



TOWNSHIP OF MELANCTHON
COMMITTEE OF THE WHOLE - AGENDA
THURSDAY, SEPTEMBER 5, 2019 - 6:30 P.M.

- 1. Call to Order**
- 2. Additions/Deletions/Approval of Agenda**
- 3. Adoption of Draft Minutes - July 18, 2019**
- 4. Business Arising from the Minutes**
- 5. Correspondence**
 - 1. Letter from the Horning's Mills Community Hall Board**
- 6. General Business**
 - 1. Unfinished Business**
 - 1. Review of Salvage Yard By-law - Further comments from the Township Solicitor on Draft Salvage Yard By-law**
 - 2. Review Horning's Mills Community Hall By-law 16-2013**
 - 1. Review, Discussion and Direction regarding the Agreement between the Township of Melancthon and the Women's Institute of Horning's Mills - Further comments from Township Solicitor regarding the clauses laid out in the Agreement**
 - 3. Review of By-law No. 43-2015 - By-law to Permit Off Road Vehicles on Municipal Land - Concerns from Council members regarding the current By-law**
 - 2. Other**
- 7. Delegations**
- 8. Adjournment and Date of Next Meeting**

Friday August 30, 2019

Horning's Mills Community Hall Board
14 Mill Street
Melancthon ON
L9V 1X7

Attn: Denise Holmes
Township of Melancthon
157101 ON 10
Melancthon ON
L9V 2E6

To Melancthon Council:

We write in response to Council's request to the Horning's Mills Community Hall Board to attend the next Committee of the Whole meeting, as we first have some questions and concerns. Regarding Council's decision to review and rewrite the current bylaw governing the Horning's Mills Community Hall, we wish to learn what Council believes necessitates this review and question, just five years after the current bylaw was implemented.

It has come to the Board's attention that the revisiting of this bylaw may have originated from Council's interest to sell a portion of the Hall property. In your Committee of the Whole meeting on June 6 2019, the minutes show that Council is engaging your solicitor to examine clauses of the agreement between the Township and Women's Institute to determine if these clauses are "binding or not", while also questioning "what to do" with the money previously given for basic hydro and heating costs, and further questioning how much money should be given in future, if any.

Since the current bylaw came into effect in 2014, by the dedicated and generous hard work of our small group of volunteers, the Hall Board has achieved many improvements, successful and efficient building management, and has fulfilled the role of creating a vibrant and healthy centre for community engagement in Melancthon through our popular events, affordable and inclusive fitness classes, and private rentals for our fellow citizen's important gatherings like weddings, birthdays, and funerals.

The Horning's Mills Community Hall also serves residents of Melancthon Township and

COW
5.1

SEP 05 2019

Dufferin County as a County-designated emergency shelter, and as such, the Township has an obligation to maintain it in suitable condition for the well being of all residents. Furthermore, our Community Hall is the only facility in the Township of Melancthon where a meeting of any size can be held.

Need we remind you, this Board was put in place by the Township and the Women's Institute for the management of the building and its funds, with the best interests of our community and Township inherent in its operation. However, the actions and attitudes from the Township and Council over the last twenty years consistently communicates to the volunteer Board that our Community Hall is seen as a burden, rather than the incredible asset that it is.

Despite minimal contribution from the Township, the volunteer Hall Board has made the following contributions to your Melancthon-owned building:

- Treasury, invoices, bookkeeping, tax returns
- Management of sub-contractors
- Management of rentals (including viewing, consults, correspondence, contracts opening and closing)
- Cleaning (often several times weekly)
- All small to medium repairs
- General maintenance
- Snow removal
- Garbage sorting and removal
- Website management
- Marketing and social media
- Elevator, Defibrillator, Accessibility management
- Cellular network service booster, in support of County emergency shelter designation

Since 2014 the volunteer Hall Board has made the following upgrades, renovations and general improvements to your Melancthon-owned building, all under a minimal budget (often at no labour cost, for the cost of materials only) while achieving professional, attractive, and lasting results:

- Renovation of both upstairs bathrooms
- Renovation of upstairs kitchen
- Refinishing of upstairs hardwood floors and trim
- Painting both upstairs and downstairs levels
- Changing lighting to LED's
- Installing of new lighting on main level
- Exterior drainage issue: wall and grade repairs
- Installation of downstairs flooring
- Landscaping
- Annual spring litter cleanup

- Many fundraising and social events creating community connection and belonging for the citizens of Melancthon.

As Hall Manager, Chair of the Board, and former sitting member of Council, James Webster along with long-standing board members Sarah Harrison and Deb Fawcett can remind Council that at the last Committee of the Whole meeting attended by the Hall Board, Council's former annual contribution of \$1000 and then \$2500 was determined to be insufficient at covering basic operating costs, and that the volunteer Hall Board should not be expected to work so tirelessly to keep the lights on at a Township owned building.

The funding from Council was therefore increased to \$5000 annually, under the clearly understood premise that covering base costs of their own building shall be ongoing: not to be reviewed or revoked based on the success of volunteer community activities or the implementation of each new Council.

