

TOWN OF MARKHAM
Ontario



BY-LAW 2002-306

**A BY-LAW TO PROVIDE FOR THE LICENSING
AND REGULATION OF
SALVAGE SHOPS, SALVAGE YARDS AND
SECOND HAND DEALERS**

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to December 14, 2007)

Amended by:
By-law 2007-282 – December 11, 2007

BY-LAW 2002-306

To Provide For The Licensing and Regulation of Salvage Shops, Salvage Yards and Second Hand Dealers

WHEREAS the *Municipal Act, 2001* provides that the Council may by by-law license and regulate Salvage Shops, Salvage Yards and Second Hand Dealers and for revoking any such license;

AND WHEREAS the Town of Markham deems it advisable to enact a by-law to license and regulate Salvage Shops, Salvage Yards and Second Hand Dealers for consumer protection purposes;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. In this by-law,
 - (a) "owner" means person who has in respect of premises an estate for life, or a greater estate, legal or equitable or a leasehold estate;
 - (b) "premises" means any premises licensed or required to be licensed under this by-law and includes any trade or calling required to be so licensed.
 - (c) "licensing officer" means the person or persons authorized by the council to act on their behalf in all matters relating to this by-law;
2. No person shall conduct any business in or upon any premises or part thereof, or carry on any trade or calling in the Town of Markham for which a license is required under Section 4 hereof unless he holds a license issued therefor by the licensing officer.
3. Every application for a license shall be accompanied by:
 - (a) a statement on the form provided by the municipality giving particulars as to the location of the premises together with such other information as may be required to determine the compliance of the use with all applicable by-laws and regulations;
 - (b) the appropriate fee as specified in By-law No. 2002-284;
4. For the purpose of this section,
 - salvage yard includes a building or place used as an automobile wrecking yard,
 - salvage shop includes a building or place used for the collection, purchase, keeping or selling of second hand goods and merchandise such as waste paper, rags, bones, bottles, bicycles, automobile tires, old metal, scrap material,

appliances, furniture, clothing, jewellery, sporting goods, and other articles of value.

- second hand dealer includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second hand goods.

A license shall be obtained for each of the foregoing and the issue of each such license shall be subject to the following;

- (a) the licensing officer or other person so authorized may enter any premises at all reasonable times in order to inspect such premises and to enforce the provisions of this by-law.
- (b) prior to the issue of such license, a certificate from the Medical Officer of Health may be required certifying that the premises to be licensed are in a proper sanitary condition and that adequate sanitary facilities are provided for the use of patrons thereto;
- (c) Each license, when issued, shall be posted in a conspicuous place on the premises so licensed;
- (d) the license granted for any premises may be revoked whose owner or licensee does not comply with the foregoing or where such license has been issued through error or contrary to the provisions of any by-law or regulation;
- (e) licenses issued under the provisions of this by-law, unless otherwise expressed to be granted for a shorter period, shall expire on the 31st day of December in the year in which they are issued.
- (f) every premises licensed under this by-law shall be kept neat and clean and clear of rubbish. Metal (or other non-combustible) containers with self-closing covers shall be provided and conveniently placed for the deposit of waste and rubbish and the contents of such containers shall be emptied and disposed of immediately at the close of each day's activities.
- (g) No person licensed under this by-law shall purchase, take in exchange or receive any goods, article or thing from any person who appears to be under the age of eighteen (18) years or from any person who appears to be under the influence of liquor
- (h) No person licensed under this by-law 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 fifteen clear days, exclusive of Sundays and holidays, from the date of purchase or such exchange, and during these fifteen days the goods or articles so obtained shall remain on the premises in respect to which the license is issued and kept in a separate location from goods previously purchased, and shall be subject to inspection at any time during business hours by the Licensing Officer who may be accompanied by such other persons as in his judgment may be necessary for the identification of goods reported or suspected of having been stolen.
- (i) Every person licensed under this by-law shall make an entry in a book to be kept for that purpose at the time of purchase or immediately thereafter of all articles purchased. The entry shall include the date and hour of purchase, a full description of the article, the price paid therefor, the name, address and a

description (such as complexion - fair or dark - height, weight, age, colour of hair) of the person from whom the purchase was made and in cases of automobiles, the make, model, serial number and license plate number and in the cases of salvage yards in addition to the foregoing entry the license number of the vehicle or vehicles making delivery of salvage to the yard; and such book shall be made available for inspection to any police officer at any time.

5. No license issued under the provisions of this by-law shall be transferred.
6. No license shall be issued contrary to the provisions of any applicable zoning by-law.
7. Where any licensee is convicted of an offence under this by-law the license shall be suspended forthwith and shall not be reinstated until the licensing officer certifies in writing that the conditions resulting in the charge and conviction have been remedied and that the premises and its proposed operation comply with this by-law.
8. Any person who contravenes any provision of this By-law is guilty of an offence pursuant to the Provincial Offences Act, and upon conviction is liable to a fine of not more than five thousand dollars (\$ 5,000.00) for each offence committed.
9. By-law No. 2001-36, "A By-law to provide for the licensing and regulation of salvage shops, salvage yards and second hand dealers" shall be repealed effective January 1, 2003.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 10TH
DAY OF DECEMBER, 2002.

"Sheila Birrell"

TOWN CLERK

"Don Cousens"

MAYOR