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A BY-LAW RESPECTING AUTOMOBILE JUNK YARDS

The Town Council of the Town of St. Andrews enacts as follows:

INTERPRETATION

1. In this By-Law, unless the context otherwise requires,
  - (a) "automobile junk yard" means premises where three or more unserviceable, discarded or junked motor vehicles, bodies, engines or other component parts thereof are gathered, located or placed;
  - (b) "street" includes road, lane, other public thoroughfare; and
  - (c) "Council" means the Town Council of the Town of St. Andrews, or a person designated by the Council.

PERMIT NECESSARY

2. (1) No person shall establish, operate or maintain an automobile junk yard until application has been made to the Council for a permit, and such permit has been issued.
  - (2) An application for a permit under subsection (1), or a renewal thereof, shall be in a form prescribed by the Council signed by the applicant, and shall set out
    - (a) the location;
    - (b) the approximate dimensions; and
    - (c) the approximate date of establishment;of the proposed or existing automobile junk yard.

CONDITIONS OF PERMIT

3. No permit shall be granted for an automobile junk yard within sight distance of any street unless such yard is entirely screened to ordinary view of those passing upon the street by
  - (a) natural objects, or
  - (b) a fence at least seven feet high, constructed and maintained to a standard acceptable to the Council.

ISSUING OF A PERMIT

4. (1) The Council shall issue a permit if
  - (a) an application under section 2 has been received; and
  - (b) it is satisfied that the requirements of section 3 will be complied with.
- (2) A permit shall be valid until December 31st. of the year in which the permit is issued, but may be renewed by the Council.
- (3) Unless otherwise determined by the Council, the fee for such permit, or renewal thereof, shall be Five Dollars.

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- 5.(1) If, after a permit has been issued under section 4, the person named in the permit causes an automobile junk yard to be established, operated or maintained so as to violate any requirement of section 3, the Council may
- (a) give notice that the violation must cease within a period stated in the notice, not to exceed thirty days; and
  - (b) if the violation does not cease within the period prescribed in the notice, revoke the permit.
- (2) A notice under clause <sup>a</sup>(2) of subsection (1) shall
- (a) be in writing;
  - (b) be signed by the Town Clerk,
  - (c) state the nature of the violation;
  - (d) state the date before which the violation must cease;
- and
- (e) be served either by personal delivery thereof to the person to be so notified, or by the deposit in the mails of such notice, registered in an envelope with postage prepaid, addressed to such person at his address,
- (3) The giving of notice by mail as provided for in subsection (2) is deemed to be complete upon the expiration of four days after the deposit of such notice in the mails.
- (4) Proof of the giving of notice in either manner provided for in subsection (2) may be made by certificate or an affidavit purporting to be signed by the Town Clerk naming the person to whom the notice was given and specifying the time, place and manner of the giving thereof.
- (5) A document which purports to be a certificate of the Town Clerk that the notice was given in the manner provided in subsection (2)
- (a) shall be admissible in evidence without proof of the signature; and
  - (b) shall be conclusive proof that the person named in the certificate received notice of the matters referred to in the certificate.
- (6) In any prosecution for an offence under this By-Law when proof of the giving of notice is made as provided under subsection

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(4), the burden of proving that he is not the person named or referred to in the certificate or affidavit shall be upon the person charged.

(7) Revocation of a permit under clause (b) of subsection (1) of Section 5, shall be

- (a) by a notice in writing;
- (b) signed by the Town Clerk; and
- (c) served either by personal delivery thereof to the person to be so notified, or by the deposit in the mails of such notice, registered in an envelope with postage prepaid, addressed to such person at his address.

(8) Subsections (3), (4), (5) and (6) apply mutatis mutandis to a notice given under subsection (7).

(9) A notice given under the provisions of this By-Law and purporting to be signed by the Town Clerk shall be

- (a) received in evidence by any court in the province without proof of the signature thereon;
- (b) prima facie evidence of the facts stated therein, and
- (c) on the hearing of an information for violation of this Act, prima facie evidence that the person named therein is the accused.

6. (1) Any person who causes to be established, operated or maintained, an automobile junk yard without having a valid permit therefor is in violation of this By-Law, and shall be liable on summary conviction to

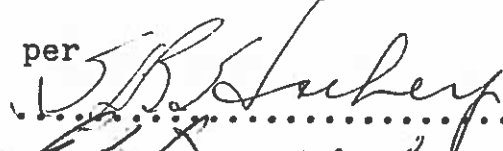
- (a) a fine of not less than twenty-five dollars nor more than two hundred dollars.
- (b) Fines levied under this By-Law are enforceable by distress or by imprisonment in accordance with the Summary Convictions Act.

(2) The conviction of a person under this section does not operate as a bar to further prosecution for the continued neglect or failure on his part to comply with a provision of this Act.

Date at the Town of Saint Andrews, N. B. this 29th. day of May 1967.

Town of St. Andrews

per



Mayor.

Town Clerk