By managing the Hall in a very fiscally cautious way, and by contributing *thousands* of highly skilled volunteer hours, our Board is proud to have finally built a financial reserve—modest for the age, size and use of the historic Women's Institute building.

Further, we must address the demoralizing comments and attitude of your current sitting member of Council on our Board. In an already strained relationship between Council and our Board, it is unfortunate that the sitting member of Council is not more civic and community minded. May we suggest removing or replacing said board member, as this member's contributions and communication have caused hard working volunteers to become disenfranchised from what should be our shared cause.

We trust it is clear that the Board is functioning well, and that our current success projects continued success in the future. Therefore, we ask Council to provide an outline of where you take issue with the current bylaw and the Board's operation under it. Based on our current achievements and mode of operation, it seems more appropriate for the Board to ask Council where YOU see the future of your Community Hall?

Sincerely,

The Horning's Mills Community Hall Board

Denise Holmes

From: Stephen Christie <schristie@sbslaw.ca>
Sent: Wednesday, July 24, 2019 4:19 PM
To: Denise Holmes
Subject: RE: Draft Salvage By-law for Review
Attachments: Melancthon Salvage Yard - V3 - lined.docx

Hi Denise,

- a. Because Salvage (with capitalization) is used throughout the document, this indicates that it is a defined term. It should not be defined "in essence". That said, I can rework by defining within the definition into Salvage Yard if the concern is that the definition I provided is too limiting. See the attached.
- b. I had amended this on the basis that I was not sure if the Township's intent would be to regulate recycling facilities under the provisions of this by-law. In addition, that part of the definition is an inclusive list (i.e. - including, but not limited to) not exclusive. That said, I have restored the original language with the amendment regarding the definition of "Salvage".
- c. I will remove if council prefers not to have this in the by-law.

If you have further questions/concerns, just let me know.

Steve

From: Denise Holmes <dholmes@melancthontownship.ca>
Sent: July 22, 2019 11:12 AM
To: Stephen Christie <schristie@sbslaw.ca>
Subject: RE: Draft Salvage By-law for Review

Hi Steve,

The Committee of the Whole reviewed the changes to the By-law and there were some questions as follows:

- a. Why he recommends inserting a definition of "salvage" when the essence is already in the definition of Salvage Yard and in fact arguably more restrictive
- b. Why he recommends deleting as part of the definition of Salvage Yard , the last phrase of our draft, i.e. that references processing and recycling and matters ancillary. By deleting the words he limits the definition to the collection of certain items.
- c. Why he recommends inserting proposed s 19.1. The provision is contrary to what we want, i.e.19.2 and 19.3. It is unnecessary to have 19.1 which is already in s. 61 of the Provincial Offences Act and what we want is to provide for a fine that may well exceed the \$5,000 provided for in the POA. His draft insert creates ambiguity and conflict between 19.1 and 19.2/19.3.

Should you have any questions, please don't hesitate to contact me.

Thank you.

Denise B. Holmes, AMCT
CAO/Clerk, Township of Melancthon
519-925-5525 Ext. 101

Cow
6.1.1
SEP 05 2019

From: Stephen Christie [<mailto:schristie@sbslaw.ca>]
Sent: Thursday, June 20, 2019 12:29 PM
To: Denise Holmes
Subject: RE: Draft Salvage By-law for Review

Hi Denise,

I've made quite a number of changes and attach a lined copy and a clean copy for your review. There are a couple of provisions that I'm looking for your feedback.

Once you have reviewed, please let me know if you have questions.

Steve

From: Denise Holmes <dholmes@melancthontownship.ca>
Sent: June 11, 2019 9:49 AM
To: Stephen Christie <schristie@sbslaw.ca>
Subject: Draft Salvage By-law for Review

Hi Steve,

At the direction of the Committee of the Whole, from the meeting on June 6, 2019, I am sending you a draft copy of a new Salvage By-law for review and comment.

Also, I am attaching the Ajax and Waterloo Salvage By-laws to give you some context of how this By-law was drafted.

Should you have any questions, please don't hesitate to contact me.

Thank you.

Regards,
Denise Holmes



Denise B. Holmes, AMCT | Chief Administrative Officer/Clerk | Township of Melancthon | dholmes@melancthontownship.ca | PH: 519-925-5525 ext 101 | FX: 519-925-1110 | www.melancthontownship.ca |
➡ **Please consider the environment before printing this e-mail** This message (including attachments, if any) is intended to be confidential and solely for the addressee. If you received this e-mail in error, please delete it and advise me immediately. E-mail transmission cannot be guaranteed to be secure or error-free and the sender does not accept liability for errors or omissions.

Total Control Panel

[Login](#)

To: dholmes@melancthontownship.ca [Remove this sender from my allow list](#)
From: schristie@sbslaw.ca

You received this message because the sender is on your allow list.

To: dholmes@mcclanctontownship.ca [Remove](#) this sender from my allow list
From: schristie@sbslaw.ca

You received this message because the sender is on your allow list.

