” means a person operating a business where scrap metal, scrapped or wrecked motor vehicles, material from demolished buildings or structures, recyclable material, junk or salvage of any type is received, processed, stored or dismantled prior to being sold or disposed of; and

“seller” means a person who sells or who offers to sell any salvage to a salvage business.

APPLICATION OF THE SCHEDULE

2. This Schedule does not apply to:

- (a) the business of purchasing used or wrecked motor vehicles or used or wrecked motor vehicle parts, then refurbishing them to like-new condition and then selling them, if the purchasing, refurbishing and selling all take place on the premises of the business; or

- (b) aregistered charitable corporation.

GENERAL PROHIBITIONS

3. No person shall operate a salvage business without a licence to do so.
4. No salvage business operator shall purchase any salvage from a person appearing to be under:
 - (a) the age of 18 years old without consent from a guardian; or

(b) the influence of alcohol or drugs.

5. No salvage business operator shall purchase, acquire or permit the storage of any vehicle that has a serial number that is missing, has been mutilated or obliterated without first having given reasonable notice to the Hamilton Police Service prior to the intended purchase, acquisition, or storage.

REQUIREMENTS

6. Every person required to obtain a licence under this Schedule shall obtain a separate licence for each premises.
7. In addition to complying with the General Provisions of this By-law, a person applying for a salvage business licence shall provide proof satisfactory to the Director of Licensing that the business has all applicable approvals required under the *Environmental Protection Act* and its regulations and that such approvals are current and valid.
8. When a used or wrecked motor vehicle is purchased, every salvage business operator shall produce, at the request of the Director of Licensing, Municipal Officer, or Hamilton Police Service, the vehicle portion of the permit issued for the motor vehicle or the notice from the Ministry of Transportation that the motor vehicle has been destroyed.
9. Every salvage business operator shall:
 - (a) keep their licence posted in a conspicuous location on the premises, so as to be clearly visible to the public and in a manner satisfactory to a Municipal Officer or the Hamilton Police Service, at all times during the currency of the licence;
 - (b) notify the Hamilton Police Service of the name and description of any salvage which is believed to have been stolen or unlawfully obtained; and
 - (c) post a sign giving notice of the collection of personal information from sellers in a form satisfactory to the Director of Licensing in a conspicuous location on the premises, so as to be clearly visible to the public and in a manner satisfactory to the Municipal Officer or the Hamilton Police Service, at all times during the currency of the licence.

Record of Purchase

10. Every salvage business operator shall ensure that, without delay, at the time any salvage is purchased, a record of the purchase is made and includes:
 - (a) the day, month, year and time of the purchase;

- (b) the price or other consideration given;
- (c) the full name, telephone number, and address of the seller as shown on at least 1 piece of identification that contains this information as well as a photograph of the seller; and
- (d) a detailed description of each salvage that shall be reasonably sufficient to identify it, including: make, model, serial numbers, weight, colour, markings and titles, where applicable.

11. Every salvage business shall ensure that the record of purchase under Section 10 is:

- (a) made by hand or electronically, either as approved in advance by the Director of Licensing;
- (b) easily readable and in English;
- (c) not altered or deleted once completed;
- (d) protected from loss or destruction;
- (e) kept for a minimum of one year; and
- (f) submitted electronically to the Scrap Investigator at the Hamilton Police Service monthly by the 15th of the month following the month of purchase before close of business, or as requested, excluding 10 (c).

12. Every salvage business operator shall only deliver the full name, telephone number and address from whom the salvage was purchased to the Hamilton Police Service, if requested in writing and such request shall indicate that it is being made to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

Retention Period

13. For the purposes of completing an investigation, the Hamilton Police Service may require that salvage suspected of having been stolen be retained on the premises and the salvage business operator shall ensure that the said salvage is not sold, exchanged, altered, repaired, disposed of or in any way parted with.

Visual Barrier

14. Every salvage business operator shall install and maintain a visual barrier of not less than 2m in height between any outdoor area used for their salvage business and all adjoining properties including all adjoining road allowance.

15. Every salvage businessoperator shall ensure that material related to the use of a property as a salvage business that is not located indoors is:
 - (a) enclosed within the visual barrier under section 14;
 - (b) located not less than 1m from the visual barrier under section 14; and
 - (c) where located between 1m and 5m from the visual barrier under section 14, no higher than the visual barrier.
16. Every salvage businessoperator shall ensure that all activity related to the use of their premises that is not located indoors is enclosed within the visual barrier under section 14.
17. Every salvage businessoperator shall ensure that any opening in the visual barrier under section 14 for ingress or egress is covered by a gate that:
 - (a) is the same height as the visual barrier;
 - (b) does not open over a traveled portion of road allowance including a sidewalk; and
 - (c) is kept clear of obstructions so that the gate may be opened fully at any time.
18. Every salvage businessoperator shall ensure a visual barrier under section 14 or an opening in a visual barrier under section 17 comply with any other applicable by-law.
19. Where a zoning by-law, site plan or subdivision agreement entered into under the *Planning Act* requires a visual barrier, the requirement in such zoning by-law, site plan or subdivision agreement prevails in the event of a conflict with subsections 14 to 17, both inclusive.