THE CORPORATION OF THE TOWNSHIP OF
MELANCTHON BY-LAW NUMBER -2019
SALVAGE YARD BY-LAW

WHEREAS the provisions of the Municipal Act, 2001, S.O. 2001, as amended, including but not limited to the following provisions, authorize municipalities ~~to pass by-laws~~ as follows:

- a) ~~Section~~Sections 8, 11 and 11.1 ~~—provide the authority~~ authorize a municipality to pass by-laws to regulate, prohibit, require a person to do certain things and to licence matters;
- b) Section 131 authorizes a municipality to prohibit and regulate the use of any land for the storage of used vehicles for the purpose of wrecking, dismantling or salvaging ~~parts of them for sale or other disposition~~; and
- c) Section 150 to 153 ~~authorizing~~authorizes a municipality to provide for the licencing of any business within the municipality.
- d) Part XIV of the Act ~~otherwise~~ provides a local municipality with the authority to enforce said by-law.
- e) ~~Section 425(1) of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001, as amended, is guilty of an offence.~~
- f) ~~Section 429(1) of the Municipal Act, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the Municipal Act, 2001, as amended.~~

AND WHEREAS the Corporation of the Township of Melancthon has and intends to licence, regulate and control any visual, noise, environmental, fire safety, health hazard and property standards nuisance caused by Salvage Yards including automobile wrecking yards or premises.

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

1.1. SHORT TITLE

1.1 This By-law may be cited as the "Salvage Yard By-law".

2. INTERPRETATION

2.2 In this By-law:

2.2.1

- a) The necessary grammatical changes required to make the provisions hereof apply to corporations, partnerships, trusts and individuals, male and female, and to include the singular or plural meaning where the context so requires shall in all cases be assumed as though fully expressed.
- b) The insertion of headings and the division of ~~the by~~this By-law into sections and subsections are for the convenience of reference only and shall not affect the interpretation thereof.
- c) Any references in this ~~by~~By-law to any statutes, regulations or by-laws, as amended, restated or replaced from time to time.

3.13. DEFINITIONS

3.3 In this By-law:

- a. "Applicant" means ~~person~~ Person applying for a ~~licence~~Salvage Yard Licence or renewal of a ~~licence~~Salvage Yard Licence under this ~~by~~By-law and application has a corresponding meaning;

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0"

Formatted: Font: Not Bold

Formatted: No bullets or numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0"

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

b. "By-law Enforcement Officer" means a By-law Enforcement Officer appointed by the CouncilTownship;

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

c. "Clerk" means the Chief Administrative Officer or designate of the Corporation of the Township of Melancthon;

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

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

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

e. "Licensee" means the holder of a current and valid Salvage Yard Licence issued by the Township in accordance with the terms of this By-law;

f. "Municipal Act" means to Municipal Act, S.O. 2001, c25, as amended, and the Regulations, or any successor legislation;

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

g. "Person" means an individual, corporation, association or partnership;

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

h. "Police Officer" means a law enforcement officer employed by the Ontario Provincial Police;

Formatted: Indent: Left: 0.94"

i. "Salvage Yard" or "Salvage Operation" means a property used in whole or in part 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, all such materials referred to herein this By-law as "Salvage";

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

j. "Salvage Yard Licence" means a licence issued by the Clerk of the Township for a Salvage Yard or Salvage Operation issued pursuant to the requirements of this By-law;

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

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

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

l. "Vehicle" has the same meaning as "vehicle" as defined in the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, and the Regulations, or any successor legislation.

Formatted: Numbered + Level: 2 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.69" + Indent
at: 0.94"

4. PROHIBITION

Formatted: Font: Italic

4.1 No Person shall own or operate a Salvage Yard unless that ~~person~~Person holds a current Salvage Yard ~~licence issued pursuant to this by-law~~Licence.

Formatted: List Paragraph, Numbered +
Level: 1 + Numbering Style: 1, 2, 3, ... + Start
at: 1 + Alignment: Left + Aligned at: 0" +
Indent at: 0.25"

4.2 No owner of property shall authorize or permit a ~~person~~Person to operate a Salvage Yard unless such ~~person~~Person holds a current Salvage Yard Licence ~~issued pursuant to this by-law~~.

5.15. CLERK

5.1 The Clerk or a designate of the Township shall:

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0" + Indent at:
0.25"

- a) Receive and process all applications for ~~licences~~Salvage Yard Licences and for renewal of ~~licences to be issued under this by-law~~Salvage Yard Licences;
- b) Issue Salvage Yard Licences to and renew Salvage Yard Licences for ~~persons~~Persons who meet the ~~requirement~~requirements of this ~~by~~By-law;
- c) Make ~~or direct~~ all necessary inspections to ensure that this ~~by~~By-law and ~~applicable~~comprehensive zoning by-laws are being complied with;
- d) Where the business of ~~salvage operation~~Salvage Operation is being carried on in the Township of Melancthon by any ~~person~~Person without a ~~licensee~~Salvage Yard Licence, take all such steps as may be required to enforce this ~~by~~By-law; and

- e) Carry out the instructions of Council relating to this ~~by~~By-law.

6-16. LICENCING PRE-REQUISITES

6.1 No ~~Salvage Yard~~ Licence may be granted or renewed for a Salvage Yard unless there is proof of 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 ~~or any other by-law~~ of the Township, as amended;
- ~~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 Licenced Salvage Yards that are in operation on the date of passing of this ~~by~~By-law that are located within 150 meters of a residence shall be deemed to be in compliance of section of Section 6.1 (b) of this ~~by~~By-law;
- ~~d)~~ The Salvage Yard shall not be located on land that is subject to flooding or land that directly drains to a watercourse, subject to first obtaining any and all required approvals of appropriate Conservation Authorities and or ~~the~~ Ministry of Environment; ~~and~~
- ~~e)~~ Certificates ~~have been~~ issued by the appropriate licencing authorities of the Province of Ontario, ~~including any required~~ pursuant to, ~~The the~~ Highway Traffic Act, R.S.O 1990, The Environmental Protection Act, R.S.O. 1990, and ~~the~~ Conservation AuthorityAuthorities Act, R.S.O. 1990, authenticating that the property and Salvaging Yard operations are ~~permitted~~, licenced and in good standing; ~~and~~
- ~~f)~~ A fire inspection report ~~has been submitted~~ for the Salvage Yard, dated within two (2) months of the date of the application, as prepared by the fire department having jurisdiction for the subject Salvage Yard in the Township ~~showingconfirming~~ compliance with the ~~Fire Protection and Prevention Act, S.O. 1997, e-4~~, as amended and its Regulations, or any successor legislation.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"
Formatted: Indent: Hanging: 0.25"

Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic
Formatted: Font: Italic

Formatted: Font: Italic

LICENCING

7.1 An Applicant shall submit in person to the Clerk of the Township such completed application or renewal form as prescribed by the Township, payment of the required application or renewal fee **[IS THERE AN APPLICABLE FEES AND CHARGES BY-LAW?]** and shall provide such further information and documentation, which shall include but not necessarily be limited to,

- a) ~~Any and all~~All documentation ~~required pursuant~~ to ~~satisfy~~ section 6.1 of this ~~by~~By-law;
- ~~b)~~ Applicant's full name, address, phone number and date of birth (if an individual);
- ~~c)~~ ~~b)~~ The ~~business~~ name under which they carry on or intend to carry on business;
- ~~d)~~ The address of the Salvage Yard;
- ~~e)~~ The type of Salvage that will be located at the Salvage Yard;
- ~~f)~~ Information on whether the ~~person~~Person, or any officer or director of the ~~person~~Person, has been convicted of an offence relating to a Salvage ~~business~~Operation, the protection of the environment, fire safety or public health or property ~~standard~~standards;
- ~~g)~~ Information on whether the Salvage Yard, or any part thereof, has been subject to any order in regard to the protection of the environment, fire safety or health hazard, or whether the Salvage Yard, or any part thereof, has been subject to an order within a previous twelve (12) month period;
- ~~h)~~ Information on whether the ~~person~~Person or any officer or director of the person, who had a licence for a Salvage Yard suspended or revoked in any Municipality in Ontario;
- ~~i)~~ A current ~~HWIN~~Hazardous Waste Information Network Generator number, ~~as required~~ pursuant to applicable law;
- ~~j)~~ A valid insurance certificate pursuant to 7.5 herein; and
- ~~k)~~ Evidence of the ownership of or right to carry on the operation of the Salvage Yard on the premises where the Salvage Yard is to be located.
- ~~l)~~ A site plan for the Salvage Yard as provided in 7.6 herein;
- ~~m)~~ A satisfactory plan that addresses:

- i.a. On-site storm management with no off-site liquid drainage;
- ii.b. A spills action plan; and
- iii.c. An emergency disaster plan.

Formatted

7.2 In the case of a Salvage Yard that is owned by a partnership, the personal appearance required by 7.1 shall be made by one of the partners, provided the application shall be signed by all of the partners, ~~and in~~ in the case of a Salvage Yard owned by a corporation, the personal appearance shall be made by an ~~Officer~~officer of the ~~Corporation~~corporation who is authorized to bind the corporation and not by an agent thereof.

7.3 Without limiting the generality of any other provision in this ~~by~~By-law, persons associated in a partnership applying for a Salvage Yard Licence shall file with their application a statutory declaration, in writing, signed by all members of the partnership, dated within 30 days of the application, which declaration ~~will~~shall state:

- a) The full name of every partner and the address of his ordinary residence;
- b) The name or names under which it carries on or intends to carry on business;
- c) That the ~~persons~~Persons therein named are the only members of the partnership;
- d) The mailing address of the partnership; and
- e) The date the statutory declaration was entered into by each member; ~~and~~.

~~the statutory declaration shall be dated within 30 days of the application.~~

7.4 Without limiting the generality of any other provision in this ~~by~~By-law, every Corporation applying for a Salvage Yard Licence or every Corporation that is a partner in a partnership applying for a Salvage Yard Licence shall file with the ~~Licenceing Officer~~Clerk, at the time of making its application, a copy of its articles of incorporation or other incorporating documents, a certificate of status dated within 30 days of the date of the application indicating the corporation to be active and in good standing and shall file a statutory declaration, in writing signed by an Officer of the Corporation, dated within 30 days of the application, which declaration shall state:

Formatted: Indent: Left: 0", Hanging: 0.49"

- a) The full name of every officer and director and the address of his ordinary residence;
- b) The name or names under which it carries on or intends to carry on business;
- c) That the ~~persons~~Persons therein named are the only officers and directors of the Corporation;
- d) The mailing address for the Corporation; ~~and~~.

Formatted: Indent: Left: 0.49", Hanging: 0.3"

~~the statutory declaration shall be dated within 30 days of the application.~~

7.5 INSURANCE

For the purposes of consumer protection in the event of personal injury and/or property damage, and for claims of actions or proceedings resulting from breach of the terms of any ~~licence~~Salvage Yard Licence issued pursuant to this ~~by~~By-law, every ~~person~~Person who holds a Salvage Yard ~~licence~~Licence shall;

- a) Provide and maintain Commercial General Liability Insurance, by a licenced insurer within the Province of Ontario, subject to limits not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death, and damage to property including loss of use thereof arising from such activity;
- b) Ensure that the insurance be in the name of the ~~Owner~~property owner and shall name the Township as an additional insured thereunder;
- c) Deliver a Certificate of Insurance listing the requirements as set out in (a) and (b) above which insurance shall remain in effect for the term of the ~~licence~~Salvage Yard Licence and shall not be cancellable except on thirty days prior notice to the Township; and
- d) Indemnify and save harmless the Township for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Township resulting

from the negligent acts, omissions, and/or breach of contract in the performance of the Owner's obligations under this ~~by~~By-law.

7.6 (1a) Every ~~person~~Person who applies for a Salvage Yard Licence shall provide the Clerk with a site plan for the Salvage Yard that shows:

- a) i) _____ The legal boundaries for the Salvage Yard;
- b) ii) _____ The location of all existing and proposed buildings, roads, driveways, parking areas, storage areas and operating areas; and
- c) iii) _____ The location of any fence or other barrier as required under section 11 of ~~the~~ ~~by~~this By-law.

Formatted: Normal, Indent: Left: 0.75", No bullets or numbering

Formatted: Normal, Indent: Left: 0.75", Hanging: 0.25", No bullets or numbering

Formatted: Normal, Indent: Left: 0.75", No bullets or numbering

(2) The legal boundaries of the Salvage Yard shall only include those lands that are owned or are leased by the ~~person~~Person applying for a Salvage Yard Licence.

(3) Every ~~person~~Person who applies for a Salvage Yard Licence shall allow the Clerk or a By-law Enforcement Officer to enter onto the Salvage Yard to verify the site plan as provided under subsection (1) of this section.

7.7 RENEWAL OF SALVAGE YARD LICENCE

Every ~~person~~Person who applies for a renewal of a ~~licence~~Salvage Yard Licence under this ~~by~~By-law shall deliver to the Clerk of the Township an application to renew, together with the information and documentation and the required renewal fee a minimum of seven (7) business days before the ~~licence~~Salvage Yard Licence expires as provided for in paragraphs, 7.1 to 7.6 herein together with 6.1.

Formatted: Indent: Left: 0.5"

8.1 ISSUANCE, RENEWAL OR REVOCATION OF SALVAGE YARD LICENCE

- a) Subject to 8.2 herein ~~the Clerk, Salvage Yard Licences~~ shall ~~grant to the Applicant a Salvage Yard Licence or renewal of a current licence~~ be issued for a maximum period of one calendar year commencing January 1 and expiring shall come into effect on the date that they are issued and expire on December 31 of the that same year;
- b) The ~~licence~~Salvage Yard Licence is not transferable;
- c) The ~~licence~~Salvage Yard Licence terminates upon the death of the ~~licence holder~~Licensee or the dissolution of the Corporation or partnership;
- d) Any fee submitted is non-refundable; and
- e) The ~~licence~~Salvage Yard Licence shall specify the location for which the ~~licence~~Salvage Yard Licence is applicable.

8.2 A ~~licence~~Salvage Yard Licence application or renewal application may be refused or a ~~licence~~Salvage Yard Licence revoked by the Clerk if:

Formatted: Indent: Left: 0", Hanging: 0.5"

- a) The information on the application or renewal is incorrect or cannot be verified;
- b) The application or renewal is incomplete; and/or
- c) The Applicant is in non-compliance with the terms of the ~~licence~~Salvage Yard Licence and the requirements of this ~~by~~By-law.

8.3 The Clerk reserves the right to revoke any ~~licence~~Salvage Yard Licence where:

- a) ~~For which~~ there has been a misrepresentation or false statement or declaration;
- b) ~~For which~~ the Applicant is deemed to be in non-compliance with the terms of ~~licence~~the Salvage Yard Licence which includes compliance with the operational requirements of this ~~by~~By-law; and/or
- c) ~~The licence~~the Salvage Yard Licence or permits granted to the Applicant by any provincial authority are revoked, cancelled or otherwise not maintained in good standing.

8.4 The Clerk shall give the Applicant notice of the refusal or revocation of licenceSalvage Yard Licence/renewal by registered mail addressed to the municipal address of the Applicant declared on its application/renewal form.

Notice shall be deemed effective as received five (5) business days after mailing of the Notice.

Formatted: Indent: Left: 0", Hanging: 0.5"

8.5 The Applicant may within fifteen (15) business days of receiving the Notice prescribed in paragraph 8.4 appeal the Clerk's decision to the Council of the Township in writing. The Notice of Appeal shall set forth in writing the specific grounds of appeal and be accompanied by a non-refundable appeal fee of \$500.00. The Appeal shall be delivered in person by the Applicant to the Clerk.

8.6 Council of the Township shall consider the appeal of the Applicant at the next regular Council meeting next following the date of the filing of the Appeal Council may:

- a) Affirm the decision of the Clerk; or
- b) Direct the licenceSalvage Yard Licence or renewal be granted, or the revocation set aside on such terms and conditions as Council shall deem appropriate.

8.7 The Clerk shall provide the Applicant in writing with the decision of Council ("Notice of Decision") forthwith and by registered mail addressed to the mailing address of the Applicant set out in the Notice of Appeal. Notice shall be deemed to be effective five (5) business days after mailing of the Notice of Decision.

8.8 The decisionNotice of Decision issued Council as provided for in paragraph 8.67 is final and non-appealable.

8.9 Where a licenceSalvage Yard Licence under ~~the by~~this By-law has been revoked the holder of the licenceSalvage Yard Licence shall return the licenceSalvage Yard Licence to the Clerk within twenty-four (24) hours of service of the Notice of RevocationDecision.

9. CHANGE OF STATUS

9.1 Where there is any change in any of the particulars relating to a person-licencedLicensee under this byBy-law, which particulars were required to be filed with the Township on applying for a Salvage Yard Licence, such personPerson shall report the change, in writing, to the Clerk within six (6) calendar days of the change.

9.2 Where there is to be a change in the composition or the controlling interest of a partnership licenced under this byBy-law, the persons-licencedLicensees hereunder in partnership shall obtain the written approval of the Clerk prior to the change, having provided the Clerk with any information required including information pursuant to 7.1 (f), (h), 7.2 and 7.3.

9.3 Where there is to be a change in the composition of the director and or officer or the controlling interest of the shareholders of a corporation licenced under this byBy-law, the corporation shall obtain the written approval of the Clerk prior to the change, having provided the Clerk with any information required including information pursuant to 7.1 (f), (h) and 7.4.

10. GENERAL

10.1 Each personPerson who holds a Salvage Yard Licence shall notify the Clerk within six (6-) calendar days of any criminal convictions registered against the personPerson that relate in any way to an act of dishonesty, fraud or theft.

10.2 Each ~~person~~Person who holds a Salvage Yard Licence shall notify the Clerk within six (6) calendar days of any order or conviction pursuant to any environmental, fire safety, health hazard or regulation that relates to its Salvage Yard.

10.3 No ~~person~~Person who applies for a Salvage Yard Licence shall knowingly misstate or provide false information to the Clerk.

11. OPERATIONAL REGULATIONS

11.1 Every ~~person~~Person holding a Salvage Yard Licence shall erect and maintain a fence or berm, approved by the Township in advance of construction, that encloses the Salvage operation:

- a) To a minimum height of 3.05 meters above grade and not to exceed 5.49 meters above grade;
- b) If a fence, to be constructed of a solid uniform material being of a neutral uniform colour;
- c) To provide a full visual barrier to the Salvage operations; and
- d) Be kept in good repair and appearance at all times.

11.2 If an opening is required in any fence as required under section 11.1 of ~~the bythis By-law~~ for ingress or egress, then the opening shall be covered by a gate that:

- a) Is the same height as the fence;
- b) Is kept in good state of repair at all times;
- c) Does not open over a travelled portion of a public road allowance or sidewalk;
- d) Is kept clear of obstructions so that it may be opened fully at all times; and
- e) Opens to a width of at least 3.5 meters.

11.3 Every ~~person~~Person who holds a Salvage Yard Licence shall ensure that:

- a) The outdoor area of the Salvage Yard is kept in a clean, neat, orderly and sanitary condition;
- b) All storage containers, and other materials belonging to the ~~person~~Person, or used for the Salvage Yard operation on-site, are kept within the enclosed area as required under section 11.1 of this ~~byBy-law~~ or an enclosed building;
- c) No Salvage is loaded, unloaded, sorted, processed, dismantled, crushed, recycled, demolished, displayed, stored or placed outside of enclosed area as required under section 11.1 of this ~~byBy-law~~ or an enclosed building;
- d) No Salvage inside the fence required under section 11.1 of this ~~byBy-law~~ is above the height of the fence and in any event is not greater than 4.57 m in height above grade;
- e) No Salvage within the Salvage Yard is placed against the fence required under section 11.1 of ~~the bythis By-law~~;
- f) No gasoline, vehicle fluids or other chemicals from the Salvage Yard enter onto any adjoining lands or into any aquifer, lake, pond, river, stream, drainage pond, drainage ditch, storm sewer, or other body of water; ~~and~~
- g) No Salvaging, shipping container or other material is placed on the roof of any building within The Salvaging Yard;
- h) All vehicle batteries within the Salvage Yard are stored in the environmentally safe manner within an enclosed building; ~~and~~
- i) All outdoor lighting is arranged so as to divert light from any adjoining lands, inclusive of any public road allowances.

11.4 OPERATING HOURS

a) No ~~Licencee~~Licensee shall allow any work in connection with the Salvage operation outside the following hours:

Monday through Friday, 8:00 a.m. to 6:00 p.m. and

Formatted: Indent: Left: 0.56"

Saturday, 9:00 a.m. to 3:00 p.m.;

Formatted: Indent: Left: 0.56"

- b) No ~~Licensee~~Licensee shall allow any work in connection with the Salvage operation on a statutory holiday;
- c) No ~~Licensee~~Licensee shall allow access to the premises at any time unless there is an attendant on duty;
- d) Idling of trucks must be kept to a minimum;
- e) Paragraph (a) and (b) do not apply when a vehicle is dropped off at the Salvaging Yard pursuant to the direction of a Police Officer or other law enforcement official.

12. TRANSACTION RECORDS

12.1 Every ~~person~~Person who holds a Salvage Yard Licence shall maintain a Register

~~A Register as required under this by-law~~ shall either be in the form of:

- ~~a) A~~ a paper booklet or;
- b) An an electronic format.

Formatted: Normal, Indent: Left: 0", Hanging: 0.5", No bullets or numbering

12.2 Every ~~person~~Person who holds a Salvage Yard Licence who acquired a vehicle, vehicle parts or salvage for the purpose of dismantling or selling such at the Salvage Yard, either personally or through an employee or agent, from another person, shall immediately record in their Register, in English, ~~(OR FRENCH?)~~, and where applicable in the legible script, using permanent ink, ~~the following:~~

- a) The full name and address of the ~~person~~Person from which they received the vehicle, vehicle parts or salvage;
- b) The date of acquisition;
- c) The name of the ~~licenced person~~Licensee, or the ~~licenced person's~~Licensee's employee or agent who obtained the vehicle, vehicle parts or salvage;
- d) The consideration given for the vehicle, vehicle parts or salvage; and
- e) A completed description of the vehicle, vehicle parts or salvage, including the VIN, if applicable. Each vehicle, vehicle part or salvage shall be personally examined by the recipient or his designate to verify the VIN matches any ownership receipt given

12.3 Every ~~person~~Person who holds a Salvage Yard Licence shall make their Register available for inspection upon request of a Police Officer, the Clerk or By-law Enforcement Officer and if required shall copy the Register or any part thereof and provide such to the Police Officer, Clerk or By-law Enforcement Officer.

12.4 Every ~~person~~Person who holds a Salvage Yard Licence who maintains their Register through a computer software program shall upon the request of a Police Officer, the Clerk or By-law Enforcement Officer:

- a) Allow a Police Officer, Clerk or By-law Enforcement Officer to review the on-screen information for the Register; and
- b) Print or otherwise copy the Register or any part thereof and provide such to the Police Officer, the Clerk or By-law Enforcement Officer.

12.5 Every ~~person~~Person who holds a Salvage Yard Licence shall ensure that the Register is in a neat condition and that no pages or computer information is removed, destroyed, obliterated or altered.

12.6 No ~~person~~Person who holds a Salvage Yard Licence shall remove or allow any other ~~person~~Person, with the exception of a Police Officer, the Clerk or other Law Enforcement official, to remove their Register from the Salvage Yard.

12.7 No ~~person~~Person who holds a Salvage Yard Licence shall purchase or acquire any vehicle or vehicle parts unless the ~~person~~Person observes proof that the person selling the vehicle or vehicle part is the lawful owner.

12.8 No ~~person~~Person who holds a Salvage Yard Licence shall purchase or acquire any vehicle that has a Vehicle Identification Number obliterated or mutilated without first having given written notice to a Police Officer at least 24 hours prior to the intended purchase or acquisition.

13. RETENTION PERIOD

13.1 No ~~person~~Person shall alter, dismantle, repair, dispose of or in any way part with any vehicle seven (7) model years old or less, purchased or take in exchange, until after the expiration of seven days from the date of obtaining the said vehicle, and during the said period the vehicle so obtained shall be subject to an inspection at any time by a Police Officer.

13.2 Notwithstanding section 13.1, a ~~person~~Person may dispose of any vehicle seven model years old or less, purchased or taken in exchange before the expiry of the seven (7) days from the date of obtaining the said vehicle, provided that a Police Officer has authorized in writing the release of the vehicle.

13.3 Section 13.1 and 13.2 of this ~~by~~By-law shall not apply where the ~~person~~Person acquires a vehicle from another ~~person~~Person who operates a Salvage Yard or Impound where a retention period has already transpired.

14. PROHIBITIONS

~~14.1~~ No ~~person~~Person shall carry on the business of a Salvage Yard without displaying the ~~licence~~Salvage Yard Licence in ready public view in the Salvage Yard.

Formatted: Indent: Left: 0", Hanging: 0.5"

15. RIGHT TO INSPECT

Formatted: Font: Bold

15.1 a) Any licensed premises, at any reasonable time, may be entered and inspected by the Clerk, a By-law Enforcement Officer or Police Officer for the purpose of enforcing this ~~by~~By-law.

Formatted: Normal, Justified, Indent: First line: 0"

b) No ~~person~~Person shall obstruct or hinder the inspection of Salvage operations and any records by the Clerk, a By-law Enforcement Officer or Police Officer.

16. EXCEPTIONS

16.1 The provision of this By-law 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.

17. TRANSITIONAL

17.1 Notwithstanding any other provision of this ~~by~~By-law, existing Salvage Operations and in good standing licenced pursuant to By-law 36-2011 of the Township are exempted from the provisions of this ~~by~~By-law, as follows:

Formatted: Indent: Left: 0", Hanging: 0.5"

a) Existing fencing in compliance with By-law 36-2011, kept in good repair, shall be deemed to be in compliance of this ~~by~~By-law, until the earlier of five (5) years from the passage of this ~~by~~By-law or the substantial repair or replacement of the fencing.

18. SEVERABILITY



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Hwy. 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

Fax No. - (519) 925-1110

Website: www.melancthontownship.ca

Email: info@melancthontownship.ca

CORPORATION OF THE TOWNSHIP OF MELANCTHON

MEMORANDUM

TO: MAYOR WHITE AND MEMBERS OF COMMITTEE OF THE WHOLE

FROM: DENISE HOLMES, CAO/CLERK

SUBJECT: AGREEMENTS BETWEEN THE HORNING'S MILLS WOMEN'S INSTITUTE AND TOWNSHIP OF MELANCTHON

DATE: SEPTEMBER 3, 2019

At the meeting held on July 18th, the Committee considered comments from the Township Solicitor regarding the clauses in the Agreements and whether or not they were legally binding. Staff were further directed to consult with the Solicitor to obtain clarification as to whether or not these clauses were legally binding down the road – for example, if there is a problem 30 years from now, the Township doesn't want to run into problems that could be dealt with now. Questions were raised by the Committee about perpetuities in relation to the Miles property and with regards to the Woman's Institute and the fact that the Agreement was signed by Trustees who are no longer here, and because there is no default, does it go to the Provincial Woman's Institute or who? Concerns were raised at the meeting on July 18th about the financial capital and what we are investing in and if the Hall is returned to the Woman's Institute, do we get that capital back.

The Township Solicitor's response was as follows:

I'm assuming the intent is to continue to use these lands for public purposes for the foreseeable future?

In reviewing this, for the property conveyed by the Woman's Institute, is the Institute still in existence? If it is, and the Township ceased using public purposes, then the lands would revert back to the Institute. If the Institute no longer exists, then ownership now vests in the Township.

Insofar as the Miles transfer, there is certainly a possibility that there could be a perpetuities issue. The clauses states that if the property ceases to be used for public purposes, then it would revert to Ms. Miles or her heirs. This raises the question – what is an “heir” in the context of this document? Is it her children, her spouse, or does this class extend beyond those immediate family member (essentially next of kin)? So it would need to be determined as to who would fall into this class, and who was alive (or had been conceived) at the time of the conveyance to make a determination as to whether or not this would offend the rule against perpetuity’s pursuant to the Perpetuities Act. If it offends, the contingent interest (held by the heirs) would be void and the property would be owned outright by the Township. That said, if the Township wanted to sell the property in the future, then this would certainly be a title issue which could require a court application to clear. So at this point, we do not have sufficient information in order to make a determination as to whether the contingent interest is void, voidable, or still intact. I suspect that a court application (likely for an interpretation) would be required, as well as possibly an application to have it declared as void (depending on the facts).

It’s my understanding that Council is considering injecting capital into the Hall which leads me to believe that the intent is to continue using this for public purposes. What is entirely clear is so long as the lands are used for public purposes there is no reversion of the ownership. It is only if the Township at some point in the future wished to use the lands other than for public purposes (i.e. leasing for commercial purposes) or if it wished to sell the lands.

I wonder at this point (considering the intended use for the foreseeable future), whether the Township would want to be bringing an application to nullify a potential interest in the property when these lands had been effectively gifted to the Township for community purposes. As well, since this is not an issue unless the use of the lands change or the Township wishes to sell them, it may be that the Township might consider dealing with the issue at the time that it is an issue. Otherwise, the municipality will be incurring costs to ensure it can continue to use these lands, even though there is no question that it can do so and for the purposes for which it is already using them.

If the Township is intent on dealing with it at present, I suspect that court applications will be required.

Please review and advise as to whether the Township wishes for me to take further steps regarding this in light of the above.